

House Bill 153

By: Representatives Forster of the 3rd, Coan of the 101st, Williams of the 4th, Ralston of the 7th, Scheid of the 22nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Voluntary Contributions Act"; to amend Chapter 5 of Title 21 of the Official
2 Code of Georgia Annotated, relating to ethics in government, so as to place certain
3 limitations on labor organizations with regard to the funding for certain political activities;
4 to provide for definitions; to provide for the use of separate, segregated funds for political
5 activity expenditures; to provide for certain limitations on the solicitation of funds for such
6 activities; to provide penalties; to require certain filings and disclosures; to provide for
7 applicability; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Voluntary Contributions Act."

12 **SECTION 2.**

13 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
14 government, is amended by adding a new Article 5 to read as follows:

15 "ARTICLE 5

16 21-5-90.

17 As used in this article, the term:

18 (1) 'Ballot proposition' includes referenda, proposed constitutional amendments, and any
19 other question submitted to the electors of this state for approval or rejection.

20 (2) 'Filing entity' means a candidate, campaign committee, officeholder, political
21 committee, political party or body, and each other entity required to file disclosure reports
22 under Code Section 21-5-34.

1 (3) 'Fund' means the separate, segregated fund established by a labor organization for
2 political purposes according to the procedures and requirements of this article.

3 (4) 'Labor organization' means any association or organization of employees and any
4 agency, employee representation committee, or plan in which employees participate that
5 exists, in whole or in part, to advocate on behalf of employees about grievances, labor
6 disputes, wages, rates of pay, hours, or conditions of employment. 'Labor organization'
7 includes each employee association and union for employees of public and private sector
8 employers. 'Labor organization' does not include organizations governed by the federal
9 National Labor Relations Act, 29 U.S.C. Section 151, et seq., or the federal Railway
10 Labor Act, 45 U.S.C. Section 151, et seq.

11 (5) 'Political activities' means electoral activities, independent expenditures, or
12 expenditures made to any candidate, political party or body, political action committee,
13 voter registration campaign, or any other political or legislative cause, including ballot
14 propositions.

15 (6) 'Union dues' means dues, fees, or other moneys required as a condition of
16 membership in a labor organization.

17 21-5-91.

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

21 (b) A labor organization shall ensure that:

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

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

27 (3) The cost of administering the fund is paid from fund contributions and not from
28 union dues; and

29 (4) Each contribution is voluntary and is made by the member and not from or by the
30 employer of the member.

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

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

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

4 (d) The labor organization shall have the burden of proof to establish that the requirements
5 of subsections (b) and (c) of this Code section are met.

6 (e) Notwithstanding the requirements of paragraph (2) of subsection (b) of this Code
7 section, a labor organization may use union dues to communicate directly with its own
8 members about political candidates, ballot propositions, and other political issues.

9 21-5-92.

10 (a) It is unlawful for a labor organization to make expenditures for political activities by
11 using contributions secured by physical force or threat of force, job discrimination or threat
12 of job discrimination, membership discrimination or threat of membership discrimination,
13 or economic reprisals or threat of economic reprisals.

14 (b) When a labor organization is soliciting contributions for a fund from an employee, it
15 is unlawful for a labor organization to fail to:

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

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

21 (c) It is unlawful for a labor organization to pay a member for contributing to the fund by
22 providing a bonus, expense account, rebate of union dues, or by any other form of direct
23 or indirect compensation.

24 (d) Any person or entity violating the provisions of this Code section shall be guilty of a
25 misdemeanor.

26 21-5-93.

27 Each fund established by a labor organization under this article shall register as a campaign
28 committee pursuant to Code Section 21-5-30, shall maintain and make available for
29 inspection the same records and accounts as candidates pursuant to Code Section 21-5-31,
30 and shall file the same disclosure reports as candidates pursuant to Code Section 21-5-34.

31 21-5-94.

32 The provisions of this article shall apply to all contracts entered into or renewed on and
33 after July 1, 2005."

1

SECTION 3.

2 All laws and parts of laws in conflict with this Act are repealed.