
By: **Delegates Greenip, Fulton, Boschert, McKee, Elliott, Shank, Bartlett,
Brinkley, Snodgrass, La Vay, Ports, Flanagan, and Kittleman**

Introduced and read first time: February 22, 1999

Assigned to: Rules and Executive Nominations

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; and generally relating to the use of certain fees collected
14 by an employee organization from employees for political or other purposes.

15 BY adding to
16 Article 33 - Election Code
17 Section 13-505
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1998 Supplement)

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

22 **Article 33 - Election Code**

23 13-505.

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

26 (2) "COMMISSIONER" MEANS THE COMMISSIONER OF LABOR AND
27 INDUSTRY IN THE DIVISION OF LABOR AND INDUSTRY OF THE DEPARTMENT OF
28 LABOR, LICENSING, AND REGULATION.

1 (3) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION THAT
2 REPRESENTS EMPLOYEES IN RELATIONS WITH THEIR EMPLOYER.

3 (4) "SERVICE AGREEMENT" MEANS AN AGREEMENT BETWEEN AN
4 EMPLOYER AND AN EMPLOYEE ORGANIZATION FOR THE ORGANIZATION TO
5 REPRESENT ALL THE EMPLOYEES WHO ARE REQUIRED TO PAY SERVICE OR
6 REPRESENTATION FEES AS A CONDITION OF EMPLOYMENT, WHETHER THE
7 EMPLOYEES ARE MEMBERS OF THE EMPLOYEE ORGANIZATION OR NOT, ON MATTERS
8 OF SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS.

9 (B) (1) AN EMPLOYEE ORGANIZATION SHALL ATTRIBUTE AND REPORT TO
10 ALL EMPLOYEES THE EXPENSES PAID BY THE ORGANIZATION FROM DUES PAID BY
11 EMPLOYEE MEMBERS OF THE ORGANIZATION AND SERVICE OR REPRESENTATION
12 FEES PAID BY ALL EMPLOYEES THAT ARE RELATED TO:

13 (I) COLLECTIVE BARGAINING;

14 (II) CONTRACT ADMINISTRATION;

15 (III) GRIEVANCE ADJUSTMENT NECESSARY TO PERFORMING THE
16 DUTIES OF EXCLUSIVE REPRESENTATIVE; AND

17 (IV) ANY OTHER PURPOSE.

18 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION:

19 (I) AN EMPLOYEE ORGANIZATION THAT COLLECTS A SERVICE OR
20 REPRESENTATION FEE FROM AN EMPLOYEE WHO IS NOT A MEMBER OF THE
21 EMPLOYEE ORGANIZATION FOR REPRESENTING THE EMPLOYEE UNDER A SERVICE
22 AGREEMENT MAY NOT REQUIRE THE EMPLOYEE TO PAY ANY PORTION OF THE FEE
23 FOR EXPENSES THAT ARE NOT RELATED TO:

24 1. COLLECTIVE BARGAINING;

25 2. CONTRACT ADMINISTRATION; OR

26 3. GRIEVANCE ADJUSTMENT NECESSARY TO PERFORMING
27 THE DUTIES OF EXCLUSIVE REPRESENTATIVE; AND

28 (II) AN EMPLOYEE ORGANIZATION THAT COLLECTS A SERVICE OR
29 REPRESENTATION FEE FROM AN EMPLOYEE UNDER A SERVICE AGREEMENT MAY
30 NOT REQUIRE THE EMPLOYEE TO PAY ANY PORTION OF THE FEE FOR EXPENSES
31 THAT ARE NOT RELATED TO:

32 1. COLLECTIVE BARGAINING;

33 2. CONTRACT ADMINISTRATION; OR

34 3. GRIEVANCE ADJUSTMENT NECESSARY TO PERFORMING
35 THE DUTIES OF EXCLUSIVE REPRESENTATIVE.

