This model bill prohibits the payroll deduction of monies used for political purposes. It also establishes penalties for a violation of this section.

Section 1. {Short Title} This Act shall be known as the Political Funding Reform Act.

Section 2. {Legislative Declaration} This legislature finds and declares:
A. That it is in the interest of this State's citizens to ensure that government resources, including public employee time, public property or equipment, and supplies be used exclusively for activities that are essential to carrying out the necessary functions of government;
B. That necessary governmental functions do not include using government resources to confer a political benefit or advantage on any private individual or organization, including, but not limited to, public employee unions and their members;
C. That using government resources in any way to promote, support, or enhance the political activities of any private individual or organization, above that of other citizens or private organizations, is not a necessary or desirable function of government; and
D. Therefore, it is the public policy of this State to prohibit the use of any government resources to collect or assist in the collection of political funds or to promote or assist in the political activity on behalf of any private individual or organization.

Section 3. {Definitions} A. For the purposes of this Act, "public employer" means any state or local government, government agency, government instrumentality, special district, joint powers authority, school board or special purpose organization that employs one or more persons in any capacity.
B. For purposes of this act, all money shall be deemed to be "political funds" if any portion thereof is expended upon, or commingled with funds used for political activity, including, but not limited to:
1. independent expenditures for communications advocating the election or defeat of clearly identified candidates for public office;
2. participating in, or intervening in (including the publication or distribution of statements), any political campaign on behalf of (or in opposition to) any candidate for public office, or any political party or committee;
3. supporting or opposing any pending or proposed ballot measure, including but not limited to efforts to collect signatures to place a measure on the ballot, and any efforts, including but not limited to direct mail and media campaigns, to solicit signatures for initiative petitions or to discourage voters from signing initiative petitions;
4. contributions to, and/or the operations or expenses of, a Political Action Committee; or
5. communications or other activities of organizations where a substantial part of their activity which involves carrying on propaganda, or otherwise attempting to influence voters or legislation or ballot issues.
C. The terms used in this subsection shall have the same meaning as under Section 501(c)(3) of Title 26, United States Code, and regulations promulgated by the Secretary of the Treasury thereunder.
D. This section shall not apply to activities that are necessary to fulfill statutory obligations to inform the electorate and/or the public about the candidates or issues to be voted upon in a forthcoming election.

Section 4. {Prohibitions} A public employer is prohibited from collecting or deducting or transmitting political funds within the meaning of this section.
Section 5. {Penalties}

A. For a period of two years, no public employer shall collect, deduct, or assist in the collection or deduction of funds for any purpose for a person or organization if, in violation of this article, the person or organization has:

1. used as political funds, as defined in section 3(A) or (B), any of the funds collected or deducted for it by any public employer, or

2. commingled funds collected or deducted by any public employer with political funds.

3. whenever funds for multiple levels of an organization (local, regional, state, and/or national) are deducted, collected, and/or transmitted to a single recipient for all affiliates that receive funds from the recipient organization.

B. Any employee whose wages have been deducted in violation of the provisions of this article may bring suit in a court of competent jurisdiction to obtain injunctive relief against the violator or person or public employer threatening violation. If the state enjoys sovereign immunity, nothing in this section shall be considered or otherwise construed to waive, or in any way abrogate such immunity. An employee whose wages have been deducted in violation of this article may bring suit in a court of competent jurisdiction to recover damages equal to:

1. from a public employer violating the provisions of this article, or failing to take appropriate action when informed of the violation, any amounts actually deducted from the public employee’s wages; and

2. from any individual or organization acting separately or in league with a public employer to violate the provisions of this article, twice any amounts actually received by said individual or organization from the injured public employee.

3. The remedies in i. and ii. above shall not preempt any other causes of action and damage awards which may be available to public employees injured as a result of violations of this act.

C. In any judgment for the plaintiff intended to enforce of this article the court may award reasonable attorneys’ fees as part of the court costs.

Section 6. {Void Agreements}

Any written or oral agreement, understanding, or practice between a public employer and any individual or organization that is in violation of the provisions of this article shall be deemed void on the effective date of this legislation, or ninety (90) days after its passage, whichever is later.

Section 7. {Severability Clause}

If any phrase, clause, or part of this article is found to be unconstitutional by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

Section 8. {Effective Date}

Adopted by the CIED Task Force at the States and Nation Policy Summit on December 2, 1998. Approved by the ALEC Board of Directors January 1999.