

A. Notice and Date of Election

At least one hundred twenty (120) days prior to the expiration of the term of office of any Safety Member, General Member, or Retired Member of the Board of Retirement, the Retirement Administrator will notify the Registrar of Voters in writing that said member's term of office will expire, the date of such expiration, and the fact that an election must be scheduled. The date of the election shall be set prior to the expiration of the term of the member. However, no election of any Safety Member, General Member, or Retired Member of the Board of Retirement shall be set for or take place on the date set for any statewide primary or general election.

In the event of the need for a special election to fill the unexpired term caused by a vacancy in the office of one of the elected members, the Board of Retirement shall determine that the office is vacant and shall establish the date of the election, unless the Board determines that exigent circumstances make it impractical to effectively conduct an election. A special election shall be held as soon as practicable, following consultation with the Registrar of Voters. No such special election shall be set for or take place on the date set for any statewide primary or general election.

B. Candidate Requirements

Current members of the respective election groups: (1) General, (2) Safety, (3) Retired who wish to be placed on the ballot shall file a Petition of Election and a Statement of Willingness to Serve with the Registrar of Voters at least sixty (60) days prior to the date set for the election. Biographical statements shall be filed in OCERS' office at least sixty (60) days prior to the date set for the election. OCERS' office shall furnish a camera ready copy of each biographical statement to the Registrar of Voters, or provide the printed biographical statements in a manner acceptable to the Registrar of Voters.

The Petition for Election filed by any candidate for a General Member or Safety Member position on the Board of Retirement shall include at least seventy-five (75) signatures of current active employee members of OCERS from the same group (General or Safety) as the candidate for election. The printed name of each signer must also appear on the petition, next to the signature.

The Petition for Election filed by any candidate for the Retired Member position on the Board of Retirement shall include at least twenty-five (25) signatures of retired members of the OCERS. The printed name of each signer must also appear on the petition, next to the signature.

The individuals signing the nominating petitions must be members of the eligible electing group at the time they sign the petition. The Registrar of Voters shall review the nominating petitions to determine that the required number of eligible names is on each petition. Candidates who fail to furnish the required number of eligible signatures will be disqualified. OCERS shall furnish to the Registrar of Voters a list of eligible retirement members for the particular position as of the date the petitions are available for distribution.

Each candidate is required to file a Statement of Willingness to Serve and if not filed prior to the drawing of names for ballot position, the candidate shall be disqualified. Biographical Statements must be received in OCERS' office by the deadline, which shall be set no later than one (1) day prior to the drawing of names for positions. If the biographical statement is not received by that deadline, the candidate's biographical statement shall not be printed or included within the distribution of ballots. The biographical statement

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shall be no more than four hundred (400) words in length, and must be contained on single sheet of 8 ½ by 11 inch paper, and shall be of camera ready quality.

Each candidate may also furnish the Registrar of Voters with a short ballot designation, which shall be limited to the candidate's title, office, employment classification, or similar position held by the candidate. The designation shall not be more than forty (40) characters in length, including spaces. The ballot designation will be printed on the ballot, along with the candidate's name. If the ballot designation submitted by the candidate exceeds the foregoing space limitation, no ballot designation shall be printed for that candidate.

Neither the OCERS nor the Registrar of Voters shall be liable for printing or typographical errors.

C. Preparation and Mailing of Ballots

The Registrar of Voters will draw names in accordance with the California Secretary of State's current Randomized Alphabet process, from the list of qualified candidates, to determine the order in which candidates' names will appear on the ballot. The Registrar of Voters will notify all qualified candidates at least one (1) day in advance of the drawing of the time and place where such drawing will take place, and said candidates may attend the drawing. If there are at least two (2) qualified candidates for an office, the Registrar of Voters will prepare a ballot with the names of each qualified candidate, and the Registrar of Voters shall notify the Retirement Administrator of the names of the candidates and their respective positions on the ballot.

If there is only one (1) qualified candidate for an office, no ballots shall be printed and no election shall be held. In this event, the Registrar of Voters shall notify the Retirement Administrator that there was only one qualified candidate, and shall determine that there are no other qualified candidates for the position. The Registrar of Voters will then prepare an Agenda Item Transmittal for the Board of Supervisors, and the Board of Supervisors shall declare that candidate to be duly elected to the Board of Retirement for the term specified.

The Registrar of Voters shall be responsible for the printing of the ballots and identification envelopes in which voters shall return their voted ballots. The return identification envelopes that the Registrar of Voters provides to voters will include pre-paid U.S. first-class postage. OCERS shall be responsible for printing the biographical statements of the candidates; however, OCERS shall not print a biographical statement for any candidate who does not supply a camera ready copy of said biographical statement to OCERS in accordance with these procedures. OCERS will furnish the Registrar of Voters, on computer media, as specified by the Registrar of Voters, the names and mailing addresses of all OCERS members eligible to vote in the upcoming election, and the Registrar of Voters will mail the ballots and other election materials to such members. If the personal mailing address of any active employee member is unknown, the ballot will be mailed to the employee at his or her work address if available. OCERS will use its current records when supplying addresses to the Registrar of Voters, but OCERS in no way guarantees the accuracy of the addresses supplied.

