

REVISOR'S NOTE: Subsection (a) of this section is new language in part derived without substantive change from the first sentence of former Art. 89, § 13(a) and in part substituted for the first clause of the sixth sentence of § 12(a), to clarify that the Mediation Service would conduct a consent election, rather than merely supervise it.

Subsections (b) through (d) of this section are new language derived without substantive change from the second through fifth sentences of former Art. 89, § 13(a).

In subsection (b)(1) of this section, the reference to "a labor organization" is substituted for the former reference to "either participant", to clarify that the law is not limited to 2 labor organizations.

In subsection (c) of this section, the phrase "during the consent election" is added to clarify the duties of the observers.

In subsection (d)(1) of this section, the word "individual" is substituted for the former, overly broad reference to a "person".

Also in subsection (d)(1) of this section, the word "or" is substituted for the former word "and" to clarify that a party or the Mediation Service separately may challenge the eligibility of an individual to vote.

Subsection (d)(2) of this section is revised in the active voice to clarify who, in practice, impounds ballots.

As to the substitution of "Mediation Service" for the former references to "the Commissioner or his duly authorized representatives" and the "Division of Labor and Industry representatives", see the revisor's note to § 4-202 of this subtitle.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that, in subsection (b)(1) of this section, there is no point of reference to determine whether a request is submitted "promptly".

The Committee also notes that, under federal law, an attempt is made to resolve each challenge before counting the ballots and impounding challenged ballots.

Defined terms: "Challenged ballot" § 4-206

"Consent election" § 4-201

"Mediation Service" § 4-201

4-211. TALLY OF BALLOTS.

ON CONCLUSION OF A CONSENT ELECTION, THE MEDIATION SERVICE SHALL PROVIDE EACH PARTY TO THE CONSENT ELECTION WITH A TALLY OF BALLOTS.