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Introduced and read first time: February 6, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Employee Organization Representation and Service Fees -**
3 **Use for Political Purposes**

4 FOR the purpose of authorizing an employee organization to use certain fees collected
5 from employees for political purposes and other nonbargaining matters, only
6 under certain circumstances; requiring employees to give written authorization
7 to an employee organization to use certain fees that are collected from the
8 employees for political purposes; providing for notice to employees of certain
9 rights, obligations, and limitations on the use of employee representation and
10 service fees collected by an employee organization; requiring an employee
11 organization to file copies of certain authorization statements provided by
12 employees regarding the use of certain fees with election authorities under
13 certain circumstances; providing for the effective date of the Act; and generally
14 relating to the use of certain fees collected by an employee organization from
15 employees for political or other purposes.

16 BY adding to
17 Article 33 - Election Code
18 Section 26-9.3
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 1997 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article 33 - Election Code**

24 26-9.3.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

1 C. GRIEVANCE ADJUSTMENT NECESSARY TO PERFORMING
2 THE DUTIES OF EXCLUSIVE REPRESENTATIVE.

3 (3) (I) AN EMPLOYEE MAY SIGN AND FILE WITH AN EMPLOYEE
4 ORGANIZATION A WRITTEN AUTHORIZATION AND CONSENT STATEMENT
5 AUTHORIZING THE EMPLOYEE ORGANIZATION TO USE A PORTION OF THE SERVICE
6 OR REPRESENTATION FEE PAID BY THE EMPLOYEE FOR POLITICAL, IDEOLOGICAL,
7 PUBLIC RELATIONS, LOBBYING, ORGANIZING, OR OTHER COSTS THAT ARE NOT
8 RELATED TO THE PURPOSES DESCRIBED IN PARAGRAPH (2)(I) AND (II) OF THIS
9 SUBSECTION.

10 (II) THE WRITTEN AUTHORIZATION AND CONSENT STATEMENT
11 SIGNED BY AN EMPLOYEE UNDER THIS PARAGRAPH SHALL INCLUDE AN
12 INDEPENDENTLY AUDITED DESCRIPTION OF THE RATIO OF THE FEES PAID BY AN
13 EMPLOYEE THAT ARE RELATED TO EACH OF THE FOLLOWING PURPOSES:

14 A. COLLECTIVE BARGAINING;

15 B. CONTRACT ADMINISTRATION;

16 C. GRIEVANCE ADJUSTMENT NECESSARY TO PERFORMING
17 THE DUTIES OF EXCLUSIVE REPRESENTATIVE; AND

18 D. ANY POLITICAL, IDEOLOGICAL, PUBLIC RELATIONS,
19 LOBBYING, ORGANIZING, OR OTHER COSTS UNRELATED TO THE PURPOSES
20 DESCRIBED IN ITEMS (II)A, (II)B, AND (II)C OF THIS SUBPARAGRAPH.

21 (4) IF AN EMPLOYEE ORGANIZATION FAILS TO PROVIDE ALL OF THE
22 INFORMATION REQUIRED IN THE EMPLOYEE WRITTEN AUTHORIZATION AND
23 CONSENT STATEMENT REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION:

24 (I) THE EMPLOYER MAY NOT PROVIDE PAYROLL DEDUCTIONS FOR
25 DUES PAID BY EMPLOYEE MEMBERS OF THE EMPLOYEE ORGANIZATION AND
26 SERVICE OR REPRESENTATION FEES PAID BY ALL EMPLOYEES; AND

27 (II) THE EMPLOYEE ORGANIZATION SHALL REFUND THE FULL
28 AMOUNT OF THE DUES OR REPRESENTATION FEES IT COLLECTED FROM ANY
29 EMPLOYEE FOR WHOM IT DID NOT FIRST OBTAIN AN EMPLOYEE WRITTEN
30 AUTHORIZATION AND CONSENT STATEMENT.

31 (C) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN EMPLOYER
32 SHALL GIVE NOTICE OF THE RIGHTS OF EMPLOYEES UNDER THIS SECTION BY
33 PROVIDING A COPY OF THE FORM FOR THE WRITTEN AUTHORIZATION AND CONSENT
34 STATEMENT:

35 (I) TO EACH NEW EMPLOYEE WITHIN 10 DAYS OF EMPLOYMENT;
36 AND

37 (II) TO EACH EMPLOYEE WITHIN 10 DAYS OF ENTERING INTO A
38 SERVICE AGREEMENT WITH AN EMPLOYEE ORGANIZATION.

1 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SIZE, FORM,
2 AND PROCESS FOR NOTIFYING EMPLOYEES OF THE WRITTEN AUTHORIZATION AND
3 CONSENT STATEMENT SHALL BE ESTABLISHED BY REGULATION ADOPTED BY THE
4 STATE ADMINISTRATIVE BOARD OF ELECTION LAWS IN CONSULTATION WITH THE
5 COMMISSIONER.

6 (3) THE FORM FOR THE EMPLOYEE WRITTEN AUTHORIZATION AND
7 CONSENT STATEMENT SHALL INCLUDE THE LANGUAGE SPECIFIED UNDER THIS
8 PARAGRAPH AND BE PRINTED IN AT LEAST 12-POINT TYPE.

9 "UNION DUES AND POLITICAL ACTIVITIES - YOUR RIGHTS
10 THE USE OF YOUR UNION DUES IS RESTRICTED BY SEVERAL FEDERAL AND
11 STATE LAWS. THIS FORM IS TO INFORM YOU OF YOUR RIGHTS REGARDING UNION
12 DUES USED FOR PURPOSES OTHER THAN COLLECTIVE BARGAINING.

