

ATTACHMENT A

(UPDATED AS OF JUNE 18, 2019)

**SUMMARY COMPARISON OF
KEY CURRENT AND PROPOSED AMENDED
BOARD OF RETIREMENT ELECTIONS PROCEDURES**

Pg.	Current Elections Procedures	Pg.	Proposed Amended Elections Procedures	Summary of Key Proposed Changes
-/-	The Fresno County Employees' Association (FCERA) is the retirement system for the County of Fresno (County).	1	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 <i>et seq.</i>) and the Public Employees' Pension Reform Act of 2013 ("PEPRA," Gov. Code § 7522 <i>et. seq.</i>).	Adds: legal citations and reference to participating governmental employers.
		1-2	Specifies membership of Board of Retirement under Government Code § 31520.1: --First member: County Auditor-Controller/Treasurer-Tax Collector; --Second and third members: members of FCERA, other than safety members, elected by those members (<i>i.e.</i> , general members); --Fourth, fifth, sixth, and ninth members: qualified electors of the County who are not connected with the County government in any	Adds: membership of the Board of Retirement, referencing each seat.

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			<p>capacity, except one may be a member of the Board of Supervisors (each a “Supervisor”), and shall be appointed by the Board of Supervisors; a Supervisor appointed as a member of the Board of Retirement may not serve beyond his or her term of office as Supervisor;</p> <p>--Seventh member: a safety member of FCERA elected by the safety members; The eighth member: a retired member of FCERA elected by the retired members of FCERA; and</p> <p>--Alternate member: if there are multiple safety member groups (as of the date of this Resolution, the Board of Retirement does not have an alternate seventh member, but these election procedures shall apply to such an alternate seventh member if and when there should be such a member).</p> <p>The Board of Supervisors’ appointment of the Supervisor under Government Code § 31520.1 shall be made pursuant to the Board of Supervisors’ policies and procedures for the appointment of any of its members to serve on another public agency’s governing board.</p> <p>Under Government Code § 31520.5, the Board of Retirement alternate retired member, if any,</p>	<p>Adds: Board of Supervisors’ appointment of the Supervisor shall be made pursuant to the Board’ policies and procedures for the appointments.</p> <p>Adds: Board of Retirement alternate retired member, if any,</p>

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		3	<p>shall be elected separately by retired members of FCERA in the same manner and at the same time as the eighth member of the Board of Retirement is elected.</p> <p>Government Code § 31520.1 permits the Board of Supervisors to determine the manner in which elected members shall be elected to the Board of Retirement.</p>	<p>shall be elected separately by retired members of FCERA in the same manner and at the same time as the eighth member of the Board of Retirement is elected.</p> <p>Adds: Board of Supervisors' authority to determine the manner in which elected members shall be elected to the Board of Retirement.</p>
		3	Under Government Code § 31524, the Board of Retirement's second and third members, seventh member, and, if any, alternate seventh member, shall be employees of the County or a Special District, while they hold such respective offices.	Adds: elected Board members shall be employees of the County or a Special District, while they hold such respective offices.
1	I. <u>Date of Election/Reimbursement of Election Costs</u> . Elections shall be held on the third Thursday in November for odd election years, and the third Thursday in August for even election years, except for special elections to fill midterm vacancies, which shall be set by the Fresno County Board of	4-6	<p>I. <u>Dates of Elections; Officials; Reimbursement of Election Costs</u>.</p> <p>A. <u>Regularly-Scheduled Elections and Special Elections</u>. Board of Retirement regular elections shall be held on the third Thursday in November for odd election years, and on the third Thursday in August for even election years, except for Special Elections</p>	Adds: Appendix A, Elections Schedule is extended from 2029 to 2032.

