



Board of Retirement Regular Meeting

Sacramento County Employees' Retirement System

Agenda Item 16

MEETING DATE: February 19, 2020

SUBJECT: Retirement Board Election Policy

SUBMITTED FOR: ___ Consent X Deliberation and Action ___ Receive and File

RECOMMENDATION

Staff recommends the Board approve the Retirement Board Election Policy.

PURPOSE

This item supports the 2019-20 Strategic Management Plan goal of transparent communications and policies by affirming the process for nominating and electing trustees to the SCERS Board of Retirement.

DISCUSSION

This policy formalizes the procedure for nominating and electing the six elected Board members. The foundation for this policy is based on SCERS' current practices and procedures. Any additions or changes to current practices were made with consideration to cost savings, the state Elections Code, and similar retirement systems' policies and procedures.

Consistent with SCERS' current practice, all SCERS Retirement Board Member elections are to be conducted by the Sacramento County Voter Registration and Elections (VRE). VRE will be responsible for preparing the election materials, facilitating the nomination process, distributing ballots, counting ballots, and submitting the results to the Board of Supervisors. SCERS will continue to be responsible for reviewing and approving election materials prior to distribution, providing notice of election to SCERS' membership, verifying member signatures for validity, and providing VRE with member data as needed.

The policy includes two notable changes:

1. The ballots mailed by VRE will now include a ballot-return envelope with postage prepaid. Prepaid postage is inspired in part by Elections Code section 4001.5, which has required county election officials to provide prepaid-postage-return envelopes in certain elections since 2018. While SCERS elections are not governed by this code, incorporating this best practice in our own process may increase member participation in SCERS' elections.

Additionally, SCERS has allowed inter-office mail as a form of ballot return for County employees. Including a free option to all voters, including for active members from special districts, provides an equitable and accessible voting option.

2. SCERS will be authorized to send election notices electronically to members. Currently, SCERS provides notice of upcoming elections to each member by mail, on the SCERS website, and on the County’s website and news bulletin. Going forward, SCERS will still provide ample notice to its membership through the SCERS website and other electronic methods, including notices to County departments and special districts to distribute to their employees and the new SCERS member portal expected in 2021.

FISCAL IMPACT

Recent SCERS elections in FY 2018-19 and 2019-20, cost approximately \$30,500 and \$43,400 respectively for VRE expenses and mailing the election notices.

This policy will likely generate two fiscal impacts. Assuming an approximate cost of \$0.54 per prepaid envelope, providing members with postage paid return envelopes could cost SCERS an additional \$12,000 during the larger election years if all eligible members voted (the years where the Retired members and a Miscellaneous member are elected). However, based on voter turnout in previous elections, the actual cost will be much lower.

The following chart shows an approximate breakdown of how voters returned ballots in the most recent election:

Mail	262
Inter-Office	383
VRE Lobby	27
VRE Drive Thru Box	3
Total	675

If all 675 voters in the most recent election used prepaid postage, it would cost \$365. Assuming that prepaid postage might encourage more members to vote and increase turnout by 100%, the cost would be \$729.

However, the cost increase would be offset by the more significant savings of discontinuing mailing election notices to each member. SCERS could realize \$7,000-\$16,000 in savings, depending on the size of the election, if SCERS used alternative, electronic methods of distributing notices.

ATTACHMENTS

- Retirement Board Election Policy

Prepared by:

/S/

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Office Manager

Reviewed by:

/S/

Eric Stern
Chief Executive Officer

/S/

Stephen Lau
General Counsel



RETIREMENT BOARD ELECTION POLICY

PURPOSE

The purpose of this policy is to establish a transparent and fair process for nominating and electing Members to the SCERS Board of Retirement.

ELECTION PROCEDURE

I. Election Process

- A. SCERS Retirement Board Member elections are to be conducted by the Sacramento County Voter Registrations and Elections (VRE).
- B. Approximately six (6) months prior to the expiration of the term of office of any elected member of the Board of Retirement, SCERS and VRE will create an election calendar to determine the key dates of the election process to provide ample time to notify SCERS' membership of an upcoming election. The election calendar may deviate from the timelines set forth in this policy when the Chief Executive Officer deems that impracticability, improved efficiency, or unreasonable expense warrant such a deviation.
- C. Election shall be by secret ballot conducted over at least a ten (10) day voting period, commencing on a Monday no later than the first two weeks in December.

