



# County of Fresno

## BOARD OF SUPERVISORS

Chairman  
**Steve Brandau**  
District Two

Vice Chairman  
**Brian Pacheco**  
District One

**Sal Quintero**  
District Three

**Buddy Mendes**  
District Four

**Nathan Magsig**  
District Five

**Bernice E. Seidel**  
Clerk

June 25, 2021

The Honorable Nathan Magsig, Chairman  
The Board of Retirement  
Fresno County Employees' Retirement Association  
7772 N Palm Ave  
Fresno CA 93711

RE: Adopted Board of Supervisors Resolution for Amended Election Procedures

Dear Chairman Magsig:

On June 22, 2021, the Board of Supervisors of the County of Fresno adopted Resolution No. 21-194, entitled "Adopting Amended Election Procedures For The Board Of Retirement Of Fresno County Employees' Retirement Association," a certified copy of which accompanies this letter.

Please contact Raul Guerra, Senior Administrative Analyst, of the County Administrative Office, at 559-600-1228, if you have any questions.

Sincerely,

  
Deputy, Clerk of the Board of Supervisors

Enclosure: Resolution No. 21-194



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June 25, 2021

The Honorable Donald Kendig  
Retirement Administrator  
Fresno County Employees' Retirement Association  
7772 N Palm Ave  
Fresno CA 93711

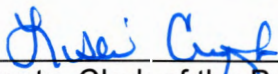
RE: Adopted Board of Supervisors Resolution for Amended Election Procedures

Dear Mr. Kendig:

On June 22, 2021, the Board of Supervisors of the County of Fresno adopted Resolution No. 21-194, entitled "Adopting Amended Election Procedures For The Board Of Retirement Of Fresno County Employees' Retirement Association," a certified copy of which accompanies this letter.

Please contact Raul Guerra, Senior Administrative Analyst, of the County Administrative Office, at 559-600-1228, if you have any questions.

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Deputy, Clerk of the Board of Supervisors

Enclosure: Resolution No. 21-194



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Clerk

June 25, 2021

The Honorable James A. Kus  
County Clerk/Registrar of Voters  
2221 Kern Street  
Fresno, CA 93721

RE: Adopted Board of Supervisors Resolution for Amended Election Procedures

Dear Mr. Kus:

On June 22, 2021, the Board of Supervisors of the County of Fresno adopted Resolution No. 21-194, entitled "Adopting Amended Election Procedures For The Board Of Retirement Of Fresno County Employees' Retirement Association," a certified copy of which accompanies this letter.

Please contact Raul Guerra, Senior Administrative Analyst, of the County Administrative Office, at 559-600-1228, if you have any questions.

Sincerely,

  
\_\_\_\_\_  
Deputy, Clerk of the Board of Supervisors

Enclosure: Resolution No. 21-194

I, Bernice E. Seidel, Clerk of the Board of Supervisors, do hereby certify the foregoing to be a full, true and correct copy of the original Resolution 21-194 on file in my office. Witness my hand and seal of the Board of Supervisors. This 25th day of June, 2021.

BERNICE E. SEIDEL  
Clerk of the Board of Supervisors  
By: Josie Cuyf Deputy

BEFORE THE BOARD OF SUPERVISORS

OF THE

COUNTY OF FRESNO, STATE OF CALIFORNIA

IN THE MATTER OF: )  
ADOPTING AMENDED ELECTION )  
PROCEDURES FOR THE )  
BOARD OF RETIREMENT OF THE )  
FRESNO COUNTY EMPLOYEES' )  
RETIREMENT ASSOCIATION )

RESOLUTION NO. 21-194

WHEREAS, the Fresno County Employees' Retirement Association ("FCERA") is the retirement system for the County of Fresno (the "County"), and for participating governmental employer entities (each, a "Special District," or collectively, "Special Districts"), under the County Employees Retirement Law of 1937 ("CERL," Gov. Code, § 31450 *et seq.*) and the Public Employees' Pension Reform Act of 2013 ("PEPRA," Gov. Code § 7522 *et seq.*);

WHEREAS, the Board of Retirement of FCERA is the governing board of FCERA (the "Board of Retirement");

WHEREAS, the Board of Supervisors of the County of Fresno (the "Board of Supervisors") is the board of supervisors of the County;

WHEREAS, Government Code § 31520.1 shall apply to the membership of a board of retirement whose county retirement system membership includes safety members;

WHEREAS, as of the date of this Resolution, FCERA's membership includes general members ("General Members"), safety members ("Safety Members"), and retired members ("Retired Members");

WHEREAS, under Government Code § 31520.1, the Board of Retirement shall consist of the following members:

1           A. The first member shall be the County Auditor-Controller/Treasurer-Tax  
2 Collector;

3           B. The second and third members shall be members of FCERA, other than  
4 Safety Members, elected by those members (*i.e.*, General Members);

5           C. The fourth, fifth, sixth, and ninth members shall be qualified electors of  
6 the County who are not connected with the County government in any capacity,  
7 except one may be a member of the Board of Supervisors (each, a "Supervisor"),  
8 and shall be appointed by the Board of Supervisors; a Supervisor appointed as a  
9 member of the Board of Retirement may not serve beyond his or her term of office  
10 as Supervisor;

11           D. The seventh member shall be a Safety Member elected by the Safety  
12 Members;

13           E. The eighth member shall be a Retired Member elected by the Retired  
14 Members;

15           F. The alternate member shall be that candidate, if any, for the seventh  
16 member from the group under Government Code § 31470.2 or 31470.4, or any other  
17 eligible Safety Member in the County if there is no eligible candidate from the groups  
18 under Government Code §§ 31470.2 and 31470.4, which is not represented by a  
19 member of the Board of Retirement who received the highest number of votes of all  
20 candidates in that group, and shall be referred to as the alternate seventh member;

21           WHEREAS, the Board of Supervisors' appointment of the Supervisor under  
22 Government Code § 31520.1 shall be made pursuant to the Board of Supervisors'  
23 policies and procedures for the appointment of any of its members to serve on  
24 another public agency's governing board; and

25           WHEREAS, under Government Code § 31520.5, the Board of Retirement  
26 alternate Retired Member, if any, shall be elected separately by Retired Members in  
27 the same manner and at the same time as the eighth member of the Board of  
28 Retirement is elected;

1           WHEREAS, Government Code § 31520.1 permits the Board of Supervisors to  
2 determine the manner in which elected members shall be elected to the Board of  
3 Retirement;

4           WHEREAS, under Government Code § 31524, the Board of Retirement's  
5 second and third members, seventh member, and, if any, alternate seventh member,  
6 shall be employees of the County or a Special District, while they hold such  
7 respective offices;

8           WHEREAS, the Board of Supervisors established the Fresno County  
9 Retirement Board Election Procedure on November 25, 1969, and amended the  
10 Retirement Board Election Procedure on: October 30, 2001; March 1, 2005 (at which  
11 time the Fresno County Retirement Board Election Procedure was renamed as the  
12 Board of Retirement Election Procedures); September 11, 2007; August 11, 2009;  
13 December 8, 2015; and June 18, 2019;

14           WHEREAS, as the date of this Resolution, the Board of Retirement has an  
15 alternate Retired Member; and

16           WHEREAS, as of the date of this Resolution, the Board of Retirement does not  
17 have an alternate seventh member, but these election procedures shall apply to  
18 such an alternate seventh member if and when there should be such a member;

19           WHEREAS, the Board of Supervisors further desires to amend the Board of  
20 Retirement Election Procedures, as set forth below.

21           NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors adopts  
22 these further amended Board of Retirement Election Procedures, which are and  
23 shall read as follows:

24                           BOARD OF RETIREMENT ELECTION PROCEDURES

25 I. Dates of Elections; Officials; Reimbursement of Election Costs.

26           A. Regularly-Schedule Elections and Special Elections: Board of Retirement  
27 regular elections shall be held on the third Thursday in November for odd election  
28 years, and on the third Thursday in August for even election years, except for

1 Special Elections (as defined in Section 1.C., herein) called by the Board of  
2 Supervisors under Section 1.C., herein. The Board of Retirement's regular election  
3 schedule is attached hereto and incorporated herein by this reference as Appendix  
4 A-Election Schedule, and supersedes any prior Board of Retirement's regular  
5 election schedule adopted by the Board of Supervisors. These election procedures  
6 shall govern all regularly scheduled elections for the Board of Retirement in  
7 Appendix A-Election Schedule, and all Special Elections for the Board of  
8 Retirement. From time to time, the Board of Supervisors may supplement Appendix  
9 A-Election Schedule by amending this Resolution to add future regularly-scheduled  
10 elections. In the event it is apparent from examining the face of Appendix A-Election  
11 Schedule that any member category, member number, expiration of term, or election  
12 month or year set forth therein is incorrect or incomplete, the Retirement  
13 Administrator, on behalf of FCERA, and the County Clerk/Registrar of Voters (the  
14 "County Registrar of Voters") on behalf of the County, may jointly execute a  
15 memorandum prior to the relevant Board of Retirement election, which jointly-  
16 executed memorandum sets forth the correct and/or complete information and the  
17 reason therefor, and such jointly-executed memorandum shall be filed by the  
18 Retirement Administrator with the Clerk of the Board of Retirement, and by the  
19 County Registrar of Voters with the Clerk of the Board of Supervisors, and upon  
20 such filing thereof with the Clerk of the Board of Supervisors, such jointly-executed  
21 memorandum shall be deemed to be a modification to Appendix A-Election  
22 Schedule, and all references herein to Appendix A-Election Schedule shall  
23 thereafter be deemed to include such modification to Appendix A-Election Schedule.  
24 The Clerk of the Board of Supervisors shall file the jointly-executed memorandum in  
25 his or her filing system containing, and along with, this Resolution.

