

H. B. 2911

(By Mr. Speaker, (Mr. Armstead), Delegates Westfall, Cadle, Butler,
Shott, Lane, Arvon and Ihle)

[Introduced February 24, 2015; referred to the
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4 and §21-1E-5, all relating to creating the Voluntary Political Contribution Act; providing a short title; establishing how a labor organization may collect and use moneys for political activities; providing a criminal penalty; defining terms; and requiring funds established by labor organizations for political activities to register the fund as a political action committee.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4 and §21-1E-5, all to read as follows:

ARTICLE 1E. VOLUNTARY POLITICAL CONTRIBUTION ACT.

§21-1E-1. Short title.

This article may be cited as the "Voluntary Political Contribution Act."

§21-1E-2. Definitions.

As used in this article, the term:

1 "Employee" includes any employee and is not limited to the employees of a particular
2 employer.

3 "Employer" includes any person acting in the interest of an employer, directly or indirectly,
4 but does not include the United States, a state or any political subdivision thereof, any person subject
5 to the Railway Labor Act, as amended, any person employed by a transit authority subject to the
6 provisions and requirements of Section 13(c) of the Federal Transit Act, 49 U.S.C. Section 5333(b),
7 any labor organization (other than when acting as an employer), or anyone acting in the capacity of
8 an officer or agent of that labor organization.

9 "Employment" means employment by an employer.

10 "Labor organization" means any organization of any kind or any agency or employee
11 representation committee or plan in which employees participate and which exists for the purpose,
12 in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates
13 of pay, hours of employment, or conditions of work.

14 "Political activities" means electoral activities, independent expenditures or expenditures
15 made to any candidate, political party, political action committee, voter registration campaign, or any
16 other political or legislative cause, including ballot propositions.

17 "Union Dues" means dues, fees or other moneys required as a condition of membership in
18 a labor organization.

19 **§21-1E-3. Limits on labor organizations; receipt of contributions and expenditures.**

20 (a) A labor organization may only make expenditures for political activities if the labor
21 organization establishes a separate, segregated fund that meets the requirements of this article.

22 (b) A labor organization shall ensure that:

1 (1) In soliciting contributions for the funds, the solicitor discloses, in clear and unambiguous
2 language on the face of the solicitation, that contributions are voluntary and that the fund is a
3 political fund and will be expended for political activities;

4 (2) Union dues are not to be used for political activities, transferred to the fund, or
5 intermingled in any way with fund moneys;

6 (3) The cost of administering the fund shall be paid from fund contributions and not from
7 union dues; and

8 (4) Each contribution is voluntary and shall be made by the member and may not come from
9 or be remitted by the employer of the member.

10 (c) At the time the labor organization is soliciting contributions for the fund from an
11 employee, the labor organization shall:

12 (1) Affirmatively inform the employee, orally, or in writing, of the fund's political purpose;
13 and

14 (2) Affirmatively inform the employee, orally, or in writing, of the employee's right to refuse
15 to contribute without fear of reprisal or loss of membership in the labor organization.

16 (d) Notwithstanding the requirements of this article, a labor organization may use union dues
17 to communicate with its own members about political candidates, ballot propositions, and other
18 political issues.

19 **§21-1E-4. Criminal penalty.**

20 Any person or entity violating this section is guilty of a misdemeanor and, upon conviction,
21 may be fined up to \$5,000 per violation.

22 **§21-1E-5. Registration.**

- 1 Each fund established by a labor organization shall register the fund as a political action
- 2 committee and abide by all laws, regulations, and reporting requirements, applicable to political
- 3 action committees generally in this state.

NOTE: The purpose of this bill is to create the Voluntary Political Contribution Act. The bill provides a short title. The bill establishes how a labor organization may collect and use moneys for political activities. The bill provides a criminal penalty and defines terms. The bill requires funds established by labor organizations political activities to register the fund as a political action committee.

This article is new; therefore, it has been completely underscored.