D. Additional Campaign Material

This section D applies to you *only if* you are a candidate or interested third party who wants to use OCERS' mailing list and OCERS' qualified mailing service to mail additional campaign material to member voters. If

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you do not intend to send out additional campaign material, or if choose to use a different (i.e., non-OCERS) mailing list and mailing service to send out additional campaign material, this section D does not apply to you.

The purpose of this section D is to set forth a policy designed to allow a qualified candidate for a Board of Retirement position or other interested third parties to request that *OCERS send additional campaign material* in support of, or opposition to, a candidate, while protecting the privacy of the names and addresses of member-voters as required by the 1937 Act, laws protecting disclosure of law enforcement officers' names and addresses, and laws concerning privacy generally. This policy takes effect only after the candidate is qualified.

A qualified candidate (hereafter "candidate") or interested third party (hereafter "third party") shall notify OCERS in writing when he/she wants to send campaign materials in addition to or instead of those sent by the Registrar of Voters.

Campaign materials must be submitted to OCERS in advance so that OCERS can determine compliance with the requirements of this policy. OCERS will notify the candidate and third parties of the deadline to provide such campaign materials to OCERS and the designated Mailing Service in the format determined by that Mailing Service (e.g., electronic format, hard copy in sufficient numbers, etc.).

The designated Mailing Service is one which has entered into a confidentiality agreement with OCERS.

OCERS shall provide the Mailing Service with the names and addresses of the member-voters who will receive the additional campaign materials. OCERS shall meet the required deadlines in order for the materials to be distributed in a timely manner. OCERS shall use its current records, but in no way guarantees the accuracy of the information provided to the mailing service.

The Mailing Service shall use the information provided to it only for the purpose of distributing such additional campaign mailing and for no other purpose. Except as required by law or document retention policies, at no time shall the Mailing Service copy and retain any part of the information provided to it or access such information after performing its service.

The materials distributed pursuant to this policy shall be used only for election purposes and for no other purpose.

It is the responsibility of the candidate or third party to provide, in a timely manner, all materials to be mailed out in a format acceptable to the Mailing Service. In addition, before any mailing will occur, the candidate or third party must deposit with the Mailing Service an amount of money sufficient to cover all costs of processing, copying, postage, and so forth. The identity of the candidate or third party making the request must be disclosed on the materials to be mailed out. Failure to provide all materials, failure to provide them in the acceptable format, failure to make the necessary deposit, or failure to meet deadlines will stop the distribution process.

The candidate or third party must disclose the identity of the sender of the materials by including the following *precise* disclaimer language with the materials to be mailed out:

"These election materials are provided by *[insert name of candidate or third party]*. They have not been sent, paid for, or in any manner endorsed by the Orange County Employees Retirement System (OCERS). Neither OCERS, the Board of Retirement, nor their agents are responsible for the

content, format, or timeliness of these materials; nor is OCERS, the Board of Retirement, or their agents responsible for correcting any errors of any kind.”

E. Voting Procedures

The information distributed to members of the group(s) electing a Board Member must state the time and date when ballots must be returned to the Registrar of Voters’ office in order to be counted. Ballots distributed to members shall be returned by the individual member either in person or via County of Orange “pony” mail or U.S. mail in the envelope provided by the Registrar of Voters.

The Registrar of Voters shall also distribute to each eligible voter, in the manner prescribed above, an information notice explaining how to vote and the deadline for submission of ballots. In order to be counted, ballots must be received in the office of the Registrar of Voters on or before 9:00 a.m. on election day.

The information notice distributed with the ballots shall advise members of the method in which ballots must be returned, and advise members that ballots not returned in this fashion will be disqualified by the Registrar of Voters. Ballots must be returned in the identification envelope provided by the Registrar of Voters; provided, however, that voters shall be allowed to place the identification envelopes inside another envelope (e.g., to protect the security of the voter’s signature when mailing). Ballots returned in any other envelopes shall be disqualified. The outside of the envelope must be signed by the voter and returned, with the ballot inside, to the Registrar of Voters. Ballot envelopes without a signature and / or sent to any location other than the Registrar of Voters shall be disqualified.

The information distributed to members of the group(s) electing a Board Member shall also state that ballots containing any identifying or extraneous marks will be disqualified and will not be counted in the election. For purposes of this election policy, identifying or extraneous marks shall include, but not be limited to, names, signatures, telephone numbers, other handwritten words, typed or printed words or marks, stray marks, drawings, or any other marks made outside the boxes designated for selection of a candidate.

The Registrar of Voters shall notify the Retirement Administrator and each candidate, at least five (5) days in advance, of the date, time, and place of the opening and tallying of ballots.

In the event of a tie, the Registrar of Voters shall conduct a runoff election between the tied candidates as soon as practicable in a manner consistent with these procedures.

