

Tulare County Board of Retirement Trustee Election Procedures

1. **Regular Elections:** Regular Elections shall be held on the First Tuesday after the first Monday in December of the years in which the terms of elected Trustees expire. The Registrar of Voters for the County of Tulare or his or her designee, herein after referred to in this Article as "Elections Officer" shall be responsible for the conduct of the election and shall report directly to the Board of Retirement (Board) in all matters pertaining to the election of trustees.
2. **Business Hours:** Election documents will be accepted and communications received by the Registrar of Voters during its regular business hours of operation. The Registrar of Voters reserves the right to change business hours at its sole discretion.
3. **List of Eligible Candidates, Nominators and Eligible Voters:** The Retirement Administrator or designee shall provide to the Elections Officer a copy of the "List of Eligible Candidates and Nominators", and the "List of Eligible Voters" and other necessary election materials. The "List of Eligible Candidates and Nominators" shall include those names of members who are eligible to sign Nomination papers and/or run for office as set forth in sections 5 and 6, and shall be provided no later than 120 days prior to the election date set forth in section 1. The "List of Eligible Voters" shall include those names of members who are eligible to vote in the election as set forth in section 14, and shall be provided no later than 50 days prior to the Election date and an updated list shall be provided no later than 28 days prior to the Election date.
4. **Notice of Election:** The Retirement Administrator or designee shall distribute a Notice of Election on or before the 120 days prior to the election date set forth in section 1. The Notice shall include, but not be limited to, the Qualification of Candidates, the process for obtaining copies of the Nomination Petition and Election Regulations, the date of the Election, and the name and address of the Elections Officer. This Notice may be sent by an e-mail blast to all County employees and will be printed in the County's and TCERA's newsletter at least once before 113 days prior to the election. The Notice to Retirees shall be by mail or e-mail, if available.
5. **Qualifications of Candidates:** A candidate for Second or Third Trustee shall be a General Member. A candidate for Seventh Trustee shall be a Safety Member. A candidate for Eighth Trustee shall be a Retired Member. A candidate for Eighth Trustee Alternate shall be a Retired Member. To be eligible, a candidate shall be a member of his or her respective group at the close of the pay period immediately preceding the beginning of the Nomination/Declaration of Candidacy period (113 days prior to the

election date). The Elections Officer shall compare the names of candidates with the "List of Eligible Candidates and Nominators." If the Elections Officer finds that the candidate does not meet the qualifications set forth in this Section and Section 5, the Elections Officer shall disqualify the candidate.

6. **Nomination Petitions/Declaration of Candidacy:** On or after 113 days prior to the election day, Candidates may obtain a Nomination Petition or Declaration of Candidacy, and a copy of these Election Regulations from the Elections Officer. Candidates for Second, Third and Seventh Trustee shall be nominated by a petition signed by not less than 20 Members eligible to sign the candidate's petition. General Members are eligible to sign a petition for a candidate for Second or Third Trustee. Safety Members are eligible to sign a petition for a candidate for Seventh Trustee. Retired Members are eligible to nominate themselves as a candidate either for the Eighth Trustee or the Eighth Trustee Alternate by filing a Declaration of Candidacy with the Elections Officer. Retired Members may only nominate themselves to one position. To be eligible to sign petitions, or nomination papers, a member's name shall be included on the "List of Eligible Candidates and Nominators." No member shall sign more than one Nomination Petition for each seat. Signed Nomination Petitions and Declarations of Candidacy must be filed with the Elections Officer no later than the close of business hours of operation for the Registrar of Voters 88 days prior to election day. Candidates who file Nomination Petitions after the deadline will be disqualified. Prospective candidates shall appear in person to receive candidate papers from and to deliver candidate papers to the Elections Officer. If a prospective candidate is unable to appear in person, they shall designate, in writing, an agent to receive and/or deliver the candidate's Nomination Papers or Declaration of Candidacy on their behalf.
7. **Withdrawal:** Candidates may withdraw from the election no later than the close of business hours of operation for the Registrar of Voters on the 83rd day prior to the election by filing a written statement of withdrawal with the Elections Officer.
8. **Qualification of Candidates and Nominators:** The Elections Officer shall compare the names on Nominating Petitions and Declarations of Candidacy with the "List of Eligible Candidates and Nominators." If the Elections Officer finds that less than the number of qualified signatures specified in Section 6 have been submitted, the Elections Officer shall disqualify the candidate.

