

Kansas Administrative Regulations

Agricultural Labor Relations Board

Article 2.—Procedure

12-2-10. Elections—procedure.

a. General Provisions

1. All elections shall be by secret ballot, at times and places and in such manner as the board or its agent may direct. Elections shall be conducted by a designated agent of the board, whose determination of all questions arising shall be final, subject only to review by the board.
2. Ballots shall be prepared and issued by the board. Ballots shall contain the name of each representative and a choice of "no representative." The place of priority on the ballot shall be determined by the chronological filing or appearance on the dockets of the board with the petitioner taking first priority. In a run-off election, the place of priority shall be determined by the sequence appearing on the ballot at the prior inclusive election.
3. Each party to the election shall be entitled to be represented by an equal number of observers watching at each polling place. Observers shall be employees eligible to vote, or in the case of employer's observers, shall be non-supervisory personnel, unless otherwise agreed to by all parties or other appropriate persons.
4. Prior to the commencement of the election, the agent of the board shall designate the polling area and no electioneering of any kind shall be permitted within this area. Any violation of this rule by any party or its representative or agent may be grounds for setting aside the election.
5. Any prospective voter may be challenged for cause.
6. All employees whose names do not appear upon the list certified by the board as being a complete list of the employees within the defined appropriate unit shall be challenged by the agent of the board.
7. A challenged voter shall be permitted to vote, but the voter's ballot shall not be cast. It shall, instead, be sealed in a separate, unmarked envelope under the supervision of the

agent of the board and inserted in a special identifiable form envelope provided by the board for that purpose and returned to the election agent. All questions of challenged ballots shall be resolved by the election agent prior to counting the ballots.

8. In all elections a majority of the valid votes cast shall determine the employee representative designated by the employees in the defined appropriate unit, or the determination of no representative shall be designated. A tally of ballots shall be made by the board agent immediately following the closing of the polls, except in the case of an unresolved challenged ballot, and a tally sheet shall be furnished to all parties to the election.

9. Each party to the election shall be permitted to observe the count of the ballots.

10. All objections to a party's conduct or third person's conduct to the election shall be, by a charge of prohibiting practice, filed with the board within five days of the holding of the election and the board shall immediately issue such order as to effectuate the purposes of the act.

11. All objections of the board's conduct of an election shall be filed within five days of the holding of the same and the board shall immediately issue such order as required to effectuate the purposes of the act.

12. The board shall conduct a run-off election when an election in which the ballot provides for not less than three choices (*i.e.* at least two representatives and no representation) results in no choice receiving a majority of the valid ballots cast.

13. The ballot in the run-off election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

14. The board shall conduct run-off elections as expeditiously as possible not to exceed thirty days following the first election unless otherwise ordered by the board or its agent. (Authorized by K.S.A. 44-823(d), K.S.A. 1977 Supp. 44-820(d); effective May 1, 1978.)

***** Authenticated Kansas Administrative Regulation *****