



NLRB FACT SHEET

Voter List Contact Information; Absentee Ballots for Employees on Military Leave

BACKGROUND

On July 28, 2020, the National Labor Relations Board (the Board) filed a notice of proposed rulemaking (NPRM) proposing two amendments to its current rules and regulations governing the conduct of elections held pursuant to the National Labor Relations Act. The first amendment would modify the Board’s voter list provisions—set forth in § 102.62(d) and 102.67(l) of the Board’s Rules and Regulations—to eliminate the requirement that the employer provide “available personal email addresses” and “available home and personal cellular (‘cell’) telephone numbers” of all eligible voters (including individuals permitted to vote subject to challenge) to the Regional Director and the other parties in an election. The second amendment would establish procedures to provide absentee ballots to employees serving in the Armed Forces who would otherwise be unable to vote in the election because they are on military leave.

NPRM OVERVIEW

Voter List Contact Information: This proposed amendment would eliminate the requirement that employers must, as part of the Board’s voter list requirement, provide available personal email addresses and available home and personal cell numbers of all eligible voters to the Regional Director and other parties to the election.

Why is it needed? The Board believes that the current voter list requirement affords insufficient weight to employee privacy interests, and that eliminating the required disclosure of personal email addresses and personal cell numbers will redress this imbalance.

Absentee Ballots for Employees on Military Leave: This amendment proposes providing absentee mail ballots for employees who are on military leave.

Why is it needed? The Board believes that it should seek to accommodate voters serving the United States in the Armed Forces in light of congressional policies facilitating their participation in federal elections and protecting their employment rights. The Board further believes that a procedure for providing such voters with absentee ballots can be instituted without impeding the expeditious resolution of questions of representation.

ADDITIONAL INFORMATION

The Board seeks public comment on all aspects of its proposed amendments. As specified in the Notice of Proposed Rulemaking, published in the Federal Register, public comments may be submitted electronically or in hard copy. Due to the ongoing COVID-19 pandemic, the Board strongly recommends that comments be submitted electronically or by mail rather than by hand delivery, which is only available by appointment.