Fewer than Two Qualified Candidates: If the Elections Officer determines that there is only one qualified candidate, the Elections Officer shall cancel the election and certify the single candidate elected. If there are no qualified candidates, the Elections Officer shall notify the Board. The Retirement Administrator or designee shall re-notice the Election and the Nomination period will be reopened for an additional 10 days. If there

are no qualified candidates at the close of the second Nomination period, the matter will be referred to the Board of Retirement for action.

9. **Candidate Statements.** The Elections Officer shall accept, reproduce and include with the ballot, a Candidate Statement listing the name of the candidate and no more than 200 words. Candidate Statements shall be limited to a recitation of the candidate's own personal background and qualifications and shall not make any reference to other candidates or to another candidate's qualifications. Statements that do not meet these requirements shall not be accepted, but may be resubmitted up to the filing deadline (88 days prior to the election). The counting of words will be in accordance with the California Elections Code. If the Elections Officer determines that an acceptable Candidate Statement is not submitted by the deadline, the candidate will not have one included with the ballot. Candidate Statements and an electronic copy must be filed with the Elections Officer no later than the close of business hours of operation for the Registrar of Voters on the 88th day prior to the election. Statements shall be printed as submitted. No candidate may withdraw or change his or her Candidate's Statement after this deadline unless the candidate is withdrawing from the election. Statements filed pursuant to this section shall remain confidential until the expiration of the filing deadline.
10. **Challenges to Statements:** No later than the close of business hours of operation for the Registrar of Voters on the 78th day prior to the election a candidate may challenge by writ of mandate or injunction filed with the Superior Court of Tulare County, which requests that the decision of the Elections Officer to accept or reject a candidate's statement be reversed and/or that the statement in question is false, misleading, or inconsistent with the requirements of Section 9. The peremptory writ of mandate or injunction shall be issued only upon clear and convincing proof and a finding that an order would not substantially interfere with the printing or distribution of official election materials.
11. **Ballots:** The Elections Officer shall certify for inclusion on the ballot the names of qualified candidates who submitted Nominating Petitions containing the number of qualified signatures specified in section 5. The Elections Officer shall determine by lot the order in which candidates shall appear on the ballot. There can be elections for multiple trustee positions on a single ballot. There is no provision for write-in candidates. The Elections Officer shall provide for the preparation of a number of ballots sufficient to supply one to each TCERA Member eligible to vote in each election. The Elections Officer shall provide for the mailing of ballots to the member's home address or employment location. Ballots shall be mailed on the 29th day prior to the election. Ballots mailed shall include a return addressed envelope. The Elections Officer shall make available a replacement ballot upon request by any eligible member who lost

or did not receive his or her ballot. Requests may be made in person, in writing, by e-mail, fax or by telephone. A replacement ballot will not be provided to anyone other than the member who requested the replacement ballot. Candidates are specifically prohibited from handling ballots, whether voted or unvoted, sealed or unsealed, other than their own. Voted ballots must be received by the Elections Officer on or before Election Day. Any votes received after election day, regardless of the date it was mailed, will not be counted. Voted ballots may be return by US mail, interoffice mail, or placed in the Election Officer drop box or delivered directly to the Registrar of Voters office during business hours of operation for the Registrar of Voters. Any ballots received in the Registrar of Voters office without a signature will be returned to the member for signature or an attempt to notify the member will be made to come in to sign the ballot, depending on timing.

