

Congresswoman Titus voted for a bill that could undermine secret ballots in union elections, violating worker privacy, and force workers to pay union dues.

BACKUP:

Dina Titus voted for the PRO Act, which would invalidate state right-to-work laws and effectively eliminate workers' rights to secret ballots in union elections:

- **Titus voted for H.R. 842, the Protecting the Rights to Organize Act of 2021.** (H.R. 842, [Roll Call #70](#), Passed 225-206: R 5-205, D 220-1, Titus voted Yea, 03/09/21)
 - **Titus co-sponsored H.R. 842, the Protecting the Rights to Organize Act of 2021.** (Cosponsors, [H.R. 842](#), 02/04/21)
- **The PRO Act would invalidate state right-to-work laws that give employees a choice of whether they wish to contribute dues to a union, forcing workers to pay into a union or face termination.** “Currently, the NLRA allows states to ban the payment of mandatory union dues in order to work for an employer. Such states are often referred to ‘right-to-work’ states. In ‘right-to-work’ states, employees are free to choose whether they wish to pay union dues, but the dues payment cannot be a condition of employment. Currently, 27 states, including Wisconsin, have opted for ‘right-to-work.’ The PRO Act would amend the NLRA to invalidate state right-to-work laws. Under the PRO Act, unionized workplaces could require payment of union dues pursuant to ‘union security clauses’ designed to enforce payment of union dues for bargaining and other representational functions. The price for failure to pay is steep; employees who decline to pay—regardless of their right-to-work—are subject to termination under the ‘union security clause.’” (Robert J. Simandl & John A. Rubin, “Labor Law Reform On the Horizon: Ten Things to Watch Under the PRO Act,” [The National Law Review](#), 2/16/21)
- **The PRO Act would effectively eliminate secret ballots in union elections, allowing organizers to individually pressure workers into supporting a union through a process known as “card check.”** “Finally, the proposed law would make it easier for private unions to form. Right now, if a majority of workers indicate they want to unionize then the employer can voluntarily recognize the union or request a secret ballot. Employees vote on whether they’d like to unionize, and if a majority votes to unionize then it’s recognized by the National Labor Relations Board and the employer. Under the proposed changes, unions would have two chances to organize if the employer requests the secret ballot. If the vote fails, the union can challenge the results based on allegations of employer interference, including intimidating employees into voting against unionization. If the National Labor Relations Board agrees with that assessment, employees can organize through a process called card check. Card checks mean union representatives can approach each employee individually to ask them to vote to unionize. If they get a majority of employees to sign on that way, they can unionize.” (Kate Irby, “Unions would gain power under a bill backed by Democrats. What does that mean for California?” [Sacramento Bee](#), 3/23/21)
 - **The PRO Act requires employers to prove a negative – that their actions did not impact the results of the union election – in order to avoid unionization through the card check process.** “(B) In any case in which a majority of the valid votes cast in a unit appropriate for purposes of collective bargaining have not been cast in favor of representation by the labor organization and the Board determines,

following a post-election hearing, that the employer has committed a violation of this Act or otherwise interfered with a fair election, and the employer has not demonstrated that the violation or other interference is unlikely to have affected the outcome of the election, the Board shall, without ordering a new election, set aside the election and certify the labor organization as the representative of the employees in such unit and issue an order requiring the employer to bargain with the labor organization in accordance with section 8(d) if, at any time during the period beginning 1 year preceding the date of the commencement of the election and ending on the date upon which the Board makes the determination of a violation or other interference, a majority of the employees in the bargaining unit have signed authorizations designating the labor organization as their collective bargaining representative.” (H.R. 842, [Congress.gov](https://www.congress.gov), 3/11/21)