
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2814 Session of
2008

INTRODUCED BY SCHRODER, CREIGHTON, CUTLER, FAIRCHILD, GINGRICH,
HERSHEY, METCALFE, R. MILLER, MOUL, NAILOR, RAPP, REICHLEY,
ROAE, SWANGER AND TRUE, OCTOBER 3, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 3, 2008

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." Includes a natural person, partnership, joint-
22 stock company, corporation for profit, corporation not-for-
23 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
28 from your paycheck of moneys to be used for
29 political contributions or expenditures.

30 You are not obligated to sign this

1 authorization. Your signature below
2 is completely voluntary and
3 cannot in any way affect your employment.

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

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

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

16 Section 5. Regulation of labor organization political
17 contributions.

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

23 (b) Duties of labor organization.--The labor organization
24 shall ensure that:

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

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

1 with the fund moneys.

2 (3) The cost of administering the fund is paid from fund
3 contributions and not from dues or other fees for membership
4 in the labor organization.

5 Section 6. Additional protections.

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

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

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

16 (3) Obtained in any commercial transaction.

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

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

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

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

29 (d) Increase of core fees.--It is unlawful for a labor
30 organization to raise a member's core fees in lieu of that

1 member not authorizing the deduction specified in section 4(a).

2 Section 7. Employer and labor organization responsibilities.

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

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

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

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

16 Section 8. Department enforcement and regulatory authority.

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

24 Section 9. Penalties.

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

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

1 Section 10. Severability.

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

7 Section 11. Repeals.

8 All acts and parts of acts are repealed insofar as they are
9 inconsistent with this act.

10 Section 12. Effective date.

11 This act shall take effect in 60 days.