

BOARD OF RETIREMENT ELECTION PROCEDURE

I. PURPOSE

Pursuant to GC Section 31520.1 and 31520.5, the Sonoma County Employees' Retirement Association ("SCERA") Board of Retirement shall be composed of nine (9) members and one or more alternate members. Four members are appointed by the County Board of Supervisors. Four regular Board members and one or two alternate Board members are elected by the SCERA membership. The County Treasurer serves on the Board ex officio. This procedure applies to elections of the four elected regular Board members and the elected alternate Board member(s).

II. PROCEDURE

1. On or prior to October 1st of each year, the Chief Executive Officer shall notify the County of Sonoma Registrar of Voters of the name or names and position or positions of the Board member(s) for whom successors must be elected the following December. In the event of an election held pursuant to paragraph 16, on or prior to the 1st day of a month, which day is at least seventy five (75) days but not more than one hundred ten (110) days prior to the date of the election, the Chief Executive Officer shall notify the County of Sonoma Registrar of Voters of the position or positions of the Board to be filled on the date of the election.
2. Government Code Sections 31520.1 and 31520.5 provide for candidate and voter eligibility as follows:
 - a) Board positions 2 and 3 shall be filled by the election of active, non-safety members of SCERA, and only active, non-safety members of SCERA are eligible to vote for such Board positions.
 - b) Position 7 and the alternate active member of the Board (if any) shall be filled by the election of active safety members of SCERA, and only active safety members of SCERA are eligible to vote for such Board position(s). The candidate for Position 7 with the highest number of votes will be certified as the elected Safety Member of the Board. The candidate from the other group (i.e., the group other than the one in which the person elected as Safety Member is employed), who 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

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suppression group” (Gov. Code § 31470.4) or a candidate from the “law enforcement group” (Gov. Code § 31470.2) a candidate from “any other safety group” (i.e. Probation) 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.

- c) Position 8 shall be filled by the election of a retired member of SCERA, and only retired members of SCERA are eligible to vote for such Board position.
 - d) The alternate for Position 8 shall be elected separately from among the retired members of SCERA, and only the retired members of SCERA are eligible to vote for the alternate 8th position. A retired member of SCERA may run for both the 8th position and the alternate 8th position but may not be elected to both positions for the same term. A retired member who chooses to be a candidate for both positions must file separate nomination petitions. If a retired member files as a candidate for both positions and receives the highest number of votes for both positions, such candidate shall be certified as the 8th member on the Board of Retirement. In such a case, the candidate for the alternate 8th member position, if any, that received the second highest number of votes for that position shall be certified as the alternate 8th member.
- 3. Eligibility to vote will be based on the system records as of October 1 prior to a regular election or as of the first day of a month, which day is at least seventy-five (75) days prior to an election to fill a vacancy (see paragraph 16, below).
 - 4. Not less than sixty-five (65) days prior to the election, the Chief Executive Officer shall cause to be distributed to each member who is entitled to vote at the forthcoming election, a notice of election, which shall include among other things an election schedule and a statement of the place or places where nomination forms can be obtained.
 - 5. A qualified member may be nominated for one of the positions to be filled by filing with SCERA a petition bearing, in total, at least five (5) but no more than ten (10) signatures of or contact information for qualified voters who have agreed to nominate the qualified member. The nomination petition(s) shall include or have attached a statement by the nominee indicating the nominee’s consent to be a candidate and a Statement of Willingness to Serve. Nominations shall be made upon forms of nominating petition and Statement of Willingness to Serve as prescribed and prepared by SCERA. A supply of such forms shall be maintained

in the SCERA office, and at such other places as the Chief Executive Officer shall deem convenient for use by any proposed candidate or representative. Nominations shall be open for not more than fifty-five (55) nor less than forty (40) days prior to the election.

6. Candidates may, but are not required to, submit a qualification statement as part of the nominating petition. Qualification statements will be distributed with the official ballots. The qualification statement shall be limited to 250 words and shall include only the candidate's education and other qualifications for the position and shall specifically exclude any reference to other candidates or to another candidate's qualifications. Candidates may not submit revised or new Qualification Statements after the close of the nomination period. The Chief Executive Officer, in collaboration with SCERA Chief Legal Counsel, will review all qualification statements after the nomination period has ended and will strike out any prohibited content.
7. The SCERA Chief Executive Officer shall not cause to be printed or distributed any qualification statement, or portion of a qualification statement, determined by the Chief Executive Officer and Chief Legal Counsel to include any prohibited statement or reference. Statements will be printed exactly as written and will not be edited for spelling, punctuation, or grammatical issues. Candidates are responsible for proofreading statements, and SCERA assumes no liability for errors in qualification statements. SCERA will provide an active member candidate's official job classification on the ballot. SCERA will not assist in any way with additional campaign materials that a candidate or someone supporting or opposing a candidate may wish to distribute to voters. In the event a candidate, or third party on behalf of a candidate, makes a false or misleading statement about SCERA during the election period, SCERA may post information on its website or otherwise communicate with its members to correct factually inaccurate or misleading statements.
8. The Chief Executive Officer shall cause the names of those persons nominated for the Board of Retirement to be printed upon ballots of such form as may be determined by the Chief Executive Officer in consultation with the Registrar of Voters. The ballots will contain only the names of duly nominated candidates, and there shall be no space for write in candidates. The order of candidates on ballots shall be determined by random drawing of names.
9. In the event there is only one nominee for an open position, there will be no election for that position. SCERA will report to the Board of Supervisors that there is a

