

**621—5.4(20) Objections to an election.**

**5.4(1) *Objections.*** Written objections to an election may be filed by any public employee, public employer, or employee organization involved in the election or by the board on its own motion. Objections must be filed with the agency within ten days of the filing of the tally of ballots, even when challenges to eligible voters may be determinative of the outcome of the election. The objection must identify the objecting party; provide the objecting party's mailing address, telephone number, and email address, if available; and contain a statement of facts upon which the objections are based. The agency shall promptly advise the parties of the objections and make any investigation deemed appropriate. If the objections cannot be informally resolved, they may be dismissed or resolved at hearing. Hearings on objections shall be conducted pursuant to 621—Chapter 2. The objecting party shall present its evidence first.

**5.4(2) *Objectionable conduct during election campaigns.*** The following types of activity, if conducted during the period beginning with the filing of an election petition with the agency or the agency's filing of a notice of intent to conduct a retention and recertification election and ending at the conclusion of the election, if determined by the agency that such activity could have affected the results of the election, shall be considered to be objectionable conduct sufficient to invalidate the results of an election:

- a.* Electioneering within 300 feet or within sound of the polling place established by the agency during the conduct of an in-person election;
- b.* Misstatements of material facts by any party to the election or its representative without sufficient time for the adversely affected party to adequately respond;
- c.* Any misuse of agency documents, including an indication that the agency endorses any particular choice appearing on the ballot;
- d.* Campaign speeches by an employer to assembled groups of employees during working hours within the period beginning 24 hours before the opening of the polls in an in-person election, the mailing of ballots in a mail-ballot election, or the commencement of the telephonic/web-based election period and extending until the close of the in-person polls, the deadline for the agency's receipt of mail ballots, or the close of the election period in a telephonic/web-based election;
- e.* Any polling of employees by a public employer which relates to the employees' preference for or against a bargaining representative;
- f.* Commission of a prohibited practice;
- g.* Any other misconduct or other circumstance which prevents employees from freely expressing their preferences in the election.

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