

1 B. The second and third members shall be members of FCERA, other than
2 safety members, elected by those members (*i.e.*, general members);

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

9 D. The seventh member shall be a safety member of FCERA elected by the
10 safety members;

11 E. The eighth member shall be a retired member of FCERA elected by the
12 retired members of FCERA;

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

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

23 WHEREAS, under Government Code § 31520.5, the Board of Retirement
24 alternate retired member, if any, shall be elected separately by retired members of
25 FCERA in the same manner and at the same time as the eighth member of the
26 Board of 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 and December 8, 2015 (adding a regular election schedule through 2029);

14 WHEREAS, as the date of this Resolution, the Board of Retirement has an
15 alternate retired member;

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 has been informed that, on April 3, 2019,
20 the Board of Retirement approved certain further amendments to the Board of
21 Retirement Election Procedures, all of which are incorporated into the Board of
22 Retirement Election Procedures, as set forth below; and

23 WHEREAS, considering all such proposed further amendments, as approved
24 by the Board of Retirement, the Board of Supervisors further desires to amend the
25 Board of Retirement Election Procedures, as set forth below.

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

1 or the election for the particular member seat, were to proceed to completion. If the
2 County Registrar of Voters makes a determination that he or she cannot conduct, or
3 complete the conducting of, a Board of Retirement election, or the election for a
4 particular member seat, under this Section I.B., then:

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

9 2. The County Registrar of Voters shall promptly post such declaration,
10 which shall include the condition for such declaration, on its Department
11 website, and provide a copy thereof to the Board of Retirement, the FCERA
12 Retirement Administrator, the Board of Supervisors, and the affected
13 candidates for the election, or the election for the particular member seat, and
14 shall request the Board of Supervisors to call a new Board of Retirement
15 election, or a new election for the particular member seat, which election shall
16 be a Special Election (as defined in Section I.C., herein);

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

19 4. The eligibility of members of FCERA to participate in the Special Election
20 called by the Board of Supervisors under Section I.C., herein, shall relate to the
21 Special Election so called without regard to the election for the Board of
22 Retirement, or the election for a particular member seat, that County Registrar
23 of Voters declared that he or she cannot conduct or complete.

24 C. Board of Supervisors Call of Special Election. The Board of Supervisors
25 shall, as soon as may be practicable under the circumstances at such time, call for,
26 and set the date of, any Board of Retirement elections to any fill midterm
27 vacancies, or any Board of Retirement election requested by the County Registrar
28 of Voters, under Section I.B.2, herein., or requested by the Retirement

1 Administrator, under Section IV.F., herein (in either case, a “Special Election,” or
2 collectively, “Special Elections”).

3 D. Officials: The FCERA Retirement Administrator, the FCERA Assistant
4 Retirement Administrator, the FCERA Executive Assistant or the FCERA employee
5 whom the Retirement Administrator certifies in writing to the County Registrar of
6 Voters as the functional equivalent of the FCERA Executive Assistant for purposes
7 of these election procedures, and the FCERA officer who is designated by the
8 Retirement Administrator as the clerk to the Board of Retirement shall be, and each
9 of them acting alone is (each a “FCERA Authorized Officer”), authorized to do any
10 and all things for and on behalf of FCERA under these election procedures, unless
11 the Retirement Administrator is specifically authorized to act hereunder for and on
12 behalf of FCERA. The County Registrar of Voters (including his or her designee
13 where specifically authorized to act hereunder) shall be and is authorized to do any
14 and all things for and on behalf of the County under these election procedures,
15 unless the Board of Supervisors is specifically authorized to act hereunder for and
16 on behalf of the County.

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

22
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 alternate
8 retired member of the Board of Retirement, who shall be retired members of
9 FCERA while they seek election for, and hold, such respective offices, (each a
10 “Retired Member Election”).

11 B. Classifications of Eligible Members of FCERA: Members of FCERA eligible
12 to participate in a Board of Retirement election are identified and classified as the
13 following types of voters, respectively:

14 1. “Eligible Active Members” are separately classified within their respective
15 voter classifications:

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

26 b. “Eligible Safety Members” are all safety members of FCERA who
27 either are employed by the County or a Special District, or have elected in
28 writing to come within the provisions of Article 9 (commencing with Gov.

1 Code, § 31700) of CERL, and on the date of such election was a safety
2 member (also known as a “Deferred Safety Member”), or have otherwise
3 elected in writing under CERL to leave his or her accumulated contributions
4 on deposit with FCERA upon separating from the service of the County or a
5 Special District, and on the date of such election was a safety member (also
6 known as a “Inactive Safety Member”), as of the Eligible Voter Certification
7 Date.

8 2. “Eligible Retired Members” are all retired members of FCERA as of the
9 Eligible Voter Certification Date. There shall not be any separate classifications
10 of voters within Eligible Retired Members.