26 B. County Registrar of Voters Declaration Regarding Election. The County  
27 Registrar of Voters may, at any time commencing upon the date that the County  
28 Registrar of Voters receives a written request from the FCERA Retirement

1 Administrator, under Section III.A.1., herein, to conduct a Board of Retirement  
2 election and continuing thereafter until the moment immediately after 5:00 PM on the  
3 date of the election, declare that Registrar of Voters cannot conduct, or complete the  
4 conducting of, the election, or the election for a particular member seat, due to any  
5 condition, except for any alleged or actual violation by a nominee, or any other  
6 County employee allegedly or actually acting at the behest of or in concert with the  
7 nominee, of County ordinance code § 3.08.110 (Employees—Political activity)  
8 relating to any Active Member Election. If the County Registrar of Voters makes a  
9 determination that he or she cannot conduct, or complete the conducting of, a Board  
10 of Retirement election, or the election for a particular member seat, under this  
11 Section I.B., then, subject to this Section I.B:

12 1. The County Registrar of Voters shall declare in writing that he or she  
13 cannot conduct, or complete the conducting of, the election, or the election for  
14 the particular member seat (and any such declaration concerning the particular  
15 member seat only affects that member seat);

16 2. The County Registrar of Voters shall promptly post such declaration,  
17 which shall include a statement of the condition for such declaration, on its  
18 Department website, and provide a copy thereof to the Board of Retirement, the  
19 FCERA Retirement Administrator, the Board of Supervisors, and the affected  
20 candidates for the election, or the election for the particular member seat, and  
21 shall request the Board of Supervisors to call a new Board of Retirement  
22 election, or a new election for the particular member seat, which election shall  
23 be a Special Election (as defined in Section I.C., herein);

24 3. Any such declaration by the County Registrar of Voters shall be final and  
25 conclusive with respect to such condition; and

26 4. The eligibility of members of FCERA to participate in the Special Election  
27 called by the Board of Supervisors under Section I.C., herein, shall relate to the  
28 Special Election so called without regard to the election for the Board of



1 Retirement, or the election for a particular member seat, that County Registrar  
2 of Voters declared that he or she cannot conduct or complete.

3 C. Board of Supervisors Call of Special Election. The Board of Supervisors  
4 shall, as soon as may be practicable under the circumstances at such time, call for,  
5 and set the date of, any Board of Retirement elections to any fill midterm vacancies,  
6 or any Board of Retirement election requested by the County Registrar of Voters,  
7 under Section I.B.2., herein, or requested by the Retirement Administrator, under  
8 Section IV.F., herein (in either case, a "Special Election," or collectively, "Special  
9 Elections").

10 D. Parties; Officials: FCERA, including the Board of Retirement, and/or any  
11 officer, employee, or agent thereof collectively are the "FCERA Parties," and each of  
12 them is a "FCERA Party." The County, including the Board of Supervisors and/or the  
13 County Registrar of Voters, and/or any officer, employee, or agent thereof  
14 collectively are the "County Parties," and each of them is a "County Party." The  
15 Special Districts, including their respective governing boards, and/or any officer,  
16 employee, or agent thereof, respectively, are the "Special District Parties," and each  
17 of them is a "Special District Party." The FCERA Retirement Administrator, the  
18 FCERA Assistant Retirement Administrator, the FCERA Executive Assistant or the  
19 FCERA employee whom the Retirement Administrator certifies in writing to the  
20 County Registrar of Voters as the functional equivalent of the FCERA Executive  
21 Assistant for purposes of these election procedures, and the FCERA officer who is  
22 designated by the Retirement Administrator as the clerk to the Board of Retirement  
23 shall be, and each of them acting alone is (each, a "FCERA Authorized Officer"),  
24 authorized to do any and all things for and on behalf of FCERA under these election  
25 procedures, unless the Retirement Administrator is specifically authorized to act  
26 hereunder for and on behalf of FCERA. The County Registrar of Voters (including  
27 his or her designee where specifically authorized to act hereunder) shall be and is  
28 authorized to do any and all things for and on behalf of the County under these

1 election procedures, unless the Board of Supervisors is specifically authorized to act  
2 hereunder for and on behalf of the County.

3 E. Reimbursement of Election Costs: Pursuant to an agreement entered into  
4 by and between FCERA and the County, the County Registrar of Voters shall be  
5 reimbursed for all of its election costs by FCERA within forty-five (45) calendar days  
6 after any Board of Retirement election referred to herein, or within the time otherwise  
7 agreed to between FCERA and the County under the reimbursement agreement.

8 F. Dates; extensions: Whenever any act is required or permitted to be  
9 performed by the County Parties and/or any County Party, or the FCERA Parties  
10 and/or any FCERA Party, as applicable, or any period is provided for any act  
11 required or permitted to be performed by the by the County Parties and/or any  
12 County Party, or the FCERA Parties and/or any FCERA Party, as applicable, under  
13 these election procedures upon or not later than a particular day or within a  
14 particular period, which day or end of such period falls upon a Saturday, Sunday,  
15 holiday, or day for which County or FCERA offices, as applicable to such act or  
16 period, are officially closed, such act shall be performed by each of them, as  
17 applicable, not later than the next County business day or FCERA business day, as  
18 applicable to such act or period, and if such act is performed by any of them on such  
19 next County business day or FCERA business day, as applicable to such act or  
20 period, such act shall be deemed performed with the same effect as if such act had  
21 been performed upon the day or last day appointed or before such period had ended  
22 at its appointed time.

23 II. Types of Elections; Eligible FCERA Membership Classifications.

24 A. Types of Elections: The Board of Retirement shall have two types of  
25 elections with separate but comparable election procedures for both types of  
26 elections.

27 1. Active Member Election: One type of election shall be for the second and  
28 third members (General Members), seventh member (Safety Member), and, if

1 any, alternate seventh member (Safety Member) of the Board of Retirement,  
2 who shall be employees of the County or a Special District, as well as be the  
3 appropriate membership classification of FCERA for the related Board of  
4 Retirement seat number, while they seek election for, and hold, such respective  
5 offices (each, an "Active Member Election").

6 2. Retired Member Election: The other type of election shall be separate  
7 elections that shall be held simultaneously for the Retired Member and  
8 alternate Retired Member of the Board of Retirement, who shall be Retired  
9 Members while they seek election for, and hold, such respective offices, (each,  
10 a "Retired Member Election").

11 B. Identification and Classifications of Eligible Members of FCERA: For the  
12 purposes of these election procedures, the only persons eligible to participate in any  
13 Board of Retirement elections are members of FCERA who are identified and  
14 classified as the following types of eligible voters, respectively:

15 1. "Eligible Active Members" are identified and separately classified within  
16 their respective eligible voter classification:

17 a. "Eligible General Members" are all General Members, as of the  
18 Eligible Voter Certification Date (as defined in Section V.C.1., herein), who  
19 either are employed by the County or a Special District, or have elected in  
20 writing to come within the provisions of Article 9 (commencing with Gov.  
21 Code, § 31700) of CERL, and on the date of such election so made was a  
22 General Member (also known as "Deferred General Members"), or have  
23 otherwise elected in writing under CERL to leave his or her accumulated  
24 contributions on deposit with FCERA upon separating from the service of  
25 the County or a Special District, and on the date of such election so made  
26 was a General Member (also known as an "Inactive General Members");  
27 and

28 ///

1           b. "Eligible Safety Members" are all Safety Members, as of the Eligible  
2 Voter Certification Date, who either are employed by the County or a  
3 Special District, or have elected in writing to come within the provisions of  
4 Article 9 (commencing with Gov. Code, § 31700) of CERL, and on the date  
5 of such election so made was a Safety Member (also known as "Deferred  
6 Safety Members"), or have otherwise elected in writing under CERL to leave  
7 his or her accumulated contributions on deposit with FCERA upon  
8 separating from the service of the County or a Special District, and on the  
9 date of such election so made was a Safety Member (also known as  
10 "Inactive Safety Members").

11           2. "Eligible Retired Members" are identified as, and have the single  
12 classification of, all former employees of the County or a Special District who  
13 are Retired Members as of the Eligible Voter Certification Date.

14           C. Eligibility to Participate in Elections; One (1) Vote per Eligible FCERA

15 Member: A FCERA member who is eligible to participate in a Board of Retirement  
16 election, as provided in Section II.B., herein, may vote only for one (1) candidate  
17 who is designated within the same FCERA membership classification to which that  
18 eligible FCERA member belongs as of the Eligible Voter Certification Date (e.g., for  
19 an Active Member Election, the eligible FCERA member may only participate in the  
20 appropriate eligible voter classification either as an Eligible General Member or as  
21 an Eligible Safety Member, but not both). This "one (1) vote per eligible FCERA  
22 member" rule means that a FCERA member's accumulated retirement service  
23 credit, if any, in the other FCERA member classification (e.g., Eligible Safety  
24 Member who has accumulated retirement service credit as a prior General Member),  
25 shall not be considered in the determination of such FCERA members' eligibility to  
26 participate in a Board of Retirement election.

27           D. Eligibility to Participate in Elections; Active Member Elections: Eligible Active  
28 Members may participate in the election for a member of the Board of Retirement

1 only within their own classification of FCERA membership either as an Eligible  
2 General Member or as an Eligible Safety Member, respectively, as follows:

3 1. An Eligible General Member may participate only in the election of the  
4 second and third members (General Members) of the Board of Retirement;

5 2. An Eligible Safety Member may participate only in the election of (a) the  
6 seventh member (Safety Member), and (b) the alternate seventh member, if  
7 any (Safety Member), of the Board of Retirement. The alternate seventh  
8 member, if any, shall be elected from the group under Government Code §  
9 31470.2 or 31470.4, or any other eligible Safety Member in the County if there  
10 is no eligible candidate from the groups under Government Code §§ 31470.2  
11 and 31470.4, which is not represented by a member of the Board of Retirement  
12 who received the highest number of votes of all candidates in that group. If  
13 there is no eligible candidate for the alternate seventh member, there may not  
14 be an alternate seventh member.

15 E. Eligibility to Participate in Elections; Retired Member Elections:

16 Simultaneous elections shall occur for the Retired Member (eighth member) and the  
17 alternate Retired Member of the Board of Retirement. Eligible Retired Members of  
18 FCERA may participate only in the election of Retired Member (eighth member) and  
19 the alternate Retired Member.

20 F. Persons Not Made Eligible to Participate in Elections: A person's status as  
21 the spouse or domestic partner, a surviving or former spouse or domestic partner, or  
22 a beneficiary or beneficiaries (including, but not limited to, primary or contingent  
23 beneficiaries, or alternate payee(s)), of an Eligible Active Member or Eligible Retired  
24 Member, in either case whether living or deceased, does not make such spouse or  
25 domestic partner, surviving or former spouse or domestic partner, or beneficiary or  
26 beneficiaries (including, but not limited to, primary or contingent beneficiaries, or  
27 alternate payee(s)) eligible to participate in any Board of Retirement elections,  
28

1 provided however, such persons may observe the election process, as a member of  
2 the public, as provided in Section II.G., herein.

