

4117-5-08

Election procedure.

The board or its agent shall conduct all representation elections. All elections shall be by secret ballot cast and, at the board's discretion, shall be conducted by mail or electronically or in person. Proxy ballots shall not be allowed. Upon the filing of a petition and a sufficient showing of interest, the board or its agent will schedule a pre-election conference. No later than five days before the pre-election conference, the employer shall provide to the board a list of all eligible voters with their home addresses. The board will promptly provide the list to the employee organizations that are parties to the election.

(A) For elections by mail ballot, a notice and ballot materials shall be mailed by the board or its agent to each eligible employee and any employee that a party to the election claims to be an eligible voter. No less than fourteen days shall be provided between the date on which ballot materials are mailed and the deadline for return of the ballots.

(1) Where more than one employee organization is a party in the election, the incumbent shall have first choice as to the position of the employee organization's name on the ballot. For nonincumbent employee organizations, choices as to ballot position shall be made in the order in which the employee organizations filed.

(2) Any party to the election or an agent of the board may challenge for good cause the eligibility of any person to participate in the election. Prior to the counting of the ballots in a mail-ballot election, the parties may, by written mutual agreement and with the consent of the agent of the board, resolve the challenge to the eligibility of a person to participate in the election. If the unresolved, challenged ballots are sufficient in number to affect the results of the election, the challenging party shall file with the board affidavits and any other data in support of its challenge within ten days of the election.

(3) The agent of the board shall place mail ballots returned to the board in a ballot box kept in a secured location within the board's offices. After the deadline for the return of ballots has transpired, the ballot box shall be sealed until the designated date and time set by the agent of the board for the ballot count.

(4) Upon the date and time set for the counting of the ballots, the agent shall count the ballots at the designated time at the board's offices. Each party may be present through its designated representatives at the counting of ballots. Upon completion of the count, a written tally of ballots shall be supplied to each party.

(B) If the board determines that the circumstances of a particular case indicate that an on-site election would be more efficient or appropriate than a mail-ballot election, a notice shall be posted at appropriate locations. Ballot materials shall be brought to polling sites by an agent of the board. Absentee ballots shall not be allowed.

- (1) Where more than one employee organization is a party in the election, the incumbent shall have first choice as to the position of the employee organization's name on the ballot for an on-site election. For nonincumbent employee organizations, choices as to ballot position shall be made in the order in which the employee organizations filed.
- (2) In an on-site election, each party to the election may be represented by an equal number of observers at each polling site. The selection and number of observers shall be subject to the approval of the board chairperson or board agent. Observers may be bargaining-unit employees who shall be nonsupervisory, nonmanagement employees of the employer. No later than ten days prior to the election, each party shall file with the board and shall serve upon the other parties a list of those individuals whom the party intends to use as observers or alternate observers, unless for good cause shown, a shorter time period is required. The employer shall release employee observers without loss of pay from their regular job assignments to enable them to serve as observers.
- (3) No person shall be permitted to come within twenty-five feet of the entrance to any polling site from the time of opening to the time of closing of the polls, except for voters who are engaged in the actual process of voting, agents of the board, and election observers. The entrance to the polling site shall be determined solely by the agent of the board who conducts the election. Distribution or posting of campaign literature within twenty-five feet of the entrance of any polling site during polling hours is prohibited.
- (4) An observer for any party to the election or an agent of the board may challenge for good cause the eligibility of any person to participate in the election. Prior to the counting of ballots, the parties may, by written mutual agreement and with the consent of the agent of the board, resolve the challenge to any challenged ballot. If the unresolved, challenged ballots are sufficient in number to affect the results of the election, the challenging party shall file with the board affidavits and any other data in support of its challenge within ten days of the election.
- (5) Upon conclusion of the voting, the agent of the board shall count the ballots, allowing observers and other representatives of the parties to the election to be present. Upon completion of the count, a written tally of ballots shall be supplied to each party. In elections where the ballot box must be transported by the board agent to another site for the tally, observers and representatives of each party may be present at the sealing of the ballot box by the board agent.