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

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

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

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 any
7 (safety member), of the Board of Retirement. The alternate seventh member, if
8 any, shall be elected from the group under Government Code § 31470.2 or
9 31470.4, or any other eligible safety member in the County if there is no eligible
10 candidate from the groups under Government Code §§ 31470.2 and 31470.4,
11 which is not represented by a member of the Board of Retirement who received
12 the highest number of votes of all candidates in that group. If there is no
13 eligible candidate for the alternate seventh member, there may not be an
14 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. Observing the Election Process: Each candidate, including his or her
21 designated representative, and any member of the public may observe the
22 Retirement Administrator's drawing of lots for the order of placement of eligible
23 candidates' names on the official ballot under Section IV.G., herein, the County
24 Registrar of Voters and his or her designees' undertaking of the pre-count
25 procedures under Section VII.E., herein, and the opening and inspection of Official
26 Return Envelopes and the counting of returned voted official ballots under Sections
27 VII.E. and VII.F., herein, respectively, provided however, (1) each candidate, or his
28 or her designated single representative who is a County employee, but not both,

1 shall be allowed a reasonable amount of County release time (“County Allowed
2 Time”) for such activities and, (2) each candidate, including his or her representative,
3 and members of the public shall not interfere in any way with the Retirement
4 Administrator’s drawing of lots for the order of placement of candidates’ names on
5 the official ballot, or the County Registrar of Voters’ and his or her designees’ orderly
6 undertaking of such pre-count procedures and counting, including, but not limited to,
7 the touching or handling of any returned Official Return Envelopes or any returned
8 voted official ballots. Candidates, including their representatives, who are County
9 employees, shall not be allowed any County Allowed Time to obtain nominations or
10 campaign.

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

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

15
16 III. Request for Election.

17 A. Requirements. Not later than one hundred twenty (120) calendar days prior
18 to election day (E – 120; all references to “E-#” mean election day minus # of
19 calendar days) for a Board of Retirement election, the FCERA Authorized Officer
20 shall provide the following to the County Registrar of Voters for the election:

21 1. Written Request: Written request for the County Registrar of Voters to
22 conduct the Board of Retirement election that (a) specifies the date of the
23 election either according to Appendix A - Election Schedule, or as a Special
24 Election called by the Board of Supervisors under Sections I.C. or IV.F., herein,
25 respectively; (b) specifies the relevant member election, including the related
26 seat number, for the Board of Retirement; (c) includes a confirmation that the
27 County-FCERA cost reimbursement agreement is in effect (See Section I.E.,
28 herein); and (d) provides an estimate of the specific number of Official Ballot

1 Packets (as defined in Section VI.A., herein) that FCERA requests the County
2 Registrar to order for printing in relation to such election; and

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

5
6 IV. Nomination Process.

7 A. Notice of Election: Not later than E-70, FCERA shall provide a written
8 notice of the election (“Notice of Election”) to as follows:

9 1. For Active Member Elections, to each County department, Special
10 District, and recognized employee representation organization having FCERA
11 members employed by the County or a Special District, and to each eligible
12 deferred and inactive FCERA member at the deferred or inactive FCERA
13 member’s then-current address on file with FCERA.

14 2. For Retired Member Elections, which shall be separate elections held
15 simultaneously for the retired member and alternate retired member of the
16 Board of Retirement, (a) to each organization recognized by the Board of
17 Retirement as representing the retired members of FCERA, and (b) for
18 regularly-scheduled Retired Member Elections, to each retired member of
19 FCERA at his or her then-current address on file with FCERA provided that
20 such notice shall be by mailing a flyer (or including information along with or in
21 the monthly benefit statement mailed to each retiree) that provides basic
22 information about the regularly-scheduled Retired Member Elections.

23 B. Member Seats: The Notice of Election shall state the following concerning
24 the election for each member seat on the Board of Retirement:

25 1. Each member seat for which the election is being held, specifying the
26 classification of (*i.e.*, for Active Member Election, specifying either the general
27 member or safety member classification, or for the Retired Member Elections,
28 specifying the retiree classification) and qualifications for the member seat, and

1 the related seat number, or reference to retiree alternate member, as
2 applicable.

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

5 3. Procedures for submissions of nominations and candidate's certification
6 thereof and candidates' statements, including deadlines for submissions
7 thereof, the date of the election to be held, and the time period for the pre-count
8 and counting of returned voted official ballots, all of which shall comply with
9 these election procedures.

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

12 1. For the Active Member Election:

13 a. The nominee who is a general member of FCERA may be elected
14 and hold office only as the second or third member of the Board of
15 Retirement, provided that, at all relevant times, he or she shall be an
16 employee of the County or a Special District, and remain (a) employed by
17 the County or a Special District, and (b) in the classification of a general
18 member of FCERA.

19 b. The nominee who is a safety member of FCERA may be elected
20 and hold office only as the seventh member, or, if any, alternate seventh
21 member of the Board of Retirement, provided that, at all relevant times, he
22 or she shall be an employee of the County or a Special District, and remain
23 (a) employed by the County or a Special District, and (b) in the
24 classification of a safety member of FCERA.

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

27 d. Any nominee who is elected to any such seat on the Board of
28 Retirement, but either separates from the service of the County or a

1 Special District, or changes his or her FCERA membership classification
2 from general member to safety member or vice-versa, shall automatically
3 vacate his or her office.

