

## BOARD ELECTION POLICY

---

### I. PURPOSE AND BACKGROUND

To provide for a fair and efficient process for the nomination and election of the Second, Third, Seventh, Eighth and Alternate Members of the Board of Retirement.

### II. ELECTION PROCESS

- a. The Executive Director shall serve as the elections official charged with the duty of conducting all elections. The Executive Director may delegate powers and duties to other MCERA staff members and/or consultants, as appropriate. Any reference to the Executive Director herein shall mean the Executive Director or his/her designee.
- b. Election shall be by secret ballot conducted by the Executive Director, and canvassed by MCERA staff in the manner outlined in this Policy. State and Federal law may be used for guidance in resolving any challenges to election procedures.
- c. The Executive Director shall develop a written election schedule at the beginning of each year in which an election is held that substantially complies with the timeframes set forth in this Policy, with the elections to be held in October or November of each election year. The election or publication schedule may deviate from the timelines provide in this Policy when the Executive Director determines that impossibility, impracticability, improved efficiency, unreasonable expense or other circumstances warrant such a deviation. The Executive Director shall be responsible for publishing a Notice of Election the day after the July or August Board of Retirement meeting in election years that provides no fewer than 88 days between the notice of election and the election date, which shall include the election schedule and other relevant information.
- d. The Executive Director shall be responsible for providing Declaration of Candidacy Forms to qualified candidates, certifying the candidates, creating a list of eligible voters, preparing and distributing ballots to eligible voters, providing a canvassing site and tabulation of ballots, storage of election materials, transmitting the election results certification to the Board of Supervisors and swearing-in newly elected members of the Board of Retirement. MCERA may contract with the Registrar of Voters or other firms/consultants to perform any of the aforementioned functions

that may, in the Executive Director's judgment, be performed more efficiently and/or effectively by another.

- e. The Executive Director shall respond to any challenges to the election in compliance with applicable law.
- f. The Executive Director shall be responsible for canvassing the election, including receiving voted ballots, comparing voted ballots to the list of eligible voters, setting aside questionable ballots, repairing or transferring damaged ballots, determining the disposition of all questionable ballots set aside, certifying the accuracy of all ballot counting and certifying the results of all elections.

### **III. ELIGIBILITY TO VOTE**

A member is eligible to vote for a candidate designated as a safety, general or retirement member, only if the member belongs to the same category of membership during the last recorded pay period in MCERA's pension system prior to the mailing of ballots. Deferred members are ineligible to vote. Only retired employee members are eligible to vote in the retiree election; beneficiaries and survivors are ineligible to vote.

### **IV. NOTICE OF ELECTION PERIOD**

The Notice of Election period is specified in the election schedule and continues for an interval of twenty (20) calendar days excluding County holidays. The Notice of Election shall include the election schedule and other relevant information. The notice shall be distributed via email and/or other distribution methods, posted on MCERA's website, [www.mendocinocounty.org/government/affiliated-agencies/retirement-association](http://www.mendocinocounty.org/government/affiliated-agencies/retirement-association), and in the lobby of MCERA's office during this period. The Notice of Election is provided to MCERA Plan Sponsors with a request to post.

### **V. NOMINATION PERIOD**

The Nomination Period is specified in the election schedule and continues for an interval of twenty (20) calendar days excluding County holidays. The Nomination Period immediately follows the Notice of Election Period. Qualified applicants may obtain a Declaration of Candidacy form from MCERA beginning on the first date of the Nomination Period and through the last date of the Nomination Period.

### **VI. NOMINATION DOCUMENTS**

During the Nomination Period specified in the elections schedule, qualified applicants must submit all the following required nomination documents, with the applicant's original

signature, to the Executive Director to be considered for certification as a candidate. The last day for filing nomination documents is no later than 5:00 p.m. on the deadline stated in the election schedule. An applicant cannot submit any required nomination documents after the deadline.

