

145-1-02

**Election of board members.**

## (A) 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. 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.
- (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 and required forms, the date of the meeting at which the board shall certify candidates for election, the date by which voting materials must be mailed to eligible voters at their home addresses, and the final date for receipt of votes.

## (B) Nominations

- (1) Candidates for board members shall be nominated by petition on forms provided by the public employees retirement system.
- (2)
  - (a) Petitions and required forms for candidates as an employee representative on the board shall be mailed to employers by the system with the notice of election posters ~~by the system to employers~~ not later than the 30th day of June . At that time petitions and required forms 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, who is not otherwise ineligible under Chapter 145. of the Revised Code, may be nominated to represent the employee group to which the member belongs by submitting petitions that 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 that the June benefit payment is released in the year of a retirant representative election. Petitions and required forms 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 (A) of this rule; however, such date shall be no later than June thirtieth.
- (b) Any retirant, who is not otherwise ineligible under Chapter 145. of the Revised Code, 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 and completed required forms for a candidate shall be received by the system no later than the petition filing date established by the ~~retirement~~ board in the election time schedule. A petition received after such date is invalid.
- (b) Petition signatures shall be verified based on records of the retirement system and the requirements of Chapter 145. of the Revised Code. Signatures that cannot be conclusively verified shall not be counted.
- (c) The ~~retirement~~ board shall certify qualified candidates for election. A qualified candidate is an individual who meets the requirements of Chapter 145. of the Revised Code and this rule as established by the records of the system. Based on the certification, the names of qualified candidates shall be placed on the ballot for election.

(C) 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, county of residence, 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 county of residence of each candidate.
    - (ii) In addition, a candidate may provide a statement, not to exceed seventy-five words, along with an affidavit signed by the candidate verifying the accuracy and truthfulness of the statement. The board reserves the right to edit such statement for length or inappropriate content with notice to the candidate.
- (3) In the event there is a tie vote, ~~such~~ the vote shall be decided by a coin toss. 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 of 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.

(D) Protests

(1)

- (a) An individual who fails to obtain sufficient valid 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 individual may be represented by legal counsel at the hearing and may present any information and/or documents relevant to the protest for the board's consideration. The executive director shall notify the individual in writing of the ~~retirement~~ board's decision. If the ~~retirement~~ board determines that the protest is valid, it shall certify the individual 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 pertaining to that individual. 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 protesting candidate may be represented by legal counsel at the hearing. The successful candidate may appear, and may be represented by legal counsel. The protesting candidate and the successful candidate may submit any information and/or documents relevant to the protest for the board's consideration.

- (ii) The executive director shall notify the protesting candidate in writing of the ~~retirement~~ board's decision.
- (iii) 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.

(E) Vacancies

- (1) ~~If~~ Except as provided in this paragraph, 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. The board is not required to elect a successor member, as described in section 145.06 of the Revised Code.
  - (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. Candidates shall qualify under the same eligibility requirements as the predecessor in office.
  - (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~~ the vote shall be decided by a coin toss.
- (2) If a vacancy occurs because an individual is unable to assume the office at the January meeting of the board following the individual's 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.
- (3) All documents regarding filling the vacancy, including resumes and forms required by the ~~retirement~~ system, shall be made available to any person upon request and payment of the costs of compiling, copying, and mailing the documents.

Effective:

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Certification

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Date

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