

MACOMB COUNTY EMPLOYEE RETIREMENT SYSTEM
PROCEDURES FOR ELECTION OF MEMBER REPRESENTATIVES
RULES & REGULATIONS
GOVERNING ELECTION OF MEMBER REPRESENTATIVES
TO THE RETIREMENT BOARD

ARTICLE I

Section 9.2 of the Macomb County Charter and Section 4 of the Retirement Ordinance provides that three active employees who are members (including DROP participants) of the Retirement System shall be elected by active employees who are members (including DROP participants) of the Retirement System to serve on the Retirement Board. The election of the members, pursuant to this subsection, shall be conducted under such rules and regulations as may be adopted by the Retirement Board to govern such elections.

ARTICLE II

Term of Office

The newly elected member representative shall take office on January 1st of the year after the election and such term shall end December 31 of the third year after election.

ARTICLE III

Eligibility to Serve as Member Representative

A candidate for a member representative shall:

- a) Be a member (including DROP participants) of the Retirement System when filing nominating petitions for said office;
- b) Remain a member (including DROP participants) of the Retirement System through the election for said office and if successful, continue to satisfy these eligibility requirements through his or her term of office.

Eligibility to Vote for Member Representative

All active full-time employees who are members (including DROP participants) of the Retirement System are eligible to vote in elections provided that eligibility can be verified through payroll records indicating that such member is eligible by his or her name appearing on the last regular payroll covering the last regular payroll period ending on the last regular payroll prior to October 31st. In all cases of doubt, the Retirement Board, in its sole discretion, shall resolve questions of eligibility to vote in member representative elections.

ARTICLE IV

Nominations

Nominations for the office of member representative shall be made by the candidate filing a nominating petition in the form proscribed by these rules and regulations. Nominating petitions shall be prepared by and available from the Secretary of the Retirement System during the month of October prior to the scheduled December date for the member trustee election. Nominating petitions shall contain no less than 100 valid signatures of those eligible to vote in the election said nomination pertains to. No member shall sign more than one candidate's nominating petition for a particular member representative position. Nominating petitions shall be filed with the Secretary of the Retirement System not later than the close of business on the last working day in October prior to the scheduled date for the member trustee election for which the candidate is submitting nominating petitions. Upon close of the nominating period, the Secretary of the Retirement System shall verify the validity of at least the minimum number of validating signatures on all nominating petitions filed. The Secretary of the Retirement System thereupon shall declare which potential candidate's nominating petitions contain the requisite number of valid signatures and shall certify to the Retirement Board the names and departments of all eligible candidates for the office of member representative. Any person wishing to withdraw as a candidate for the office of member representative subsequent to the due date for filing nominating petitions must do so in writing directed to the Secretary of the Retirement System no later than the third working day of the month of November prior to the scheduled date for the member representative election. Whereupon, the Secretary shall certify said fact to the Retirement Board and strike such candidate's name from the ballot.

Should there be only one nominee for the office of member presentative, then the elections shall not be held and the secretary of the retirement system shall certify this fact to the retirement Board and such nominee shall be declared elected.

Candidate Information

Informational paragraphs about the candidate, which are to be included along with the ballots, must be filed with the Secretary of the Retirement Board not later than 4:00 p.m. on the last day for filing petitions. The informational paragraph shall be no more than 125 words in length. Candidate pictures are not permitted.

ARTICLE V

Ballots

The Secretary of the Retirement System shall prepare ballots in sufficient numbers to assure availability for all eligible voters. Said ballots shall contain, in alphabetical order by last name, the name of each candidate, and no other notation except that an incumbent member representative is to be so designated on the ballot. The ballot shall also contain a space for a write-in candidate and the instruction to vote for not more than one candidate.

ARTICLE VI

Date of Regular Election

Elections are to be held on the second Tuesday in December of each year.

Voting by Mail

All voting shall be done through the United States Mail. All balloting shall be on forms proscribed by the Retirement Board.

Distribution of Ballots

Ballots shall be mailed by United States Mail to each employee to vote not later than the third Tuesday proceeding the day of the election. Mailing shall include an official ballot, an information paragraph about the candidates, a secret ballot envelope and a preaddressed stamped ballot return envelope.

Return of Ballots

All voters shall be responsible for mailing their ballots by the Election Day in the preaddressed stamped ballot return envelope. Ballots must be post-marked by the date of the election in order to be officially counted.

Election Inspectors and Challengers

The Retirement Board may retain the services of a professional organization such as a certified public accounting firm to certify the results of the election. Said certification shall include the responsibility to do the following:

- a) Verify that no more than one ballot is counted for each member in good standing as of the date the ballots are mailed.
- b) Directly receive and re-mail all ballots returned due to change of address.
- c) Directly receive all ballots returned by participating member.
- d) Maintain, without opening, the returned ballots post-marked through the count date.
- e) On the morning after the final count date, verify that only one ballot is cast per eligible member.
- f) Separate all the blank ballot envelopes from all the identifying envelopes. Separate spoiled ballots from properly completed ballots. Count the properly completed ballots and compile and certify the results in written form.

In the event that the Retirement Board does not retain the services of an outside professional organization as described above, it shall be the responsibility of the Secretary of the Retirement Board to appoint impartial election inspectors whose duty it will be to tally the votes cast, canvas the results and certify the winner.

Counting of Ballots

The ballots shall be counted within seven (7) days following the date of the election. The results of the counting of the ballots shall be provided to the Secretary of the Retirement Board along with the certification letter of the accuracy of said count.

Certification

After completion of the tally of votes by the election inspectors in accordance with the foregoing procedures, the candidate receiving the most votes shall be declared the winner. The Secretary of the Retirement System shall certify to the Retirement Board the winner of the election as well as the names and number of votes each candidate received. In the event two or more candidates receive the same number of votes, the election for the office of member representative shall be determined by the drawing of lots by the tied candidates in the presence and under the supervision of the Secretary of the Retirement System.

Recount

All ballots, voided ballots, unused ballots and poll lists shall be retained pending any recount. A recount may be requested in writing by any candidate within ten days of the certification of the winner to the Retirement Board. Said recount shall be performed in the same manner, to the extent applicable, as the original tally. If no recount is demanded within said ten-day period, then all ballots, voided ballots, unused ballots, segregated envelopes and poll lists shall be destroyed. If, after any recount, any candidate files with the Secretary of the Retirement System a notice protesting the results of the election within five days thereof, all the foregoing items shall be sealed and retained by the Secretary pending resolution of the protest, which shall be brought before the Retirement Board, and the foregoing items shall only be destroyed or otherwise disposed of by direction of the Retirement Board.

ARTICLE VII

Special Elections

If for any reason an employee's seat is vacated prior to the expiration of such employee representative's term of office, a special election shall be held to fill such seat within seventy-five days from the time that it is seasonably determined that such vacancy will occur. In the event that the vacancy occurs after July 1st of such member's third year in office, the special election for the unexpired term and the regular election for the following three-year term shall be combined and the applicable procedural dates specified herein shall be amended for the sole purpose of accomplishing such election.

The date of the election shall be set by the Retirement Board and shall be a regular County business day. Except for the date, special elections will be conducted according to the rules herein set forth for regular elections.

Adopted: December 20, 2012
Revised February 15, 2018