

5505.1100 CHALLENGE OF VOTER.

The right of any employee to vote at an election held for the purpose of determining the representative of employees may be challenged by any authorized challenger designated as provided by part 5505.1000 or by any employee entitled to vote at the election. The person making the challenge shall state fully the grounds thereof and a record thereof shall be made by the agent conducting the election. The agent shall then examine the challenged employee as to the employee's qualifications for voting and shall make a record thereof. If the challenge be not then withdrawn, and the challenged employee shall insist on voting, the employee shall be permitted to vote upon filing with the agent a statement in writing, signed by the employee and witnessed by the agent, alleging that he or she is eligible to vote and setting forth the employee's qualifications. Ballots so received shall not be marked or otherwise distinguished from the other ballots cast. The agent conducting the election shall transmit the record of the proceedings upon all challenges to the commissioner with the returns of the election. If it appears therefrom that the number of challenged votes is sufficient to have affected the result of the election, the commissioner shall hold a hearing on the question after notice to the challenged voters, to the persons or organizations voted upon as representatives, and to other parties, if any, to whom notice of the election was given. The commissioner shall thereupon determine whether or not the respective challenged voters were eligible to vote and whether or not the result of the election might have been affected by votes cast by ineligible persons. On finding that the result of the election might have been so affected, the commissioner may declare the election void and proceed further, as though no election had been held.

Statutory Authority: *MS s 179A.04*

History: *L 1987 c 186 s 15; 17 SR 1279*

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