

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1220 Session of  
2009

INTRODUCED BY SCHRODER, BOYD, CLYMER, GINGRICH, HARPER, MARSICO,  
OBERLANDER, REICHLEY, ROCK, ROHRER, SWANGER AND TRUE,  
APRIL 7, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 7, 2009

AN ACT

1 Providing for voluntary payroll deduction for political  
2 contributions, for regulation of labor organization political  
3 contributions, for enforcement and for penalties; and  
4 imposing powers and duties on the Department of State.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Voluntary  
9 Payroll Deduction for Political Contributions Act.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) Political and ideological contributions that are  
13 taken from individuals without their knowledge and complete  
14 consent create the public perception that individuals play an  
15 insignificant role in the political process.

16 (2) It is a violation of an individual's basic  
17 constitutional rights to be required to contribute to  
18 political causes with which the individual disagrees.

1           (3) This act is intended to prohibit the use of moneys  
2       acquired from employee payroll deductions for the support of  
3       political causes espoused by employers or employees'  
4       representative labor organizations without the written  
5       consent of the employee.

6           (4) This act is also intended to prohibit the coercion,  
7       direct or indirect, of employees into donating portions of  
8       their wages or salaries to political causes with which they  
9       disagree.

10          (5) This act is not intended to inhibit the right of any  
11       individual to voluntarily donate to political or ideological  
12       causes espoused by the individual's employer or labor  
13       organization.

#### 14   Section 3. Definitions.

15       The following words and phrases when used in this act shall  
16       have the meanings given to them in this section unless the  
17       context clearly indicates otherwise:

18       "Department." The Department of State of the Commonwealth.

19       "Employee." A natural person who performs services for a  
20       public or private employer for valuable consideration.

21       "Employer." The term includes a natural person, partnership,  
22       joint-stock company, corporation for profit, corporation not-  
23       for-profit, municipal corporation, the Commonwealth and any  
24       government agency established by it.

25       "Fund." A separate segregated fund established by a labor or  
26       business organization for political purposes according to the  
27       procedures and requirements of Federal and State election laws.

28       "Labor organization." An association or organization of  
29       employees and an agency, employee representation committee or  
30       plan in which employees participate that exists, in whole or in

1 part, to advocate the interests of public or private employees  
2 related to grievances, labor disputes, wages, rates of pay,  
3 hours of employment or conditions of work.

4 Section 4. Employee authorization for payroll deductions.

5 (a) Written authorization required.--

6 (1) No employer or other person responsible for the  
7 disbursement of moneys shall deduct any moneys from an  
8 employee's wages or salary for political purposes except upon  
9 the written authorization of the employee. This requirement  
10 shall include that portion of labor organization dues  
11 deductions that are used for political purposes. In order to  
12 be valid, the written authorization must have been received  
13 by the employer within the previous 12 months.

14 (2) The written authorization shall be provided on a  
15 form specified by the department, the sole purpose of which  
16 shall be to serve as documentation of the authorization. The  
17 form shall at a minimum contain the name of the individual  
18 granting the authorization, the organization to which the  
19 moneys are to be forwarded, the total amount of the deduction  
20 and the signature of the individual authorizing the political  
21 deduction.

22 (3) The form's title shall read, in at least 24-point  
23 boldface type, "Authorization for Payroll Deduction for  
24 Political Purposes" and shall state, in at least 14-point  
25 boldface type, the following immediately above the signature  
26 line:

27 Signing this form authorizes a deduction from your  
28 paycheck of moneys to be used for political contributions  
29 or expenditures. You are not obligated to sign this  
30 authorization. Your signature below is completely

1 voluntary and cannot in any way affect your employment.

2 (b) Termination of authorization.--An employee may terminate  
3 the authorization granted in subsection (a) by providing a  
4 written request to do so to the employer. The employer shall  
5 terminate the political dues deduction by the next regular  
6 payday after the pay period the request is submitted.

7 (c) Waiver prohibited.--The conditions of this section may  
8 not be waived by the employee. Waiver of the authorization  
9 requirement shall not be a condition of employment or continued  
10 employment.