3 G. Observing the Election Process: Each candidate, including his or her  
4 designated representative, any FCERA member, and any member of the public may  
5 observe the Retirement Administrator's drawing of lots for the order of placement of  
6 eligible candidates' names on the official ballot under Section IV.G., herein, the  
7 County Registrar of Voters and his or her designees' undertaking of the pre-count  
8 procedures under Section VII.E., herein, and the opening and inspection of Official  
9 Return Envelopes and the counting of returned voted official ballots under Sections  
10 VII.E. and VII.F., herein, respectively, provided however, (1) each candidate, or his  
11 or her designated single representative who is a County employee, but not both,  
12 shall be allowed a reasonable amount of County release time ("County Allowed  
13 Time") for such activities, and (2) each such candidate, including his or her  
14 representative, each such FCERA member, and each such member of the public  
15 shall not interfere in any way with the Retirement Administrator's drawing of lots for  
16 the order of placement of candidates' names on the official ballot, or the County  
17 Registrar of Voters' and his or her designees' orderly undertaking of such pre-count  
18 procedures, inspection, and counting, including, but not limited to, the touching or  
19 handling of any returned Official Return Envelopes or any returned voted official  
20 ballots. Candidates, including their representatives, who are County employees,  
21 shall not be allowed any County Allowed Time to obtain nominations or campaign.  
22 Except as provided in this Section II.G. for each candidate, including his or her  
23 representative, FCERA members who are County employees shall not be allowed  
24 any County Allowed Time for any activities referenced in these election procedures.

25 H. Secret Ballots: Each election for the Board of Retirement shall be conducted  
26 herein by secret official ballot, and all votes shall be kept secret.

27 I. No Write-Ins. Write-in ballots may not be made for any candidates, and  
28 write-in votes shall not be counted, in any election for the Board of Retirement.

1 III. Request for Election.

2 A. Requirements. Not later than one hundred twenty-five (125) calendar days  
3 prior to election day (E-125; all references to “E-#” mean election day minus # of  
4 calendar days) for a Board of Retirement election, the FCERA Authorized Officer  
5 shall provide the following to the County Registrar of Voters for the election:

6 1. Written Request: Written request for the County Registrar of Voters to  
7 conduct the Board of Retirement election that (a) specifies the date of the  
8 election either according to Appendix A–Election Schedule, or as a Special  
9 Election called by the Board of Supervisors under Sections I.C. or IV.F., herein,  
10 respectively; (b) specifies the relevant member election, including the related  
11 seat number, for the Board of Retirement; (c) includes a confirmation that the  
12 County-FCERA cost reimbursement agreement is in effect (See Section I.E.,  
13 herein); and (d) provides an estimate of the specific number of Official Ballot  
14 Packets (as defined in Section VI.A., herein) that FCERA requests the County  
15 Registrar to order for printing in relation to such election; and

16 2. Election Calendar: Proposed calendar of events for the election, which  
17 calendar shall be consistent with these election procedures.

18 IV. Nomination Process.

19 A. Notice of Election: Not later than E-75, FCERA shall provide a written  
20 notice of each election (“Notice of Election”) as follows:

21 1. For Active Member Elections, to (a) the head of each County  
22 department, each Special District, and each recognized employee  
23 representation organization having FCERA members employed by the County  
24 or a Special District, provided that the Notice of Election to each such County  
25 department head and Special District shall (i) state that such Notice of Election  
26 is provided, and the request in (ii), herein, is made, under the Election  
27 Procedures for the Board of Retirement of FCERA, and (ii) specifically request  
28 that such Notice of Election shall be provided to all of the employees of such

1 County department or Special District, respectively, by its customary means for  
2 providing notices to such employees, and (b) each Deferred General Member,  
3 Deferred Safety Member, Inactive General Member, and Inactive Safety  
4 Member at his or her then-current mailing address on file with FCERA.

5 2. For Retired Member Elections, which shall be separate elections held  
6 simultaneously for the Retired Member and alternate Retired Member of the  
7 Board of Retirement, (a) to each organization recognized by the Board of  
8 Retirement as representing the Retired Members, and (b) to each Retired  
9 Member at his or her then-current mailing address on file with FCERA provided  
10 that, for regularly-scheduled Retired Member Elections, such Notice of Election  
11 shall also be provided by mailing a flyer (or including information along with or  
12 in the monthly benefit statement mailed to each retiree) that provides basic  
13 information about the regularly-scheduled Retired Member Elections.

14 B. Member Seats: Each Notice of Election shall state the following concerning  
15 the election for each member seat on the Board of Retirement:

16 1. Each member seat for which the election is being held, specifying the  
17 classification of (*i.e.*, for the Active Member Election, specifying either the  
18 General Member or Safety Member classification, or for the Retired Member  
19 Elections, specifying either the Retired Member seat or the alternate Retired  
20 Member seat, as applicable) and qualifications for the member seat, and the  
21 related seat number, or reference to retired alternate member, as applicable.

22 2. The term of office for each member seat for which the election is being  
23 held.

24 3. Procedures for submissions of a Nominee's Submittal (defined in  
25 Section IV.D., herein) and a Candidate's Statement (defined in Section IV.D.,  
26 herein), including deadlines for submissions thereof (which shall be the close of  
27 the nomination period set forth in Section IV.E., herein), the date of the election  
28



1 to be held, and the time period for the pre-count and counting of returned voted  
2 official ballots, all of which shall comply with these election procedures.

3 C. Nominee and Office Holder Qualifications: Each nominee and office holder  
4 shall meet the following qualifications, as applicable:

5 1. For the Active Member Election:

6 a. The nominee who is a General Member may be elected and hold  
7 office only as the second or third member of the Board of Retirement,  
8 provided that he or she shall be an Eligible General Member, and, at all  
9 relevant times, he or she shall be an employee of the County or a Special  
10 District, and remain (i) employed by the County or a Special District, and (ii)  
11 in the classification of a General Member.

12 b. The nominee who is a Safety Member may be elected and hold  
13 office only as the seventh member, or, if any, alternate seventh member of  
14 the Board of Retirement, provided that he or she shall be an Eligible Safety  
15 Member, and, at all relevant times, he or she shall be an employee of the  
16 County or a Special District, and remain (i) employed by the County or a  
17 Special District, and (ii) in the classification of a Safety Member.

18 c. The nominee may be elected and hold office only in one seat at a  
19 time as a member of the Board of Retirement.

20 d. Any nominee who is elected to any such seat on the Board of  
21 Retirement, but either separates from the service of the County or a  
22 Special District, or changes his or her FCERA membership classification  
23 from General Member to Safety Member or vice-versa, shall automatically  
24 vacate his or her office.

25 e. The nominee may not be elected and hold office as a member of  
26 the Board of Retirement if he or she is or would be prohibited by law from  
27 holding such office.

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1           2. For the Retiree Member Elections:

2                 a. The nominee shall be an Eligible Retired Member, and, at all  
3 relevant times remain, a Retired Member.

4                 b. The nominee may be elected and hold office only in one seat at a  
5 time as a member of the Board of Retirement.

6                 c. A nominee may not be elected and hold office as a member of the  
7 Board of Retirement if he or she is or would be prohibited by law from  
8 holding such office.

9           D. Nominations; Petitions and Nominee's Submittal: The FCERA Retirement  
10 Administrator shall prepare (or caused to be prepared and approve) a petition form  
11 for each Board of Retirement election according to the requirements of these  
12 election procedures and make each petition form available to the following  
13 members of FCERA for such election, provided that each of the following members  
14 of FCERA may nominate only one (1) person per member seat on the Board of  
15 Retirement for which the election is (or elections are, as applicable) being held and  
16 in which such member, may participate: the petition, specifying the seat number  
17 (and for the Retired Member Elections, specifying either the Retired Member seat or  
18 the alternate Retired Member seat) of the Board of Retirement, and signed by at  
19 least fifteen (15) General Members for the second or third member, or by at least  
20 fifteen (15) Safety Members for the seventh member, or, if any, alternate seventh  
21 member, or by at least (15) Retired Members for the Retired Member (eighth  
22 member) seat or the alternate Retired Member seat of the Board of Retirement, as  
23 applicable, shall be delivered to the FCERA Retirement Administrator together with  
24 the following completed, signed, and dated Nominee's Submittal, provided by the  
25 nominee of said petition, as applicable:

26                 For the Active Member Election:

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**NOMINEE'S SUBMITTAL**

**(Active Member Election)**

For the election of the BOARD OF RETIREMENT OF THE FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION to be held on \_\_\_\_\_, 20\_\_\_\_\_.

**Name of nominee:** \_\_\_\_\_  
[Print your name]

**Certification**

I certify my willingness to serve on the BOARD OF RETIREMENT OF THE FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION, and declare the following:

(a) I am a nominee for the office of \_\_\_\_\_ Member [*specify: General Member or Safety Member*] for Seat No. \_\_\_\_ [*specify: Seat No.*] concerning the term of office from \_\_\_\_\_ to \_\_\_\_\_.

(b) I am a \_\_\_\_\_ Member [*specify: General Member or Safety Member*] of the Fresno County Employees' Retirement Association.

(c) I am an employee of the: \_\_\_\_\_ [*specify employer*].

(d) (County employees only): The Department (including Division, if any) in which I am employed is \_\_\_\_\_

**County Employees Political Activity**

I acknowledge that I have received a copy of County ordinance code § 3.08.110 (Employees—Political activity), which is attached.

**[Attach copy of County ordinance code § 3.08.110  
(Employees—Political activity)]**

**Contact Information**

Telephone number that may be used to contact me: \_\_\_\_\_

E-mail address that may be used to contact me: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINT YOUR NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**[Attach nominee's petition to this Nominee's Submittal, using the petition form provided by FCERA according to these election procedures]**

**-End of Nominee's Submittal-**

1 Notwithstanding anything to the contrary in these election procedures, (a)  
2 County ordinance code § 3.08.110 (Employees—Political activity), referenced herein  
3 and a copy of which is attached to any Nominee’s Submittal, is not incorporated into  
4 these election procedures or to be used for any purposes under these election  
5 procedures except as expressly stated on the Nominee’s Submittal, (b) neither the  
6 County Parties, nor any County Party, nor the FCERA Parties, nor any FCERA  
7 Party, as applicable, have any responsibility under these election procedures for any  
8 alleged or actual violation by a nominee, or any other County employee allegedly or  
9 actually acting at the behest of or in concert with the nominee, of County ordinance  
10 code § 3.08.110 (Employees—Political activity) relating to any Active Member  
11 Election, and (c) the references, herein, to County ordinance code § 3.08.110  
12 (Employees—Political activity) is only a statement of existing rules of conduct for  
13 County employees and does not impose any new term or condition of employment  
14 upon nominees who are County employees, and (d) the nominee’s receipt of a copy  
15 of County ordinance code § 3.08.110 (Employees—Political activity) is only to be  
16 used by the County for the County’s own purposes, in its capacity as an employer  
17 with respect to the management of its employees.

18 For the Retired Member Elections:

19  
20 **NOMINEE’S SUBMITTAL**  
21 **(Retired Member Elections)**

22 For the election of the BOARD OF RETIREMENT OF THE FRESNO COUNTY  
23 EMPLOYEES’ RETIREMENT ASSOCIATION to be held on \_\_\_\_\_, 20\_\_\_\_.

