

Part 14 Voluntary Contributions Act

20A-11-1401 Title.

This part is known as the "Voluntary Contributions Act."

Enacted by Chapter 285, 2001 General Session

20A-11-1402 Definitions.

(1) As used in this part:

- (a) "Ballot proposition" includes constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, or other questions submitted to the voters for their approval or rejection.
- (b)
 - (i) "Labor organization" means a lawful organization of any kind that is composed, in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.
 - (ii) Except as provided in Subsection (1)(b)(iii), "labor organization" includes each employee association and union for employees of public and private sector employers.
 - (iii) "Labor organization" does not include organizations governed by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151 et seq.
- (c) "Political fund" means a separate segregated fund established by a labor organization for political purposes that meets the requirements of this part.
- (d) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.
- (e) "Union dues" means dues, fees, money, or other assessments required as a condition of membership or participation in a labor organization.

(2) Other terms defined in Section 20A-11-101 apply to this part.

Amended by Chapter 220, 2004 General Session

20A-11-1403 Prohibition of required contributions for political purposes.

A labor organization may not require any contribution to a candidate, personal campaign committee, political action committee, political issues committee, registered political party, ballot proposition, or political fund as a condition of membership or participation in the labor organization.

Repealed and Re-enacted by Chapter 284, 2003 General Session

20A-11-1404 Establishment and administration of political fund.

- (1) A labor organization wishing to make expenditures for political purposes shall establish a political fund.
- (2) Each labor organization that establishes a political fund shall:
 - (a) maintain the political fund as a separate, segregated account apart from any account containing money received by a labor organization as union dues;

- (b) ensure that each contribution to the political fund is voluntary; and
 - (c) register the political fund as a political action committee or political issues committee as required by this chapter.
- (3)
- (a) Except as otherwise provided in this part, a labor organization may only make expenditures for political purposes from a political fund established in accordance with this part.
 - (b) A labor organization may not expend union dues for political purposes or transfer union dues to a political fund.
- (4) Nothing in this part precludes a labor organization from making expenditures of union dues to communicate directly with its own members about political candidates or political issues.
- (5) Nothing in this part precludes a labor organization from making expenditures of union dues either for the establishment and administration of a political fund or to solicit contributions from its members to a political fund.
- (6) Nothing in this part is intended to, or may be construed to, preempt any requirement of federal law.

Amended by Chapter 220, 2004 General Session

20A-11-1406 Enforcement of part -- Attorney general.

- (1) Subject to the requirements of Subsections (2) and (3), the attorney general may bring an action to require the labor organization to comply with the requirements of this part.
- (2) Before bringing an action under Subsection (1), the attorney general shall:
 - (a) notify the labor organization in writing of the precise nature of the violation of this part; and
 - (b) give the labor organization 10 days to cease and desist the violation of this part.
- (3) The attorney general may not bring an action under Subsection (1) if the labor organization:
 - (a) ceases and desists from violating this part within 10 days; and
 - (b) provides the attorney general with written confirmation that the labor organization has ceased from engaging in the conduct the attorney general determined to be a violation of this part.

Enacted by Chapter 284, 2003 General Session