

**QUESTION 14 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V**

The State of Michichusetts recently passed a law prohibiting all state and local governmental agencies from taking payroll deductions of its employees for "political activities," including "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." Under the law, an employee's union dues could be deducted from his paycheck, but money for a union's "political activities" could not be deducted, even with the employee's permission. Several unions representing Michichusetts public employees filed suit in federal court, challenging this prohibition on payroll deductions. It is uncontested that the unions would encounter tremendous difficulty collecting funds from its members and contributing to candidates without the utilization of payroll deductions. Because the prohibition specifically targeted "political activities," and hampered the unions' ability to engage in political activities, the unions argue that the law is unconstitutional. The attorneys for the State of Michichusetts argue that the ban does not violate the constitution, and that the various unions do not have standing to challenge the law.

**Applying relevant federal constitutional law, assess: (1) whether the unions have standing to challenge the law, and (2) the constitutionality of the Michichusetts statute. Explain your answers.**

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