24 **Name of nominee:** \_\_\_\_\_  
25 **[Print your name]**

26 **Certification**

27 I certify my willingness to serve on the BOARD OF RETIREMENT OF THE  
28 FRESNO COUNTY EMPLOYEES’ RETIREMENT ASSOCIATION, and declare the following:

1 (a) I am a nominee for the office of \_\_\_\_\_ [specify:  
2 **Retired Member or Alternate Retired Member**] for \_\_\_\_\_  
3 [specify: **Seat No. 8 or Retired Alternate Member Seat No. 8, as applicable**]  
concerning the term of office from \_\_\_\_\_ to \_\_\_\_\_.

4 (b) I am, and at all times relevant to the election for the foregoing seat of the  
5 Board of Retirement will be, a Retired Member of the Fresno County Employees'  
Retirement Association.

6 **Contact Information**

7 Telephone number that may be used to contact me: \_\_\_\_\_  
8 E-mail address that may be used to contact me: \_\_\_\_\_

9 SIGNATURE: \_\_\_\_\_  
10 PRINT YOUR NAME: \_\_\_\_\_  
DATE: \_\_\_\_\_

11 **[Attach nominee's petition to this Nominee's Submittal, using the petition form**  
12 **provided by FCERA according to these election procedures]**

13 **-End of Nominee's Submittal-**

14  
15 The Retirement Administrator shall promptly forward to the County Registrar  
16 of Voters a copy of each Nominee's Submittal received from each nominee. The  
17 County Registrar may use the email address in the Nominee's Submittal for any  
18 written notices that the County Registrar provides to an affected nominee or  
19 candidate under these election procedures.

20 The nominee may also submit to the Retirement Administrator a candidate's  
21 statement of two hundred (200) words or less ("Candidate's Statement"), which shall  
22 be included in the Official Ballot Packet (defined in Section VI.A., herein) to be  
23 distributed by the County Registrar of Voters, pursuant to Section VI.A., herein,  
24 subject to the following:

- 25 1. The Candidate's Statement may include the name and occupation (for the  
26 Active Member Election, including the name of the County department or  
27 Special District in which he or she is employed, or for the Retired Member  
28 Elections, including the name of the County department or Special District in

1 which he or she was employed), of the candidate and a brief description of the  
2 candidate's education, qualifications, and platform expressed by the candidate.  
3 The Candidate's Statement shall be limited to a recitation of the candidate's  
4 own personal background, qualifications, and platform, and shall not in any way  
5 refer to other candidates for that office or to another candidate's qualifications,  
6 platform, character, or activities.

7 2. The Candidate's Statement shall be submitted with the petition in Word  
8 form, 12-point font type.

9 3. Once submitted, the Candidate's statement may not be withdrawn,  
10 revised, or refiled by the nominee, except to the extent as any portions of the  
11 Candidate's Statement may be deleted, as permitted by the County Registrar of  
12 Voters, under Section IV.D.5., herein.

13 4. The Candidate's Statement will be published as presented by the  
14 candidate, subject to the requirements of this Section IV.D., and any  
15 reformatting deemed necessary by the Retirement Administrator and/or the  
16 County Registrar of Voters.

17 5. Notwithstanding anything to the contrary in this Section IV.D., neither the  
18 County Parties, nor any County Party, nor the FCERA Parties, nor any FCERA  
19 Party, as applicable, assume any responsibility whatsoever for the content or  
20 form of the Candidate's Statement or the distribution thereof to any voters, or  
21 for making any changes to the content of the Candidate's Statement, or for  
22 correcting its grammar, punctuation, or spelling, provided however, that the  
23 County Registrar of Voters may, in his or her sole discretion, after providing, or  
24 attempting to provide, written or oral notice to the affected nominee, delete, or  
25 request the affected nominee to delete, any portions of the Candidate's  
26 Statement that the County Registrar of Voters determines, in his or her sole  
27 discretion, to be non-compliant with the requirements of this Section IV.D.,  
28 provided however, any such request to the affected nominee, and the affected

1 nominee's response, failure to respond, or late response, shall not in any way  
2 whatsoever limit or prohibit the County Registrar of Voters from making any  
3 such deletions and/or any other deletions of any portions of the Candidate's  
4 Statement that the County Registrar of Voters determines, in his or her sole  
5 discretion, to be non-compliant with the requirements of this Section IV.D. it  
6 being understood that any such request by the County Registrar of Voters is  
7 made solely for the convenience of the County Registrar of Voters, and that  
8 time is of the essence in any response by the affected nominee to any such  
9 request by the County Registrar of Voters. When counting words, the County  
10 Registrar of Voters will utilize the following non-exhaustive list of word counting  
11 procedures: (1) punctuation is not counted; (2) proper nouns, including  
12 geographical names, are counted as one word (e.g., "City and County of San  
13 Francisco" is counted as one word); (3) each abbreviation for a word, phrase,  
14 or expression is counted as one word; (4) hyphenated words, in general usage  
15 as such, as determined by the County Registrar of Voters, in his or her sole  
16 discretion, are counted as one word; (5) dates are counted as one word; (6)  
17 any number consisting of a digit or digits is counted as one word (e.g., "100"),  
18 but, any number that is spelled, such as "one," is counted as a separate word  
19 or words (e.g., "one" is counted as one word while "one hundred" is counted as  
20 two words).

21 E. Close of Nominations: The nomination period shall close twenty (20)  
22 calendar days (E-55) after the date FCERA provides the Notice of Election pursuant  
23 to Section IV., herein. The nomination period under this Section IV.E. qualifies for  
24 extension under Section I.F., herein.

25 F. Confirmation of Eligible Candidates: Prior to determining the order of  
26 placement of candidates' names on the official ballot, the Retirement Administrator  
27 shall determine that the nominees are duly nominated and eligible candidates,  
28 according to these election procedures, for election of the relevant seat on the Board

1 of Retirement, and have timely delivered their respective signed and sufficiently  
2 completed Nominee's Submittal according to these election procedures.

3 1. For any Active Member Elections, the Retirement Administrator shall  
4 email a PDF copy of the signed Nominee's Submittal of such nominees to their  
5 respective employer identified in their respective Nominee's Submittal, and  
6 obtain email confirmation from such employer (*e.g.*, for the County employer,  
7 the nominee's identified County department is sufficient) that such nominee is  
8 employed by such employer, and retain the original thereof for the same period  
9 provided under Section XI., herein, solely for the purpose of keeping custody of  
10 such documents, and no additional obligations of the Retirement Administrator  
11 shall be inferred or implied therefrom.

12 2. If the Retirement Administrator determines that a nominee is not duly  
13 nominated or eligible for such seat, or has not timely delivered his or her signed  
14 and sufficiently completed Nominee's Submittal, the Retirement Administrator  
15 shall declare such nominee as ineligible as a candidate for such seat. The  
16 nominee's lack of sufficient Contact Information shall not be a basis for the  
17 Retirement Administrator to determine that the nominee is not duly nominated  
18 or eligible for such seat, provided however, the nominee shall, upon request by  
19 any FCERA Authorized Officer, immediately deliver sufficient Contact  
20 Information to the requesting FCERA Authorized Officer.

21 3. If the Retirement Administrator determines that no nominee is duly  
22 nominated or eligible for such seat, the Retirement Administrator shall declare  
23 that there is no nominee who is eligible as a candidate for such seat, and the  
24 Retirement Administrator shall promptly request the Board of Supervisors to  
25 call a Special Election for such seat, and simultaneously provide a copy of such  
26 request to the County Registrar of Voters. Any such declaration by the  
27 Retirement Administrator shall be final and conclusive, but only as to such  
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1 election for such seat, and the Retirement Administrator shall so inform the  
2 nominee(s), if any, and the reason therefor.

3 G. Placement of Eligible Candidates' Names on Official Ballot: Not later than E-  
4 52, the FCERA Retirement Administrator shall determine the order of placement of  
5 duly nominated and eligible candidates' names on the official ballot by drawing of  
6 lots at FCERA's office in the manner provided for the County Registrar's drawing of  
7 lots to break tie votes under Section VII.I., herein, except that the order of placement  
8 of such candidates' names on the official ballot shall be based on descending order  
9 of the lots as they are drawn. At least one (1) FCERA business day prior to such  
10 drawing of lots, FCERA shall provide written notice to all such candidates, as to the  
11 date and time of day during FCERA's business hours, that they may observe such  
12 drawing of lots. The FCERA Retirement Administrator shall provide such candidates'  
13 names, and order of placement of such candidates' names on the official ballot, to  
14 the County Registrar of Voters not later than the close of the FCERA business day  
15 on E-49.

16 H. Unopposed Candidates: If any duly nominated and eligible candidate is  
17 unopposed for election at the close of nominations, the Retirement Administrator  
18 shall so certify to the Board of Supervisors, and the Board of Supervisors shall order  
19 that no election be held for such seat and shall direct the Clerk of the Board of  
20 Supervisors to cast a unanimous ballot in favor of the candidate pursuant to  
21 Government Code § 31523, subdivision I. The Clerk of the Board of Supervisors  
22 shall deliver the casted ballot to the Board of Retirement, and a copy thereof to the  
23 County Registrar of Voters.

24 V. Preparations for Elections.

25 A. Preparation of Elections Materials: For each Board of Retirement election,  
26 not later than E-35, the Retirement Administrator, or any other FCERA Authorized  
27 Officer, and the County Registrar of Voters or his or her designee shall coordinate  
28 their respective pre-printing activities for the official ballot form and, if any, each of

1 the Candidate's Statements (See Section VI.A., herein, regarding the County  
2 Registrar of Voters' mailing of the Official Ballot Packet to eligible FCERA member  
3 voters) as follows:

4 1. The FCERA Authorized Officer shall provide the following to the County  
5 Registrar of Voters:

6 a. Sample proof of the form of the official ballot showing eligible  
7 candidates' names and order of their placement on the ballot (See Section  
8 IV.F., herein, regarding the Retirement Administrator's confirmation of  
9 eligible candidates); and

10 b. Sample proof of each of the Candidate's Statements, if any.

11 2. The County Registrar of Voters or his or her designee shall order for  
12 printing the Official Ballot Packets based on the estimate of the specific number  
13 of Official Ballot Packets that FCERA requests the County Registrar to order  
14 under Section III.A.1., herein, plus additional official ballots and Official Return  
15 Envelopes, in his or her determination, to accommodate an estimated number  
16 of eligible voters who might need reissued official ballots or Official Return  
17 Envelopes. The County Registrar of Voters shall order the printing of  
18 appropriate type of official ballots and Official Return Envelopes for each  
19 election (*i.e.*, Eligible General Members, Eligible Safety Members and Eligible  
20 Retiree Members) so that types of Official Return Envelopes can be matched  
21 with their like-kind official ballots, for example, and not as a limitation, color-  
22 coding Official Return Envelopes to match the color of their like-kind official  
23 ballots.

