

**ELECTION PROCEDURES
CHM 32 through 48**

- 32. STATUTORY BASIS FOR ELECTIONS:** 5 U.S.C. 7111(a) states that “[a]n agency shall accord exclusive recognition to a labor organization if the organization has been selected as the representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast valid ballots in the election.”
- 32.1 Policy to conduct elections:** Section 2422.23 of the regulations concerns election procedures. Section 2422.23(a) provides that the Regional Director will decide to conduct or supervise the election. As discussed in [CHM 28.8](#), it is the policy of the General Counsel that Regional Directors conduct all elections. Clearance is obtained from the Office of the General Counsel for approval to supervise, rather than to conduct, any election.
- 32.2 Secret ballot:** All elections will be by secret ballot [§ 2422.23(d)]. A secret ballot is defined at § 2421.15 as “the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.”
- 32.3 Requirements:** 5 U.S.C. 7111(d) provides that:

[t]he Authority shall determine who is eligible to vote in any election under this section and shall establish rules governing any such election, which shall include rules allowing employees eligible to vote the opportunity to choose—

- (1) from labor organizations on the ballot, that labor organization which the employees wish to have represent them; or
- (2) not to be represented by a labor organization.

In any election in which no choice on the ballot receives a majority of the votes cast, a runoff election shall be conducted between the two choices receiving the highest

number of votes. A labor organization which receives the majority of the votes cast in an election shall be certified by the Authority as the exclusive representative.

There is no requirement that a specific percentage or number of eligible voters cast ballots in order for the election to be valid. See *U.S. Department of the Interior, Bureau of Indian Affairs, Rosebud, South Dakota*, 34 FLRA 67 (1989) and [CHM 47.1](#).