

901:13-2-01

Notice of public rules hearing.

Public notice of hearing for the purpose of promulgating rules to be conducted by the Ohio soil and water conservation commission shall be advertised on the Ohio department of agriculture's website: www.agri.ohio.gov ~~in five newspapers of general circulation in the state at least thirty days, but not more than sixty days,~~ at least fourteen days prior to the hearing. The notice shall state the commission's intention to consider adopting, amending, or rescinding a rule, shall include a synopsis of the proposed rule, amendment, or rule to be rescinded, or a general statement of the subject matter to which such rule relates, and the date, time, and place of a hearing on said proposed action. The notice shall also state the place from which copies of the proposed rule, amendment, or rule to be rescinded may be obtained.

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Certification

05/01/2020

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Rule Amplifies: R.C. 121.22
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04/01/2016

901:13-2-02

Notice of public meetings (sunshine rule).

Notice of all public meetings of the Ohio soil and water conservation commission shall be given in accordance with the following procedure:

- (A) Any person may determine ~~(be informed of)~~ the time and place of regularly scheduled meetings or the time, place, and purpose of any special meeting by calling on the telephone the Ohio department of agriculture or by visiting the department's website www.agri.ohio.gov.
- (B) Any person may obtain advance notice of all meetings at which any specific type of public business is to be discussed by identifying the type of public business for which he desires to be notified and by supplying the Ohio department of agriculture with stamped self-addressed envelopes. The director of the Ohio department of agriculture will mail to such person a notice of the time, place, and type of business to be discussed at the meeting at least four calendar days before the meeting is scheduled unless the meeting is an emergency meeting.
- (C) The Ohio department of agriculture will maintain a list of representatives of the news media who have requested in writing notice of special or emergency meetings. The Ohio department of agriculture shall mail such representatives notice at least four days before special meetings or shall telephone notice at least twenty-four hours before special meetings. In the event of an emergency meeting the representatives of the news media who have requested notification of emergency meetings shall be notified immediately of the time, place, and purpose of the meeting. News media requesting notice pursuant to this paragraph shall supply the Ohio department of agriculture with the name, mailing address, and telephone number of the representative to be contacted.
- (D) The Ohio soil and water conservation commission shall provide the director of the Ohio department of agriculture with the time, place, and purpose of meetings requiring public notice under the provision of this rule within sufficient time to enable the director of the Ohio department of agriculture to comply with the provisions of this rule.

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Minutes.

Minutes of all meetings of the Ohio soil and water conservation commission will be promptly recorded and shall be open to public inspection ~~during working hours at the Ohio department of agriculture.~~

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901:13-3-01

Nominations (successor elections).

(A) Nominations of candidates for election of successors to fill expired terms of district supervisors, or unexpired terms, where an election is required pursuant to section 940.04 of the Revised Code, shall be declared valid upon meeting one of the following:

(1) Nomination is made ~~not less than at least~~ at least forty-five days before the ~~time of the conduct of the election is scheduled to occur~~ by a three-member nominating committee appointed by the chairman of the existing duly-elected district board of supervisors. The nominating committee shall consist of a continuing member of the existing district board and two other persons who are knowledgeable of the district.

(2) Nomination is made by a county resident seeking nomination by submitting a candidate nomination petition, which is available on the Ohio department of agriculture's website www.agri.ohio.gov, with ten valid signatures at least thirty-five days before the election is scheduled to occur~~with ten valid signatures, of individuals who are eighteen years of age or older, or who own or occupy land within the district where the election is to occur, not less than thirty-five days prior to the conduct of the election.~~

(3) For the purposes of a candidate nomination petition, signatures shall be valid if they are from individuals who:

(a) Are eighteen years of age or older; and

(b) Own or occupy land within the district where the election is to occur.

(B) ~~All Candidates~~ candidates successfully nominated in accordance with paragraph (A) of this rule by the nominating committee and all candidates with valid candidate petitions shall be listed in alphabetical order on the ballot provided by the Ohio soil and water conservation commission.

(C) Nominees duly elected shall be administered an oath of office; as prescribed by the Ohio soil and water conservation commission, preceding or upon taking office.

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901:13-3-02

Candidate, and voter, and ballot eligibility (successor elections).

- (A) All candidates for successor election shall be at least eighteen years of age at the time of the official election and reside within the boundaries of the district wherein such election is conducted.
- (B) Eligible voters ~~in elections of successors~~ shall be at least eighteen years of age at the time of the official election and own or occupy land within the boundaries of the district wherein such election is conducted. ~~Voters shall register by placing their name, address, and additional information as deemed appropriate by the Ohio soil and water conservation commission on the prescribed registration forms.~~
- ~~(C) Only official ballots, cast in absence or at the time and place of the conduct of the official election, containing votes for candidates nominated in accordance with paragraphs (A)(1) and (A)(2) of rule 901:13-3-01 of the Administrative Code shall be valid.~~

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901:13-3-03

Notice of elections (successor elections).