24 3. At least one FCERA Authorized Officer shall review all sample proofs of  
25 the forms of official ballot and, if any, each of the Candidate's Statements  
26 provided to the County Registrar of Voters or his or her designee under  
27 Sections V.A.1.a. and V.A.1.b, herein, respectively, and give final written  
28 verification to the County Registrar of Voters or his or her designee that the

1 form of official ballot and, if any, each of the Candidate's Statements are correct  
2 and ready to print.

3 B. Confidentiality: The mailing addresses of the Eligible Active Members and  
4 Eligible Retired Members shall remain confidential, and not subject to public  
5 disclosure (See Gov. Code, § 31532; Cal. Const. Art I, § 1).

6 C. FCERA-Certified Electronic Data Files: At the most recent payroll period  
7 ending before E-45, a FCERA Authorized Officer shall, not later than E-43, deliver to  
8 the County Registrar of Voters the following together in an individual transmittal for  
9 each type of election that has been called (*i.e.*, Active Member Election or Retired  
10 Member Elections), FCERA's then-current electronic data file as of the Eligible Voter  
11 Certification Date (as defined in Section V.C.1., herein), in a computer program that  
12 is acceptable to the to the County Registrar of Voters:

13 1. For Active Member Elections: Eligible General Members who may  
14 participate in the election of the second and third members of the Board of  
15 Retirement (General Members), and Eligible Safety Members who may  
16 participate in the election of the seventh member of the Board of Retirement  
17 (Safety Member), and the alternate seventh member (Safety Member), if any,  
18 and their names and mailing addresses for receipt of Official Ballot Packets  
19 (which mailing address shall, as of the Eligible Voter Certification Date, as  
20 defined hereinbelow, be his or her mailing address, as filed with his or her  
21 employer by General Members or Safety Members who are employed by the  
22 County or a Special District, or as filed with FCERA by Deferred General  
23 Members, Inactive General Members, Deferred Safety Members, or Inactive  
24 Safety Members, as applicable), accompanied by the FCERA Authorized  
25 Officer's certification, which shall be completed, signed, and dated as of the  
26 delivery date ("Eligible Voter Certification Date"), and shall state the following:

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**ACTIVE MEMBER ELECTION CERTIFICATION**

This certification is provided under the Election Procedures for the Board of Retirement of FCERA, as adopted by the Fresno County Board of Supervisors on [\_\_insert date\_\_] (the Election Procedures).

[\_\_insert name\_\_], [\_\_insert title\_\_] of the Fresno County Employees Retirement Association (FCERA) certifies to the Fresno County Clerk/Registrar of Voters that:

a. Each accompanying electronic data file for the [\_\_insert date\_\_] Active Member Election represents and correctly identifies all current, eligible voters who may vote in such election;

b. Each accompanying electronic data file, depending on the Board of Retirement member seat, corresponds to the classification of FCERA members who may vote for the relevant seat in such election (i.e., Eligible General Members may vote only for the General Member seat(s), and Eligible Safety Members may vote only for Safety Member seat(s);

**c. CHECK EACH BOX THAT APPLIES TO THIS CERTIFICATION:**

- The accompanying electronic data file includes and represents Eligible General Members in one electronic data file that correctly identifies and only includes all current Eligible General Members who may vote for the General Member seat(s) for such election.
- The accompanying electronic data file includes and represents Eligible Safety Members in one electronic data file that correctly identifies and only includes all current Eligible Safety Members who may vote for the Safety Member seat(s) for such election.

d. If an Active Member Election includes both the General Member seat(s) and the Safety Member seat(s), there are no voters classified in either of the accompanying electronic data files both as an Eligible General Member and an Eligible Safety Member for such election;

e. If an Active Member Election is only for one type of FCERA member seat classification (i.e., General Member seat(s) or Safety Member seat(s)), there are no voters classified in the accompanying electronic data file from the other FCERA member classification for such election;

f. An Eligible General Member's or Eligible Safety Member's accumulated retirement service credit has not been considered in the determination of such FCERA members' eligibility to participate in such election;

1 g. There are no identified voters in the accompanying electronic data file(s)  
2 who are Retired Members, or persons referred to in Section II.F. of the Election  
3 Procedures as persons not made eligible to participate in Board of Retirement  
elections or any other non-members of FCERA;

4 h. The information in the accompanying electronic data file(s) of eligible  
5 voters is complete and accurate for all such Eligible General Members or  
6 Eligible Safety Members, as applicable, who may vote in such election, as of  
7 the date that such electronic data file(s) of eligible voters and this certification is  
delivered to the Fresno County Clerk/Registrar of Voters, which is the "Eligible  
Voter Certification Date" under the Election Procedures; and

8 i. Any capitalized terms that are not defined herein, are defined in the  
9 Election Procedures.

10 Signature: \_\_\_\_\_  
11 Name and Title: \_\_\_\_\_  
12 Date: \_\_\_\_\_

13 -End-

14 2. For Retired Member Elections: Eligible Retired Members of FCERA who  
15 may participate in the election of Retired Member (eighth member) and the  
16 alternate Retired Member of the Board of Retirement, if any, and their names  
17 and mailing addresses for receipt of Official Ballot Packets (which mailing  
18 address shall, as of the Eligible Voter Certification Date, be his or her mailing  
19 address, as filed with FCERA) accompanied by the FCERA Authorized Officer's  
20 certification, which shall be completed, signed, and dated as of the Eligible  
21 Voter Certification Date, and shall state the following:

22  
23 **RETIRED MEMBER ELECTIONS CERTIFICATION**

24 This certification is provided under the Election Procedures for the Board  
25 of Retirement of FCERA, as adopted by the Fresno County Board of  
26 Supervisors on [\_\_insert date\_\_] (the Election Procedures).

27 [\_\_insert name\_\_], [\_\_insert title\_\_] of the Fresno County Employees  
28 Retirement Association (FCERA) certifies to the Fresno County  
Clerk/Registrar of Voters that:

1 a. The accompanying electronic data file for the [\_\_insert date\_\_]  
2 Retired Member Elections represents and correctly identifies all current, Eligible  
3 Retired Members who may vote in such elections;

4 b. The accompanying electronic data file corresponds to the Eligible Retired  
5 Members who may vote in such elections (i.e., the Retired Member (eighth  
6 member) seat and the alternate Retired Member seat;

7 c. The accompanying electronic data file correctly identifies and only  
8 includes all current Eligible Retired Members who may vote in such elections;

9 d. There are no identified voters classified in the accompanying electronic  
10 data file who are General Members who are employed by the County or a  
11 Special District or are Deferred General Members or Inactive General Members,  
12 or Safety Members who are employed by the County or a Special District or are  
13 Deferred Safety Members or Inactive Safety Members, or persons referred to in  
14 Section II.F. of the Election Procedures as persons not made eligible to  
15 participate in Board of Retirement elections or any other non-members of  
16 FCERA;

17 e. The information in the accompanying electronic data file of eligible  
18 voters is complete and accurate for all such Eligible Retired Members who may  
19 vote in such elections, as of the date that such electronic data file of eligible  
20 voters and this certification is delivered to the Fresno County Clerk/Registrar of  
21 Voters, which is the "Eligible Voter Certification Date" under the Election  
22 Procedures; and

23 f. Any capitalized terms that are not defined herein, are defined in the  
24 Election Procedures.

25 Signature: \_\_\_\_\_  
26 Name and Title: \_\_\_\_\_  
27 Date: \_\_\_\_\_

28 -End-

3. Before delivering the FCERA-certified electronic data file(s) of eligible  
voters to the County Registrar of Voters for any Active Member Election or  
Retired Member Elections, as required herein, the FCERA Authorized Officer  
who will provide each of the foregoing certifications and electronic data file(s)  
shall ensure that the file(s) are accurate and complete according to the FCERA  
Authorized Officer's certification to be delivered and FCERA's records that are

1 reflected in such data file(s), and shall retain such records and files for the  
2 same period that the County Registrar of Voters is required to retain tallied  
3 official ballots under Section IX., herein. The County Registrar of Voters may  
4 rely exclusively on the foregoing certifications delivered by the FCERA  
5 Authorized Officer as conclusive proof of the accuracy and completeness of the  
6 information set forth in each accompanying applicable FCERA-certified  
7 electronic data file of eligible voters delivered to the County Registrar of Voters.

8 VI. Distribution of Official Ballot Packets to Eligible Voters.

9 A. Ballot Requirements; Mailing: Twenty-four (24) calendar days before the  
10 election (E-24), the County Registrar of Voters shall mail a sealed outgoing official  
11 ballot packet (each, an "Official Ballot Packet," or collectively, "Official Ballot  
12 Packets") to each Eligible Active Member for the Active Member Election, or to each  
13 Eligible Retired Member for the Retired Member Elections, at the mailing address for  
14 each such eligible voter, based solely on the information set forth in each applicable  
15 FCERA-certified electronic data file of eligible voters, delivered to County Registrar  
16 of Voters and certified by a FCERA Authorized Officer under Section V.C., herein.  
17 All such eligible voter name and address data shall remain confidential, including for  
18 mailing purposes, pre-counting, and official ballot counting (See Section V.B.,  
19 herein).

20 1. The Official Ballot Packet shall bear the applicable eligible voter's name  
21 and address and consist of the following documents to be inserted therein:

22 a. One (1) official ballot that is applicable to the eligible voter's  
23 FCERA member classification pursuant to Section II.B., herein, for an  
24 election of the Board of Retirement (*i.e.*, either one official ballot for Eligible  
25 General Members in the Active Member Election, or one official ballot for  
26 Eligible Safety Members in the Active Member Election; or one official ballot  
27 for Eligible Retired Members in the Retired Member Elections);  
28

- b. Voting instructions prepared by the County Registrar of Voters or his or her designee;
- c. Each of the Candidate's Statements, if any; and
- d. One (1) non-postage paid official ballot return envelope bearing the address of the Fresno County Clerk/Registrar of Voters Office ("Official Return Envelope"), and providing a unique identifying number, code and/or symbol, as determined by the County Registrar of Voters, that will enable the County Registrar of Voters to verify the identity of the eligible voter who returns the voted official ballot.

