

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 03-103

August 25, 2003

TO: All Regional Directors, Officers-in-Charge
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Observing Scheduled Polling Hours
Representation Casehandling Manual Section 11324

Representation Casehandling Manual Section 11324, provides that the polls should not be closed early even though it may appear that 100 percent of the eligible voters have voted; and even though the parties stipulate as noted above.

Notwithstanding this provision, it appears that some Regions have permitted the early closing of polls if the parties stipulate that all eligible voters have voted and if the parties waive their right to file post-election objections based on the early closure of the polls.

Generally, polling times are determined by the parties and the Board's representatives. Once those times are determined, they are published in the Notice of Election which is posted so that the employees can be apprised of the election details, including the hours during which the polling will be conducted. It is important to adhere to the published times to avoid the possibility that a potentially eligible voter, who might not be known to the parties, is disenfranchised. Moreover, adherence to this rule ensures that the election is being conducted consistent with the Board's "laboratory conditions" standard, subject to strict rules and regulations.¹

Any questions concerning this matter should be raised with your Assistant General Counsel or Deputy or with the undersigned.

/s/
R. A. S.

cc: NLRBU
Release to the Public

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¹ In elections conducted under the provisos of Norris-Thermador Corp., 119 NLRB 1301 (1958), (where the parties definitively resolve issues of eligibility by constructing a list of eligible voters), the Regions may continue to accept stipulations to close the polls early if the parties stipulate that all eligible voters on the Norris-Thermador list have voted.