
SENATE BILL 6627

State of Washington

62nd Legislature

2012 Regular Session

By Senator Honeyford

Read first time 02/27/12. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to limitations on political contributions; amending
2 RCW 42.17A.495 and 42.17A.500; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature recognizes that all citizens
5 have the right to choose whether or not to contribute to a political
6 cause or candidate and should never be compelled to do so. The
7 legislature further recognizes that many public employees are
8 represented by labor organizations and because of laws enacted by the
9 legislature, as a condition of their employment, they are obligated to
10 pay dues and fees through payroll deductions. Labor organizations
11 often use these funds to influence elections without seeking approval
12 of those contributing the funds. The legislature intends to provide a
13 mechanism for an employee to choose to authorize wage deductions to be
14 used for political purposes. Through this mechanism, the legislature
15 intends to ensure that an employee in this state shall not be compelled
16 to contribute to political causes or candidates through deductions from
17 his or her wages without that employee's consent.

1 **Sec. 2.** RCW 42.17A.495 and 2010 c 204 s 613 are each amended to
2 read as follows:

3 (1) No employer or labor organization may increase the salary of an
4 officer or employee, or compensate an officer, employee, or other
5 person or entity, with the intention that the increase in salary, or
6 the compensation, or a part of it, be contributed or spent to support
7 or oppose a candidate, state official against whom recall charges have
8 been filed, political party, or political committee.

9 (2) No employer or labor organization may discriminate against an
10 officer or employee in the terms or conditions of employment for (a)
11 the failure to contribute to, (b) the failure in any way to support or
12 oppose, or (c) in any way supporting or opposing a candidate, ballot
13 proposition, political party, or political committee. At least
14 annually, an employee from whom wages or salary are withheld under
15 subsection (3) of this section shall be notified of the provisions of
16 this subsection.

17 (3)(a) No employer or other person or entity responsible for the
18 disbursement of funds in payment of wages or salaries may withhold or
19 divert a portion of an employee's wages or salaries for contributions
20 to political committees ~~((or))~~, for use as political contributions
21 ~~((except upon the))~~, or for expenditures to influence an election,
22 unless an assessment for such use is affirmatively authorized by
23 written request of the employee.

24 (b) A labor organization may not direct an employer to deduct and
25 may not accept from an employer any portion of an employee's wages or
26 salaries to operate a political committee, for use as political
27 contributions, or for expenditures to influence an election, unless an
28 assessment for such use is affirmatively authorized by written request
29 of the employee. There is a presumption that a labor organization
30 violates this section if such authorized assessments are commingled
31 with other dues, fees, or revenue. The presumption may be rebutted
32 through evidence of pro rata reductions in dues or fees collected from
33 nonconsenting dues payers and fee payers, refunds to nonconsenting dues
34 payers and fee payers, or other clear and adequate accounting controls.

35 (c) The written request must be made on a form prescribed by the
36 commission informing the employee of the prohibition against employer
37 and labor organization discrimination described in subsection (2) of
38 this section. The employee may revoke the request at any time. ~~((At~~

1 ~~least annually, the employee shall be notified about the right to~~
2 ~~revoke the request))~~ The request is valid for no more than twelve
3 months from the date it is made by the employee.

4 (4) Each person or entity who withholds contributions under
5 subsection (3)(a) of this section, and each labor organization that
6 directs an employer to deduct or accepts from an employer a portion of
7 an employee's wages or salaries under subsection (3)(b) of this section
8 shall maintain open for public inspection for a period of no less than
9 three years, during normal business hours, documents and books of
10 accounts that shall include a copy of each employee's request, the
11 amounts and dates ((funds)) assessments were actually withheld or
12 accepted, and the amounts and dates ((funds)) assessments were
13 transferred to a political committee, applied to the operation of a
14 political committee, or expended to influence an election. Copies of
15 such information shall be delivered to the commission upon request.
16 This subsection does not apply to a person or entity that withholds
17 contributions under subsection (3)(a) of this section if the person or
18 entity withholds contributions at the direction of a labor
19 organization.

20 (5) The definitions in this subsection apply throughout this
21 section.

22 (a) "Expenditures to influence an election" includes, but is not
23 limited to, expenditures for staff time spent on efforts to affect
24 elections; expenditures on communication efforts to advance or oppose
25 one or more candidates or ballot measures; expenditures to assist voter
26 turnout; expenditures for staff to aid in recruiting or training
27 candidates; expenditures for staff or materials to prepare ballot
28 measures; expenditures for staff or legal services to contest election
29 results; and donations of funds to organizations or individuals that
30 make expenditures to influence an election.

31 (b) "To operate a political committee" means expenditures on staff
32 work, promotional materials, professional services, and internal
33 communication efforts that aid in the operation and funding of a
34 political committee.

35 (6) In addition to the enforcement provisions of RCW 42.17A.765, an
36 individual from whose wages or salary a deduction was made has a
37 private cause of action to recover any portion of the funds allocated
38 or spent in violation of this section.

1 **Sec. 3.** RCW 42.17A.500 and 2007 c 438 s 1 are each amended to read
2 as follows:

3 (1) A labor organization may not use agency shop fees paid by an
4 individual who is not a member of the organization to make
5 contributions or expenditures to influence an election or to operate a
6 political committee, unless affirmatively authorized by the individual.

7 ~~(2) ((A labor organization does not use agency shop fees when it
8 uses its general treasury funds to make such contributions or
9 expenditures if it has sufficient revenues from sources other than
10 agency shop fees in its general treasury to fund such contributions or
11 expenditures.))~~ There is a presumption that a labor organization uses
12 agency shop fees when it uses funds from any account where agency shop
13 fees are commingled with any other fees, dues, or revenue. The
14 presumption may be rebutted through evidence of pro rata reductions in
15 fees collected from nonconsenting fee payers, refunds to nonconsenting
16 fee payers, or other clear and adequate accounting controls.

17 (3) The definitions in this subsection apply throughout this
18 section.

19 (a) "Affirmatively authorized" means that the individual signed a
20 declaration within the twelve-month period before the expenditure
21 indicating consent to the labor organization's use of the fees to
22 influence an election or to operate a political committee.

23 (b) "Agency shop fees" are fees paid by nonmember employees to a
24 labor organization for the costs related to collective bargaining,
25 contract administration, and activity related to matters affecting
26 wages, hours, and other conditions of employment done by the labor
27 organization on behalf of all employees.

28 (c) "Expenditures to influence an election" includes, but is not
29 limited to, expenditures for staff time spent on efforts to affect
30 elections; expenditures on communication efforts to advance or oppose
31 one or more candidates or ballot measures; expenditures to assist voter
32 turnout; expenditures for staff to aid in recruiting or training
33 candidates; expenditures for staff or materials to prepare ballot
34 measures; expenditures for staff or legal services to contest election
35 results; and donations of funds to organizations or individuals that
36 make expenditures to influence an election.

37 (d) "To operate a political committee" means expenditures on staff

1 work, promotional materials, professional services, and internal
2 communication efforts that aid in the operation and funding of a
3 political committee.

4 (4) In addition to the enforcement provisions of RCW 42.17A.765, an
5 individual from whose salary an agency fee was deducted has a private
6 cause of action to recover any portion of the fee allocated or spent in
7 violation of this section.

8 NEW SECTION. **Sec. 4.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

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