

116TH CONGRESS
2D SESSION

H. R. 7485

To direct the National Labor Relations Board to implement a system and procedures to conduct representation elections remotely using an electronic voting system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 2, 2020

Mr. LEVIN of Michigan (for himself, Mr. FITZPATRICK, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CARSON of Indiana, Mr. CASE, Mr. COHEN, Mr. DESAULNIER, Mr. DEUTCH, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. ESHOO, Mr. GALLEGO, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Mr. GREEN of Texas, Mrs. HAYES, Mr. HIGGINS of New York, Ms. JAYAPAL, Ms. KAPTUR, Mr. KHANNA, Mr. KILMER, Mr. LARSON of Connecticut, Mr. LOWENTHAL, Mr. LUJÁN, Mr. LYNCH, Mr. NORCROSS, Ms. NORTON, Mr. PALLONE, Mr. POCAN, Mr. ROSE of New York, Mr. RYAN, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Ms. SLOTKIN, Mr. SMITH of Washington, Mr. SOTO, Ms. TLAIB, Mrs. TRAHAN, Mr. TRONE, Mr. VARGAS, Ms. WILD, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To direct the National Labor Relations Board to implement a system and procedures to conduct representation elections remotely using an electronic voting system, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “SAFE Workers Act”
3 or the “Secure And Fair Elections for Workers Act”.

4 **SEC. 2. ELECTRONIC VOTING IN UNION ELECTIONS.**

5 (a) IN GENERAL.—

6 (1) ELECTRONIC VOTING SYSTEM.—Subject to
7 the provisions of this section, not later than 90 days
8 after the date of the enactment of this Act, the Na-
9 tional Labor Relations Board shall implement a sys-
10 tem and procedures to conduct representation elec-
11 tions remotely using an electronic voting system.

12 (2) PROCEDURES.—The procedures under para-
13 graph (1) shall ensure that each employee voting in
14 a representation election may choose to cast a vote
15 using either an internet voting system or a telephone
16 voting system.

17 (3) NATIONAL MEDIATION BOARD SYSTEM.—If
18 the Board does not implement a system under para-
19 graph (1) before the date that is 60 days after the
20 date of the enactment of this Act, the Board shall
21 enter into a temporary agreement to use the system
22 and procedures used by the National Mediation
23 Board to conduct representation elections for the pe-
24 riod—

25 (A) beginning on the date that is 60 days
26 after the date of enactment of this Act; and

1 (B) ending on the date that is 90 days
2 after the date of enactment of this Act

3 (b) INTERIM PERIOD.—During the period beginning
4 on the date of the enactment of this Act and ending upon
5 the date on which the system and procedures are imple-
6 mented under subsection (a), the Board shall conduct all
7 representation elections by mail ballot.

8 (c) IMPRACTICABILITY.—A regional director shall
9 conduct a representation election by mail ballot if, during
10 a representation proceeding with respect to such election,
11 a party makes a showing that conducting such election
12 in accordance with the system and procedures under sub-
13 section (a) is impracticable.

14 (d) REPORT.—Not later than 90 days of the enact-
15 ment of this Act, and every 90 days thereafter, the Board
16 shall submit to Congress a report containing a description
17 of the following:

18 (1) For each representation petition under sec-
19 tion 9 of the National Labor Relations Act filed—

20 (A) the case name and case number;

21 (B) the number of days between the peti-
22 tion and the election;

23 (C) the number of days between the stipu-
24 lation or direction of election and the election;

25 (D) the method of the election;

1 (E) the results of the election; and

2 (F) the number of eligible voters, the num-
3 ber of voters participating in the election, and
4 the method by which each of the voters sub-
5 mitted their vote.

6 (2) The total cost of conducting all elections the
7 Board conducted through the system and procedures
8 required by subsection (a).

9 (e) PERIOD OF APPLICATION.—The requirements
10 under this section shall apply with respect to any represen-
11 tation election conducted during the period—

12 (1) beginning on the date of enactment of this
13 Act; and

14 (2) ending on the date on which a COVID–19
15 public health emergency is not in effect with respect
16 to the worksite of a participant of such election.

17 (f) DEFINITIONS.—In this section:

18 (1) ELECTRONIC VOTING SYSTEM.—The term
19 “electronic voting system”—

20 (A) includes an internet voting system and
21 a telephone voting system; and

22 (B) does not include machines used for
23 casting votes at a polling site or an electronic
24 tabulation system where votes are cast non-elec-

1 tronically but counted electronically (such as a
2 punch card or optical scanning system).

3 (2) INTERNET VOTING SYSTEM.—The term
4 “internet voting system” means an internet-based
5 voting system that allows a participant to cast a bal-
6 lot remotely using a personal computer or other mo-
7 bile electronic device that is connected to the inter-
8 net.

9 (3) TELEPHONE VOTING SYSTEM.—The term
10 “telephone voting system” means a voting system in
11 which participants may cast a vote remotely using a
12 telephone.

13 (4) REMOTELY.—The term “remotely”, used
14 with respect to voting in a representation election,
15 means a vote may be cast at any site chosen by a
16 participant in such election.

17 (5) REPRESENTATION ELECTION.—The term
18 “representation election” means a representation
19 election under section 9 of the National Labor Rela-
20 tions Act (29 U.S.C. 159).

21 (6) COVID–19 PUBLIC HEALTH EMERGENCY.—
22 The term “COVID–19 public health emergency”
23 means a public health emergency with respect to
24 COVID–19 declared by a Federal, State, or local au-
25 thority.

1 (g) AUTHORIZATION OF APPROPRIATION.—There are
2 authorized to be appropriated \$1,000,000 to the Board
3 to carry out this section.

4 **SEC. 3. AMENDMENT TO FURTHER CONSOLIDATED APPRO-**
5 **PRIATIONS ACT.**

6 The Further Consolidated Appropriations Act, 2020
7 (Public Law 116–94) is amended by striking section 407.

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