

**5510.2110 UNFAIR ELECTION PRACTICES.**

Subpart 1. **Defining unfair election practice.** The following acts are prohibited and constitute unfair election practices if committed by an employer or its agents, an employee organization or its agents, or an employee:

- A. campaigning on the day of an on-site election;
- B. congregating in or near a polling place while the polls are open;
- C. coercing or intimidating or otherwise unlawfully attempting to influence an eligible voter; or
- D. violating an election order.

**Subp. 2. Filing charges.**

A. A party to an election may file with the commissioner a charge of an unfair election practice, and a copy of the charge must be served by the charging party on all other parties to the election. A charge must:

- (1) be filed within ten calendar days from the date the election results are certified;
- (2) be in writing, be signed by the charging party, and state the name and address of the party against whom the charge is made; and
- (3) specify the alleged unfair election practice and the facts supporting the charge.

B. If a charge of an unfair election practice is filed, the commissioner must:

- (1) stay the election results pending a hearing or investigation according to part 5510.1910 if the commissioner finds that the alleged unfair election practice may have materially affected the election results;
- (2) conduct a hearing or investigation on the charge according to part 5510.1910; and
- (3) rescind:
  - (a) the certification of exclusive representative if the commissioner determines an unfair election practice occurred; or
  - (b) the certification of election results according to subpart 3.

Subp. 3. **Commissioner determination.** Based on a hearing or investigation under subpart 2, item B, the commissioner must issue an order on the charge. If the commissioner determines an unfair election practice occurred, the commissioner must void the election and order a new election according to Minnesota Statutes, section 179A.12, subdivision 11.

**Statutory Authority:** *MS s 179.02; 179.82; 179A.04; 179A.16; 626.892*

**History:** *9 SR 735; L 1987 c 186 s 15; 46 SR 1387*

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