II. Eligibility for Voting and Running in the Retirement Board Election

- A. Only retired members (members retired for service or disability) are eligible to be candidates for the Retired member seat. Only active members (members in active service for Sacramento County or other participating employer) are eligible to be candidates for the Miscellaneous or Safety member seats. Such active members are eligible to run only for the seats corresponding to their election group.
- B. Only retired members are eligible to vote and sign nominating petitions for the Retired member seat. Only active members in the Miscellaneous or Safety groups are eligible to vote and sign nominating petitions for the Miscellaneous or Safety seats, and only for the seat corresponding to their group.
- C. The determination regarding specific eligibility cutoff dates is to be provided by SCERS prior to the commencement of the nomination period. Eligibility for Miscellaneous and Safety Members is the last full pay period of the month

immediately preceding the nomination period. Eligibility for Retired Members is the last business day of the month immediately preceding the nomination period.

III. Notice of Election

- A. No less than 120 days prior to the expiration of the term of an elected member of the Board, SCERS shall provide a notice of election to all members who are eligible to be a candidate for the expiring position.
- B. SCERS shall provide the notice of election to members in a manner consistent with practicality, efficiency, and cost-effectiveness under the circumstances. At a minimum, SCERS shall post the notice of election on the SCERS website (www.scers.org). SCERS may also provide notice (without limitation) by U.S. postal mail, electronic mail, inter-office mail, or departmental posting.

IV. Nomination

- A. The nomination period shall last for a period of no less than ten (10) business days.
- B. Candidates are to pick up the nomination papers from the VRE office in person. If a representative of a candidate is delegated this responsibility, a specific letter of authorization bearing the original signature of the candidate will be required.
- C. Candidates are required to file their nomination papers in person at the VRE office.
- D. Nomination papers consist of the Nomination Petition, the Declaration of Candidate, the Affidavit of Circulator, and the Affidavit of Nominee.
 - 1. The nomination petition shall be signed by not less than 10 or more than 15 members of the same membership category and must bear original signatures.
 - 2. The candidate may circulate his/her own petition.
 - 3. No member shall sign more than one nomination petition and all signatures must be obtained from current members of the same category of membership as the candidate.
 - 4. A candidate may sign his/her own nomination petition.
 - 5. SCERS staff shall verify all nomination signatures.
- E. Candidates will be responsible for preparing their own Candidate's Statement.
 - 1. The Candidate's Statement must not exceed 200 words and must be typed and formatted as specified in the instructions provided to the candidate.

2. If a candidate uses another individual's name in their Candidate's Statement, the candidate must file an original letter from the person(s) stating that he or she has given the candidate permission to use his or her name in this manner. Original permission letters must be signed, dated, and contain contact information for verification.
 3. If a Candidate's Statement contains endorsements, the candidate must file an original letter of authorization from the person(s) or organization(s) giving the candidate the endorsement at the time the candidate files their statement. Original letters must be signed, dated, and contain contact information for verification.
 4. The candidate's occupation designation listed on the candidate's statement shall be one's official job classification or official job classification at the time of retirement, as applicable. Incumbents running for re-election have the option of using their official job classification title or "Incumbent" for the occupation classification.
 5. Candidates may not include party affiliation, membership, or activity in partisan political organizations in their Candidate's Statement.
 6. Candidate's Statements shall not in any way make reference to other candidates or to another candidate's qualifications, character, or activities.
 7. Candidate's statements are printed exactly as submitted. The statement will not be edited by SCERS or VRE for grammar and punctuation.
 8. Information contained in the Candidate's Statement is the sole responsibility of the candidate. SCERS and VRE accept no responsibility for the validity of the statement or its contents.
 9. The Candidate's Statement will remain confidential until the end of the nomination period.
- F. Nomination papers and the Candidate's Statement must be completed and shall be filed together at VRE on or before 5:00 p.m. of the last day of the nomination period.
- G. Candidates may resubmit their nomination documents until the last day of the nomination period at 5:00 p.m.

V. Certification of Candidates

- A. In order for a candidate to be certified, the candidate's documents must be submitted and meet the requirements as outlined in the instructions provided to the candidate and this policy by the last day of the nomination period at 5:00 p.m.

- B. If only one candidate is certified for any designated seat, no ballots shall be printed and no election shall be held. VRE will submit an agenda item for the Board of Supervisors to direct the Registrar of Voters to cast a unanimous ballot in favor of the sole certified candidate.

VI. Ballots

- A. The official ballot is to be prepared by VRE.
- B. Ballots are to be mailed with postage paid return envelopes.
- C. The ballot is to consist of the names of the candidates, their official classification, dates of the voting period and the term of office for the Retirement Board member(s) being elected.
- D. The occupation designation to appear on the ballot shall be one's official classification. Incumbents running for re-election have the option of using their position title or "Incumbent" for the occupation designation.
- E. SCERS staff will review the official ballot prior to it being produced.
- F. Each eligible voter is to receive one ballot. Issuance of the ballot is to be controlled by the number on the stub at the bottom of each ballot. A record of the numbered stubs issued is to be maintained by VRE staff.
- G. The ballot for the Retiree Board Member position shall also contain the names of candidates certified for the Alternate Retiree Member position under a separate heading.