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

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

- 12 1. COLLECTIVE BARGAINING;
- 13 2. CONTRACT ADMINISTRATION;
- 14 3. GRIEVANCE ADJUSTMENT NECESSARY TO PERFORMING
15 THE DUTIES OF EXCLUSIVE REPRESENTATIVE; AND
- 16 4. ANY POLITICAL, IDEOLOGICAL, PUBLIC RELATIONS,
17 LOBBYING, ORGANIZING, OR OTHER COSTS UNRELATED TO THE PURPOSES
18 DESCRIBED IN ITEMS 1, 2, AND 3 OF THIS SUBPARAGRAPH.

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

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

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

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

33 (I) TO EACH NEW EMPLOYEE WITHIN 10 DAYS OF EMPLOYMENT;
34 AND

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

37 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SIZE, FORM,
38 AND PROCESS FOR NOTIFYING EMPLOYEES OF THE WRITTEN AUTHORIZATION AND

1 CONSENT STATEMENT SHALL BE ESTABLISHED BY REGULATION ADOPTED BY THE
2 STATE ADMINISTRATIVE BOARD OF ELECTION LAWS IN CONSULTATION WITH THE
3 COMMISSIONER.

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

7 "UNION DUES AND POLITICAL ACTIVITIES - YOUR RIGHTS

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

11 IN THE CASE OF COMMUNICATIONS WORKERS OF AMERICA V. BECK, 487 US 735
12 (1988), THE UNITED STATES SUPREME COURT HAS RULED THAT A WORKER IS NOT
13 REQUIRED TO PAY DUES WHICH WILL BE USED FOR PURPOSES NOT RELATED TO
14 COLLECTIVE BARGAINING ACTIVITIES, CONTRACT ADMINISTRATION, OR GRIEVANCE
15 PROCESSING.

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

- 21 1. USE OF COERCION OR PHYSICAL FORCE;
- 22 2. MAKING A CONTRIBUTION A CONDITION OF
23 EMPLOYMENT OR MEMBERSHIP; OR
- 24 3. USING OR THREATENING TO USE JOB DISCRIMINATION
25 OR FINANCIAL REPRISALS.

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

30 YOUR DUES FOR MEMBERSHIP IN THE (NAME OF EMPLOYEE ORGANIZATION)
31 ARE DOLLARS AND CENTS (\$) FOR THE YEAR BEGINNING
32 (DATE/MONTH/YEAR) AND ENDING (DATE/MONTH/YEAR).

33 DOLLARS AND CENTS (\$) OF YOUR DUES WILL BE USED FOR
34 COLLECTIVE BARGAINING RELATED SERVICES.

35 DOLLARS AND CENTS (\$) OF YOUR DUES WILL BE USED FOR
36 POLITICAL, IDEOLOGICAL, PUBLIC RELATIONS, LOBBYING, ORGANIZING,
37 CHARITABLE, OR OTHER NONREPRESENTATIONAL COSTS ONLY IF YOU
38 VOLUNTARILY CONSENT BY SIGNING YOUR NAME IN THE SPACE BELOW. UNDER

1 STATE AND FEDERAL LAW, YOU DO NOT HAVE TO PAY THIS AMOUNT. THIS AMOUNT
2 WILL BE SUBTRACTED FROM YOUR DUES IF YOU DO NOT WISH TO HAVE YOUR DUES
3 USED FOR POLITICAL ACTIVITIES.

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

9 _____ / ____ / ____
10 SIGNATURE DATE MONTH YEAR

11 NAME, ADDRESS, CITY/STATE/ZIP, TELEPHONE NUMBER FOR
12 EMPLOYEE

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

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

23 (2) IN EACH CALENDAR YEAR, FOLLOWING THE RECEIPT OF AN
24 EMPLOYEE'S WRITTEN AUTHORIZATION AND CONSENT STATEMENT, THE EMPLOYEE
25 ORGANIZATION SHALL SUBMIT A COPY OF THE STATEMENT AT THE TIME SPECIFIED
26 UNDER § 13-401 OF THIS TITLE FOR THE POLITICAL COMMITTEE TO FILE ITS NEXT
27 REGULARLY SCHEDULED CAMPAIGN FUND REPORT FOLLOWING THE DATE IT
28 RECEIVED THE AUTHORIZATION STATEMENT.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1999.