**Section 1210.140 Conduct of the Election**

a) The election shall be conducted under the supervision of the Board. Voting shall be by secret ballot. Whenever the Board determines that a mail ballot will better effectuate the purposes of the Act, it shall conduct the election by mail ballot. In all other cases, it shall conduct the election on site.

b) Ballots shall list all labor organizations that properly petitioned or intervened in the election, the incumbent exclusive representative, and the choice of "No Representation".

c) When an election involves a bargaining unit that includes craft employees, and there has been a proper petition for a separate craft unit, craft employees shall be given two ballots: one to vote for or against craft severance and a second to vote on choice of representative, if any. Noncraft employees shall only be given ballots for voting on choice of representative.

d) When an election involves a bargaining unit containing professional and nonprofessional employees, all employees shall be given two ballots: one for indicating whether they desire a combined professional/nonprofessional unit and a second for indicating choice of representative, if any.

e) On Site Election Procedures. When the election is conducted on site, the following procedures shall apply:

1) Each party shall be entitled to an equal number of observers, as determined by the Executive Director or the Board agent. Observers for the employer may not be individuals who supervise any of the employees in the bargaining unit, other individuals closely identified with management, paid union staff, or attorneys for any party. The conduct of observers is subject to such reasonable limitations as the Executive Director or Board agent may prescribe.

2) Parties must submit to the Board agent the names and job titles of each observer who will be present at the election. This information shall be submitted at least 2 days prior to the election.

3) Election observer duties include assisting in the identification of voters, challenging voters and/or ballots, if necessary, and otherwise assisting the Board agent.

4) The Board agent shall prescribe the area in proximity to the polling place in which electioneering shall be prohibited. Cameras, video equipment, and similar equipment shall be prohibited within the actual polling area while employees are voting.

5) Ballot boxes shall be examined in the presence of the observers immediately prior to the opening of the polls and shall be sealed at the opening of the polls. The seal shall allow for one opening on the top of the ballot box for voters to insert their ballots.

6) The Board agent or any authorized observer may challenge the eligibility of any voter. The observer must state the reason for the challenge. A voter whose identity has been challenged may establish identity by showing a driver's license or any other piece of identification acceptable to the Board agent. A challenged voter shall be permitted to vote in secret. The challenged voter's ballot shall be placed in a "challenged ballot" envelope. The envelope shall be sealed by the Board agent and initialed by the observers. The reason for the challenge and the voter's name shall be marked on the envelope and the envelope shall be placed in the ballot box.

7) A voter shall mark a cross (X) or check mark in the circle or block designating the voter's choice in the election. If the voter seeks assistance in marking the ballot, the intent of the voter shall be followed in that marking of the ballot. If the ballot is defaced, torn or marked in such a manner that it is not understandable, or identifies the voter, the ballot shall be declared void. If the voter inadvertently spoils a ballot, it may be returned to the Board agent who shall give the voter another ballot. The spoiled ballot shall be placed in a "spoiled ballot" envelope. The envelope shall be sealed by the Board agent and initialed by the observers, and the Board agent shall place the envelope in the ballot box.

8) A voter shall fold the ballot so that no part of its face is exposed and, on leaving the voting booth, shall deposit the ballot in the ballot box. If the election is continued for more than one period, the ballot box shall be sealed by the Board agent and initialed by the observers until the subsequent opening of the polls and shall remain in the custody of the Board agent until the counting of the ballots.

9) The Board agent may privately assist any voter who, due to physical or other disability, is unable to mark the ballot.

10) Each party shall designate a representative to observe the tallying of the ballots.

