

Talking Points on “Secret Ballot” Initiative

SOS is a deceptive ballot initiative that is funded by corporate special interests and right –wing extremists who have devoted millions to keep American workers from leveling the playing field with corporate CEO’s. The group, which calls itself “Save Our Secret Ballot”, is pushing identical initiatives in a dozen states.

The SOS Ballot Initiative is

- **Unnecessary** because protection of the secret ballot is already in the Nevada Constitution and in Nevada law
- **Deceptive** because it has nothing to do with protecting the right of a secret ballot. Instead the intent is to radically change state and federal labor laws to limit workers’ ability to form a union.
- **A hoax on voters** because this initiative would be barred by federal law
- **A publicity stunt** at taxpayers’ expense.

What is the SOS Ballot Initiative?

SOS says that it is pushing this ballot initiative to “protect the secret ballot” in Nevada. But, this is a lie. The Nevada Constitution and numerous statutes **already protect the right to vote by secret ballot in elections of public officials and on ballot measures.**

- Article 2, section 5 of the Nevada Constitution says, “All elections by the people shall be by ballot.” Courts have **universally interpreted the requirement of election by “ballot” to create a constitutional right to a secret ballot in public elections.**
- In addition to this constitutional protection, the Nevada **statutes also protect the right to a secret ballot.** For example, NRS 293.2696 provides that the “Secretary of State and each county and city clerk shall ensure that each voting system used in this state: (1) **Secures to each voter privacy and independence** in the act of voting, including, without limitation, **confidentiality of the ballot of the voter [.]”**

Why is a national group pushing this initiative in Nevada?

So the SOS initiative’s first purpose – “to protect” the secret ballot in public elections – is a hoax because that right already exists in the Nevada Constitution and statutes. And its second purpose – to bar workers’ from more easily forming a union – is prohibited by federal law. **This is simply a publicity stunt at the taxpayers’ expense.** SOS backers see Nevada’s initiative process, its voters, and even its Constitution merely as a platform for anti-union rhetoric. This is an inappropriate use of the initiative and an affront to Nevada Voters.

If this was a state law could it overrule the federal law?

State law can't overrule federal law. That's what this initiative would try to do. The process for workers in the private sector to choose union representation is governed exclusively by the National Labor Relations Act, administered by the National Labor Relations Board. **The U.S. Supreme Court has ruled many times starting in the 1950s, that the states can't make something illegal that the NLRA permits, or legalize something the NLRA prohibits.**

The description of effect in the initiative shows how crazy the authors of the measure are. They say, "Congress is considering legislation to eliminate secret ballots for some elections." They are taking aim at this, making it clear that they want to veto what Congress enacts. **They are peddling false goods – and want to dupe Nevada voters into thinking they can opt out of federal legislation**

SOS backers know that federal law bars their initiative. Their website insists that they will take their case "all the way to the Supreme Court". But it won't be SOS who has to pay for this litigation – **it will be Nevada taxpayers who will be on the hook** for the cost of defending this clearly unconstitutional initiative.

Why is this national SOS group spending millions on this initiative when Nevada already has laws in place to protect the secret ballot in public elections?

Because it's real aim is something different. SOS wants to radically re-work state and federal labor laws to limit workers' ability to form a union. But rather than straightforwardly and honestly presenting its proposal to Nevada voters, SOS has deceptively packaged its anti-union proposal with a proposal for a "fundamental right" to a secret ballot that already exists under Nevada law.

Big corporate CEO's are laying people off, paying themselves million dollar bonuses and getting bailed out with our tax dollars. But CEO's don't treat workers fairly and they intimidate workers who stand up to them, at the same time they cut back on workers' health care and wages.

Now, these CEO's are pushing the SOS ballot initiative to make it harder for workers to bargain with them. It should be the workers' choice, not the corporate CEOs, on how to best come together to negotiate for improved wages and benefits. Workers should have the freedom to choose between an election or majority sign up.