- (A) Due notice of annual elections of successors shall be given to the public and contain the following information:~~names~~
- (1) The names and addresses of the nominees as certified by the Ohio soil and water conservation commission;~~the time and place for casting absentee ballots, and the time and place of the official election.~~
 - (2) The dates, times, and locations where individuals may cast in-person ballots;
 - (3) The method for requesting and receiving absentee ballots; and
 - (4) The date by which absentee ballots must be postmarked and received.
- (B) Due notice is given and shall have been achieved when such notice has been published at least seven but not more than thirty days~~once not more than three weeks and not less than one week~~ prior to the conduct of the election;~~within~~
- (1) Within one or more newspapers of general circulation within the boundaries of the district in which such election is being conducted; ~~or. Such notices shall conform to the prescribed form provided by the Ohio soil and water conservation commission.~~
 - (2) On the district's website.
- (C) All notices shall conform to the prescribed form provided by the Ohio soil and water conservation commission which can be located on the Ohio department of agriculture's website www.agri.ohio.gov.

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901:13-3-04

Election conduct (successor elections).

(A) Elections shall be conducted by the Ohio soil and water conservation commission or its officially designated agents in accordance with procedures set forth by such commission.

(1) Eligible voters may cast in-person ballots at the dates, times, and locations indicated on the notice. At a minimum, voting will be made available to eligible voters during regular business hours of the soil and water conservation district over a fourteen day period.

(2) Eligible voters may cast absentee ballots by submitting the ballot and ballot application to the district office. Absentee ballots will be provided to interested individuals based on the number of eligible voters located within the household or at the registered address.

(B) Ballots shall be counted and considered valid if the following apply:

(1) The ballot application is complete and indicates that the prospective voter is eligible to vote as described in rule 901:13-3-02.

(2) The ballot is complete and unambiguously demonstrates the chosen candidate(s).

(3) In the case of absentee ballots, the envelope is postmarked and received by the dates listed in the notice as described in rule 901:13-3-03.

~~(B)~~(C) Results of elections of successors shall be entered upon the election result form prescribed by the Ohio soil and water conservation commission which is available on the Ohio department of agriculture's website www.agri.ohio.gov. The

(1) The form shall provide a tally of votes cast for each eligible candidate, total number of ~~voters registered~~ ballot applications, designation of successful candidates, and certification by the ~~tellers of the election results~~ Ohio soil and water conservation commission or its officially designated agent as recorded on the election ~~report result~~ form. ~~All ballots cast and registration forms shall be delivered to the commission by the officially designated agent conducting the election. Such ballots and registration forms shall be held at least sixty days after such election, after which they may be destroyed, provided a challenge of such election has not been filed with the Ohio soil and water conservation commission.~~

(2) All ballots and ballot applications shall be delivered to the commission by the officially-designated agent after the election has concluded and will be held for at least sixty days after the election has concluded. After such time, the ballots

and ballot applications may be destroyed provided a challenge of the election has not been filed with the Ohio soil and water conservation commission.

- ~~(C)~~(D) The breaking of a tie, resulting from two or more candidates receiving an equal number of votes for one of the expired terms, shall be accomplished by ~~lot~~ a flip of a coin. The Ohio soil and water conservation commission or its designated agent shall break the tie ~~by lot~~ in the presence of the affected candidates ~~and two of the designated tellers for the election~~. The ~~lot~~ result shall be certified by the commission or its designated agent ~~and attested to by the tellers witnessing the lot~~.
- ~~(D)~~(E) A candidate may request a recount of the votes cast by so informing the Ohio soil and water conservation commission or its designated agent no later than ten days following the announcement of the election results. The commission or its designated agent shall set a time and place for conducting such a recount and so inform the concerned parties ~~and election tellers~~. Recounts shall be open to public observance. Recount notice does not require giving a due notice. Recount results will be utilized by the commission in the determination of the official election results and the commission's determination shall be final.

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901:13-3-05

Election challenge (successor elections).

A challenge of an election at the time and place of the official election shall cause the ballots and registration records to be placed in the office of the Ohio department of agriculture ~~local county sheriff~~ under seal by the designated agent of the Ohio soil and water conservation commission conducting the election and until such commission or its executive officer authorizes the removal of such seal. Such commission or its executive officer shall investigate the validity of the appeal as represented by the sealed records and declare the appeal valid or invalid. A valid appeal finding shall give cause for such commission to conduct another election of successors. An invalid appeal finding shall cause such commission to certify the election as being valid. A discrepancy between the number of ballots cast and the number of registered voters shall not constitute grounds for an invalid election except where such difference is sufficient to potentially alter the certification of the elected candidate or candidates.

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