

117TH CONGRESS  
1ST SESSION

# H. R. 308

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2021

Mr. LEVIN of Michigan (for himself, Mr. FITZPATRICK, Mrs. AXNE, Mr. BACON, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY, Mr. CARSON, Mr. CASE, Mr. CICILLINE, Mr. COHEN, Mr. COURTNEY, Mrs. DEMINGS, Mr. DESAULNIER, Mr. DEUTCH, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. ESHOO, Mr. FOSTER, Mr. GALLEGRO, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS, Mrs. HAYES, Mr. HIGGINS of New York, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LIEU, Mr. LOWENTHAL, Mr. LYNCH, Mr. SEAN PATRICK MALONEY of New York, Mr. MCKINLEY, Mr. MOULTON, Mr. MRVAN, Ms. NEWMAN, Mr. NORCROSS, Ms. NORTON, Mr. PALLONE, Mr. POCAN, Mr. RYAN, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. SIRES, Mr. SMITH of New Jersey, Mr. SOTO, Ms. SPANBERGER, Ms. STEVENS, Mr. SUOZZI, Mr. SWALWELL, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mrs. TRAHAN, Mr. VARGAS, Mrs. WATSON COLEMAN, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Education and Labor

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “SAFE Workers Act”  
5 or the “Secure and Fair Elections for Workers Act”.

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

7        (a) IN GENERAL.—

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

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

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

1 Board to conduct representation elections for the pe-  
2 riod—

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

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

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

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

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

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

24 (A) the case name and case number;

1 (B) the number of days between the peti-  
2 tion and the election;

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

5 (D) the method of the election;

6 (E) the results of the election; and

7 (F) the number of eligible voters, the num-  
8 ber of voters participating in the election, and  
9 the method by which each of the voters sub-  
10 mitted their vote.

11 (2) The total cost of conducting all elections the  
12 Board conducted through the system and procedures  
13 required by subsection (a).

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

17 (1) beginning on the date of enactment of this  
18 Act; and

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

22 (f) DEFINITIONS.—In this section:

23 (1) ELECTRONIC VOTING SYSTEM.—The term  
24 “electronic voting system”—

1 (A) includes an internet voting system and  
2 a telephone voting system; and

3 (B) does not include machines used for  
4 casting votes at a polling site or an electronic  
5 tabulation system where votes are cast non-elec-  
6 tronically but counted electronically (such as a  
7 punch card or optical scanning system).

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

14 (3) TELEPHONE VOTING SYSTEM.—The term  
15 “telephone voting system” means a voting system in  
16 which participants may cast a vote remotely using a  
17 telephone.

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

22 (5) REPRESENTATION ELECTION.—The term  
23 “representation election” means a representation  
24 election under section 9 of the National Labor Rela-  
25 tions Act (29 U.S.C. 159).

1           (6) COVID–19 PUBLIC HEALTH EMERGENCY.—  
2           The term “COVID–19 public health emergency”  
3           means a public health emergency with respect to  
4           COVID–19 declared by a Federal, State, or local au-  
5           thority.

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

9           **SEC. 3. AMENDMENT TO FURTHER CONSOLIDATED APPRO-**  
10           **PRIATIONS ACT.**

11           The Consolidated Appropriations Act, 2021 (Public  
12           Law 116–260) is amended by striking section 407.

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