



Ohio Administrative Code

Rule 5505-9-01 Election of board members.

Effective: [March 27, 2017](#)

(A) The state highway patrol retirement system (HPRS) board shall conduct elections in accordance with Chapter 5505. of the Revised Code and this rule.

(B) For the purpose of this rule:

(1) "Contributing member" shall be a member described in division (I) of section 5505.01 and section 5505.51 of the Revised Code that is making contributions pursuant to section 5505.15 or 5505.52 of the Revised Code. Eligibility of a "contributing member" shall be determined on the first Monday in April of the year of the election.

(2) "Retirant member" shall have the meaning described in division (J) of section 5505.01 of the Revised Code. Eligibility of a "retirant member" shall be determined on the first Monday in April of the year of the election.

(C) Notification of elections

(1) For any election of an employee member, a notice of election shall be distributed by appropriate means to each facility where a contributing member is assigned not later than May first of the election year. For any election of a retiree member, a notice of election shall be sent to each eligible retirant member through appropriate means not later than May first of the election year.

(2) The notice of election shall include a statement of the requirements for candidacy forms, the date after which candidacy forms shall be available, the final date for receipt of completed candidacy forms, the final date for receipt of completed election ballots, and the date and place for the election count to be conducted under the supervision of judges as designated in paragraph (E) of this rule. The notice of election, candidacy form, and voting instructions shall be approved by the board at its regular February meeting.



(D) Candidacy forms

(1) Candidacy forms may be obtained at the HPRS offices during normal business hours after May first of the election year. Candidacy forms will also be available at www.ohprs.org. Candidacy forms will be mailed by HPRS only upon request.

(2) Candidacy forms must be filed with the HPRS office not later than four thirty p.m. on the date set by the board pursuant to paragraph (C) of this Rule. Persons filing a candidacy form may also submit either a resume or a candidacy statement. A resume or candidacy statement may not exceed one single-sided page and must be submitted with the candidacy form.

(E) Ballots and voting

(1) HPRS may conduct an election by paper ballots or through electronic methods.

(2) The ballot position of each candidate's name shall be rotated.

(3)

(a) Voting materials for each retirant member of the retirement system shall include a ballot, copies of the applicable candidacy form, the resume or candidacy statement, voting instructions, and any other materials the retirement board deems necessary. Voting material shall be distributed to each retirant member by June twentieth of the election year. If the voting instructions are not explicitly followed, the ballot will be voided.

(b) HPRS shall send each contributing member a ballot, voting instructions, and any other material the retirement board deems necessary by June twentieth of the election year. Candidacy forms, resumes, and candidacy statements shall be distributed by appropriate means to each facility where a contributing member is assigned not later than June twentieth of the election year. If the voting instructions are not explicitly followed, the ballot will be voided.

(4)



(a) Completed ballots must be received at the HPRS office, in a manner described in the voting instructions, not later than four-thirty p.m. on the date set by the board pursuant to paragraph (C) of this rule.

(b) As ballot return envelopes are received at HPRS, each shall be date and time-stamped and recorded on the master list of contributing member and retirant member account numbers.

(5)

(a) No sooner than the fourth business day following July twentieth, ballots shall be counted by a committee that includes at least one trustee appointed by the chair. The counting shall be monitored by a representative of the secretary of state.

(b) The candidate may attend the counting of ballots. If the candidate is unable to attend, the candidate may designate, in writing, a member to be present during the counting of ballots. Designations must be made by July twentieth of the election year. No other person, except HPRS employees and individuals described in this rule, may attend the counting of ballots.

(c) Within twenty-four hours of the completion of the count, the elections results shall be forwarded to each facility to which a contributing member is assigned. The election results shall be published on the retirement board's website within thirty days.

(6) There shall be no provision for a recount; however, ballots shall be held for public inspection for thirty days. Ballots may be destroyed by the executive director after the public inspection period.

(7) The official certification of the ballot totals may be destroyed after four years.

(8) In the event of a tie, the winner shall be determined by a coin toss conducted by the representative of the secretary of state with "heads" being assigned to the candidate whose last name is first alphabetically and "tails" assigned to the other candidate. If three or more candidates are tied, the representative of the secretary of state shall draw names to select the winner amongst the tied candidates. A name shall be drawn for each vacancy. The manner in which the names are drawn shall be determined by the representative of the secretary of state with the concurrence of the trustee



member of the committee selected in accordance with paragraph (E)(5)(a) of this rule.

(9) In the event of more than one vacancy for the same term, a single election shall be held and the candidates with the most votes shall be elected.

(F) If the number of candidates is less than or equal to the number of available board seats, each candidate shall be certified as a trustee without the need for an election.

(G) The board may invalidate an election if, in its discretion, improprieties have had a substantial impact on the fairness of the election.

(H) Pursuant to section 5505.042 of the Revised Code, a special election shall be held in the event of a vacancy or if the board invalidates an election pursuant to paragraph (G) of this rule. The process for a special election shall be the same as for a regular election except all the dates outlined in this rule shall be set as appropriate. No election shall occur if the remainder of the unexpired term is less than ninety days.

(I) All information, ballots, instructions, correspondence or other material described in this rule shall be sent to the address on file with HPRS. It is the sole responsibility of the contributing member or retirant member to ensure HPRS has his or her most current address.