

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the National Labor Relations Act to ensure fairness in election procedures with respect to collective bargaining representatives.

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IN THE SENATE OF THE UNITED STATES

Mr. DEMINT (for himself, Mr. GRAHAM, Mr. RISCH, Mr. RUBIO, Mr. VITTER, Mr. HATCH, and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the National Labor Relations Act to ensure fairness in election procedures with respect to collective bargaining representatives.

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 “Fair Representation  
5 in Elections Act of 2011”.

6 **SEC. 2. AMENDMENTS TO THE NATIONAL LABOR RELA-**  
7 **TIONS ACT.**

8 Section 9 of the National Labor Relations Act (29  
9 U.S.C. 159) is amended—

1           (1) in subsection (b), by inserting “prior to an  
2 election” after “in each case”; and

3           (2) in subsection (c)—

4               (A) in the flush matter following para-  
5 graph (1)(B)—

6                   (i) by inserting “of 14 days in ad-  
7 vance” after “appropriate hearing upon  
8 due notice”;

9                   (ii) by inserting “, and a review of  
10 post-hearing appeals,” after “the record of  
11 such hearing”; and

12                   (iii) by adding at the end the fol-  
13 lowing: “No election shall be conducted  
14 less than 40 calendar days following the  
15 filing of an election petition. The employer  
16 shall provide the Board a list of employee  
17 names and home addresses of all eligible  
18 voters within 7 days following the Board’s  
19 determination of the appropriate unit or  
20 following any agreement between the em-  
21 ployer and the labor organization regard-  
22 ing the eligible voters.”; and

23               (B) by adding at the end the following:

24           “(6)(A) No election shall take place after the filing  
25 of any petition unless and until—

1           “(i) a hearing is conducted before a qualified  
2           hearing officer in accordance with due process on  
3           any and all material, factual issues regarding juris-  
4           diction, statutory coverage, appropriate unit, unit in-  
5           clusion or exclusion, or eligibility of individuals; and

6           “(ii) the issues are resolved by a Regional Di-  
7           rector, subject to appeal and review, or by the  
8           Board.

9           “(B) No election results shall be final and no labor  
10          organization shall be certified as the bargaining represent-  
11          ative of the employees in an appropriate unit unless and  
12          until the Board has ruled on—

13           “(i) each pre-election issue not resolved before  
14          the election; and

15           “(ii) the resolution, following a hearing con-  
16          ducted in accordance with due process, of each issue  
17          pertaining to the conduct or results of the election.”.