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

7 2. For the Retiree Member Elections:

8 a. The nominee shall be, and at all relevant time remain, a retired
9 member of FCERA.

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

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

15 D. Nominations; Candidates' Statements: A petition, specifying the seat
16 number (or for the Retired Member Elections, specifying the retiree classification of
17 the member) of the Board of Retirement, and signed by at least fifteen (15) Eligible
18 General Members for the second or third member, or by at least fifteen (15) Eligible
19 Safety Members for the seventh member, or, if any, alternate seventh member, or by
20 at least (15) Eligible Retired Members for the retired member (eighth member) seat
21 or the alternate retired member seat of the Board of Retirement, as applicable, shall
22 be delivered to the FCERA Retirement Administrator together with a certification
23 from the nominee of said petition certifying his or her willingness and qualification to
24 serve on the Board of Retirement for such specified member seat number (and for
25 the Active Member Election, giving the name of the County department or Special
26 District in which he or she is employed), and his or her contact information, which
27 shall, among other things, include an email address; such email address may be
28 used for all notices provided by FCERA or the County Registrar of Voters or his or

1 her designee, to the candidate under these election procedures. Each Eligible
2 General Member, each Eligible Safety Member, and each Eligible Retired Member,
3 as applicable may nominate only one (1) person per member seat on the Board of
4 Retirement for which the election is (or elections are, as applicable) being held and
5 in which such Eligible General Member, Eligible Safety Member, or Eligible Retired
6 Member, respectively, may participate. The nominee may also submit a candidate's
7 statement of two hundred (200) words or less, which shall be distributed with the
8 official ballots, subject to the following:

9 1. The candidate's statement may include the name and occupation (for
10 the Active Member Election, including the name of the County department or
11 Special District in which he or she is employed, or for the Retired Member
12 Elections, including the name of the County department or Special District in
13 which he or she was employed), of the candidate and a brief description of the
14 candidate's education, qualifications, and platform expressed by the candidate.
15 The statement shall be limited to a recitation of the candidate's own personal
16 background, qualifications, and platform, and shall not in any way refer to other
17 candidates for that office or to another candidate's qualifications, platform,
18 character, or activities.

19 2. The candidate's statement shall be submitted with the petition in Word
20 form, 12-point font type.

21 3. Once submitted, the statement may not be withdrawn, revised, or refiled
22 by the nominee.

23 4. The candidate's statement will be published as presented by the
24 candidate, subject to the requirements of this Section IV.D., and any
25 reformatting deemed necessary by the Retirement Administrator and/or the
26 County Registrar of Voters.

27 5. Notwithstanding anything to the contrary in this Section IV.D., neither the
28 FCERA Parties nor the County Parties assume any responsibility for the

1 content or form of the statement or the distribution thereof to any voters, or for
2 making any changes to the content of the statement, or for correcting its
3 grammar, punctuation, or spelling, provided however, that the County Registrar
4 of Voters may, in his or her sole discretion, after providing written notice to the
5 affected candidate, delete any portion of the statement that the County
6 Registrar of Voters determines to be non-compliant with the requirements of
7 this Section IV.D.

8 E. Close of Nominations: The nomination period shall close twenty (20)
9 calendar days (E – 50) after the date FCERA provides the Notice of Election
10 pursuant to this Section IV. If the nomination period ends on a weekend or holiday,
11 it shall be extended to the end of the next FCERA business day.

12 F. Confirmation of Eligible Candidates: Prior to determining the order of
13 placement of candidates' names on the official ballot, the Retirement Administrator
14 shall determine that the nominees are duly nominated and eligible candidates for
15 election of the relevant seat on the Board of Retirement. If the Retirement
16 Administrator determines that a nominee is not duly nominated or eligible for such
17 seat, the Retirement Administrator shall declare such nominee as ineligible as a
18 candidate for such seat. If the Retirement Administrator determines that no nominee
19 is duly nominated or eligible for such seat, the Retirement Administrator shall
20 declare that there is no nominee who is eligible as a candidate for such seat, and the
21 Retirement Administrator shall promptly request the Board of Supervisors to call a
22 Special Election for such seat, and simultaneously provide a copy of such request to
23 the County Registrar of Voters. Any such declaration by the Retirement
24 Administrator shall be final and conclusive, but only as to such election for such
25 seat, and the Retirement Administrator shall so inform the nominee(s), if any, and
26 the reason therefor.

27 G. Placement of Eligible Candidates' Names on Official Ballot: On E-47, the
28 FCERA Retirement Administrator shall determine the order of placement of duly

1 nominated and eligible candidates' names on the official ballot by drawing of lots at
2 FCERA's office in the manner provided for the County Registrar's drawing of lots to
3 break tie votes under Section VII.I., herein, except that the order of placement of
4 such candidates' names on the official ballot shall be based on descending order of
5 the lots as they are drawn. At least one (1) FCERA business day prior to such
6 drawing of lots, FCERA shall provide written notice to all such candidates that they
7 may observe such drawing of lots. The FCERA Retirement Administrator shall
8 provide such candidates' names, and order of placement of such candidates' names
9 on the official ballot, to the County Registrar of Voters not later than E – 45.

