



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

(202) 692-5000

38 NMB No. 31

February 16, 2011

**NOTICE**

TO: All Carriers and Labor Organizations

FROM: Mary L. Johnson, General Counsel

RE: Revised Materials for the National Mediation Board's New Voting Procedures – Procedures for Write-in Votes and Run-off Elections

Effective July 1, 2010, the National Mediation Board's (NMB or Board) voting procedures for representation elections were changed to add a "No" option and to provide that the majority of valid votes cast would determine the outcome of an election. 29 CFR Parts 1202 and 1206. The rule does not alter the Board's practice of allowing write-in votes or its run-off procedures.

After several months of conducting elections under the new rule, the Board has decided to modify its write-in vote procedures. In light of the modified rule which has clarified a voter's choices, and the Board's long standing policy of looking at voter intent, the Board has decided to eliminate the silence option for write-in votes. In addition, a speak-in (telephone) or write-in (Internet) vote of the words "Any Other Organization or Individual" is no longer a valid vote for representation.

Voters who select the write-in option must affirmatively speak-in (telephone) or write-in (Internet) the name of an individual or organization in order for the vote to be counted as valid. The voting system will be modified so that silence (phone) or an absence of text in the write-in box (Internet) will not allow the voter to register their vote. The system will prompt the voter to enter in additional information in order to cast a valid vote. If the voter has recorded the words "Any Other Organization or Individual," it will be considered a void vote and will not be counted.

The Board is also modifying Representation Manual Section 16.0 which deals with Run-off Elections. The most recent version of Section 16.0 erroneously stated that "in the event of a tie vote between votes for

representation and votes for no representation, a run-off election will be held.” That provision is hereby removed as it is inconsistent with actual Board practice. *See, e.g., Allegiant Air*, 38 NMB 70 (2011).

This modification to the Board’s election procedures will apply to all elections authorized on or after **March 21, 2011**.

Attached are a sample revised Notice and Instructions, and the updated sections of the Board’s Representation Manual.