

Kansas Administrative Regulations

Public Employee Relations Board

Article 2.—Procedure

84-2-12. Elections; procedure.

(a) All elections shall be by secret ballot, at times, places, and in such manner as the board or its designee may direct, and shall be conducted by a designee of the board, whose determination of all questions arising shall be final, subject, however, to review by the board.

(b) Ballots shall be prepared and issued by the board or its designee. 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 but 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.

(c) 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.

(d) Prior to the commencement of the election, the designee 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.

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

(f) 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 designee of the board.

(g) A challenged voter shall be permitted to vote but his 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 then inserted in a special identifiable form envelope provided by the board for that purpose and returned to the board.

(h) In all elections a majority of the valid votes cast shall determine the employee representative designated or selected by the employees in the defined appropriate unit or the determination that no representative has been designated. A tally of ballots shall be made by the board agent immediately following the closing of the polls and a tally sheet shall be furnished to all parties to the election.

(i) Each party to the election shall be permitted to observe the count of the ballots.

(j) All objections to a party's conduct or third person's conduct to the election shall be, by a charge of unfair practice, filed with the board within five days of the holding of the election and such order as required to effectuate the purposes of the act shall be immediately issued by the board or its designee.

(k) All objections to the board's conduct of an election must be filed within five days of the holding of the same and such order as required to effectuate the purposes of the act shall be immediately issued by the board or its designee.

(l) The board shall conduct a runoff election when an election in which the ballot provides for not less than three choices, at least two employee organizations and "no representation," results in none of the choices receiving a majority of the valid ballots cast.

(m) The ballot in the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

(n) Runoff elections shall be conducted by the board or its designee as expeditiously as possible not to exceed 30 days following the first election unless otherwise ordered by the board or its designee.

(Authorized by and implementing K.S.A. 75-4323(d)(4), 75-4327(d); effective, E-72-29, Sept. 29, 1972; effective Jan. 1, 1973; amended May 1, 1975; amended July 30, 1990.)

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