10 H. Unopposed Candidates: If any duly nominated and eligible candidate is
11 unopposed for election at the close of nominations, the Retirement Administrator
12 shall so certify to the Board of Supervisors, and the Board of Supervisors shall order
13 that no election be held for such seat and shall direct the Clerk of the Board of
14 Supervisors to cast a unanimous ballot in favor of the candidate pursuant to
15 Government Code § 31523, subdivision (c). The Clerk of the Board of Supervisors
16 shall deliver the casted ballot to the Board of Retirement, and a copy thereof to the
17 County Registrar of Voters.

18
19 V. Preparations for Elections.

20 A. Preparation of Elections Materials: For each Board of Retirement election,
21 not later than E-35, the Retirement Administrator, or any other FCERA Authorized
22 Officer, and the County Registrar of Voters or his or her designee shall coordinate
23 their respective pre-printing activities for the official ballot form and, if any,
24 candidates' statements (See Section VI.A., herein, regarding the County Registrar of
25 Voters' mailing of the Official Ballot Packet to eligible voters) as follows:

- 26 1. The FCERA Authorized Officer shall provide the following to the County
27 Registrar of Voters:
28

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

5 b. Sample proof of the candidates' statements, if any.

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

18 3. At least one FCERA Authorized Officer shall review all sample proofs of
19 the forms of official ballot and, if any, candidates' statements provided to the
20 County Registrar of Voters or his or her designee under Sections V.A.1.a. and
21 V.A.1.b, herein, respectively, and give final written verification to the County
22 Registrar of Voters or his or her designee that the form of official ballot and, if
23 any, candidates' statements are correct and ready to print.

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

27 C. FCERA-Certified Electronic Data Files: At the most recent payroll period
28 ending before E-45, a FCERA Authorized Officer shall, not later than E-43, deliver to

1 the County Registrar of Voters the following together in an individual transmittal for
2 each type of election that has been called (*i.e.*, Active Member Election or Retired
3 Member Elections), FCERA's then-current electronic data file, in a computer
4 program that is acceptable to the to the County Registrar of Voters:

5 1. For Active Member Elections: Eligible General Members who may
6 participate in the election of the second and third members of the Board of
7 Retirement (general members), and Eligible Safety Members who may
8 participate in the election of the seventh member of the Board of Retirement
9 (safety member), and the alternate seventh member (safety member), if any,
10 and their names and mailing addresses for receipt of Official Ballot Packets
11 (which mailing address shall be his or her then-current mailing address as filed
12 with his or her employer for active members of FCERA, or as filed with FCERA
13 for deferred or inactive members, accompanied by the FCERA Authorized
14 Officer's certification, which shall be signed and dated as of the delivery date
15 (the "Eligible Voter Certification Date"), and shall state the following:

16 17 **ACTIVE MEMBER ELECTION CERTIFICATION**

18 This certification is provided under the Election Procedures of the Board
19 of Retirement of FCERA, as adopted by the Fresno County Board of
20 Supervisors on [__insert date__] (the Election Procedures).

21 [__insert name__], [__insert title__] of the Fresno County Employees
22 Retirement Association (FCERA) certifies to the Fresno County Clerk/Registrar
of Voters that:

23 a. The accompanying electronic data file(s) for the [__insert date__] Active
24 Member Election represents and correctly identifies all current, eligible voters
who may vote in such election;

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

c. If an accompanying electronic data file represents Eligible General
Members, then that electronic data file correctly identifies and only includes all

1 current Eligible General Members who may vote for the Eligible General
2 Member seat(s) for such election;

3 d. If an accompanying electronic data file represents Eligible Safety
4 Members, then that electronic data file correctly identifies and only includes all
5 current Eligible Safety Members who may vote for the Eligible Safety Member
6 seat(s) for such election;

7 e. If an Active Member Election includes both the Eligible General Member
8 seat(s) and the Eligible Safety Member seat(s), there are no voters classified
9 in the accompanying electronic data file(s) both as an Eligible General
10 Member and an Eligible Safety Member for such election;

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

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

18 h. There are no identified voters in the accompanying electronic data file(s)
19 who are retired members of FCERA as of the Eligible Voter Certification Date;
20 and

21 i. The information in the accompanying electronic data file(s) of eligible
22 voters is complete and accurate for all such Eligible General Member's or
23 Eligible Safety Member's, as applicable, who may vote in such election, as of
24 the date that such electronic data file(s) of eligible voters and this certification
25 is delivered to the Fresno County Clerk/Registrar of Voters, which is the
26 "Eligible Voter Certification Date" under the Election Procedures.

27 j. Any capitalized terms that are not defined herein, are defined in the
28 Election Procedures.