11 (d) Construction.--Nothing in this section shall prohibit an  
12 individual from making voluntary contributions to a fund or  
13 other political committee.

14 Section 5. Regulation of labor organization political  
15 contributions.

16 (a) Fund for political purposes.--A labor organization may  
17 only expend moneys for lobbying, electoral and political  
18 activities not bearing upon the ratification or implementation  
19 of a collective bargaining agreement if the labor organization  
20 establishes a fund to be used for political purposes.

21 (b) Duties of labor organization.--The labor organization  
22 shall ensure that:

23 (1) Contributions to the fund are solicited  
24 independently from any other solicitations by the labor  
25 organization.

26 (2) Dues or other fees for membership in the labor  
27 organizations are not used for political purposes,  
28 transferred to the separate fund or intermingled in any way  
29 with the fund moneys.

30 (3) The cost of administering the fund is paid from fund

1 contributions and not from dues or other fees for membership  
2 in the labor organization.

3 Section 6. Additional protections.

4 (a) Source of contributions.--It is unlawful for an employer  
5 or labor organization to make a political contribution by using  
6 money or anything of value:

7 (1) Secured by physical force, job discrimination,  
8 membership discrimination or financial reprisals or threat of  
9 force, threat of job discrimination, threat of membership  
10 discrimination or threat of financial reprisals.

11 (2) From dues, fees or other moneys required as a  
12 condition of membership in a labor organization or as a  
13 condition of employment.

14 (3) Obtained in any commercial transaction.

15 (b) Solicitation of contributions.--At the time an employer  
16 or labor organization solicits money for a fund from an  
17 employee, it is unlawful for an employer or labor organization  
18 to fail to:

19 (1) Inform an employee of the fund's political purpose.

20 (2) Inform an employee of the employee's right to refuse  
21 to contribute without fear of reprisal.

22 (c) Reimbursement of contributions.--It is unlawful for an  
23 employer or labor organization to reimburse an employee or  
24 member for a contribution to the fund by providing a bonus,  
25 expense account, rebate of dues or other membership fees or any  
26 other form of direct or indirect compensation.

27 (d) Increase of core fees.--It is unlawful for a labor  
28 organization to raise a member's core fees in lieu of that  
29 member not authorizing the deduction specified in section 4(a).

30 Section 7. Employer and labor organization responsibilities.

1 (a) Record of authorizations.--An employer or labor  
2 organization subject to this act shall maintain records that  
3 include a copy of each authorization obtained under section 4.

4 (b) Record of collections and transmittals to fund.--  
5 Employers and labor organizations shall maintain a record of  
6 moneys collected under section 4 and a record of the moneys that  
7 were transmitted to a fund.

8 (c) Department access to records.--Records shall be provided  
9 to the department within ten business days when requested in  
10 writing by the department.

11 (d) Copy of authorization for employee.--An employee shall  
12 be provided with a copy of the authorization submitted under  
13 section 4 when the form is submitted.

14 Section 8. Department enforcement and regulatory authority.

15 The department shall enforce the provisions of this act and  
16 shall promulgate the necessary regulations to enforce this act.  
17 These regulations shall include procedures for employees to file  
18 allegations of violations of this act and procedures for the  
19 expeditious investigation and resolution of those alleged  
20 violations. The department shall refer apparent violations of  
21 this act to the Office of Attorney General for prosecution.

22 Section 9. Penalties.

23 (a) Employers.--An employer that violates the provisions of  
24 this act shall be subject to a maximum fine of up to \$5,000 for  
25 each violation.

26 (b) Labor organizations.--A labor organization that violates  
27 the provisions of this act shall be subject to a maximum fine of  
28 up to \$5,000 for each violation.

29 Section 10. Severability.

30 The provisions of this act are severable. If any provision of

1 this act or its application to any person or circumstance is  
2 held invalid, the invalidity shall not affect other provisions  
3 or applications of this act which can be given effect without  
4 the invalid provision or application.

5 Section 11. Repeals.

6 All acts and parts of acts are repealed insofar as they are  
7 inconsistent with this act.

8 Section 12. Effective date.

9 This act shall take effect in 60 days.