12. **Ballot Designation:** There shall be no ballot designations on the ballot.
13. **Qualification of Voters:** The Elections Officer shall confirm the name on the outer ballot envelope with the "List of Eligible Voters." General Members are qualified to elect the Second and Third Trustees. Safety members are qualified to elect the Seventh Trustee of Seventh Trustee Alternate. Retired Members are qualified to elect the Eighth Trustee and the Eighth Trustee Alternate. To be eligible to vote, a member shall be a part of his or her respective group at the close of the pay period immediately preceding the first day (28th day prior to the election) that ballots may be mailed per these procedures.
14. **Counting of Ballots:** Ballots will be opened the Day after Election Day starting at 9:00 a.m. and continuing six (6) hours per day until the count is completed. The Elections Officer shall supervise the counting of ballots. A candidate certified as the winner must receive the highest number of votes cast. In the event of a tie vote, the Elections Officer shall determine the winning candidate by a coin toss.
15. **Voided Ballots:** The Elections Officer shall void all of the following ballots: duplicate ballot cast; all ballots which bear the signature or initials of the voter on the ballot itself; ballots which do not bear the signature of the voter on the outside of the envelope or where it is not possible to determine who submitted the ballot; envelopes containing more than one ballot; and ballots where the Elections Officer cannot determine the voter's intent. Any names written in on a ballot, other than the name of a qualified candidate, will not be counted or reported in the Certification of the Election Results.
16. **Alternate Safety Member:** If there are two or more safety member candidates for the seventh member position, the candidate receiving the highest number of votes shall be elected to the seventh member position. The safety member candidate who is of a different safety membership group and who received the next highest number of votes,

shall be elected to the Alternate Safety Member per Government Code §31520.1. If there is no eligible candidate who is of a different safety membership group there will not be an Alternative Safety Member.

17. **Certification of Election Results:** The Elections Officer shall canvass and certify the results of the election no later than ten (10) days following the election.
18. **Receipt & Safekeeping of Ballots Cast:** The Elections Officer shall accept and provide for the safekeeping of all ballots cast. Ballots must be retained for 180 days after Election Day, and, in the absence of litigation, may be discarded thereafter.
19. **Recount:** Upon written application to the Elections Officer, and within five (5) calendar days of the Elections Officer's Certification of Election Results, any candidate may order a recount of all votes cast. Prior to a recount, the candidate requesting a recount must agree to pay for the actual cost of the recount. The Elections Officer shall determine an estimated cost for a recount and the candidate requesting the recount must deposit with the Elections Officer payment for the estimated cost. The candidate will be under no obligation to pay for the recount if the recount shows a change in the outcome of the election. The recount shall be conducted in the same manner as the original count.
20. **Contests:** Election results may be contested by a candidate upon filing a verified petition with the Superior Court of the County of Tulare within fifteen (15) calendar days of the issuance of the Certified Election Results by the Elections Officer. Candidates may contest the election on the following grounds: a) that the person who has been declared elected to an office was not, at the time of the election, eligible for that office; b) that the candidate or his or her agent has given to a member a bribe or reward or offered any bribe or reward for the purpose of procuring his or her election; c) that a sufficient number of votes were illegal, fraudulent, forged, or otherwise improper, and that had those votes not been counted, the person having been declared elected would not have received more votes than the contestant; and/or d) that the Elections Officer in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been elected. The acceptance or rejection of a candidate's statement of qualifications by the Elections Officer shall not constitute grounds for a new election. A hearing on the contest shall be set by the Court. The Court's decision shall be based upon clear and convincing proof of the allegations. If the Board orders a new election based upon the Court's decision, it shall be held in accordance with the provisions for Special Elections.
21. **Oath of Office:** Newly elected Trustees shall be sworn-in during the Board's first meeting in January.

22. **Special Elections:** The Retirement Administrator or designee shall advise the Board when a vacancy occurs and shall recommend a date for a Special Election to fill the vacancy. If the vacancy occurs within nine (9) months of the end of the term of the seat that has been vacated, there shall be no Special Election. If the vacancy occurs more than nine (9) months prior to the end of the term, the Board shall call a Special Election, which shall be held not less than 90 nor more than 120 days from the date the seat was vacated. Special Elections shall be conducted in conformance with the provisions of this Article for Regular Elections, except that the schedule shall be adjusted by the Elections Officer to comply with the date of the Special Election set by the Board.
23. **Reimbursement for Services:** The Tulare County Employees Retirement Association (TCERA) Board of Retirement will reimburse the Elections Officer for the actual costs for the election services provided.
24. **Public Information:** During the ninety (90) days preceding Election Day, no newsletter or other one-time publication intended for the use of TCERA's members will be distributed by TCERA which includes the name of any incumbent candidate for an election conducted pursuant to these regulations. This moratorium shall not apply to standard publications such as member booklets, annual reports and other documents of a similar nature.
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Approved by the Board of Retirement on September 9, 2020.