- Declaration of Candidacy
- Candidate Statement of Qualifications
- California Form 700 – Statement of Economic Interests (Form 700)

**a. Declaration of Candidacy**

Each Declaration of Candidacy filed by or on behalf of an eligible candidate shall contain:

- i.** The name of the candidate;
  - ii.** The designation of the seat on the Board of Retirement to which the candidate seeks election;
- b.** Candidates shall file the Declaration of Candidacy with the Executive Director no later than 5:00 p.m. on the deadline stated in the elections schedule. Candidates who file a declaration after the deadline will be disqualified.
- c.** Elections for the Seventh Member and the Alternate Seventh Member are considered elections for the same seat.
- d.** Elections for the Eighth Member and the Alternate Eighth Member are considered elections for separate seats.
- e.** Candidate’s Statement of Qualifications

A Candidate’s Statement of Qualifications (“Candidate Statement”) shall be included with the ballot. The Candidate Statement shall be submitted in an appropriate format provided by the Executive Director as follows:

- i.** The Candidate Statement shall include no more than 200 words starting with the candidate’s name. For purposes of counting the 200 words, MCERA uses the word count as calculated by Microsoft Word.
- ii.** The Candidate Statement may also include the job title and department of the candidate and a brief description of the candidate’s education and qualifications.
- iii.** The Candidate Statement shall not include the party affiliation of the candidate, or membership or activity in partisan political organizations.
- iv.** The Candidate Statement shall be limited to recitation of the candidate’s own personal background and qualifications, and shall not in any way make

reference to other candidates for that office or to another candidate's qualifications, character, or activities.

- v. The Executive Director shall not cause to be printed or circulated any Candidate Statement that the Executive Director determines is not so limited or that includes any prohibited reference.
- vi. Such statement of qualifications shall be in type of uniform size, font and darkness with uniform spacing, and distributed with ballots at no charge to the candidate.
- vii. Information contained in the Candidate Statement is the responsibility of the candidate and MCERA accepts no responsibility for the validity of the statement or the contents thereof.
- viii. A complete list of candidates appears on the ballot. Each candidate's statement is provided by the candidate and printed as submitted.
- ix. The candidate must provide a hard copy the Candidate's Statement with the candidate's signature and an electronic copy in a format compatible with Microsoft Word to MCERA's Executive Director.
- x. Candidate statements may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period, as specified in the elections schedule. Candidate statements shall remain confidential until the expiration of the filing deadline.

**f. California Form 700 – Statement of Economic Interests**

Every Candidate must submit a California Form 700 – Statement of Economic Interests (Form 700) not later than the deadline for filing a Declaration of Candidacy. (Gov. Code § 87201.)

- i. The Form 700 shall be completed in its entirety and shall disclose the candidate's investments, interest in real property, and income received during the preceding 12 months.

**VII. CERTIFICATION**

a. In order for a candidate to be certified the following documents must be submitted:

- Declaration of Candidacy

- Candidate’s Statement of Qualifications
- California Form 700 – Statement of Economic Interests (Form 700)

The documents are due no later than the last date of the Nomination Period at 5:00 p.m. as stated in the election schedule, and there is no opportunity to amend the documents after that time.

- b. If only one candidate is certified for any designated seat, the Board of Supervisors shall order that no election be held and shall direct the clerk to cast a unanimous ballot in favor of such nominated member. (Gov. Code § 31523.)
- c. If no candidate is certified, the Executive Director shall notify the Board of Retirement, which shall reschedule the election.

**VIII. CAMPAIGNING**

- a. Campaign Guidelines
  - i. Candidates shall comply with all Participating Employer rules and regulations concerning the use of equipment and resources (i.e., email, interoffice mail, etc.) in the course of their campaign. Violations of this section may result in disqualification.
  - ii. The provisions of Civil Code relating to libel and slander are fully applicable to any campaign advertising or communication.
  - iii. Candidates may voluntarily subscribe to the Code of Fair Campaign Practices found at Elections Code § 20440. In no event shall any candidate be required to subscribe to or endorse the Code of Fair Campaign Practices.

**IX. BALLOTS**

- a. The Executive Director shall prepare the ballots for the election. Any reproduction or distribution of ballots other than as allowed for by this Policy is expressly forbidden and shall render the ballots void.
- b. The ballot for the Retiree Board Member position shall also contain the names of the candidates certified for the Retiree Alternate Board Member position under a separate heading.
- c. Except as expressly authorized herein, no other designation may be printed on the ballot.