VII. Counting of Ballots

- A. VRE will be responsible for counting the ballots no more than seven (7) days after the end of the voting period.
- B. The candidate who receives the highest number of votes for the seat designated on the ballot will be declared elected to that seat except in the case of the Alternate Safety Member of the Board.
- C. The elected Alternate Safety Member shall be the highest vote-getting candidate from (1) the groups under Section 31470.2 and 31470.4, and (2) whichever of the two groups is not represented by the elected Safety Member. If there is no candidate fitting that description, the elected Alternative Safety member may be from any safety group not represented by the elected Safety Member. If there is no candidate fitting that description, there shall not be an Alternate Safety Member.

For example, if the elected primary Safety Member is from the Section 31470.2 group, then the elected Alternate Safety Member shall be from the Section

31470.4 group. If there is no such candidate from the Section 31470.4 group, but there is a candidate from any other safety group, such as Probation, the latter will be the elected Alternate Safety Member. If there is no candidate fitting that description, there shall not be an Alternate Safety Member.

- D. Any voter or candidate may request a recount within five (5) calendar days of certification of the election results by the Registrar of Voters. Prior to the requested recount, the VRE shall determine the cost for conducting such a recount, and the candidate requesting the recount must deposit this amount with VRE prior to the recount. The recount shall be conducted in the same manner as the original count.
- E. VRE will submit an agenda item to the Board of Supervisors to submit the Certificate of Facts and election results.

VIII. Filling Vacancies

Generally

- A. In the event that an elected Board position becomes vacant prior to the end of a normal term, a special election will be held as soon as practicable, on a date mutually agreed upon by SCERS and VRE, except as provided in Section VIII.D. and F.
- B. Generally, special elections shall be conducted with the same election process as regularly scheduled elections. The eligible candidate who receives the highest number of votes for a vacated seat shall be declared elected to that seat.
- C. The successful candidate in a special election shall serve for the remainder of the unexpired term of his/her predecessor from the first day of the first month following the declaration of his/her election.

Miscellaneous (Second and Third) Member

- D. If the vacancy of a Miscellaneous (second and third member) position occurs less than six months prior to the expiration of a normal term, and unless the Board votes to forgo a special election due to the amount of time remaining in the term, the successful candidate in the special election shall serve the remainder of the current term as well as the succeeding term.

Safety (Seventh) or Alternate Safety (Alternate Seventh) Member

- E. With respect to a vacancy in the Alternate Safety (seventh member) position, the eligible candidate must be a member from (1) the groups under Section 31470.2 or 31470.4, and (2) whichever of the two groups is not represented by the incumbent Safety board member. However, if there is no candidate fitting that description, the eligible candidate may be a member from any safety group not represented by the incumbent Safety board member.

F. If the vacancy of the Safety or Alternate Safety positions of the Board occurs less than six months prior to the end of the term for the position, the Board of Retirement may vote to forgo a special election and to leave the position vacant until the next regularly scheduled Safety member election.

Retired (Eighth) or Alternate Retired (Alternate Eighth) Member

G. If there is a vacancy for the Retired member, the Retired Alternate shall fill that vacancy for the remainder of the Retired member's term.

H. In the event of a vacancy in the Alternate Retired member position, the Board shall by majority vote appoint an eligible member to serve the remainder of the vacated member's term.

BACKGROUND

The Retirement Board of the Sacramento County Employees' Retirement System (SCERS) is comprised of nine members and two alternates. By statute, each seat has a numerical designation and is to be filled as follows:

- County Treasurer or County Director of Finance (first member), who holds the seat ex officio;
- Two Miscellaneous members (second and third members), elected by SCERS' membership;
- Four Appointed members (fourth, fifth, sixth, and ninth members), appointed by the Board of Supervisors;
- One Safety member (seventh member) and one Alternate Safety member (alternate seventh member), elected by SCERS' membership; and
- One Retired member (eighth member) and one Alternate Retired member (alternative eighth member), elected by SCERS' membership.

LEGAL AUTHORITY

Government Code sections 31520, 31520.1, 31520.5 31523
Cf. Election Code section 13307(a)(1)

RESPONSIBILITIES

Executive Owner: Chief Executive Officer

POLICY HISTORY

Date	Description
02-19-2020	Staff recommended Board approve policy