



FREQUENTLY ASKED QUESTIONS

FAQ #1

What is the history of the secret ballot?

The use of a secret ballot in America was first deemed necessary to protect the voting rights of recently freed slaves after the Civil War. In 1892, Grover Cleveland became the first United States President elected by secret ballot. **Save Our Secret Ballot is dedicated to ensuring today's voters do not suffer at the hands of intimidation.**

FAQ #2

Is the right to a secret ballot being threatened?

Yes. Big Labor wants Congress to end the requirement that secret ballots be used by employees deciding whether to ask for union representation. In fact, The Employee Free Choice Act (EFCA), eliminating secret ballots, had a majority of votes in the House and Senate in 2008, but it failed to pass because of the Senate's rule requiring 60 votes to end debate.

Congressional leaders, who maintain political war chests lined with millions in contributions from Big Labor, have publicly stated that ending the secret ballot is one of their first and highest legislative priorities for 2009. Save Our Secret Ballot is working to counteract the damaging effects of Big Labor by amending the Georgia Constitution.

FAQ #3

How can an amendment guaranteeing a secret ballot be adopted in Georgia?

While some states allow citizens to gather signatures on a petition to amend their state's constitution, Georgia does not. The most common way to amend Georgia's constitution is through a process known as legislative referral, in which a 2/3's vote by both houses of the Georgia State Legislature is required to refer any potential amendment to the ballot for a statewide vote. A simple majority of those voting in the statewide election is sufficient to ratify a new amendment.

FAQ #4

Can a state constitutional amendment supersede a federal statute? What about the issue or preemption?

Yes, a state constitution can **add** to rights guaranteed by the federal constitution, just not **subtract** from guaranteed rights. Federal law does not automatically trump a state constitutional guarantee if the Federal law does not specifically pre-empt states. The relevant constitutional standard in pre-emption cases is whether Congress intended to fully occupy the area of law to the exclusion of the states. Although the National Labor Relations Act generally pre-empts state laws, the U.S. Supreme Court has ruled that state law may prevail if it safeguards "important interests" and does not disrupt the federal regulatory system. **The U.S. Supreme Court has recognized the right to vote by secret ballot and freedom of association as "important interests."**

FAQ #5

Will a potential amendment guaranteeing the right to a secret ballot be challenged in court?

Big Labor is so adamant about getting rid of secret ballot elections that a court challenge is very likely. The Goldwater Institute will defend the law, if passed, all the way to the United States Supreme Court.

FAQ #6	Who wrote the proposed state constitutional amendment and what does it say?
	<p>Written by constitutional scholar and attorney Clint Bolick of the Goldwater Institute, the proposed amendment states:</p> <p>“To preserve and protect the fundamental right of individuals to vote by secret ballot, where local, state, or federal law requires elections for public office or ballot measures, or requires designations or authorizations for employee representation, the right of individuals to vote by secret ballot shall be guaranteed.”</p>
FAQ #7	Isn't Georgia already a "Right to Work" state?
	<p>A Right to Work state allows individual employees to opt out of joining a union or paying union dues. Without compulsory dues, few unions undertake organizing campaigns. If card check becomes law, organizing campaigns would become cheaper and easier for labor unions making businesses in Right to Work states a more attractive target.</p>
FAQ #8	Who is Save Our Secret Ballot and how are we funded?
	<p>SOS Ballot is a 501(c)(4) organization dedicated to educating the American public on the continued need for a secret ballot wherever state or federal law requires elections. We are comprised of citizens, elected officials, businesses, trade associations and grassroots activists who believe in the free market and the basic principle of a secret ballot. Our funding comes from contributions from like-minded people and groups. We can accept any level of contributions for our educational efforts. To contribute, visit www.sosballot.org.</p>
FAQ #9	What is the status of the proposed constitutional amendment in Georgia?
	<p>Representative John Lunsford and others have introduced House Resolution 22, which has been assigned to the House Committee on Industrial Relations, chaired by Representative Mike Coan. Senator Eric Johnson and others will introduce a concurrent Senate Resolution. Both House and Senate Resolutions have received broad bipartisan support.</p>
FAQ #10	Is Save Our Secret Ballot working on similar amendments in other states?
	<p>Yes. In addition to Georgia, SOS Ballot is active in Arizona, Kansas, Missouri, Nevada, North Dakota, Oklahoma, Utah, South Carolina, and South Dakota. We are organizing in several additional states and will announce their involvement over the course of the next few weeks.</p>
FAQ #11	Who is leading Save Our Secret Ballot?
	<p>SOS Ballot has received broad based support from a variety of citizen advocacy groups, legal experts and elected officials. Save Our Secret Ballot's National Advisory Board is Chaired by Former Congressman Ernest Istook and includes:</p> <p>Gilbert Baker, Arkansas State Senator, Former GOP Chair; Clint Bolick, Goldwater Institute, Director Constitutional Litigation; Adam Hasner, Florida House Majority Leader; Sydney Hay, President, Arizona Mining Association;</p> <p>Paul Jacob, Founder US Term Limits; Brian Johnson, Executive Director, Alliance for Worker Freedom; Jonathan Johnson, President, Overstock.com;</p> <p>John Loudon, Missouri State Senator; Mark Meierhenry, Former South Dakota Attorney General; Pat Shortridge, Executive Director, New Majority Project;</p> <p>Pat Toomey, President, Club for Growth</p>

For more information, visit www.sosballot.org