

OAKLAND COUNTY EMPLOYEES' RETIREMENT SYSTEM

TRUSTEE ELECTION POLICY & PROCEDURES

I. PURPOSE

To establish rules and regulations governing the election of employee and retiree members of the Oakland County Retirement and Deferred Compensation Board (the "Retirement Board").

II. POLICY

A. Retirement Board Composition

(1) Section 41 of the November 2017 Restated Resolution of the Oakland County Employees' Retirement System (the "Retirement Resolution") provides that the Retirement Board shall consist of the following nine individuals:

- (a) The chairperson of the Board of County Commissioners or designee by virtue of that office;
- (b) The County Executive or designee by virtue of that office;
- (c) The chairperson of the County Finance Committee or designee by virtue of that office;
- (d) The County Treasurer or designee by virtue of that office;
- (e) A citizen, who is an elector in Oakland County who is not eligible for Membership in the Retirement System or benefits under the Retirement System and who does not hold any other office or appointment with the County, to be recommended by the Retirement Board and approved by the Board of Commissioners;
- (f) Three Members of the Retirement System (from different County departments) who are not elected officials of the County, to be elected by Members of the Retirement System.
- (g) A retired Member of the Retirement System to be elected by the retired Members of the Retirement System.

(2) The Retirement Resolution also provides that the Retirement Board "shall establish rules and regulations for elections required by paragraph (f) and (g).

(3) The term of office of the employee member elected trustees and citizen trustee on the Retirement Board is four (4) years. Each four-year term of office shall be staggered so that no more than one four-year term will expire in any calendar year.

(4) The term of office of the retired member elected trustee on the Retirement Board is two (2) years.

B. Eligibility to Serve on Retirement Board

- (1) A candidate for an employee member elected office shall:
 - (a) Be an active employee of Oakland County and an active member of the Retirement System when filing nominating petitions for said office; and
 - (b) Remain an active employee of Oakland County and an active member of the Retirement System through the election process for said office and, if successful, continue to satisfy these eligibility requirements through his or her term of office.
 - (c) No more than one employee member on the Retirement Board shall be from any one County Department.
 - (d) No county-wide elected officials or County Commissioners are eligible to serve as the employee elected member on the Retirement Board.

- (2) A candidate for a retired member elected office shall:
 - (a) Be a retired member in receipt of a retirement benefit, or a former member of the Retirement System who meets the eligibility requirements to commence receiving a benefit from the Retirement System; and
 - (b) Remain a retired Member in receipt of or a former member currently eligible to receive a retirement benefit from the Retirement System through the election process for said office and, if successful, continue to satisfy these eligibility requirements through his or her term of office.
 - (c) Beneficiaries and Alternate Payees in receipt of benefits from the Retirement System are not eligible to serve on the Retirement Board.

III. ELECTION PROCEDURES

A. Notice of Election

- (1) The Retirement System Secretary shall prepare a Notice of Election no later than the 7th Tuesday preceding any Retirement Board election (i.e., 49 days). The Notice of Election shall set forth all information relevant to the election including, without limitation:
 - (a) The date of the election;
 - (b) The date nominating petitions or letters of intent will be made available to candidates;
 - (c) The last day for filing nominating petitions or letters of intent, as applicable;
 - (d) The last day for filing an acceptance statement;
 - (e) The date scheduled for certification of candidates;

- (f) The last day for withdrawal of candidates;
- (g) The date ballots will be mailed; and
- (h) The date votes will be canvassed.

(2) The Notice of Election shall be sent to County employees or retirees, as the case may be, via electronic mail.

B. Nomination of Candidates

(1) Employee Member

- (a) Nomination for the office of employee member on the Retirement Board shall be by written filing of an official nominating petition in a form prescribed by the Retirement Board (attached hereto as **Exhibit A**). Nominating petitions shall be prepared by and available from the Retirement System Secretary as of the official posting date of the “Notice of Election” (no less than 49 days prior to the scheduled date for the election).
 - (i) Nominations filed on forms other than those prescribed by the Retirement Board will be deemed invalid.
 - (ii) Nominating petitions may be circulated by any individual on behalf of an eligible candidate for the office of employee member on the Retirement Board.
- (b) Nominating petitions for the office of employee member shall contain the valid signatures of at least fifty (50) active full-time County employees. No person shall sign more than one (1) candidate’s nominating petition for a particular election.
- (c) Nominating petitions, along with a short candidate biography, shall be filed with the Retirement System Secretary no later than 4 p.m. of the 1st Monday of the month preceding the scheduled election.
 - (i) All candidates filing nominating petitions shall also sign an official “Acceptance Statement” (attached hereto as **Exhibit B**) on or before the deadline for submitting nominating petitions. Failure to file an acceptance statement shall result in the disqualification of any candidate on whose behalf a nominating petition has been filed.
 - (ii) Candidate biographies shall not exceed 150 words in length. Candidate pictures are prohibited.
- (d) Upon the close of the nominating period, the Retirement System Secretary shall verify the validity of all signatures on all nominating petitions filed,

striking all signatures that appear on more than one (1) nominating petition as well as the signatures of all persons not eligible to sign.

- (i) Within three (3) business days after the close of the nominating period, the Retirement System Secretary shall provide written certification of the names of all eligible candidates for the office of employee member on the Retirement Board.
- (ii) If for any reason an employee who has filed a nominating petition is deemed not entitled to have his/her name printed on the official ballot, the Retirement System Secretary shall immediately notify said employee.
- (iii) If only a single candidate is certified for the office of employee member on the Retirement Board, that candidate shall be declared the winner by the Retirement Board.

