



News Release

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STATE OF SOUTH CAROLINA

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States Reply to NLRB Threat Against Secret Ballot Amendments

Columbia – South Carolina Attorney General Alan Wilson and three (3) other state attorneys general have replied to a threat of lawsuits from the U.S. National Labor Relations Board (NLRB) seeking to invalidate recent state constitutional amendments that ensure workers the right to a secret ballot when determining representation. In South Carolina, the measure was overwhelmingly approved by 86.2% of the voters in the November 2, 2010 general election.

The states of Arizona, South Dakota, and Utah passed similar constitutional amendments and joined the response.

“South Carolina voters spoke overwhelmingly to ensure that their ballot votes are kept between them and their Maker -- not to be influenced by union bosses. If that right is challenged, our office is prepared to defend it in court,” said Wilson.

Read the multi-state letter to the NLRB: www.scag.gov/newsroom/pdf/2011/nlrb.pdf

In their response to the NLRB threat, the attorneys general wrote, “We reject your demand to „stipulate to the unconstitutionality” of these amendments. These state laws protect long existing federal rights, and we will vigorously defend any legal attack upon them. That the NLRB would use its resources to sue our States for constitutionally guaranteeing the right to vote by a secret ballot is extraordinary, and we urge you to reconsider your decision.”

“As Attorneys General, we will defend these provisions of our State Constitutions if they are challenged, but we also firmly believe that lawsuits by the federal government to attack these provisions would be misguided. Such lawsuits not only would cost the taxpayers substantially, but would seek to undermine individual rights that the NLRA and our state and federal Constitutions protect.”

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