Signature: _____
Title: _____
Date: _____

21 2. For Retired Member Elections: Eligible Retired Members of FCERA who
22 may participate in the election of retired member (eighth member) and the
23 alternate retired member of the Board of Retirement, if any, and their names
24 and mailing addresses for receipt of Official Ballot Packets (which mailing
25 address shall be his or her then-current mailing address as filed with FCERA)
26 accompanied by the FCERA Authorized Officer's certification, which shall be
27 signed and dated as of the Eligible Voter Certification Date, and shall state the
28 following:

1
2 **RETIRED MEMBER ELECTIONS CERTIFICATION**

3 This certification is provided under the Election Procedures of the Board
4 of Retirement of FCERA, as adopted by the Fresno County Board of
Supervisors on [__insert date__] (the Election Procedures).

5 [__insert name__], [__insert title__] of the Fresno County Employees
6 Retirement Association (FCERA) certifies to the Fresno County
7 Clerk/Registrar of Voters that:

8 a. The accompanying electronic data file for the [__insert date__] Retired
9 Member Elections represents and correctly identifies all current, Eligible
Retired Members who may vote in such elections;

10 b. The accompanying electronic data file corresponds to the classification
11 of Eligible Retired Members who may vote in such elections (*i.e.*, the retired
member (eighth member) and the alternate retired member seats);

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

13 d. There are no identified voters classified in the accompanying electronic
14 data file(s) who are deferred or inactive general members of FCERA or
deferred or inactive safety members of FCERA, or general members of
15 FCERA who are employed by the County or Special District, or safety
members of FCERA who are employed by the County or Special District; and

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

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

21 Signature: _____
22 Title: _____
23 Date: _____

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

1 Authorized Officer's certification to be delivered and FCERA's records that are
2 reflected in such data file(s), and shall retain such records and files for the
3 same period that the County Registrar of Voters is required to retain tallied
4 ballots under Section IX., herein. The County Registrar of Voters may rely
5 exclusively on the foregoing certifications delivered by the FCERA Authorized
6 Officer as conclusive proof of the accuracy and completeness of the
7 information set forth in each accompanying applicable FCERA-certified
8 electronic data file of eligible voters delivered to the County Registrar of Voters.
9

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

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

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

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

1 Eligible Safety Members in the Active Member Election; or one official ballot
2 for Eligible Retired Members in the Retired Member Elections);

3 b. Voting instructions prepared by the County Registrar of Voters or
4 his or her designee;

5 c. Candidates' statements, if any; and

6 d. One (1) non-postage paid official ballot return envelope bearing
7 the address of the Fresno County Clerk/Registrar of Voters Office ("Official
8 Return Envelope"), and providing a unique identifying number, code and/or
9 symbol, as determined by the County Registrar of Voters, that will enable
10 the County Registrar of Voters to verify the identity of the eligible voter who
11 returns the voted official ballot.

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

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

20 b. Use non-profit postage for mailing of the Official Ballot Packets if
21 such method of mailing is available; and

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

23
24 VII. Pre-Count; Counting; Election Results. The County Registrar of Voters shall
25 process the receipt, pre-counting, and counting of returned voted official ballots for
26 the election as follows:
27
28

1 A. Reissued Official Ballot Materials: The procedures for spoiled, mismarked,
2 undelivered, lost, or destroyed, official ballots or Official Return Envelopes are as
3 follows:

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

10
11 *“My spoiled/mismarked official ballot for the [inset date____] Board of*
12 *Retirement election has been surrendered to the Fresno County*
13 *Registrar of Voters.”*

14 Or

15 *“My spoiled/mismarked official return envelope for the [inset date____]*
16 *Board of Retirement election has been surrendered to the Fresno*
17 *County Registrar of Voters.”*

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

24 *“I did not receive my official ballot packet for the [inset date____] Board of*
25 *Retirement election. If I receive my official ballot packet, I will*
26 *immediately destroy the original official ballot.”*

27 Or

1 *"I lost or destroyed my official ballot for the [inset date____] Board of*
2 *Retirement election. If I find my official ballot, I will immediately destroy*
3 *the official ballot."*

4 Or

5 *"I lost or destroyed my official return envelope for the [inset date____]*
6 *Board of Retirement election. If I find my official return envelope, I will*
7 *immediately destroy the official return envelope."*

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

12 B. Return of Voted Official Ballots: Each member of FCERA returning his or
13 her voted official ballot to the County Registrar of Voters must return the voted
14 official ballot in the voted official ballot's like-kind, Official Return Envelope provided
15 to the member by the County Registrar of Voters. Voted official ballots may be
16 returned to the County Registrar of Voters only by United States Postal Service,
17 overnight delivery by a commercial carrier, or hand delivery to the County Registrar
18 of Voter's office by the voting FCERA member whose name is on printed on the
19 official ballot, not later than 5:00 PM on the date of the election. A postmark date on
20 the Official Return Envelope containing the voted official ballot, or a date that the
21 Official Return Envelope containing the voted official ballot was given to an overnight
22 commercial carrier, shall not be considered. A returned voted official ballot that is not
23 in the voted official ballot's like-kind, Official Return Envelope, or multiple voted
24 official ballots that are in a single Official Return Envelope, shall be rejected. If
25 during counting of returned voted official ballots, the County Registrar of Voters or
26 his or her designee discovers any returned voted official ballot that is not among like-
27 kind returned voted official ballots, such returned voted official ballot shall be
28 deemed to have been returned in an envelope other than its like-kind, Official Return
 Envelope, and such returned voted official ballot shall be rejected. Bulk delivery of

1 voted official ballots, defined as the delivery in any manner of multiple voted official
2 ballots, shall not be accepted by the County Registrar of Voters.