single candidate for the open position, and the Board of Supervisors shall order that no election be held for that position and direct the County Clerk to enter a unanimous ballot in favor of the single candidate (Gov. Code § 31523).

10. Not less than twenty (20) days prior to the first Tuesday in December of each year or, in the event of an election held pursuant to paragraph 16 , not less than twenty (20) days prior to the date of the election, the Chief Executive Officer shall mail or cause to be distributed to each member authorized to vote at said election one of said ballots together with a ballot envelope and an identification envelope and instructions for return of same. Said instructions shall indicate that the voted ballot shall be placed in the envelope marked “ballot envelope”, or words of like effect, which shall then be sealed; the ballot envelope shall be placed in the identification envelope which shall, in addition to the return address of the Registrar of Voters office, contain provision for the signature of the member, and the name of the County Department or district in which the voter is employed, if applicable. Said instructions shall further indicate that said identification envelope containing the ballot envelope and ballot, in order for the ballot to be counted, must be returned to the Registrar of Voters office by 5:00 P.M. on the first Tuesday in December. In the event the ballot is undeliverable, unable to be forwarded or for any other reason marked by the United States Postal Service as “Return to Sender”, these ballots will be retained by SCERA for the duration of the election but no action will be taken to redistribute the materials.
11. In the event of an irregularity in the procedure outlined in paragraphs 4, 8 and 10 above, the Chief Executive Officer may adjust the date of the election solely to allow for correction of the error. If such adjustment and correction is made, no other changes will be allowed, including but not limited to changes in qualified candidates or qualification statements.
12. In the event that ballots are returned to the SCERA office, SCERA will endeavor to transport those ballots to the Registrar of Voters’ office by the close of voting, but SCERA does not bear any responsibility for late submission of ballots that are returned to the SCERA office or any place other than the Registrar of Voters’ office.
13. Ballots returned from voters shall not contain any stray marks or writing. In the event a ballot is inadvertently defaced or destroyed or if a ballot is lost or was never received, Pursuant to California Election Code §3014, the voter may obtain a clean ballot from the SCERA office upon execution of an affidavit of SCERA’s choosing stating the voter’s prior ballot was never delivered, or was lost, defaced, or destroyed.

14. On the day following the first Tuesday in December or, in the event of an election held pursuant to paragraph 16, on the day following the election day, the Registrar of Voters shall publicly canvass the returns of said election and the County Clerk shall certify the results thereof to the Board of Retirement. Subject to paragraph 2.d), above, the candidate receiving the highest number of votes shall be declared elected except that in addition thereto, at a safety member election not held pursuant to paragraph 16, the safety member, if any, who has been nominated in a different safety classification than that candidate receiving the highest number of votes and who has received the highest number of votes in any such different safety classifications shall be declared the alternate Board member subject to paragraph 2.b), above.
15. Upon written request to the Registrar of Voters made within five business days of the Board's receipt of the certified results of the election, any candidate may request a recount of the ballots. The candidate shall be responsible for depositing with the Registrar of Voters, prior to the recount, an amount sufficient to cover the actual cost of having the ballots recounted.
16. Mid-term vacancies and special elections: Except as provided in Gov. Code sections 31520.5(b) and 31523(b) for retired member and alternate retired member vacancies, respectively, in the event that a vacancy occurs outside of the terms prescribed for elected Retirement Board members, the Board of Retirement shall cause an election to fill the vacancy to be held, subject to the terms of this policy, at the earliest date administratively possible. Except as provided in Gov. Code sections 31523(a) for safety member and alternate safety member vacancies and 31523(b) for alternate retired member vacancies, if the election of the replacement Board member occurs less than six months prior to the expiration of the normal term for the Board position, the election shall be deemed to have filled the remainder of the current term and to have filled the succeeding term.
17. Whenever a deadline for a procedure associated with a Retirement Board election falls on a holiday or weekend, the final day for completion of the procedure affected by the deadline shall be the last business day following such deadline.

III. REVIEW

The Board shall review this policy at least every three years to ensure that it remains relevant and appropriate.

IV. HISTORY

The Board adopted this policy on 2/22/2018 (effective April 10, 2018, on Board of Supervisors approval of Bylaw amendments).

Reviewed and revised 2/20/2020, 1/21/2021 and 12/14/2023.