- d. The Executive Director shall determine the order in which the names of the candidates are printed on the ballot by drawing lots after the deadline for filing Declaration of Candidacy. Each candidate or his or her designated representative, any MCERA member, and any member of the public may observe the Executive Director's drawing of lots for order of placement of the eligible candidates' names on the official ballot.
- e. There shall be no provisions for write-in Candidates.
- f. The Executive Director shall mail a ballot, with Candidate Statements and self-addressed Return Ballot envelope first class to each eligible member no less than twenty (20) calendar days prior to the date established in the election schedule as the end of the elections (or as revised pursuant to the elections schedule) to his/her last-known mailing address as it appears on the retirement record or other official record.
- g. The Executive Director shall make replacement ballots (stamped with the word "reissue") available on an individual basis to members claiming under penalty of perjury the loss or non-receipt of a ballot.
- h. Each voter shall sign the identification/return envelope and place his/her voted ballot in the secrecy envelope and then into the identification/return envelope, which shall be mailed or delivered to the Association.
- i. Ballots must be received no later than 5:00 p.m. on Election Day (or as revised pursuant to the elections schedule), except as otherwise provide by law, or this Policy.
- j. Ballots shall be voided if:
  - i. Received after Election Day;
  - ii. A duplicate ballot is cast;
  - iii. The signature of the voter is not on the return envelope;
  - iv. The signature or initials of the voter is on the ballot itself;
  - v. It is not possible to determine who submitted the ballot;
  - vi. It was submitted in the same envelope with other ballots; and/or
  - vii. The voter's intent cannot be determined.
- k. Ballots determined to be void under section IX.j., above, shall be marked as such and shall not be counted in the canvassing process.

## **X. COUNTING OF BALLOTS**

- a. Upon receipt of the voted ballots, the Executive Director shall verify the names on the identification/return envelopes by checking the names against the Association's list of eligible members.
- b. The Executive Director shall count the ballots substantially in accordance with applicable statutes and procedures. The Executive Director shall certify the results of the election no later than the day following the canvassing of the ballots (or as revised pursuant to the elections schedule) and shall certify the results thereof to the Board of Retirement and to the Board of Supervisors.
- c. The candidate receiving the highest number of votes for the seat designated on the ballot shall be declared elected to that seat, except for the seat of the Alternate Seventh (Safety) Member.

The Alternate Seventh Member must be a safety member from another group than the group represented by the Seventh Member. MCERA has two eligible safety groups, law enforcement personnel under Gov. Code § 31470.2 and probation personnel under Gov. Code § 31469.2. The Alternate Seventh Member will be the candidate, if any, that receives the second highest number of votes and is from an eligible safety group that is not represented by a board member who received the highest number of votes of all candidates. If there is no eligible candidate, there may not be an alternate safety member.

The duly elected candidate shall serve for a term of three (3) years from the December 1<sup>st</sup> following the election.

**XI. RECOUNT**

Within five (5) calendar days of certification of the election results by the Executive Director (or as revised pursuant to the elections schedule), a candidate may upon written application to MCERA request a recount of all ballots to be conducted. The recount shall be conducted in the same manner as the original count

**XII. OATH OF OFFICE AND SWEARING IN ELECTED MEMBERS**

- a. Newly elected members of the Board of Retirement shall sign the Oath or Affirmation of Office in the presence of a MCERA staff prior to serving on any Committee and/or Board meeting.
- b. Newly elected members of the Board of Retirement shall be sworn in by the Secretary of the Board of Retirement or his/her designee no later than the first regularly scheduled meeting of the elected term.

**XIII. FILLING VACANCIES**

If a vacancy in an elected seat on the Board of Retirement occurs, a successor shall be elected in the same manner as his/her predecessor at the earliest possible date. Upon official notification of a vacancy, the Board of Retirement shall call for an election to be held at the earliest possible date, unless the Board determines that holding an election before the next regularly scheduled election is not reasonably possible. The vacancy shall be filled for the duration of the current term except that if the remaining portion of the current term is six months or less on the date of the election, a single election may be held to fill the vacancy for the remainder of the current term and to fill the position for the succeeding term. (Gov. Code § 31523.) Nomination and voting shall be substantially in the manner prescribe for a regular election. The candidate receiving the highest number of votes for the vacated seat shall be declared elected to that seat. Such candidate shall serve for the remainder of the unexpired term from and after the first day of the first month following the declaration of his/her election.

**XIV. DISPOSAL OF TALLIED OFFICIAL ELECTION MATERIALS AND BALLOTS**

Election materials, consisting of Declaration of Candidacy Forms, Candidate Statements, Unelected Candidate Form 700s and tallied ballots will be destroyed no earlier than six months after the election date. (Election Code § 17302.)

**XV. POLICY REVIEW**

The Board of Retirement shall review this policy at least every three (3) years, and make any modifications deemed necessary.

**XVI. POLICY HISTORY**

- a. The Board adopted this policy on August 17, 2022.
- b. The Board modified this policy on January 18, 2023.