

TITLE 44  
LABOR

CHAPTER 26  
VOLUNTARY CONTRIBUTIONS ACT

44-2601. SHORT TITLE. This chapter shall be known as the "Voluntary Contributions Act."

[44-2601, added 2003, ch. 97, sec. 1, p. 312.]

44-2602. DEFINITIONS. (1) As used in this chapter the following terms have the following meanings:

(a) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other items submitted to the voters for their approval or rejection.

(b) "Filing entity" means a candidate, officeholder, political committee, political party, and each other entity required to report contributions under [chapter 66, title 67](#), Idaho Code.

(c) "Fund" means the separate segregated fund established by a labor organization for political purposes according to the procedures and requirements of this chapter.

(d) (i) "Labor organization" means any association or organization of employees, and any agency, employee representation committee, or plan in which employees participate that exists, in whole or in part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours of employment or conditions of employment.

(ii) Except as provided in subsection (1) (d) (iii) of this section, "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. section 151, et seq. or the railway labor act, 45 U.S.C. section 151, et seq.

(e) "Political activities" means electoral activities, independent expenditures, or expenditures made to any candidate, political party, political action committee or political issues committee or in support of or against any ballot measure.

(f) "Union dues" means dues, fees or other moneys required as a condition of membership in a labor organization.

(2) Other terms defined in [chapter 66, title 67](#), Idaho Code, apply to this chapter.

[44-2602, added 2003, ch. 97, sec. 1, p. 312; am. 2003, ch. 340, sec. 1, p. 916.]

44-2603. LIMITS ON LABOR ORGANIZATION CONTRIBUTIONS.

(1) (a) A labor organization may only make expenditures for political activities if the labor organization establishes a separate segregated fund that meets the requirements of this chapter.

(b) The labor organization shall ensure that:

(i) In soliciting contributions for the fund, the solicitor discloses, in clear and unambiguous language on the face of the solic-

itation, that contributions are voluntary and that the fund is a political fund and will be expended for political activities;

(ii) Union dues are not used for political activities, transferred to the fund, or intermingled in any way with fund moneys;

(iii) The cost of administering the fund is paid from fund contributions and not from union dues; and

(iv) Each contribution is voluntary and shall be made by the member and may not come from or be remitted by the employer of the member.

(2) At the time the labor organization is soliciting contributions for the fund from an employee, the labor organization shall:

(a) Affirmatively inform the employee, orally or in writing, of the fund's political purpose; and

(b) Affirmatively inform the employee, orally or in writing, of the employee's right to refuse to contribute without fear of reprisal or loss of membership in the labor organization.

(3) The labor organization has the burden of proof to establish that the requirements of subsections (1) (b) and (2) of this section are met.

(4) Notwithstanding the requirements of subsection (1) (b) (ii) of this section, a labor organization may use union dues to lobby or communicate directly with its own members about political candidates, ballot measures, and other political issues.

[44-2603, added 2003, ch. 97, sec. 1, p. 312; am. 2003, ch. 340, sec. 2, p. 917.]

#### 44-2604. CRIMINAL ACTS -- PENALTIES.

(1) (a) It is unlawful for a labor organization to make expenditures for political activities by using contributions:

(i) Secured by physical force or threat of force, job discrimination or threat of job discrimination, membership discrimination or threat of membership discrimination, or economic reprisals or threat of economic reprisals; or

(ii) From union dues except as provided in section [44-2603](#)(4), Idaho Code.

(b) When a labor organization is soliciting contributions for a fund from an employee, it is unlawful for a labor organization to fail to:

(i) Affirmatively inform the employee orally or in writing of the fund's political purpose; and

(ii) Affirmatively inform the employee orally or in writing of the employee's right to refuse to contribute without fear of reprisal or loss of membership in the labor organization.

(c) It is unlawful for a labor organization to pay a member for contributing to the fund by providing a bonus, expense account, rebate of union dues, or by any other form of direct or indirect compensation.

(2) Any person or entity violating this section is guilty of a misdemeanor.

[44-2604, added 2003, ch. 97, sec. 1, p. 313.]

44-2605. REGISTRATION -- DISCLOSURE. Each fund established by a labor organization under this chapter shall:

(1) Register as a political committee as required by [chapter 66, title 67](#), Idaho Code; and

(2) File the financial reports for political committees required by [chapter 66, title 67](#), Idaho Code.

[44-2605, added 2003, ch. 97, sec. 1, p. 313.]