

Mail Ballot Election Procedures:

1. When an election petition is filed, an initial letter will be sent to the Employer, with a copy to the Employee Organization and Petitioner (if any), requesting an alphabetized list of employees in the proposed unit. The list will contain the names and complete home addresses of all employees in the proposed unit. In cases where an eligible voter has a temporary address (e.g., deployed on military duty or off work on disability leave) or when the parties agree, a temporary address should be included on the address list. The Employer, Petitioner, and Employee Organization will also receive an 8-1/2" X 14" Notice to Employees to be posted at the Employer's location to apprise employees that the petition has been filed.
2. The election eligibility list will be used to check the Showing of Interest to guarantee that it adequately complies with Ohio Administrative Code Rule 4117-5-01(C).
3. After the intervention time period expires, as noted in the Notice to Employees, the Representation Section will schedule a conference call with all parties to the petition to set up the election. All parties will receive confirmation in the form of a Consent Election Agreement. The consent agreement will confirm all information parties have agreed to in the conference call: bargaining-unit description, eligibility date, list of eligible voters (which will be supplied by the Employer in label form), the polling period for the mail balloting, and the actual date parties will witness the counting of ballots at SERB's offices in Columbus, Ohio. The consent agreement must be executed and returned to SERB for filing.
4. Once the consent agreement is finalized, the matter will be transferred to the Board for action as soon as possible. The Board will then direct the election pursuant to the Consent Election Agreement and confirm same to parties by issuance of a Board Directive.¹
5. The Board Directive will instruct the Employer to provide another alphabetized list of employees in the proposed bargaining unit. The list will contain the names and complete home or temporary addresses of the employees, and shall be in label format. A letter and Notice of Election confirming all election information will be mailed to the Employer, Petitioner, and Employee Organization.
6. At least three days prior to commencement of the polling period, a Mail Ballot Kit will be sent to each eligible voter. The kit will contain a ballot, a ballot envelope, a pre-addressed, stamped return envelope, and instructions.

¹ Should the parties be unable to agree upon a Consent Election Agreement, all matters will be determined by the Board.

7. Ballots may be mailed to SERB or delivered in person to the SERB offices at 65 East Street, Columbus, Ohio, 12th Floor within the established polling period. Upon receipt, ballot envelopes will be time stamped and kept separate from all other SERB mail and delivered to the SERB staff person in charge of that election. Ballots will be placed in secured ballot boxes and shall remain there until the time ballots are to be counted. Ballots returned to SERB postmarked prior to the first day of the polling period will be valid and counted in the election. Ballots returned to SERB postmarked after the last day of the polling period will not be valid and not counted in the election.
8. Ballots shall remain unopened in their return envelopes until the time and date set for the counting of the ballots. On that date, the designated representatives and the Board agent shall have an opportunity to challenge any ballots prior to the opening of the return envelopes. The Board agent shall attempt to resolve any ballot challenges before the ballots are counted. Challenged ballots shall be handled in accordance with Ohio Administrative Code Rule 4117-5-08(F). All ballots that have not been challenged shall be separated from their return envelopes and commingled prior to the actual count.
9. All parties to the election will be invited to observe the tally of the ballots. Each party shall notify the Board in writing as to the person who is the designated representative. Each party shall have only one designated representative, but may have other observers present during the counting of the ballots. Ballots shall be counted at the Board's offices in Columbus, Ohio.
10. The ballots will be counted in the presence of all parties' designated representatives at the time and date in the Board Directive. The ballots will be counted as follows:
 - a) The Board agent shall isolate the challenged ballots. The challenged ballots shall only be opened and counted if all parties to the election waive the challenge.
 - b) If challenges to ballots have not been resolved, and if the challenges could affect the outcome of the election, the "Tally of Ballots" will reflect the same. Post-election objections or challenges sufficient to affect the outcome of the election shall be handled in accordance with Ohio Administrative Code Rule 4117-5-10(B).
 - c) When the election includes a vote regarding a combined professional/nonprofessional unit, the employees in each respective group will vote separately for an exclusive representative(s) or no representation. If both groups select the same exclusive representative, then the second question on the ballot will be counted to determine whether the two units should be combined or kept separate.

d) When there are only two choices on the ballot and each receives 50 percent of the vote, the following shall apply, pursuant to Ohio Administrative Code Rule 4117-5-09:

1) In representation elections, absent valid objections or challenges, the Board shall certify that a majority of the employees have not voted to select the employee organization as their exclusive representative.

2) In decertification elections, absent valid objections or challenges, the Board shall certify that the incumbent employee organization has prevailed and remains the exclusive representative.

e) When there are three or more choices on the ballot (two or more employee organizations and "No Representative") and no choice receives a majority of the valid ballots cast, the Board shall conduct a runoff election between the two choices that received the most votes, pursuant to Ohio Administrative Code Rule 4117-5-09. If there is a tie for first place among more than two choices, the runoff shall be among those choices involved in the tie. When the first place choice has not received a majority of the votes and there is a tie for second place, the runoff shall be among the first place choice and those tying for second place. The results of votes taken during the first election for combined professional/nonprofessional units, if applicable, shall be binding on the runoff election.

11. The Board shall preserve all ballots until such time as any objections to the election have been resolved and the results have been certified.

Mail Ballot Election Procedures (1-25-2010)