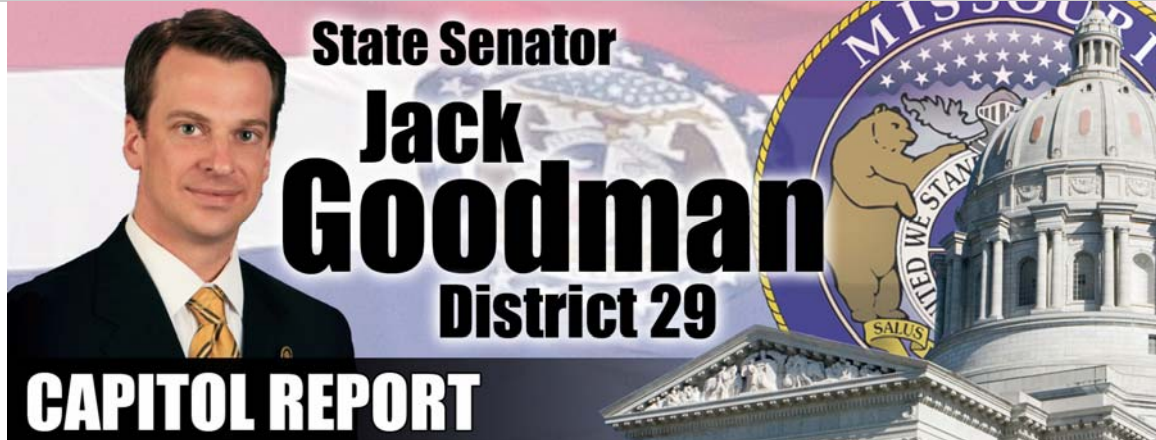


April 27, 2009



Senator Jack Goodman – Serving Barry, Lawrence, McDonald, Ozark, Stone and Taney Counties

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[Securing Secret Ballots in the Workplace](#)

In the Missouri Senate, I hope to receive legislation from the House that will preserve Missouri workers' freedom to vote — to unionize or not to unionize — by secret ballot. Unfortunately, this protection is jeopardized by pending federal legislation.

When we vote for elected officials and issues, we should be confident that we are casting our ballots privately, without manipulation or abuse from outside forces. The protection of the secret ballot is so fundamental to the American democratic process that even grade school students would rebel if asked to elect student council leaders without the secret ballot. Unfortunately, this basic right is dangerously close to extinction in the workplace.

The secret ballot is the only guarantee that the vote cast reflects the true choice of the voter, free of manipulation or coercion. The protection of secret ballots has been assured in the workplace since 1935, when the federal government enacted the National Labor Relations Act. This landmark legislation authorized the National Labor Relations Board to conduct a government-monitored secret ballot voting process for unionization — primarily to protect the rights of workers. This protection was instituted to shield workers who sought to form unions from retaliation by employers. By requiring votes to be cast in private, a person could avoid feeling intimidated, pressured or bribed into voting a certain way.

Years later, the secret ballot continues to protect the integrity of the voting process, and is especially useful when employees are considering union representation. However, a bill presently under consideration in Washington — deceptively dubbed the "Employee Free Choice Act" — would allow unions to represent a workplace after they gather employee signatures in public. The legislation was narrowly defeated in 2007 in the U.S. Senate, but passed in the U.S. House of Representatives. As expected, a new version of the bill is in Congress this year, and it is entirely possible that the bill will have enough votes to pass this time.

Right now, a signature gathering process is used during organization drives to establish what percentage of workers is at least interested in union representation. While the Employee Free Choice Act does not actually repeal the secret ballot election, it does allow the signature collection process to *assume the force of a vote so that no election is ever held*.

What makes this so important is that almost always, fewer people actually vote to unionize than sign a card. This drop occurs because people often sign cards at a friend's request, or because they are tired of being nagged, or even because they feel threatened. Many of these same workers would never vote for a union if they were protected by a secret ballot.

Taking away the right to cast a private ballot provides opportunity for people or organizations — both unions and management — to leverage and manipulate votes. This is why the labor movement worked tirelessly to secure the secret ballot in the 1930s — so ownership and management could not punish workers for voting their honest beliefs. While the leaders of many unions are now proclaiming that secret ballot elections are unnecessary, the reality is that taking away the secret ballot is anti-worker, anti-democratic and it would expose American workers to extreme manipulation from all sides.

In the Missouri Legislature, we seek to protect the secret ballot for Missouri workers through HJR 37. The right to a secret ballot to support or reject unionization drives must be preserved. An opportunity to vote privately is fundamental to a truly democratic society. Those who do not learn from history are doomed to repeat it. Our past clearly shows us the value of the secret ballot and now it is up to us to secure its place in the future.

As always, I welcome your ideas, questions and concerns about Missouri government. You may contact me at the Capitol as follows: (573) 751-2234, jack.goodman@senate.mo.gov or by writing to Senator Jack Goodman, Missouri State Capitol, Room 331-A, Jefferson City, MO 65101.

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