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

4 Members of FCERA who reside outside of the continental United States may,
5 subject to these election procedures, return their voted official ballot by United
6 States mail or overnight delivery by a commercial carrier to be received in the
7 County Registrar of Voters Office not later than 5:00 PM on the date of the election.
8 A postmark date on the Official Return Envelope containing the voted official ballot,
9 or other countries' marks on the Official Return Envelope containing the voted official
10 ballot indicating any date, including but not limited to a mailing date, or date that the
11 Official Return Envelope containing the voted official ballot was given to an overnight
12 commercial carrier, shall not be considered.

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

18 1. Prior to opening the Official Return Envelopes, the County Registrar of
19 Voters or his or her designees shall (a) verify whether the name of the voter,
20 and his or her FCERA member classification, on each Official Return Envelope,
21 matches the voter's name and FCERA member classification on the FCERA-
22 certified electronic data file(s) for such classification delivered to the County
23 Registrar of Voters under Section VI.C., herein, and (b) create a roster of
24 FCERA members who voted in each election. The roster of FCERA members
25 who voted shall remain confidential, and not subject to public disclosure (See
26 Section V.B., herein). If the County Registrar of Voters or his or her designee
27 determines that any returned Official Return Envelopes do not comply with
28 these election procedures, none of those Official Return Envelopes will be

1 opened, none of the voted official ballots contained therein will be counted, and
2 the County Registrar of Voters shall proceed to complete all pre-count
3 procedures for all other returned Official Return Envelopes for the Active
4 Member Election or the Retired Member Elections, as applicable.

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

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

21 1. For the Active Member Election:

22 a. Returned official ballots for the active general member seat(s) shall
23 be grouped together, and kept separate from all other returned official
24 ballots; and

25 b. Returned official ballots for the active safety member seat(s) shall be
26 grouped together and kept separate from all other returned official ballots.

27 2. For the Retired Member Elections: returned official ballots for the retired
28 member (eighth member) seat and alternate retirement member seat shall be

1 grouped together (but in any event shall be considered as official ballots for
2 separate elections) and kept separate from all other returned official ballots.

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

7 1. The County Registrar of Voters shall tally the results of the official count
8 for the Active Member Election (including separate counts for the active general
9 member seat(s) and the active safety member seat(s) in the same regularly
10 scheduled election or Special Election), and for the Retired Member Elections
11 (including separate counts for the retired member (eighth member) seat and the
12 alternate retired member seat in the same regularly scheduled election cycle or
13 Special Election), according to the following categories, as applicable:

- 14 a. Official ballots issued;
- 15 b. Official ballots returned;
- 16 c. Rejected official ballots;
- 17 d. Votes cast;
- 18 e. Overvotes (*i.e.*, returned voted official ballot invalidated due to more
19 than one vote per member seat);
- 20 f. Blanks (*i.e.*, not voted);
- 21 g. Spoiled/reissued official ballots; and
- 22 h. Undeliverable official ballots.

23 2. In the event an electronic voting system cannot be used for counting all
24 of the returned voted official ballots, the County Registrar of Voters or his or her
25 designee(s) shall count the returned voted official ballots by hand. In the event
26 a returned voted official ballot cannot be counted by an electronic voting system
27 due to the condition of the voted official ballot, the County Registrar of Voters or
28 his or her designee(s) shall create a duplicate ballot, using the same

1 information in the returned voted official ballot, and count such duplicate ballot
2 in the same manner as all other like-kind returned voted official ballots are
3 counted by the electronic voting system. The County Registrar of Voters shall
4 retain the returned voted official ballot that cannot be counted by the electronic
5 voting system, and indicate on such returned voted official ballot that it cannot
6 be used and that the duplicate ballot has been used in its place; the created
7 duplicate ballot shall be deemed to be the voted official ballot.

8 3. Any candidate receiving the highest number of votes, in the plurality of
9 all votes cast for the election of a member seat on the Board of Retirement,
10 shall be deemed elected for that seat.

11 G. Posting and Delivering Election Results: The County Registrar of Voters or
12 his or her designees shall complete all counting procedures for the Active Member
13 Election or the Retired Member Elections under Section VII.F, herein, prior to
14 posting the results of each election. After completing the counting procedures for
15 each election, the County Registrar of Voters or his or her designee shall, as soon
16 thereafter as may be practicable under the circumstances at such time, promptly
17 post the election results on its Department website and deliver the election results to
18 the FCERA Retirement Administrator by email or hand delivery.

19 H. Request for Recount Requirements: In the event a candidate desires to
20 request a recount of the election for the member seat that he or she is seeking on
21 the Board of Retirement, he or she must file a written request for the recount with the
22 County Registrar of Voters, and comply with this Section VII.H., not later than 5:00
23 PM on the fifth (5th) calendar day following the date that the County Registrar of
24 Voters or his or her designee has posted the election results on its Department
25 website pursuant to Section VII.G., herein. In the event of timely multiple requests
26 for a recount of the election for the member seat, each requesting candidate shall
27 comply with this Section VII.H, herein, without regard any other request for a
28 recount, but there shall be only one recount.

