



## Ohio Administrative Code Rule 742-2-01 Board of trustee election rules.

Effective: September 29, 2023

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(A) Conduct of trustee elections. Ohio police and fire pension fund ("OP&F") shall conduct elections in accordance with Chapter 742. of the Revised Code and this rule.

(B) Notice of election.

(1) For an election of the OP&F firefighter or police officer member of the board of trustees, a "notice of election" will be sent to each police or fire department in the state of Ohio having members in OP&F, as the case may be, not later than the first Monday in February of the year of the election.

(2) For any election of the OP&F retirant member of the board of trustees, a "notice of election" will be sent to each eligible retirant member through appropriate means not later than the first Monday in February of the year of the election.

(C) Nominating petitions.

(1) Nominating petitions must be in a form approved by the board of trustees.

(2) Nominating petitions may be obtained at the offices of OP&F during normal business hours beginning on the first Monday in February of the year of the election. The nominating petitions will also be available on [www.op-f.org](http://www.op-f.org).

(3) Nominating petitions must be signed on or after the first Monday in February of the year of the election.

(a) For an "employee member," the petition must be signed by at least one hundred active members of the class that is the subject of the election, with at least twenty signers from each of at least five counties of the state (i.e., county of residence).



(b) For a "retirant member," the petition must be signed by at least fifty retired members of the class that is the subject of the election, with at least ten signers from each of at least five counties of the state (i.e., county of residence).

(4) Nominating petitions must be filed in the office of OP&F not later than four p.m. on the first Monday in April of the year of the election.

(5) Persons filing nominating petitions who wish to submit a black and white photograph of himself or herself for reproduction in the ballot must deliver such photograph to the offices of OP&F not later than the deadline referenced in paragraph (C)(4) of this rule. OP&F and the independent elections administrator chosen by OP&F reserve the right to crop the photograph in their sole and absolute discretion.

(6) Petition signatures and candidate eligibility shall be verified based on OP&F's records. Signatures that cannot be conclusively verified shall not be counted.

(7) All petitions shall be certified by the independent elections administrator under contract with OP&F or by the office of the Ohio secretary of state and shall be subject to an audit by the secretary of state. In the event that there is a discrepancy between the certification by the independent elections administrator and the results of the review and audit by the secretary of state, the determination of the secretary of state shall control and final.

(8) In case of a contested election, the names of the qualified candidates shall be placed on the ballot for election.

(D) Certification on eligibility. In addition to filing the required nominating petitions, all candidates must file a certification of eligibility in the form approved by the board of trustees that confirms that the person is not ineligible to run for election to the board of trustees for any of the reasons outlined in section 742.046 of the Revised Code. This certificate of eligibility must be filed in the office of OP&F not later than four p.m. on the first Monday of April of the year of the election.

(E) Ballots.



- (1) The independent elections administrator will prepare and mail out the ballots containing the names and photographs of candidates who filed the required nominating petitions and certificate of eligibility, as certified by the independent elections administrator or the officer of the secretary of state, as the case may be.
- (2) Ballots will contain the names of the candidates and the position of the names on such ballots will be rotated so that each candidate's name appears in the first position an equal number of times to the extent possible. The ballot will contain specific instructions on how a vote should be cast. If the instructions are not explicitly followed, the ballot will be void.
- (3) Ballots for the election shall be sent to each member of OP&F who is eligible to vote in the election, as provided in section 742.04 of the Revised Code, to the address of such eligible member. In furtherance thereof, OP&F will determine the person's eligibility status based upon OP&F's books and records. The elections administrator will not forward any undeliverable ballot to a new address.
- (4) Ballots are to be returned directly to the independent elections administrator and must be received not later than the close of business. on the third Tuesday in May of the year of the election. Ballots received later than that date will not be counted, but if OP&F receives a ballot prior to this deadline, the ballot will be sent to the elections administrator.
- (5) The independent elections administrator will make the final determination of the validity of all ballots, count the ballots and announce and certify the results of the election not later than the last Wednesday in May following the date that the ballots were mailed to eligible members.

(F) Voting.

- (1) The election may be conducted by paper ballots, through electronic or other alternate methods, such as telephone voting, or a combination thereof, as determined by the board of trustees from time to time.
- (2) The first vote cast will be the controlling vote.



(3) The counting of the ballots shall be conducted by an independent elections administrator or the secretary of state, as the case may be, and may be subject to additional rules that are established by the independent elections administrator.

(G) Uncontested election. As authorized by section 742.041 of the Revised Code, in the event of an uncontested election for a particular position for either the "employee member" or the "retirant member," no ballots will be mailed and the sole candidate of that position will be declared as the winner of the election.

(H) Vacancies.

(1) If a vacancy occurs in the term of an employee member or retirant member of the board, the board of trustees shall declare the seat vacant and establish a schedule to nominate, interview and select a successor.

(2) Candidates shall qualify under the same eligibility requirements as the predecessor in office.

(3) The names of qualified candidates shall be certified by the retirement system and shall be subject to review and audit by the secretary of state.

(4) The independent elections administrator or the secretary of state shall certify the results of any election conducted under the terms of section 742.05 of the Revised Code and this paragraph.

(5) All documents regarding the filling of the vacancy, including the resumes and forms required by the retirement system shall be made available to any person upon request.

(I) Elections in 2020 postponed due to COVID-19/coronavirus pandemic.

(1) As authorized by Amended Substitute House Bill 197 of the 133rd General Assembly, the trustee elections that were to occur in May 2020 were postponed by the board of trustees until December 1, 2020.

(2)



(a) The candidates who were elected as trustees had their terms commence on January 4, 2021. Since Amended Substitute House Bill 197 of the 133rd General Assembly did not extend the four-year terms that were to begin on the first Monday in June of 2020, the new terms commencing on January 4, 2021 shall expire on June 2, 2024.