13 IN THE CASE OF COMMUNICATIONS WORKERS OF AMERICA V. BECK, 487 US 735
14 (1988), THE UNITED STATES SUPREME COURT HAS RULED THAT A WORKER IS NOT
15 REQUIRED TO PAY DUES WHICH WILL BE USED FOR PURPOSES NOT RELATED TO
16 COLLECTIVE BARGAINING ACTIVITIES, CONTRACT ADMINISTRATION, OR GRIEVANCE
17 PROCESSING. .

18 SPECIFICALLY, AN EMPLOYEE ORGANIZATION MAY NOT REQUIRE
19 NONCOLLECTIVE BARGAINING DUES OR FEES FOR POLITICAL PURPOSES,
20 INCLUDING ATTEMPTS TO INFLUENCE ANY POLITICAL CONTEST, IDEOLOGICAL,
21 PUBLIC RELATIONS, LOBBYING, OR OTHER NONREPRESENTATIONAL COSTS BY
22 DOING ANY OF THE FOLLOWING:

23 1. USE OF COERCION OR PHYSICAL FORCE;

24 2. MAKING A CONTRIBUTION A CONDITION OF EMPLOYMENT OR MEMBERSHIP;
25 OR

26 3. USING OR THREATENING TO USE JOB DISCRIMINATION OR FINANCIAL
27 REPRISALS.

28 AN EMPLOYEE ORGANIZATION MAY SOLICIT AND OBTAIN FUNDS FROM YOU ON
29 AN AUTOMATIC BASIS, INCLUDING BUT NOT LIMITED TO A PAYROLL DEDUCTION
30 PLAN, ONLY IF YOU AFFIRMATIVELY CONSENT TO THE CONTRIBUTION AT LEAST
31 ONCE EVERY CALENDAR YEAR.

32 YOUR DUES FOR MEMBERSHIP IN THE (NAME OF EMPLOYEE ORGANIZATION)
33 _____ARE ___DOLLARS AND ___CENTS (\$ __) FOR THE YEAR BEGINNING
34 (DATE/MONTH/YEAR) AND ENDING (DATE/MONTH/YEAR).

35 ___DOLLARS AND ___CENTS (\$ __) OF YOUR DUES WILL BE USED FOR
36 COLLECTIVE BARGAINING RELATED SERVICES.

37 ___DOLLARS AND ___CENTS (\$ __) OF YOUR DUES WILL BE USED FOR
38 POLITICAL, IDEOLOGICAL, PUBLIC RELATIONS, LOBBYING, ORGANIZING,

1 CHARITABLE OR OTHER NONREPRESENTATIONAL COSTS ONLY IF YOU VOLUNTARILY
2 CONSENT BY SIGNING YOUR NAME IN THE SPACE BELOW. UNDER STATE AND
3 FEDERAL LAW, YOU DO NOT HAVE TO PAY THIS AMOUNT. THIS AMOUNT WILL BE
4 SUBTRACTED FROM YOUR DUES IF YOU DO NOT WISH TO HAVE YOUR DUES USED
5 FOR POLITICAL ACTIVITIES.

6 I, _____, VOLUNTARILY CONSENT TO GIVE TO THE (NAME OF EMPLOYEE
7 ORGANIZATION) _____ THE RIGHT TO USE MY DUES FOR POLITICAL,
8 IDEOLOGICAL, PUBLIC RELATIONS, LOBBYING, ORGANIZING, CHARITABLE, OR
9 OTHER NONREPRESENTATIONAL COSTS AS SPECIFIED UNDER THIS AUTHORIZATION
10 AND CONSENT STATEMENT.

11 _____ / ____ / ____
12 SIGNATURE DATE MONTH YEAR

13 NAME, ADDRESS, CITY/STATE/ZIP, TELEPHONE NUMBER FOR
14 EMPLOYEE

15 NAME, ADDRESS, CITY/STATE/ZIP, TELEPHONE NUMBER AND TREASURER'S
16 NAME FOR EMPLOYEE ORGANIZATION _____."

17 (D) (1) THE POLITICAL COMMITTEE OF ANY EMPLOYEE ORGANIZATION
18 THAT IS AUTHORIZED TO COLLECT AND SPEND A PORTION OF THE SERVICE OR
19 REPRESENTATION FEE OF AN EMPLOYEE UNDER THIS SECTION FOR POLITICAL,
20 IDEOLOGICAL, PUBLIC RELATIONS, LOBBYING, ORGANIZING, CHARITABLE, OR
21 OTHER NONREPRESENTATIONAL COSTS SHALL FILE A COPY OF THE EMPLOYEE'S
22 WRITTEN AUTHORIZATION AND CONSENT STATEMENT WITH THE ELECTION
23 AUTHORITY WITH WHICH IT FILES ITS CAMPAIGN FUND REPORTS UNDER THIS
24 ARTICLE AS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

25 (2) IN EACH CALENDAR YEAR, FOLLOWING THE RECEIPT OF AN
26 EMPLOYEE'S WRITTEN AUTHORIZATION AND CONSENT STATEMENT, THE EMPLOYEE
27 ORGANIZATION SHALL SUBMIT A COPY OF THE STATEMENT AT THE TIME SPECIFIED
28 UNDER § 26-11 OF THIS ARTICLE FOR THE POLITICAL COMMITTEE TO FILE ITS NEXT
29 REGULARLY SCHEDULED CAMPAIGN FUND REPORT FOLLOWING THE DATE IT
30 RECEIVED THE AUTHORIZATION STATEMENT.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 January 1, 1999.