The Registrar of Voters shall prepare an election certification, certifying the candidate with the highest number of votes, and submit the certification to the Board of Supervisors on an Agenda Item Transmittal prior to the beginning of the term of the newly elected member(s). A copy of the certification shall be sent to the OCERS Administrator.

F. Contested Elections

Any voter or candidate may request a recount of ballots to be performed by the Registrar of Voters in order to confirm the number of votes cast for a Retirement Board Member. A request for recount must be received by the Registrar of Voters within five (5) days of the signing of the election certification by the Registrar of Voters. A request for recount must be made in writing and specify the contest to be recounted. The request for recount shall also specify on behalf of which candidate it is being filed and may specify

other relevant material to be examined. All requests for recounts in elections for Retirement Board Members shall be filed with the Registrar of Voters for the County of Orange.

The Registrar of Voters shall post a Notice of Recount at least one (1) day prior to the recount. The Notice of Recount shall be posted at the Registrar of Voters and at OCERS' office. In addition, all candidates for the office being recounted and the Retirement Administrator shall be notified by the Registrar of Voters prior to the recount.

The recount shall commence no more than seven (7) days following the receipt of the request for recount and shall be continued daily, Saturdays, Sundays, and holidays excepted, based upon availability of Registrar of Voters staff until concluded.

Results of a recount are declared null and void unless every vote received in accordance with these election procedures is recounted. Upon completion of the recount, the results of the election will be changed only if a different candidate receives a higher number of votes than the candidate originally identified by the Registrar of Voters as the winner of the election. A copy of the results of any recount shall be posted conspicuously in the office of the Registrar of Voters and at OCERS' office.

The cost of a recount is based upon the amount of time required to prepare and perform the requested recount. If the request includes reviewing relevant material, the Registrar of Voters shall prepare an estimate of the cost. The Registrar of Voters shall then provide the requestor an estimate of the cost prior to commencing the recount.

The voter or candidate requesting the recount shall deposit, before the recount commences, the sum required by the Registrar of Voters to cover the cost of the recount. In no event shall the Board of Retirement, Office of Retirement, or Registrar of Voters be responsible for paying the cost of a recount.

G. Special Rules for Safety Member Elections

When there is an election for Safety Member of the Board of Retirement, OCERS will advise the Registrar of Voters which of the candidate(s) are in the "law enforcement" group (i.e., engaged in active law enforcement), which of the candidate(s) are in the "fire suppression" group (i.e., engaged in active fire suppression), and which of the candidates are in "any other safety group" (e.g. probation). The candidate for Safety Member with the highest number of votes will be certified by the Registrar of Voters as the elected Safety Member of the Board of Retirement.

The candidate from the other group (i.e., the group other than the one in which the person elected as Safety Member is employed), which has the highest number of votes of any candidate within said group, shall be certified as the Alternate Member of the Board of Retirement, except that if there is a candidate from the "fire suppression group" or a candidate from the "law enforcement group" a candidate from "any other safety group" cannot be the Alternate Member of the Board of Retirement, whether or not that candidate received the highest number of votes. The terms of office of the Safety Member and Alternate Member shall begin and end at the same time.

In the event of a vacancy in the position of the Alternate Member of the Board of Retirement prior to the end of that member's term, the Board of Retirement shall cause a special election to be held in accordance with these Election Procedures for the purpose of choosing a successor to fill out the unexpired term of the Alternate Member, unless the Board determines that exigent circumstances make it impractical to effectively conduct an election. Only safety members who are not members of the safety group then

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represented by the seventh member of the Board of Retirement shall be eligible to run as a candidates to succeed to the Alternate Member position.

If an eligible candidate from either the law enforcement or fire suppression groups is on the ballot to succeed as the Alternate Member, no member from any other safety group may be a candidate. If there are no eligible candidates, there shall be no successor Alternate Member of the Board of Retirement. The Board of Retirement may, but shall not be required to, establish more than one special election to fill the Alternate Member vacancy.

All safety members of the Retirement System are eligible to vote in the special election to fill the vacancy of the Alternate Member. If more than one eligible candidate appears on the ballot, the candidate receiving the most votes shall become the successor Alternate Member, to serve out the unexpired term of the Alternate Member.

H. Inauguration, Runoffs, Costs

The candidate certified by the Registrar of Voters as elected to the Board of Retirement shall take office effective on the day after the expiration of the term of office of his or her predecessor. In the event of a tie vote and the need for a runoff election or other delay due to a request for recount, the incumbent will continue to serve in office until his or her successor is duly elected and certified.

The Board of Retirement shall reimburse the Registrar of Voters for its actual costs associated with conducting elections for the Board of Retirement.

Policy Review

The Board shall review these procedures at least every three years to ensure that they remain relevant and appropriate.

Policy History

These procedures were adopted by the Board of Retirement on October 15, 2001.

These procedures were revised on May 17, 2011, February 17, 2015, and July 20, 2015.

Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.



7/20/15

Steve Delaney
Secretary of the Board

Date