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

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

8 a. In the event of a request for a recount, the County Registrar of Voters
9 or his or her designee shall, not later than five (5) County business days
10 thereafter, provide the candidate a written estimate cost of the recount, and
11 the candidate must deposit an amount equal to the cost estimate, in the
12 form of cash, cashier's check, or money order, with the County Registrar of
13 Voters not later than the third (3rd) County business day thereafter.

14 b. In the event the money so deposited is insufficient to pay the County
15 Registrar of Voters' costs of completing the recount, the County Registrar of
16 Voters shall suspend the recount and provide the candidate a written
17 estimate of the cost of completing the recount. The candidate must deposit
18 an amount equal to the cost estimate with the County Registrar of Voters
19 not later than the third (3rd) County business day thereafter. In the event the
20 County Registrar of Voters does not receive the estimated cost in the form
21 of a cash, cashier's check, or money order deposit within such time, the
22 recount shall be terminated, and any activities that the County Registrar of
23 Voters undertook toward the recount shall be disregarded and have no force
24 or effect.

25 c. In the event the moneys so deposited are sufficient to pay the County
26 Registrar of Voters' costs of the recount, the County Registrar of Voters
27 shall conduct recount, including breaking any resulting tie vote, according to
28 the election procedures for counting returned official ballots under Section

1 VII.F., herein, and the following procedures shall apply, depending on the
2 outcome of the recount:

3 i. If the recount does not change the result of the election in the
4 favor of the candidate requesting the recount, including a resulting tie
5 vote or breaking a tie vote, the County Registrar of Voters shall so inform
6 the affected candidates of the recount results and such recount shall be
7 disregarded.

8 ii. If the recount changes the result of the election in the favor of the
9 candidate requesting the recount, including a resulting tie vote or
10 breaking a tie vote, the County Registrar of Voters shall post the
11 changed election results on its Department website and deliver the
12 changed election results to the FCERA Retirement Administrator,
13 pursuant to Section VII.G., herein.

14 iii. No affected candidate shall be entitled to a new recount following
15 the completion of a recount under these election procedures.

16 d. The amount of moneys deposited by the candidate for the costs of
17 a recount shall only be refunded to the candidate requesting the recount
18 upon the completion of the recount if such candidate achieves a new count
19 in the election that changes the result of the election in his or her favor,
20 including a resulting tie vote (in which case any such tie vote shall be
21 broken under Section VIII.I., herein, but if the outcome of the broken tie vote
22 is favorable to the candidate requesting the recount, that outcome shall not
23 give such candidate a right to the refund) or breaking a tie vote; otherwise
24 all of such moneys paid to the County Registrar of Voters and spent for the
25 recount shall be retained by the County Registrar of Voters.

26 e. Any amount of such moneys so deposited with the County
27 Registrar that is required to be refunded, as provided herein, or in any event
28 not spent for the recount, will be refunded to the candidate within thirty (30)

1 County business days following the completion of the election process. In
2 the event of timely multiple requests for a recount of the election, the County
3 Registrar shall determine whether or how to apportion any such amounts to
4 be refunded to the requesting candidates.

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

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

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

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

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

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

18 J. Certification of Final, Official Election Results: The County Registrar of
19 Voters or his or her designees shall complete all counting procedures for each
20 election under Section VII.F., herein, prior to certifying the final, official election
21 results of such election. After completing all such counting procedures for each
22 election, the County Registrar of Voters shall, as soon thereafter as may be
23 practicable under the circumstances at such time, certify the final, official election
24 results of such election, and, such certification shall be the final and conclusive,
25 official results of the election, except for any County Registrar of Voters final action,
26 or a response, in relation to the protest under Section VIII.A.2, herein. Upon
27 certification of the official election results of each election, the County Registrar of
28 Voters or his or her designees shall promptly post the certified final, official election

1 results on its Department website and deliver the certified final, official election
2 results to the FCERA Retirement Administrator by email or hand delivery. The
3 counting procedures and certification of the final, official election results shall be
4 completed not later than fourteen (14) calendar days following the first day of
5 opening the Official Return Envelopes for each such election, as applicable,
6 provided that the time for such completion shall be extended by any additional time
7 as may be necessary for the County Registrar of Voters to act upon or respond to
8 any request for recount, under Section VII.H., herein, and by five (5) County
9 business days in the event there is the need for the drawing of lots to break the tie,
10 as provided in Section VII.I., herein.

11 K. No Requirement for County Registrar of Voters to Act. Notwithstanding
12 anything to the contrary in these election procedures, the County Registrar of Voters
13 is not required to post or deliver any election results under Section VII.G., herein, or
14 certify, post and deliver any final, official election results under Section VII.J., herein,
15 when the County Registrar of Voters declares that he or she cannot conduct or
16 complete the conducting of the election, or the election of a particular member seat,
17 as provided in Section I.B., herein.