2. The County Registrar of Voters or his or her designees shall:

- a. Use a company or companies, which is or are certified by the California Secretary of State to print ballots, to provide all ballots and undertake all ballot layout and preparation and/or inserting processes relating to such documents to be provided, prepared, laid out, and/or inserted into the Official Ballot Packets, provided however, the County Registrar of Voters or his or her designees instead may, at his or her option, undertake any or all of such functions;

- b. Use non-profit postage for mailing of the Official Ballot Packets if the County Registrar of Voters determines that such method of mailing is available; and

- c. Mail the Official Ballot Packets as required herein.

VII. Pre-Count; Counting; Election Results. The County Registrar of Voters shall process the receipt, pre-counting, and counting of returned voted official ballots for the election as follows:

- A. Reissued Official Ballot Materials: The procedures for spoiled, mismarked, undeliverable, lost, or destroyed, official ballots or Official Return Envelopes are as follow.

///



1           1. If an eligible voter has spoiled or marked his or her official ballot or  
2 Official Return Envelope in error and needs a replacement, the County  
3 Registrar of Voters or his or her designees must receive the spoiled or  
4 mismarked ballot or Official Return Envelope back from the eligible voter and a  
5 signed declaration under penalty of perjury from the eligible voter, as  
6 applicable, before a new official ballot or Official Return Envelope is issued to  
7 the eligible voter, as follows:

8  
9           *"My spoiled/mismarked official ballot for the [\_\_insert date\_\_] Board  
10 of Retirement election has been surrendered to the Fresno County  
11 Registrar of Voters."*

12           Or

13           *"My spoiled/mismarked official return envelope for the [\_\_insert  
14 date\_\_] Board of Retirement election has been surrendered to the  
15 Fresno County Registrar of Voters."*

16           2. If an eligible voter claims that he or she did not receive in the United  
17 States mail the Official Ballot Packet or claims that he or she lost or destroyed  
18 his or her official ballot or Official Return Envelope, the County Registrar of  
19 Voters or his or her designees must receive a signed declaration under penalty  
20 of perjury from the eligible voter, as applicable, before a new official ballot or  
21 Official Return Envelope is issued to the eligible voter, as follows:

22           *"I did not receive in the United States mail my original official ballot  
23 packet for the [\_\_insert date\_\_] Board of Retirement election. If I  
24 receive in the United States mail my original official ballot packet, I will  
25 immediately destroy the original official ballot."*

26           Or

27           *"I lost or destroyed my original official ballot for the [\_\_insert date\_\_]  
28 Board of Retirement election. If I find my original official ballot, I will  
immediately destroy the original official ballot."*

Or

1                   *"I lost or destroyed my original official return envelope for the [\_\_insert*  
2                   *date\_\_] Board of Retirement election. If I find my original official return*  
3                   *envelope, I will immediately destroy the original official return envelope."*

4                   3. The County Registrar of Voters' created roster of FCERA members who  
5                   voted in each election under Section VII.D.1., herein, and counting of returned  
6                   voted official ballots under Section VII.F., herein, shall take into account, any  
7                   new official ballot issued to the eligible voter under this Section VII.A.

8                   B. Return of Voted Official Ballots: Each eligible voter returning his or her voted  
9                   official ballot to the County Registrar of Voters must return the voted official ballot in  
10                  the voted official ballot's like-kind, Official Return Envelope provided to the eligible  
11                  voter by the County Registrar of Voters. Voted official ballots may be returned by the  
12                  eligible FCERA voting member to the County Registrar of Voters only by United  
13                  States Postal Service ("USPS") Official Ballot Packets, overnight delivery by a  
14                  commercial carrier, such as FedEx or United Parcel Service, also known as UPS  
15                  (each, a "Commercial Carrier"), or the eligible voter returning his or her voted official  
16                  ballot by hand delivery to a County staff member who is attending the front counter  
17                  within the County Registrar of Voter's office, in each case, not later than 5:00 PM on  
18                  the date of the Board of Retirement election. A USPS postmark date on the Official  
19                  Return Envelope containing the voted official ballot, or a date that the Official Return  
20                  Envelope containing the voted official ballot was given to a Commercial Carrier, shall  
21                  not be considered. A returned voted official ballot that is not in the voted official  
22                  ballot's like-kind, Official Return Envelope, or multiple voted official ballots that are in  
23                  a single Official Return Envelope, shall be rejected. If during counting of returned  
24                  voted official ballots, the County Registrar of Voters or his or her designee discovers  
25                  any returned voted official ballot that is not among like-kind returned voted official  
26                  ballots, such returned voted official ballot shall be deemed to have been returned in  
27                  an envelope other than its like-kind, Official Return Envelope, and such returned  
28                  voted official ballot shall be rejected. The County Registrar of Voters shall reject any  
                    returned voted official ballots through any means other than those specified, above,

1 in this Section VII.B. Without limiting the generality of the foregoing sentence, the  
2 County Registrar of Voters shall reject any returned voted official ballots through any  
3 of the following means: (i) any County means of internal communication among  
4 County departments, including, but not limited to, County messenger, commonly  
5 known as "stop mail" or County inter-office mail or delivery (however, any County  
6 means of internal communication among County departments are not considered  
7 herein as, and shall not be treated herein as, the use of Commercial Carriers); (ii)  
8 any County Registrar of Voters drop box otherwise used by the County Registrar of  
9 Voters for any elections other than an election of the Board of Retirement; and/or (iii)  
10 the delivery to the County Registrar of Voters in any manner of multiple voted official  
11 ballots.

12 For any Official Ballots Packets that have been mailed by the County  
13 Registrar of Voters under Section VI.A., herein, and returned as undeliverable by the  
14 USPS to the County Registrar of Voters, (i) the County Registrar of Voters shall not  
15 have any obligation to reissue, whether using the same or a different address, any  
16 such Official Ballot Packets, or otherwise undertake any activity, including, but not  
17 limited to, conducting any outreach to FCERA or searching for the mailing address  
18 of the affected eligible voter, in relation to any such Official Ballots Packets; and (ii)  
19 such Official Ballot Packets shall have no effect on any Board of Retirement election.  
20 If any such Official Ballot Packets are returned by the USPS to County Registrar of  
21 Voters after he or she, or his or her designee, has posted and delivered election  
22 results of such election under Section VII.G., herein, but before they have certified  
23 the final, official election results of such election, the number of such official ballots  
24 shall be identified as non-delivered on the County Registrar of Voter's certification of  
25 such final official election results. If any such Official Ballot Packets are returned by  
26 the USPS to County Registrar of Voters after he or she, or his or her designee, has  
27 certified the final, official election results of such election, the County Registrar of  
28 Voters shall not revise his or her certification of the final official election results, or

1 otherwise revise his or her tally of the returned official ballots, to reflect such  
2 returned and undeliverable Official Ballot Packets, provided however he or she shall  
3 retain such returned and undeliverable Official Ballot Packets to the extent required  
4 under Section XI., herein.

5 C. Return of Voted Official Ballots from Outside Continental United States:

6 Eligible voters who reside outside of the continental United States may, subject to  
7 these election procedures, return their voted official ballot only by United States mail  
8 or Commercial Carrier to be received in the County Registrar of Voters Office, in  
9 each case, not later than 5:00 PM on the date of the relevant Board of Retirement  
10 election. A USPS postmark date on the Official Return Envelope containing the  
11 voted official ballot, or a date that the Official Return Envelope containing the voted  
12 official ballot was given to a Commercial Carrier, or other countries' marks on the  
13 Official Return Envelope containing the voted official ballot indicating any date,  
14 including but not limited to a mailing date, or date that the Official Return Envelope  
15 containing the voted official ballot was given to a Commercial Carrier, shall not be  
16 considered.

17 D. Pre-count Procedures: Commencing at 9:00 AM on the next County  
18 business day following the relevant Board of Retirement election, or as soon  
19 thereafter as may be practicable under the circumstances at such time, the County  
20 Registrar of Voters or his or her designees shall undertake the following pre-count  
21 procedures before opening and counting the returned voted official ballots.

22 1. Prior to opening the Official Return Envelopes, the County Registrar of  
23 Voters or his or her designees shall (a) verify whether the name of the eligible  
24 voter, and his or her FCERA member classification, on each Official Return  
25 Envelope, matches the eligible voter's name and FCERA member classification  
26 on the FCERA-certified electronic data file(s) for such classification delivered to  
27 the County Registrar of Voters under Section VI.C., herein, and (b) create a  
28 roster of FCERA members who voted in each election. The roster of FCERA

1 members who voted shall remain confidential, and not subject to public  
2 disclosure (See Section V.B., herein). If the County Registrar of Voters or his or  
3 her designee determines that any returned Official Return Envelopes do not  
4 comply with these election procedures, none of those Official Return Envelopes  
5 will be opened, none of the voted official ballots contained therein will be  
6 counted, and the County Registrar of Voters shall proceed to complete all pre-  
7 count procedures for all other returned Official Return Envelopes for the Active  
8 Member Election or the Retired Member Elections, as applicable.

9 2. The County Registrar of Voters or his or her designees shall  
10 complete all pre-count procedures for the Active Member Election or the  
11 Retired Member Elections prior to opening the Official Return Envelopes under  
12 Section VII.E., herein.

13 E. Opening and Inspecting Official Returned Envelopes; Separating Returned  
14 Voted Official Ballots: Upon opening the Official Returned Envelopes, and before the  
15 official voted ballots are separated from their respective Official Return Envelopes,  
16 the County Registrar of Voters or his or her designees shall inspect each opened  
17 Official Returned Envelope solely for the purpose of determining whether the  
18 returned official ballot contained therein is in its like-kind, Official Returned Envelope.  
19 If the County Registrar of Voters or his or her designees discover that any returned  
20 voted official ballot is not in its like-kind, Official Return Envelope, such returned  
21 voted official ballot shall be rejected. After all Official Returned Envelopes have been  
22 so opened and inspected for an election, the County Registrar of Voters or his or her  
23 designees shall separate the returned official ballots from their respective Official  
24 Returned Envelopes, and, once separated, kept in separate groups, as follows:

25 1. For the Active Member Election:

26 a. Returned official ballots for the active General Member seat(s) shall  
27 be grouped together, and kept separate from all other returned official  
28 ballots; and

1           b. Returned official ballots for the active Safety Member seat(s) shall be  
2 grouped together and kept separate from all other returned official ballots.

3           2. For the Retired Member Elections: returned official ballots for the Retired  
4 Member (eighth member) seat and alternate Retired Member seat shall be  
5 grouped together (but in any event shall be considered as official ballots for  
6 separate elections) and kept separate from all other returned official ballots.

