

ACTION: NO
CHANGE

DATE: 10/03/2002
10:28 AM

145-1-02 **Election of board members.**

(A) This rule amplifies sections 145.04, 145.05 and 145.06 of the Revised Code.

(B) Notifications

- (1) At its regular March meeting in each year that an election of members to the board is required the public employees retirement board shall establish an election time schedule
- (2) This schedule shall include the release of news articles to interested employee and employer organizations and other interested parties, a preliminary notice to employers, the mailing of notice of elections and nominating petitions, the last date for receipt of nominating petitions, the date of the meeting the board shall certify candidates for election, the date to mail voting materials to eligible voters at their home addresses, and the final date for receipt of votes.
- (3) The schedule shall establish the first Monday in October as the date and place for the election count to be conducted under the supervision of the secretary of state's office.

(C) Nominations

- (1) Candidates for board members shall be nominated by petition on forms provided by the public employees retirement system.
- (2)
 - (a) Petitions for candidates as an employee representative on the board shall be distributed with the notice of election posters by the system to employers by June thirtieth. At that time petitions may be sent to members who have requested them.
 - (b) Any member, except a member receiving a disability benefit pursuant to sections 145.35 and 145.36 of the Revised Code, may be nominated to represent the employee group of which he is a member with petitions which contain at least five hundred valid nominating signatures. Petitions for an employee representative candidate shall contain not less

than twenty signatures of members from each of at least ten counties in Ohio. The member's place of employment shall determine the county for such member.

- (c) Members shall be eligible to sign a petition for an employee representative candidate if they are contributing members under an employing unit which would be represented by the candidate as of June thirtieth of the election year.

(3)

- (a) A notice of election procedures shall be sent to retirants at their home addresses of record with, or at the same time, the June benefit payment is released in the year of a retirant representative election. Petitions for candidates as the retirant representative board member shall be sent, to retirants who have requested them, on the date set by the retirement board pursuant to paragraph (B) of this rule, however, such date shall be no later than June thirtieth.
- (b) Any retirant may be nominated to represent the retirant group with petitions which contain at least two hundred fifty valid nominating signatures. Petitions for a retirant representative candidate shall contain not less than ten signatures of retirants from each of at least five counties in Ohio. The retirant's place of residence shall determine the county of such retirant.
- (c) Individuals shall be eligible to sign a petition for a retirant representative candidate if they are retirants eligible to receive a monthly benefit as of July first of the election year.

(4)

- (a) Petitions for a candidate shall be received by the system by the petition filing date established by the retirement board in the election time schedule. A petition received after such date is invalid.
- (b) The retirement board shall certify qualified candidates for election. A qualified candidate is an individual who meets the requirements of sections 145.04 and 145.05 of the Revised Code and this rule as established by the records of the system.

(D) Voting

- (1) The retirement board may conduct an election by paper ballots or through electronic methods.
- (2)
 - (a) Voting materials for each voting member or retirant of the retirement system shall include a list of candidates, A biographical statement for each candidate, voting instructions, and any other materials the retirement board deems necessary.
 - (b)
 - (i) The biographical statement of an employee representative shall carry the name, work address, public employer and job title of each candidate. Job title may be the candidate's official job classification, or a descriptive title. The biographical statement of a retirant ballot shall carry the name and address of each candidate.
 - (ii) In addition, a candidate may provide a statement, not to exceed fifty words, The board reserves the right to edit such statement for length or inappropriate content with notice to the candidate.
- (3) Certification of the election results shall be provided by the secretary of state at the office of the retirement system.
- (4) Within ten calendar days after the election count an unsuccessful candidate may request in writing a recount in the candidate's election.
 - (a) The cost of a recount shall be payable in advance by the candidate requesting the recount.
 - (b) The cost shall be an amount equal to the cost of the original election count for all elections multiplied by the ratio of the number of valid votes received in the representative group to the number of valid votes cast in all elections but in no event in an amount less than two hundred fifty dollars.
 - (c) If the candidate requesting the recount wins the election after the recount, the retirement system shall refund the recount cost paid by the candidate.

(E) Protests

(1)

- (a) An individual who fails to obtain sufficient nominating signatures by the petition filing date may file a protest on the insufficiency of such individual's petitions. The protest shall be in writing and received by the system no later than five calendar days after notice of the insufficiency.
- (b) A protest shall be heard at the retirement board's next meeting. The executive director shall obtain any information and/or documents relevant to the protest for the board's consideration. The protesting candidate may be represented by legal counsel at the hearing. The executive director shall notify the protesting candidate in writing of the retirement board's decision. If the retirement board determines that the protest is valid, it shall certify the candidate for that representative group election.
- (c) Once the retirement board makes a determination of a protest on the sufficiency of an individual's petitions, neither the insufficiency nor determination shall be the basis for any other protest to the board. The board's decision is final.

(2)

- (a) An unsuccessful candidate in an election may file a protest in the candidate's representative group election. This protest shall be in writing and received by the retirement system no later than ten calendar days after the retirement board has approved the ballot count.
- (b) A protest shall be heard at the retirement board's next meeting.
 - (i) The executive director shall obtain any information and/or documents relevant to the protest for the board's consideration.
 - (ii) The protesting candidate may be represented by legal counsel at the hearing. The successful candidate may appear, and may be represented by legal counsel.
 - (iii) The executive director shall notify the protesting candidate in writing of the retirement board's decision.

- (iv) If the retirement board determines that the protest is valid, it shall declare the election for that representative group void, and the position vacant. A new election for that representative group shall be held pursuant to division (C) of section 145.06 of the Revised Code. The board's decision is final.

(F) Vacancies

- (1) If a vacancy occurs in the term of an employee member or retirant member of the board, the remaining retirement board members shall determine the schedule and manner in which they will select a successor member.
 - (a) The retirement board shall notify the membership or retirant group affected by the vacancy in the same manner as is done for elections of retirement board members. This notice shall state the procedure for candidates for the vacancy to submit their names to the board, and the procedures for selection by the board of the candidate to fill the vacancy.
 - (b) The board shall select a successor member from those names submitted to it. A successor member shall be selected by a majority vote in which successive ballots shall occur until one candidate receives a majority. However, in the event there is a tie vote, such vote shall be decided by a coin toss.
- (2) If a vacancy occurs because an individual is unable to assume his office at the January meeting of the board following his election, the board shall conduct a new election as provided in this rule, except that the time schedule for the election shall occur in order to comply with section 145.06 of the Revised Code.

R.C. 119.032 review dates: 10/3/2002 and 10/03/2007

CERTIFIED ELECTRONICALLY

Certification

10/03/2002 10:28 AM

Date

Promulgated Under: 111.15
Statutory Authority: 145.09
Rule Amplifies: 145.04, 145.05, 145.06
Prior Effective Dates: 10/7/01, 1/5/01, 5/31/97,
6/1/96, 3/17/89, 6/9/78,
5/16/73.