



February 24, 2009

United States Senate  
Washington, DC 20515

Dear Senator:

On behalf of Associated Builders and Contractors (ABC), and its 25,000 contractors, subcontractors, suppliers and construction-related firms from across the country, I am writing to express our fervent support for the “*Secret Ballot Protection Act*” soon to be introduced by Senator Jim DeMint.

The “*Secret Ballot Protection Act*” would guarantee workers the right to a federally supervised secret ballot election, when deciding whether or not to join a union. Conducted by the National Labor Relations Board (NLRB), these elections protect employees from intimidation and coercion by employers and unions. It also prohibits unions from subjecting employees to “card check” campaigns. This fundamental protection would require unions to win a majority of worker support in an anonymous, secret ballot election.

ABC believes that existing procedures for secret ballot elections are the only way to ensure fair elections. Under the National Labor Relations Act (NLRA), employees generally determine whether or not they want a union through a secret ballot election held by the NLRB. To ensure a fair election, free of employer and union coercion, the NLRB follows strict procedures. Among other things, an NLRB agent is present and oversees the entire voting process and ensures that neither the employer nor the union can determine how an individual employee votes. While both employer and union representatives are present for the election, they are strictly observers of the process, and may not speak with the voters or see how a particular employee votes. Elections are generally held promptly, typically within 60 days of the petition, and contrary to concerns regarding union ability to succeed in secret ballot elections, unions win in over 50% of these elections.

The current system works, yet workers’ freedoms are being threatened by the so-called “*Employee Free Choice Act*,” soon to be introduced in the 111th Congress. This ill conceived legislation would amend the NLRA by permitting labor unions to evade secret ballot elections. The legislation would give unions the right to achieve recognition exclusively through the “card check” process, under which union organizers collect signatures of employees on authorization cards and present them as representing the true intent of the workers.

A recent McLaughlin & Associates poll indicates that 88% of union workers believe a worker’s vote in a union organizing election should be kept private. And, 85% of union workers believe the secret ballot is the best way to protect the individual rights of workers. Therefore, an employee’s right to a secret ballot election for union recognition should be strengthened, not weakened.

To that end, ABC strongly supports the “*Secret Ballot Protection Act*,” which would ensure that employees have the right to make their decision regarding unionization in private, free from coercion by employers, unions, or other employees by requiring a secret ballot election for union recognition , and urges you to do the same.

If you need more information or would like to cosponsor this legislation, please contact Jacqueline Wood in Senator DeMint’s office at [Jacqueline\\_Wood@demint.senate.gov](mailto:Jacqueline_Wood@demint.senate.gov) or (202) 224-6121.

Sincerely,

Senior Director, Legislative Affairs