7           F. Counting the Returned Voted Official Ballots: After opening and inspecting  
8 all of the Official Return Envelopes under Section VII.E., herein, the County  
9 Registrar of Voters or his or her designee(s) shall count the returned voted official  
10 ballots by using an electronic voting system until completed, as follows:

11           1. The County Registrar of Voters shall tally the results of the official count  
12 for the Active Member Election (including separate counts for the active  
13 General Member seat(s) and the active Safety Member seat(s) in the same  
14 regularly scheduled election or Special Election), and for the Retired Member  
15 Elections (including separate counts for the Retired Member (eighth member)  
16 seat and the alternate Retired Member seat in the same regularly scheduled  
17 election cycle or Special Election), according to the following categories, as  
18 applicable:

- 19           a. Official ballots issued;
- 20           b. Official ballots returned by voters;
- 21           c. Rejected official ballots;
- 22           d. Votes cast;
- 23           e. Overvotes (*i.e.*, returned voted official ballot invalidated due to more  
24 than one vote per member seat);
- 25           f. Blanks (*i.e.*, not voted);
- 26           g. Spoiled/reissued official ballots; and
- 27           h. Undeliverable official ballots (*i.e.*, as determined and returned by  
28 USPS).

1 (Item b., above, is the sum of items c., d., e., and f., above).

2 2. In the event an electronic voting system cannot be used for counting all  
3 of the returned voted official ballots, the County Registrar of Voters or his or her  
4 designee(s) shall count the returned voted official ballots by hand. In the event  
5 a returned voted official ballot cannot be counted by an electronic voting system  
6 due to the condition of the voted official ballot, the County Registrar of Voters or  
7 his or her designee(s) shall create a duplicate ballot, using the same  
8 information in the returned voted official ballot, and count such duplicate ballot  
9 in the same manner as all other like-kind returned voted official ballots are  
10 counted by the electronic voting system. The County Registrar of Voters shall  
11 retain the returned voted official ballot that cannot be counted by the electronic  
12 voting system, and indicate on such returned voted official ballot that it cannot  
13 be used and that the duplicate ballot has been used in its place; the created  
14 duplicate ballot shall be deemed to be the voted official ballot.

15 3. Any candidate receiving the highest number of votes, in at least the  
16 plurality of all votes cast for the election of a member seat on the Board of  
17 Retirement, shall be deemed to be elected for that seat.

18 G. Posting and Delivering Election Results: The County Registrar of Voters or  
19 his or her designees shall complete all counting procedures for the Active Member  
20 Election or the Retired Member Elections under Section VII.F., herein, prior to  
21 posting the results of each election. After completing the counting procedures for  
22 each election, the County Registrar of Voters or his or her designee shall, as soon  
23 thereafter as may be practicable under the circumstances at such time, promptly  
24 post the election results (including any changed election results) on its Department  
25 website and deliver the election results (including any changed election results) to  
26 the FCERA Retirement Administrator by email or hand delivery.

27 H. Request for Recount Requirements: In the event a candidate desires to  
28 request a recount of the election for the member seat that he or she is seeking on

1 the Board of Retirement, he or she must file a written request for the recount with the  
2 County Registrar of Voters, and comply with this Section VII.H., not later than 5:00  
3 PM on the fifth (5<sup>th</sup>) calendar day following the date that the County Registrar of  
4 Voters or his or her designee has posted the election results on its Department  
5 website pursuant to Section VII.G., herein. In the event of timely multiple requests  
6 for a recount of the election for the member seat, each requesting candidate shall  
7 comply with this Section VII.H., herein, without regard any other request for a  
8 recount, or any other deposit of any amount by any other candidate for the cost of  
9 the recount, but there shall be only one (1) recount.

10 1. Recount Request in Writing. The written request for a recount must  
11 comply with Section VII.H., herein.

12 2. One Request Per Candidate. A candidate may only request a recount of  
13 the election for the member seat that he or she is seeking on the Board of  
14 Retirement, and a recount will only be conducted if the requesting candidate  
15 first pays the County Registrar of Voters' the full cost of the recount pursuant to  
16 this Section VII.H.2.

17 a. In the event of a request for a recount of the election for the member  
18 seat, the County Registrar of Voters or his or her designee shall, not later  
19 than five (5) County business days thereafter, provide the requesting  
20 candidate a written estimate cost of the recount, and the requesting  
21 candidate must deposit an amount equal to the cost estimate, in the form of  
22 cash, cashier's check, or money order, with the County Registrar of Voters  
23 not later than the third (3<sup>rd</sup>) County business day thereafter.

24 b. In the event of multiple deposits due to multiple timely requests for a  
25 recount of the election for the member seat, the County Registrar shall  
26 determine how to apportion the use of such amounts to pay the County  
27 Registrar of Voters' costs of completing the recount.

28 ///



1           c. In the event the money so deposited is insufficient to pay the County  
2 Registrar of Voters' costs of completing the recount, the County Registrar of  
3 Voters shall suspend the recount and provide the requesting candidate(s) a  
4 written estimate of the cost of completing the recount. The requesting  
5 candidate(s) must deposit an amount equal to the cost estimate with the  
6 County Registrar of Voters not later than the third (3<sup>rd</sup>) County business day  
7 thereafter. In the event the County Registrar of Voters does not receive the  
8 estimated cost in the form of a cash, cashier's check, or money order  
9 deposit within such time, the recount shall be terminated, and any activities  
10 that the County Registrar of Voters undertook toward the recount shall be  
11 disregarded and have no force or effect.

12           d. In the event the moneys so deposited are sufficient to pay the County  
13 Registrar of Voters' costs of the recount, the County Registrar of Voters  
14 shall conduct the recount, including breaking any resulting tie vote,  
15 according to the election procedures for counting returned official ballots  
16 under Section VII.F., herein, and the following procedures shall apply,  
17 depending on the outcome of the recount:

18           i. If the recount does not change the result, which is the highest  
19 number of votes of all votes cast for the election of a member seat on  
20 the Board of Retirement, including a resulting tie vote or breaking a tie  
21 vote, of the election in the favor of the requesting candidate, the County  
22 Registrar of Voters shall provide written notice thereof to the affected  
23 candidates, and such recount shall be disregarded.

24           ii. If the recount changes the result, which is the highest number of  
25 votes of all votes cast for the election of a member seat on the Board of  
26 Retirement, including a resulting tie vote or breaking a tie vote, of the  
27 election in the favor of the requesting candidate, the County Registrar of  
28 Voters shall post the changed election results on its Department website

1 and deliver the changed election results to the FCERA Retirement  
2 Administrator, pursuant to Section VII.G., herein.

3 iii. No candidate shall be entitled to a new recount following the  
4 completion of a recount under these election procedures.

5 e. The amount of moneys deposited by the requesting candidate(s)  
6 for the costs of a recount shall only be refunded to a requesting candidate upon  
7 the completion of the recount if such candidate achieves a new count, which is  
8 the highest number of votes of all votes cast for the election of a member seat  
9 on the Board of Retirement, and which changes the result of the election for the  
10 member seat in his or her favor, by (i) such candidate obtaining the highest  
11 number of votes in at least a plurality of all votes cast for such election  
12 (pursuant to Section VII.F.3., herein), (ii) such candidate obtaining a resulting  
13 tie vote, if two or more candidates, including such candidate, receive an equal  
14 and the highest number of votes, of all votes cast for the election of such  
15 member seat (in which case any such resulting tie vote shall be broken under  
16 Section VIII.I., herein), provided that there was not a tie vote, where two or  
17 more candidates, including such candidate, received an equal and the highest  
18 number of votes, of all votes cast for the election of such member seat, for a  
19 different count in the first place, or (iii) such candidate breaking a tie vote that  
20 results in such candidate obtaining the highest number votes in at least a  
21 plurality of all votes cast for such election (pursuant to Section VII.F.3., herein);  
22 otherwise all of such moneys paid to the County Registrar of Voters and spent  
23 for the recount requested by such candidate shall be retained by the County  
24 Registrar of Voters.

25 f. Any amount of such moneys so deposited with the County Registrar that  
26 is required to be refunded, as provided herein, or in any event not spent for the  
27 recount, will be refunded to the requesting candidate within thirty (30) County  
28 business days following the completion of the election process. In the event of

1           timely multiple requests, and deposits of amounts, for a recount of the election,  
2           the County Registrar shall determine whether or how to apportion any such  
3           amounts to be refunded to the requesting candidates.

4           I. Tie Votes: After the conclusion of, or passage of time allowed herein for,  
5           any recount that may be conducted pursuant to Section VII.H., herein, if two or more  
6           candidates receive an equal and the highest number of votes, of all votes cast for  
7           the election of a member seat on the Board of Retirement, the County Registrar of  
8           Voters shall direct the candidates who received the tie votes to appear before him or  
9           her or his or her designee at the office of the County Registrar of Voters at a time  
10          and date, not later than five (5) County business days thereafter, to be designated  
11          by him or her for the drawing of lots to break the tie, provided that a candidate may  
12          designate a representative to appear and act for him or her in his or her absence so  
13          long as the candidate has given the County Registrar of Voters advance written  
14          notice of such designation, which advance written notice may be given by email. If a  
15          candidate or his or her representative is not in attendance at the specified time and  
16          date for, or attends but at any time does not participate in, the drawing of the lots,  
17          the County Registrar of Voters or his or her designee shall proceed and appoint a  
18          Department employee or employees (in either case, who is not a spouse, domestic  
19          partner, parent or child of any affected candidate) to act as the candidate's or  
20          candidates' representative(s) for all purposes relating to the drawing of lots, provided  
21          that, if a candidate or his or her representative appears, or attends but at any time  
22          does not participate, while the drawing of lots is in progress, the drawing of lots shall  
23          continue until completion without regard to the fact that the candidate or his or her  
24          representative had not appeared or participated. The County Registrar of Voters or  
25          his or her designee shall break the tie by drawing of lots in the following manner,  
26          using ordinary materials and supplies selected by the County Registrar of Voters or  
27          his or her designee:

28          ///

1           1. Before undertaking the drawing of lots, the following procedures shall be  
2 read aloud to the candidates or their representatives who are present.

3           2. The candidates or their representatives shall be provided a small slip of  
4 paper, each approximately the same size, upon which they shall write the name  
5 of the candidate.

6           3. The candidates or their representatives shall fold and place their signed  
7 slips in identical small sealed containers (e.g., pill bottle with a cap), seal them,  
8 and hand their sealed containers to the County Registrar of Voters or his or her  
9 designee, and those sealed containers, once returned to him or her, shall be  
10 placed by Registrar of Voters or his or her designee in a larger opaque  
11 container (e.g., hat, bag, or bucket).

12           4. Without looking into the larger container, the County Registrar of Voters'  
13 or his or her designee shall reach into the larger container, retrieve only one (1)  
14 of the smaller sealed containers, and open the retrieved sealed container. The  
15 name of the candidate whose name is in the retrieved sealed container shall be  
16 announced as the winner of the elected seat.

