

Kansas Administrative Regulations

Department of Labor

Article 25.—Elections

49-25-9. Observers, eligibility, challenged ballots.

(a) Each organization named on a ballot and the board of education shall be entitled to be represented by an observer at each polling place. Observers for each organization shall be a professional employee eligible to vote, and the board of education's observer shall be a non-supervisory person unless otherwise agreed to by all parties.

(b) Prior to the commencement of the election, the agent of the secretary shall designate the polling area and no advocating, soliciting, promoting, or otherwise supporting, in any manner, the election or defeat of a professional employees' organization or the choice of "no representation" shall be permitted within this area. A violation of this rule by any party or its representative or agent may be grounds for setting aside the election.

(c) Any prospective voter may be challenged for cause.

(d) All professional employees whose names do not appear on the list certified by the secretary as being a complete list of professional employees within the defined appropriate unit, shall be challenged by the agent of the secretary.

(e) A challenged voter shall be permitted to vote but the voter's ballot shall not be cast; instead it shall be sealed in a separate, unmarked envelope under the supervision of an agent of the secretary and inserted in a special, identifiable form envelope provided by the secretary for the purpose and returned to the election agent.

(f) Prior to counting the ballots, questions regarding challenged voters shall be resolved by the election agent, if the agent is able to do so. If the election agent cannot resolve all questions regarding challenged voters, the agent shall seal the ballot box, and all questions shall be resolved by the secretary. The results of the election will be certified by the secretary in accordance with K.A.R. 49-25-9a.

(Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5418, 72-5419; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

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