11) Upon conclusion of the polling, ballots shall be tallied in accordance with subsection (g). If there was only one polling location, ballots shall be tallied at the polling site. If there was more than one polling location, the Board agent shall seal the ballot boxes, which shall be initialed by the observers, and bring them to a predetermined central location. When all of the ballot boxes have arrived, they shall be opened by the Board agent and the ballots shall be commingled for tallying.

f) Mail Ballot Election Procedures.When the election is to be conducted by mail ballot, the following procedures shall apply:

1) Each eligible voter shall be mailed a packet containing a ballot, ballot envelope, pre-addressed stamped return envelope, and instructions.

2) The instructions shall advise the voter to mark the ballot without using a self-identifying mark, place the ballot in the ballot envelope, seal the ballot envelope and place it in the return envelope, seal the return envelope, both print and sign the return envelope across the seal, and mail it to the Board. The instructions will also advise the voter of the date, set by the Board, by which return envelopes must be postmarked.

3) When the election includes a vote on a combined professional/ nonprofessional unit, or a vote on craft severance, the appropriate voters shall be mailed separate ballots and ballot envelopes for unit preference or craft severance, and for choice of representative. These voters shall be instructed to mark the ballots separately, place them in their respective ballot envelopes, and return both ballot envelopes in the return envelope.

4) The parties may designate an equal number of representatives, as set by the Board, to observe the tallying of the ballots. Ballots shall be tallied on a date set by the Board.

5) Ballots shall remain unopened in their return envelopes until the date set for tallying. On the date set for tallying, the representatives and the Boardagent shall have an opportunity to challenge any ballots prior to the opening of the return envelopes. Challenged ballots shall be handled in accordance with subsection (e)(6). All ballots that have not been challenged shall be separated from their return envelopes and commingled prior to tallying.

6) The ballots shall be tallied in accordance with subsection (g).

7) The Board agent shall attempt to resolve ballot challenges before the ballots are counted.

g) Vote Tally Procedures. In mail and on site elections, ballots will be tallied, in the presence of the parties' representatives attending the count, as follows:

1) The Board agent shall segregate the challenged ballots. The challenged ballots shall only be opened and counted if they could be determinative of the outcome of the election.

2) If challenges to ballots have not been resolved, and if the challenges could affect the outcome of the election, the Board will treat the challenges in the same manner as objections to the election.

3) When the election includes a vote on craft severance, the craft employee ballots on craft severance shall be tallied first. If a majority of the craft employees casting valid craft severance ballots choose craft severance, the craft and noncraft ballots on choice of representative, if any, shall be tallied separately. If a majority of the craft employees casting valid ballots do not choose craft severance, the ballots on choice of representative, if any, shall be tallied together.

4) When the election includes a vote on a combined professional/ nonprofessional unit, the ballots on unit preference shall be tallied first. Separate tallies shall be made for professional and nonprofessional employees. If a majority of the employees casting valid ballots in each group vote for a combined unit, the ballots on choice of representative, if any, shall be tallied together. If a combined unit fails to receive a majority vote in either or both groups, the ballots on choice of representative, if any, shall be tallied separately.

h) When there are only two choices on the ballot and each receives 50 percent of the vote, the following shall apply:

1) In representation elections, absent valid objections or challenges, the Board shall certify that a majority of the employees have not voted to select the labor organization as their exclusive representative.

2) In decertification elections, absent valid objections or challenges, the Board shall certify that a majority of the employees no longer desire to be represented by the labor organization.

i) When there are three or more choices on the ballot (two or more labor organizations and "No Representation") and no choice receives a majority of the valid ballots cast, the Board shall conduct one runoff election between the two choices that received the most votes. When there is a tie for first place among more than two choices, the runoff shall be among those choices involved in the tie. When the first place choice has not received a majority of the votes and there is a tie for second place, the runoff shall be among the first place choice and those tying for second place. The results of votes taken during the first election on craft severances and/or combined professional/nonprofessional units, if applicable, shall be binding on the runoff election.

j) The Board shall preserve all ballots until such time as any objections to the election have been resolved and the results have been certified.

(Source: Amended at 45 Ill. Reg. 1872, effective February 1, 2021)