



How Has COVID-19 Impacted Union Election Results?

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Like everything else in this new COVID-19 era, union elections have been upended this year. After halting union elections in March due to the pandemic, the National Labor Relations Board (NLRB) resumed elections in early April. The NLRB gave Regional Directors discretion on [how to hold union elections](#), with many opting for mail-in ballot elections only. Employers, on the other hand, tend to favor manual, in-person voting that is supervised by the NLRB, citing concerns over fraud and union coercion tactics associated with mail-in voting.

Interestingly, recent data reported by Bloomberg Law shows that the 2020 [union win rate is the same for mail-in ballot elections](#) and in-person elections. According to the report, “[u]nions have won 71.9% of the 313 mail-ballot elections and 70.2% of 329 manual elections tallied through Oct. 13. Those results are consistent with a union win rate of 71.9% for the representation elections conducted from 2015 to 2019. Voter turnout was 42.1% for both mail-ballot and in-person elections, the analysis of 2020 election results showed.”

The NLRB has halted seven mail-in ballot elections since Aug. 25 in order to consider employer arguments that the elections should be held in person. Despite the NLRB’s [skepticism regarding mail-in voting](#), it remains the Regional Directors’ preferred method. Regional Directors have ordered mail-in voting in 39 of the 40 elections that they have approved since late

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August. In at least six cases, Regional Directors have mandated mail-in voting despite the union agreeing with the employer's preference for in-person voting.

This new data provides an interesting context for the NLRB's historical preference for in-person voting and the Regional Directors' preferences for mail-in voting during the pandemic, given that both methods have yielded almost identical results in terms of union win rate and voter participation. With the pandemic persisting, employers should be cognizant of the fact that mail-in voting may be the new norm for the time being and review their employee relations and communications strategies accordingly.