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## Laws similar to Prop. 32 have had mixed results in other states

*Proposition 32 would restrict organized labor's ability to raise political money. Such efforts have been less effective in states where unions are strong.*

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SACRAMENTO — The wealthy conservatives behind a November ballot measure that would constrain organized labor's ability to raise political money say their initiative, Proposition 32, would help change the balance of power in California's Democrat-dominated Capitol.

But the experiences of some states that have passed similar measures suggest that's not always the case.

Union opponents have scored their biggest victories in "right-to-work" states, where labor is typically weaker than in California because workers are not required to become members or pay union fees. In states where unions are highly influential — especially teachers unions, whose large memberships make them political powerhouses — labor has used legal challenges, accounting shifts and loopholes to circumvent restrictions.

### A guide to California's 2012 propositions

In Washington state, a legal battle involving its largest teachers union lasted the better part of a decade, ending in the U.S. Supreme Court. By the time the justices upheld a law clamping labor unions' political fundraising, state lawmakers had passed labor-backed bills that undercut it.

"There has been a lot of chiseling when it comes to these fights," said J. Justin Wilson, managing director of the Center for Union Facts, a business-backed group pushing for federal restrictions on labor spending.

Proposition 32, backed by Republican donors, anti-tax activists and business executives, would ban unions and corporations from using automatic payroll deductions to raise money for state political campaigns — with or without a member's permission. It would also bar them from giving directly to candidates. Paycheck deductions



*Al Seib, Los Angeles Times*

**A teacher distributes leaflets backing Proposition 30 and opposing Proposition 32.**

are labor's main fundraising mechanism; corporations typically do not raise political cash that way.

Labor groups have raised nearly \$56 million in California to defeat Proposition 32, which goes further than laws in place in other states by prohibiting the use of any payroll-deducted money for politics. Most polls show the measure losing, with a significant percentage of voters undecided.

Supporters say in their advertising that Proposition 32 would put "voters first, not donors" — a pitch similar to one heard in Washington in 1992. Voters there overwhelmingly made changes in the state's campaign finance system, including a requirement that unions get members' written permission annually before using their dues for politics.

Almost two decades later, labor was still spending heavily on politics there. In 2010, unions contributed more than \$13 million to candidates and ballot-measure campaigns in Washington, according to the National Institute on Money in State Politics. This year, labor has spent more than \$2.5 million.

Bob Williams, a former Republican state representative who helped draft the Washington initiative, said regulators and judges interpreted the law too loosely. And at the urging of labor, legislators amended the measure, removing some spending restrictions.

“It’s kind of been neutered in this state,” Williams said of the law.

Ultimately, unions bypassed the law’s restrictions on “political action committees” by transferring dues from their general treasuries to special funds for “community outreach.”

“It was real easy to switch from one method of doing political spending to another,” said David Groves, a spokesman for the Washington State Labor Council.

In California, unions would have less room to maneuver: Lawmakers must submit to voters any proposed changes in laws that were created by ballot initiative.

Michigan, another state where unions are strong, requires labor to obtain member approval for some political uses of dues. But spending them on issue advocacy and get-out-the-vote drives are legal.

Just a quarter of the 157,000 teachers in the Michigan Education Assn. give to its political action committee. However, “you’re still seeing unions in Michigan with huge political war chests” and no way for members “to opt out of portions of that political spending,” said Vincent Vernuccio, director of labor policy at the [Mackinac Center for Public Policy](#), a conservative think tank that championed the state law.

A spokesman for the teachers acknowledged that members are reluctant to grant annual permission for political deductions; many make sporadic dona-

tions by check, credit card or electronic transfer. “Has it created challenges? Of course it has,” said the spokesman, Doug Pratt. “But if you have people who are passionate about these issues, then you can overcome that.”

The union is challenging a law passed by Michigan’s Republican-dominated Legislature this year that prohibits school districts from collecting any union dues — political or not — from teachers’ paychecks, including money to cover the costs of collective bargaining. A federal judge sided with the union in June, granting a preliminary injunction against the controversial measure.

In states where unions are not as strong, restrictions have been more effective.

In 2001, Utah’s GOP-controlled Legislature eliminated payroll deduction of political contributions and allowed labor to use only members’ voluntary donations for politics. Since those rules took effect, the percentage of members contributing to the state teachers union’s political coffers dropped to 10% from 68%.

Republicans said the restrictions helped clear the way for laws allowing online education and setting pay for teachers and principals according to their students’ performance.

“It had the effect that they wanted it to have,” said Kory Holdaway, government affairs director for the Utah Education Assn.

The Idaho Education Assn. saw a similar decline in members’ political contributions after that state barred payroll deductions for campaign purposes. Once the top political donor in the state, the union’s coffers have taken a hit. It has collected \$48,000 from members this year, a 40% drop from its total in 2010.