

State of Kansas



Representative Ann Mah

HOUSE COMMITTEE ON COMMERCE, LABOR AND ECONOMIC DEVELOPMENT
CHAIRMAN – REP. KLEEB
TESTIMONY HB 2023

I speak in opposition to HB 2023. This bill is about two things – silencing middle class workers and making sure corporate PACs gain an edge in 2014. It is nothing more than a blatant attack on the First Amendment rights of Kansas teachers.

Under current law, teachers' union members may choose to voluntarily have political action committee (PAC) donations taken out of their checks through payroll deduction. Payroll deductions are generally negotiated between the union and employer. To change state law to disallow those payroll deductions is wrong. First, it denies the union members' right to a negotiated benefit. Why would the state legislature want to jump in the middle of contract negotiations and remove from the table a benefit the employer may want to provide and employees want to receive? As has been said many times by the Chairman and others, the legislature should get out of the way and let employers run their businesses as they see fit. Payroll deductions are simply an employer-provided service that doesn't need to be micromanaged by big government.

Second, and more obvious, eliminating payroll deductions means "game over" for teachers who want to support candidates with a united voice. It is no secret that employees support candidates who support them. Corporate employees support "pro-corporation" candidates and teachers support "pro-education" candidates. As a former utility manager, I donated to a corporate PAC to "utility-friendly" candidates. But when you realize the main support for this bill will come from large corporate sponsors who invest heavily in elections, the end game becomes more obvious – elimination of minority party candidates.

It is also no secret that teachers support candidates of one party more than another, just like the Koch brothers and the Kansas Chamber of Commerce support more candidates of the opposing party. Are Americans for Prosperity, the Kansas Chamber and the Koch brothers so scared of the power of the teachers that they must silence teachers' voices in this way? Didn't the Supreme Court recently rule that spending your money to help candidates was a First Amendment right? Are anti-education candidates so scared of losing that they have to rig the

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elections? Isn't this bill just the first step in silencing all union members? Public employees have every right to express their opinions in elections with their monies just as any corporate employee.

Last session, this bill was pitched as the "payroll protection" law. As if teachers needed to be protected from their First Amendment rights. If there is genuine concern about PACs spending teachers' money for candidates the teachers don't personally support, the answer is obvious – they don't have to donate to the PAC. A teacher can end the payroll deduction at any time. It would be difficult to imagine that many candidates would be supported by 100% of a PAC's membership. That's why they often vote on which candidates to support. In any case, participating in the PAC is voluntary.

If this bill had anything to do with protecting employees or their money - or being fair for that matter - it would also include a provision that denies corporate PACs the opportunity to collect donations through payroll deduction. When I participated in a corporate PAC, the money sometimes went to candidates I didn't personally support. As with teacher organization PACs, I could choose to continue donating to the corporate PAC - or not.

Either this bill should be rejected outright, or the playing field should be leveled so that corporate PAC payroll deductions are ended along with teacher payroll deductions. Since there is no public policy benefit to denying First Amendment rights to anyone, I recommend the former.

Finally, this kind of blatant partisan legislation is what causes polling numbers to rate government officials lower than cockroaches. The people want and deserve better from you. Virtually all of the members of the majority party on this committee have received donations from the Kansas Chamber of Commerce and the Koch brothers, supporters of this kind of legislation. Some of you even signed a pledge to Americans for Prosperity – a group that influences elections in the dark, hiding its donor list. Teachers campaign for candidates in the light, with transparency and grassroots hard work. They are guaranteed this right as much as any other citizen. I encourage you to just say "no" to corporate special interests and stand up for the people instead.