18
19 VIII. Protest; Legal Challenge.

20 A. Protest Requirements: In the event a candidate desires to protest the
21 results of any election, other than making a request for a recount of the election for
22 the member seat that he or she is seeking on the Board of Retirement, of the
23 election for the member seat that he or she is seeking on the Board of Retirement,
24 he or she must file the written protest with the County Registrar of Voters (and he or
25 she must include written proof that he or she has provided a copy of the written
26 protest to any other affected candidate), in compliance with this Section VIII.A., not
27 later than 5:00 PM on the fifth (5th) calendar day following the date that the County
28 Registrar of Voters has posted the election results on its Department website

1 pursuant to Section VII.G., herein. The County Registrar of Voters shall not be
2 obligated to consider any additional or amended grounds for the protest, or any
3 augmented documentation or other evidence from the protesting candidate, after
4 receipt of the written protest.

5 1. Protest in Writing. The written protest shall be based on the failure of the
6 FCERA Parties, the County Parties, and/or the Special District Parties, as
7 applicable, to comply with these election procedures, and must specify such
8 grounds for the protest and be accompanied by any documentation or other
9 evidence that may be referenced in the protest.

10 2. County Registrar of Voters Action or Response. Subject to the candidate's
11 compliance with Section VIII.A., herein, the County Registrar of Voters shall, with
12 thirty (30) County business days of receipt of the written protest, act upon or
13 respond to the written protest and provide notice thereof to the affected
14 candidates and the FCERA Administrator.

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

19 B. Failure to Exhaust Administrative Remedies: Any candidate's failure to
20 timely make a request for a recount or pay the County Registrar of Voters for the full
21 cost of a requested recount, if any, as required in Section VII.H., herein, or timely file
22 a valid written protest of the official election results as required under Section VIII.A.,
23 herein (or raise any issue that could have been raised in a protest but was not
24 raised), shall be considered a failure of the candidate to exhaust his or her
25 administrative remedies with respect to (a) any failure of any of the FCERA Parties,
26 the County Parties, and/or the Special District Parties to comply with these election
27 procedures (or any issue, to the extent the issue could have been raised but was not
28 raised in the protest); and (b) the election results.

1 C. Legal Challenge to Election and Writ of Mandate: Any legal challenge
2 relating to, or seeking review of, any right or duty of, act or omission including any
3 failure by FCERA Parties, the County Parties, and/or the Special District Parties, as
4 applicable, to comply with these election procedures relating to any election of the
5 Board of Retirement under these election procedures or otherwise, shall be by writ
6 of mandate under Code of Civil Procedure § 1085 in the Fresno Superior Court.
7

8 IX. FCERA Posts Official Election Results.

9 Not later than ten (10) FCERA business days following the later of the date that
10 (1) the County Registrar of Voters or his or her designees delivers the certified final,
11 official election results to the FCERA Retirement Administrator for each election, or
12 provides notice of final action, or a response to a protesting candidate, relating to his
13 or her protest under Section VIII.A., herein, to the FCERA Administrator, a FCERA
14 Authorized Officer shall post such results on FCERA's website
15 (www.FresnoCountyRetirement.org) and deliver a copy thereof as follows: (1) for an Active
16 Member Election, to each County department and Special District employing
17 members of FCERA who were eligible to vote in the election, and to each
18 recognized employee representation organization having FCERA members who
19 were eligible to vote in the election and employed by the County or a Special District,
20 and (2) for Retired Member Elections, to each organization recognized by the Board
21 of Retirement as representing the retired members of FCERA. A FCERA Authorized
22 Officer may provide any updating information under this Section IX in the event of
23 any legal challenge to any certified final, official election results.
24

25 X. Swearing in the Newly Elected Member.

26 The Board of Retirement shall swear in the newly elected member as soon as
27 practicable under the circumstances at such time.
28

1 XI. Retention of Tallied Returned Official Ballots.

2 The County Registrar of Voters shall retain tallied returned official ballots until
3 the later of: (i) six (6) months following the certified final, official election results
4 under Sections VIII.H.3., or VIII.H.4., herein, or (ii) the final judgment, including any
5 appeals, of any legal challenge brought pursuant to Section VIII.C., herein.

6
7 XII. Effectiveness.

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

13 THE FOREGOING was passed and ADOPTED by the following vote of the
14 Board of Supervisors of the County of Fresno this ____ day of _____ 2019, to-
15 wit:

16 AYES:

17 NOES:

18 ABSENT:

19 ABSTAINED:

20 _____
Nathan Magsig, Chairman of the
21 Board of Supervisors of the County of
Fresno

22 ATTEST:

23 Bernice E. Seidel
24 Clerk of the Board of Supervisors
25 County of Fresno, State of California

26 By: _____
27 Deputy

28 2319124v1 / 19704.0001

Appendix A - Election Schedule

Category	Member No.	Term Expires	Election	
			Month	Year
General	2	12/31/2018	August	2018
Retired	8	12/31/2019	November	2019
Retired Alt.	8 Alt.	12/31/2019	November	2019
Safety	7	12/31/2020	August	2020
General	3	12/31/2020	August	2020
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

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