17           5. The candidate winning the tie for the election of a member seat on the  
18 Board of Retirement shall be deemed elected for that seat, and the completion  
19 of such drawing of lots to break the tie vote shall be final and conclusive.

20           J. Certification of Final, Official Election Results: The County Registrar of  
21 Voters or his or her designees shall complete all counting procedures for each  
22 election under Section VII.F., herein, and conduct all activities as may be necessary  
23 under Sections VII.G., VII.H., and/or VII.I., herein, prior to certifying the final, official  
24 election results of each such election. After completing all such counting procedures  
25 and activities for each such election, and the passage of time allowed for the timely  
26 filing of a valid written protest of the election results as required under Section  
27 VIII.A., herein for each such election, and if there is no written protest of the election  
28 results filed with the County Registrar of Voters within such allowed time for any

1 such election, then, as to such election, the County Registrar of Voters shall, as  
2 soon thereafter as may be practicable under the circumstances at such time, certify  
3 the final, official election results of such election, and, such certification shall be the  
4 final and conclusive, official results of such election. Upon such certification of the  
5 official election results of each such election, under this Section VII.J., the County  
6 Registrar of Voters or his or her designees shall promptly post the certified final,  
7 official election results on its Department website and deliver a copy of such posted  
8 certified final, official election to the FCERA Retirement Administrator by email or  
9 hand delivery. The counting procedures and certification of the final, official election  
10 results shall be completed not later than fourteen (14) calendar days following the  
11 first day of opening the Official Return Envelopes for each such election, as  
12 applicable, provided that the time for such completion shall be extended by (i) any  
13 additional time as may be necessary for the County Registrar of Voters to act upon  
14 or respond to any request for recount, under Section VII.H., herein, (ii) five (5)  
15 County business days in the event there is the need for the drawing of lots to break  
16 the tie, as provided in Section VII.I., herein, and (iii) any additional time as may be  
17 necessary for the County Registrar of Voters to act upon or respond to a protesting  
18 candidate relating to his or her protest under Section VIII.A., herein.

19 K. No Requirement for County Registrar of Voters to Act. Notwithstanding  
20 anything to the contrary in these election procedures, the County Registrar of Voters  
21 is not required to post or deliver any election results under Section VII.G., herein, or  
22 certify, post and deliver any final, official election results under Section VII.J., herein,  
23 when the County Registrar of Voters declares that he or she cannot conduct or  
24 complete the conducting of the election, or the election of a particular member seat,  
25 as provided in Section I.B., herein.

26 VIII. Protest; Legal Challenge.

27 A. Protest Requirements: In the event a candidate desires to protest the  
28 results of any election (other than making a request for a recount, which request and

1 recount shall be made pursuant to Section VII.H., herein) for the member seat that  
2 he or she is seeking on the Board of Retirement, he or she must file the written  
3 protest with the County Registrar of Voters (and he or she must include written proof  
4 that he or she has provided a copy of the written protest to any other affected  
5 candidate), in compliance with this Section VIII.A., not later than 5:00 PM on the fifth  
6 (5<sup>th</sup>) calendar day following the date, as applicable, that (1) the County Registrar of  
7 Voters has posted the election results (including any changed election results) on its  
8 Department website pursuant to Section VII.G., herein, or (2) in the event of a  
9 recount that has been completed under Section VII.H., herein, the County Registrar  
10 of Voters has provided written notice to the candidate, pursuant to Section  
11 VII.H.2.d.i., herein, that, after conducting the recount of the election, the recount did  
12 not change the result. Any recount that has been terminated under Section  
13 VII.H.2.c., herein, shall be disregarded for purposes of this Section VIII.A., and shall  
14 not extend the time within which the candidate must file the written protest with the  
15 County Registrar of Voters under this Section VIII.A. The County Registrar of Voters  
16 shall not be obligated to consider any additional or amended grounds for the protest,  
17 or any augmented documentation or other evidence from the protesting candidate,  
18 after receipt of the written protest.

19 1. Protest in Writing. The written protest shall be based on the failure of  
20 any of the County Parties and/or any County Party, the FCERA Parties and/or  
21 any FCERA Party, the Special District Parties and/or any Special District Party,  
22 as applicable, to comply with these election procedures, and must specify such  
23 grounds for the protest and be accompanied by any documentation or other  
24 evidence that may be referenced in the protest.

25 2. County Registrar of Voters Action or Response. Subject to the candidate's  
26 compliance with Section VIII.A., herein, the County Registrar of Voters shall, with  
27 thirty (30) County business days of receipt of the written protest, act upon or  
28

1 respond to the written protest and provide written notice thereof to the affected  
2 candidates and the FCERA Administrator.

3 3. Valid and Timely Protest; Final, Official Election Results. Once the  
4 County Registrar of Voters takes final action, or provides a response, in relation  
5 to any protest under Section VIII.A., herein, such final action or response, as  
6 applicable, shall be the final and conclusive, official results of the election.

7 B. Failure to Exhaust Administrative Remedies: Any candidate's failure to  
8 timely make a request for a recount or pay the County Registrar of Voters for the full  
9 cost of a requested recount, if any, as required in Section VII.H., herein, or timely file  
10 a valid written protest of the election results as required under Section VIII.A., herein  
11 (or raise any issue that could have been raised in a protest but was not raised), shall  
12 be considered a failure of the candidate to exhaust his or her administrative  
13 remedies with respect to (a) any failure of any of the County Parties and/or any  
14 County Party, the FCERA Parties and/or any FCERA Party, the Special District  
15 Parties and/or any Special District Party, as applicable, to comply with these election  
16 procedures (or any issue, to the extent the issue could have been raised but was not  
17 raised in the protest); and (b) the election results of the relevant Board of Retirement  
18 election.

19 C. Legal Challenge to Election and Writ of Mandate: Any legal challenge  
20 seeking review of, any right or duty of, act or omission including any failure by any of  
21 the County Parties and/or any County Party, the FCERA Parties and/or any FCERA  
22 Party, the Special District Parties and/or any Special District Party, as applicable, to  
23 comply with these election procedures relating to any election of the Board of  
24 Retirement under these election procedures or otherwise, shall be by writ of  
25 mandate under Code of Civil Procedure § 1085 in the Fresno Superior Court.

26 IX. FCERA Posts Official Election Results.

27 Not later than ten (10) FCERA business days following the later of the date that  
28 the County Registrar of Voters or his or her designees delivers the copy of the

1 posted certified final, official election results to the FCERA Retirement Administrator  
2 for each election, pursuant to Section VII.J., herein, or provides written notice of  
3 final action, or a response to a protesting candidate, relating to his or her protest  
4 under Section VIII.A., herein, to the FCERA Administrator, a FCERA Authorized  
5 Officer shall post the copy of such posted results on FCERA's website (presently,  
6 [www.FresnoCountyRetirement.org](http://www.FresnoCountyRetirement.org)) and deliver a copy thereof as follows: (1) for an  
7 Active Member Election, to each County department and Special District employing  
8 FCERA members who were eligible to vote in the election, and to each recognized  
9 employee representation organization having FCERA members who were eligible to  
10 vote in the election and employed by the County or a Special District, and (2) for  
11 Retired Member Elections, to each organization recognized by the Board of  
12 Retirement as representing the Retired Members. A FCERA Authorized Officer may  
13 provide any updating information under this Section IX. in the event of any legal  
14 challenge to any certified final, official election results.

15 X. Swearing in the Newly Elected Member.

16 The Board of Retirement shall swear in the newly elected member as soon as  
17 practicable under the circumstances at such time.

18 XI. Retention of Tallied Returned Official Ballots and Undeliverable Returned Official  
19 Ballot Packets.

20 The County Registrar of Voters shall retain tallied returned official ballots, and  
21 Official Ballot Packets, as determined as undeliverable and returned by the USPS  
22 under Section VII.B., herein, until the later of: (i) six (6) months following the certified  
23 final, official election results under Sections VII.J., or VIII.A., herein, whichever is  
24 later, (ii) the final judgment, including any appeals, of any legal challenge brought  
25 pursuant to Section VIII.C., herein, or (iii) any time as may be required by law in the  
26 event of any legal challenge brought other than pursuant to Section VIII.C., herein,  
27 provided however, such reference to any other legal challenge is not intended to, nor  
28



1 may it be inferred, authorize any legal challenge under any basis not provided for in  
2 these election procedures.

3 XII. Effectiveness.

4 This Resolution shall be effective immediately upon its adoption. From and after  
5 its effective date, this Resolution supersedes any prior resolution of the Board of  
6 Supervisors with respect to the subject of Board of Retirement Election Procedures,  
7 including the prior resolutions of the Board of Supervisors referenced in the recitals  
8 to this Resolution.

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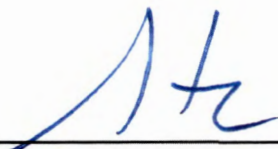
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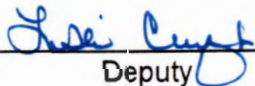
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THE FOREGOING was passed and ADOPTED by the following vote of the Board of Supervisors of the County of Fresno this 22nd day of June 2021, to-wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero  
NOES: None  
ABSENT: None  
ABSTAINED: None

  
\_\_\_\_\_  
Steve Brandau, Chairman of the Board of Supervisors of the County of Fresno

ATTEST:  
Bernice E. Seidel  
Clerk of the Board of Supervisors  
County of Fresno, State of California

By:   
\_\_\_\_\_  
Deputy

### Appendix A - Election Schedule

Category	Member No.	Term Expires	Election	
			Month	Year
General	2	12/31/2021	November	2021
Retired	8	12/31/2022	August	2022
Retired Alt.	8 Alt.	12/31/2022	August	2022
Safety	7	12/31/2023	November	2023
General	3	12/31/2023	November	2023
General	2	12/31/2024	August	2024
Retired	8	12/31/2025	November	2025
Retired Alt.	8 Alt.	12/31/2025	November	2025
Safety	7	12/31/2026	August	2026
General	3	12/31/2026	August	2026
General	2	12/31/2027	November	2027
Retired	8	12/31/2028	August	2028
Retired Alt.	8 Alt.	12/31/2028	August	2028
Safety	7	12/31/2029	November	2029
General	3	12/31/2029	November	2029
General	2	12/31/2030	August	2030
Retired	8	12/31/2031	November	2031
Retired Alt.	8 Alt.	12/31/2031	November	2031
Safety	7	12/31/2032	August	2032
General	3	12/31/2032	August	2032
General	2	12/31/2033	November	2033
Retired	8	12/31/2034	August	2034
Retired Alt.	8 Alt.	12/31/2034	August	2034
Safety	7	12/31/2035	November	2035
General	3	12/31/2035	November	2035