

112TH CONGRESS
1ST SESSION

H. R. 1047

To amend the National Labor Relations Act to protect State requirements
for a secret ballot election of labor organizations.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2011

Mr. DUNCAN of South Carolina (for himself, Mr. CHAFFETZ, Mr. BISHOP of Utah, Mrs. NOEM, Mr. SCOTT of South Carolina, Mr. WILSON of South Carolina, Mr. GOWDY, Mr. MULVANEY, Mr. GOSAR, Mr. ROSS of Florida, Mr. KINGSTON, Mr. STUTZMAN, Mr. NEUGEBAUER, Mr. YODER, Mr. LAMBORN, Mr. BURTON of Indiana, Mr. GOHMERT, Mr. FLORES, Mr. GINGREY of Georgia, Ms. FOXX, Mr. SESSIONS, Mr. HUELSKAMP, Mr. WESTMORELAND, Mr. MCHENRY, Mr. KING of Iowa, Mr. PITTS, Mr. ROKITA, and Mr. HERGER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the National Labor Relations Act to protect State requirements for a secret ballot election of labor organizations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State Right to Vote
5 Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the right of employees under the National
4 Labor Relations Act to choose whether to be rep-
5 resented by a labor organization by way of secret
6 ballot election conducted by the National Labor Re-
7 lations Board is among the most important protec-
8 tions afforded under Federal labor law;

9 (2) the right of employees to choose by secret
10 ballot is the only method that ensures a choice free
11 of coercion, intimidation, irregularity, or illegality;

12 (3) the recognition of a labor organization by
13 using a private agreement, rather than a secret bal-
14 lot election overseen by the National Labor Relations
15 Board, threatens the freedom of employees to choose
16 whether to be represented by a labor organization,
17 and severely limits the ability of the Board to ensure
18 the protection of workers;

19 (4) the States under section 14(b) of the Act
20 have the option to prohibit agreements requiring
21 membership in a labor organization as a condition of
22 employment; and

23 (5) in order to further the rights of employees
24 to be free in their choice of representation by a labor
25 organization, the States should have the option to
26 prohibit labor organization representation of employ-

1 ees unless the labor organization is selected via a se-
2 cret ballot election conducted by the Board.

3 **SEC. 3. PROTECTION OF STATE RIGHT TO REQUIRE SE-**
4 **CRET BALLOT ELECTIONS.**

5 (a) REPRESENTATION OF EMPLOYEES WITHOUT SE-
6 CRET BALLOT ELECTION IN VIOLATION OF STATE
7 LAW.—Section 14 of the National Labor Relations Act
8 (29 U.S.C. 164) is amended by adding at the end the fol-
9 lowing:

10 “(d)(1) Nothing in this Act shall be construed as au-
11 thorizing or recognizing a labor organization as the rep-
12 resentative of employees unless the labor organization has
13 been selected by a majority of such employees in a secret
14 ballot election conducted by the National Labor Relations
15 Board in any State or Territory in which such labor orga-
16 nization recognition is prohibited by State or Territorial
17 law unless recognition is accomplished through a secret
18 ballot election conducted by the Board.

19 “(2) No agency of the Federal Government may bring
20 any challenge against a State statute or constitutional pro-
21 vision which protects the right of employees to choose
22 labor organization representatives through secret ballot
23 elections.”.

24 (b) REGULATIONS.—Not later than 6 months after
25 the date of the enactment of this Act the National Labor

1 Relations Board shall review and revise as necessary any
2 regulations promulgated before such date to implement
3 the amendments made by this Act to the National Labor
4 Relations Act.

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