
SENATE BILL 5711

State of Washington

59th Legislature

2005 Regular Session

By Senators Hewitt, Honeyford, McCaslin, Delvin and Mulliken

Read first time 02/03/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to prohibiting labor organizations from using union
2 dues for political purposes; amending RCW 42.17.680; adding a new
3 section to chapter 42.17 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 42.17.680 and 2002 c 156 s 1 are each amended to read
6 as follows:

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

13 (2) No employer or labor organization may discriminate against an
14 officer or employee in the terms or conditions of employment for (a)
15 the failure to contribute to, (b) the failure in any way to support or
16 oppose, or (c) in any way supporting or opposing a candidate, ballot
17 proposition, political party, or political committee. At least
18 annually, an employee from whom wages or salary are withheld under

1 subsection (3) of this section shall be notified of the provisions of
2 this subsection.

3 (3) No employer, labor organization, or other person or entity
4 responsible for the disbursement of funds in payment of wages or
5 salaries may withhold or divert a portion of an employee's wages or
6 salaries for contributions to political committees or for use as
7 political contributions or for payment to a third party for such
8 contribution or use except upon the written request of the employee.
9 The request must be made on a form prescribed by the commission
10 informing the employee of the prohibition against employer and labor
11 organization discrimination described in subsection (2) of this
12 section. The employee may revoke the request at any time. At least
13 annually, the employee shall be notified about the right to revoke the
14 request.

15 (4) Each person or entity who withholds contributions under
16 subsection (3) of this section shall maintain open for public
17 inspection for a period of no less than three years, during normal
18 business hours, documents and books of accounts that shall include a
19 copy of each employee's request, the amounts and dates funds were
20 actually withheld, and the amounts and dates funds were transferred to
21 a political committee. Copies of such information shall be delivered
22 to the commission upon request.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
24 to read as follows:

25 (1) A labor organization that is an exclusive bargaining
26 representative of a bargaining unit of employees covered under chapter
27 28B.52 RCW, chapter 41.56 RCW, chapter 41.59 RCW, chapter 41.76 RCW,
28 chapter 41.80 RCW, or chapter 47.64 RCW, receiving dues deducted
29 pursuant to an agency shop or other union security provision in the
30 collective bargaining agreement covering those employees, must deposit
31 all funds received in one or more identifiable deposit accounts
32 maintained as required in subsection (4) of this section. No funds
33 from any other source may be deposited in the account. Funds from this
34 account may be expended for any lawful purpose, but may not be expended
35 to make contributions to political committees or for use as political
36 contributions, or to operate a political committee or conduct

1 grassroots activities beyond communicating to its own membership,
2 except on the written request of the employee as provided in RCW
3 42.17.680.

4 (2) All expenditures for political activities by a labor or
5 employee organization subject to this section must be drawn from a
6 deposit account designated as a political activity account and
7 maintained as required under subsection (4) of this section.

8 (3) A labor or employee organization shall maintain complete
9 records of:

10 (a) All funds deposited into a deposit account subject to this
11 section and provide the public disclosure commission an annual itemized
12 report of all income to the accounts. The report must contain, at a
13 minimum, the name of each person or entity from whom funds have been
14 received into the account and each employee whose wages or salary was
15 subject to deduction as part of the funds received; and

16 (b) Expenditures from the deposit accounts subject to this section
17 and provide the public disclosure commission with an annual report
18 detailing all expenditures. Expenditure items should contain
19 sufficient detail to identify the purpose and recipient of each
20 expenditure.

21 (4) Each deposit account subject to this section must be a deposit
22 account in a financial institution authorized by federal or state law
23 to do business in Washington.

24 (5) A labor organization or employee organization must notify
25 bargaining unit employees of the intended use of funds expended from
26 deposit accounts subject to this section.

27 (6) A person or entity who violates any provision of this section
28 is liable to the person from whose wages or salary the funds were
29 deducted for three times the amount deducted or one thousand dollars,
30 whichever is greater, and for costs and such reasonable attorneys' fees
31 as may be allowed by the court.

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