

**46 ELECTIONEERING:** No electioneering is permitted at or near the polling place during the voting hours. The polling area includes the polling place and the line in which employees wait to vote. Agents of the parties (other than observers) are not allowed in the polling area at all during the election hours.

**46.1 Agency's role and pre-election campaign side agreements:**

**46.1.1 Agency's role:** It is the Agency's duty to remain neutral during the election campaign. See *Department of the Air Force, Air Force Plant Representative Office, Detachment 27, Fort Worth, Texas*, 5 FLRA 492 (1981); *U.S. Army Engineer Activity, Capital Area, Fort Myer, VA*, 34 FLRA 38 (1989); *Fort Campbell Dependents Schools, Fort Campbell, Kentucky*, 46 FLRA 219 (1992).

**46.1.2 Pre-election campaign side agreements:** The parties may reach pre-election campaign side agreements regarding electioneering. The Authority does not police such agreements. The regions, however, investigate any conduct constituting an objection that allegedly improperly affected the conduct or the results of the election, regardless of whether it is included in the party's side agreement. *Veterans Administration Hospital, Jamaica Plain, Massachusetts*, Case No. 31-3178, 1 Rulings on Requests for Review 85 (1970), Report on Ruling Number 20, 1 A/SLMR 615 (1970). ([CHM 28.31](#)).

In the absence of the filing of a charge, complaints of improper electioneering are not investigated prior to the election, unless and only to the extent that they involve abuse of the Authority's processes. For example, defaced notices of election are replaced, if brought to the region's attention, by the posting of fresh copies. If the region learns that an entire group of eligible employees was not provided with an opportunity to vote in the Election Agreement, the Regional Director may cancel the election by issuing an Order Canceling the Election.

The agent records all electioneering conduct that may be objectionable in a case file memorandum.

**46.2 Observer rules:**

**46.2.1 Insignia:** Observers wear the official FLRA Observer's badge. They may not wear any campaign insignia.

**46.2.2 Electioneering by observers:** Observers may not electioneer during their hours on duty as an observer, whether at or away from the polling place. Observers also may not converse with incoming voters other than the normal

conversation that occurs as the voter is checking in. Finally, if an observer takes a break, the agent cautions him/her against seeking out colleagues who have not yet voted to encourage them to vote.

- 46.3 Voters:** Voters may wear campaign insignia, even though it constitutes electioneering material. A voter may not campaign or discuss his/her choice in the polling area. If a voter carries campaign flyers or other campaign material in his/her hand into the polling area, s/he is asked to put the material out of sight. The observers cannot offer to take the material from the voter or allow it to remain in the polling area. The agent checks the polling area and voting booths periodically and removes any election literature that may have been left by a voter.

Voters may talk among themselves in line. The agent is not required to police their conversations unless the talk becomes loud and/or disruptive.

- 46.4 Area around polling place:** In some contested elections, the agent may discuss with the parties the boundary area around the polling place in which the parties may not electioneer during polling hours. The agent cannot agree to set a boundary that cannot be policed.

- 46.5 Distribution of literature and sound trucks:** The distribution of campaign material on election day cannot be prohibited by the Authority, even though it takes place during polling hours, unless it occurs within the polling area. The agent may take steps to stop a sound truck from campaigning near the polls if the sound is heard in the polling area.