(2) Retired Member

- (a) Nomination for the office of retired member on the Retirement Board shall be by written filing of an official letter of intent in a form prescribed by the Retirement Board (attached hereto as **Exhibit C**). Letters of intent shall be prepared by and available from the Retirement System Secretary as of the official posting date of the “Notice of Election” (no less than 49 days prior to the scheduled date for the election).
 - (i) Letters of intent filed on forms other than those prescribed by the Retirement Board will be deemed invalid.
- (b) Letters of intent, along with a short candidate biography, shall be filed with the Retirement System Secretary no later than 4 p.m. of the 1st Monday of the month preceding the scheduled election.
 - (i) All candidates filing letters of intent shall also sign an official “Acceptance Statement” (attached hereto as **Exhibit D**) on or before the deadline for submitting letters of intent. Failure to file an acceptance statement shall result in the disqualification of any candidate on whose behalf a letter of intent has been filed.
 - (ii) Candidate biographies shall not exceed 150 words in length. Candidate pictures are prohibited.
- (d) Upon the close of the nominating period, the Retirement System Secretary shall verify the eligibility of all individuals filing letters of intent.

(i) Within three (3) business days after the close of the nominating period, the Retirement System Secretary shall provide written certification of the names of all eligible candidates for the office of retired member on the Retirement Board.

(ii) If for any reason a individual who has filed a letter is intent is deemed not entitled to have his/her name printed on the official ballot, the Retirement System Secretary shall immediately notify said individual.

(iii) If only a single candidate is certified for the office of retired member on the Retirement Board, that candidate shall be declared the winner by the Retirement Board.

(3) No Certified Candidate

(a) If no candidate properly files for the office of employee member or retired member on the Retirement Board, the Retirement Board shall set a new election date, including a new date for filing nominations, no later than ninety (90) days following the last filing deadline.

(4) Withdrawal of Candidates

(a) Any certified candidate shall not be permitted to withdraw from the election unless a written notice of withdrawal is filed with the Retirement System Secretary not later than three (3) business days following the last day for filing nominating petitions.

C. Ballots

(1) All voting shall be by absentee ballot on forms prescribed by the Retirement Board. The Retirement System Secretary shall prepare ballots in sufficient numbers to assure availability for all eligible voters.

(2) Ballots shall contain, in alphabetical order by last name, the name of each candidate, to read in the following manner: First name, middle name/initial, last name.

(3) No candidate shall have the right to any designation other than his or her full name, except that any candidate presently holding an elected member office on the Retirement Board shall be entitled to have the word "incumbent" printed on the ballot below his or her name.

(a) In the event that two or more candidates have the same or similar name, the Election Board shall determine the manner in which the candidates shall be differentiated on the ballots.

(4) No write-in candidates shall be permitted on any ballot.

D. Elections

(1) Elections for the office of employee member on the Retirement Board shall be held the first Tuesday in December of each year.

(2) Election for the office of retired member on the Retirement Board shall be held the first Tuesday in August of every other year.

(3) Election Board

(a) The Retirement Board Chairperson shall appoint a three (3) member Election Board to oversee the canvassing of the vote, the certification of the results, and such other duties as may be necessary to conduct the election.

(b) A employee member or retired member of the Retirement Board whose term of office is involved in such election shall be ineligible to serve as a member of the Election Board.

(c) A decision of the Election Board shall be final and binding in resolving any questions of interpretation, clarification, or other matters relevant to the conduct of the election.

(4) Election Notice

(a) No less than five (5) days prior to any annual or special election, the Retirement System Secretary shall prepare and furnish an election notice to each County Department for posting. The election notice shall include the following information pertaining to the election:

(i) the date of the election;

(ii) the names of the qualified candidates in the order they are to appear on the official ballot;

(iii) the terms of office to be filled; and

(iv) any other information deemed to be pertinent to the election.

(5) Distribution of Ballots

(a) No later than the 2nd Monday preceding the date of the election, all ballots will be mailed via U.S. First Class mail to each employee or retiree eligible to vote.

(b) Each mailing shall include one (1) official ballot, all candidate biographies, secrecy envelope, and a pre-addressed, postage pre-paid ballot return envelope.

- (6) Return of Ballots
 - (a) All voters are responsible for returning their ballots in a timely manner via the pre-addressed, postage pre-paid ballot return envelope.
 - (b) Ballot return envelopes must be post-marked by the date of the election and the outer envelope signed by the voter in order to be officially counted.
- (7) Canvass of Vote
 - (a) Votes shall be canvassed by the Election Board within eight (8) days following the date of the election.
 - (i) the canvassing of ballots shall be open to any employee or retiree who wishes to observe the process.
- (8) Determination of Winning Candidate
 - (a) The successful candidate shall be the candidate receiving the highest number of qualified votes cast in any given election.
 - (b) In the event of a tie, the tie shall be resolved by the drawing of lots in such a manner as prescribed by the Election Board.
 - (c) Recounts shall not be permitted unless determined appropriate by the Election Board due to an issue with ballot tabulation.

E. Vacancies

- (1) Vacancies occurring within ninety (90) days of the date of the next regular annual election shall not be filled.
- (2) All other vacancies shall be filled within ninety (90) days following the occurrence of said vacancy by special election conducted in accordance with the rules and regulations for regular elections as set forth herein.

IV. POLICY REVIEW

The Retirement Board shall review this *Trustee Election Policy and Procedures* at least once every three (3) years to assure its efficacy and relevance. The Retirement Board may amend this policy, from time to time, by majority vote of the Retirement Board.

V. HISTORY

This Policy, as amended and restated herein, was adopted by the Retirement Board on January 23, 2020.