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	<p>Supervisors. Please see Appendix A for a schedule of elections. Pursuant to an agreement entered into by Fresno County Employees' Retirement Association (FCERA) and the County, the Fresno County Clerk/Registrar of Voters shall be reimbursed for all of its election costs by FCERA within forty-five (45) calendar days after any election referred to herein.</p>		<p>called by the Board of Supervisors. The Board of Retirement's regular election schedule is attached hereto and incorporated herein by this reference as Appendix A – Election Schedule, and supersedes any prior Board of Retirement's regular election schedule adopted by the Board of Supervisors.</p> <p>These election procedures shall govern all regularly scheduled elections for the Board of Retirement in Appendix A – Election Schedule, and all Special Elections for the Board of Retirement. From time to time, the Board of Supervisors may supplement Appendix A – Election Schedule by amending this Resolution to add future regularly scheduled elections.</p> <p>B. <u>County Registrar of Voters Declaration Regarding Election.</u> The County Clerk/Registrar of Voters (the "County Registrar of Voters") may, at any time commencing upon the date that the County Registrar of Voters receives a written request from the FCERA Retirement Administrator, under Section III.A.1., herein, to conduct a Board of Retirement election and continuing thereafter until the moment immediately after 5:00 PM on the date of the election, declare</p>	<p><u>Updated</u> - Adds: County Registrar of Voters may, at any time commencing upon the date that the County Registrar of Voters receives a written request from the FCERA Retirement Administrator to conduct a Board of Retirement election and continuing thereafter until the moment immediately after 5:00 PM on the date of the election, declare that Registrar of Voters</p>

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			<p>that Registrar of Voters cannot conduct, or complete the conducting of, the election, or the election for a particular member seat, due to any condition, except for any alleged or actual violation by a nominee, or any other County employee allegedly or actually acting at the behest of or in concert with the nominee, of County ordinance code § 3.08.110 (Employees—Political activity) relating to any Active Member Election. If the County Registrar of Voters makes a determination that he or she cannot conduct, or complete the conducting of, a Board of Retirement election, or the election for a particular member seat, under this Section I.B., then, subject to this Section I.B:</p> <p>1. The County Registrar of Voters shall declare in writing that he or she cannot conduct, or complete the conducting of, the election, or the election for the particular member seat (and any such declaration concerning the particular member seat only affects that <i>member</i> seat);</p> <p>2. The County Registrar of Voters shall promptly post such declaration, which shall include a statement of the condition for such declaration, on its Department website, and</p>	<p>cannot conduct, or complete the conducting of, the election, or the election for a particular member seat, due to any condition, except for any alleged or actual violation by a nominee, or any other County employee allegedly or actually acting at the behest of or in concert with the nominee, of County ordinance code § 3.08.110 (Employees—Political activity) relating to any Active Member Election.</p> <p>Specifies procedures for the County Registrar of Voters to provide this declaration.</p>

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			<p>provide a copy thereof to the Board of Retirement, the FCERA Retirement Administrator, the Board of Supervisors, and the affected candidates for the election, or the election for the particular member seat, and shall request the Board of Supervisors to call a new Board of Retirement election, or a new election for the particular member seat, which election shall be a Special Election (as defined in Section I.C., herein);</p> <p>3. Any such declaration by the County Registrar of Voters shall be final and conclusive with respect to such condition; and</p> <p>4. The eligibility of members of FCERA to participate in the Special Election called by the Board of Supervisors under Section I.C., herein, shall relate to the Special Election so called without regard to the election for the Board of Retirement, or the election for a particular member seat, that County Registrar of Voters declared that he or she cannot conduct or complete.</p> <p>C. <u>Board of Supervisors Call of Special Election</u>. The Board of Supervisors shall, as soon as may be practicable under the circumstances at such time, call for, and set the</p>	<p>Adds: Board of Supervisors to call a special election to fill mid-term vacancies, or as requested by the Registrar of Voters due to the above,</p>

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			<p>date of, any Board of Retirement elections to any fill midterm vacancies, or any Board of Retirement election requested by the County Registrar of Voters, under Section I.B.2, herein., or requested by the Retirement Administrator, under Section IV.F., herein (in either case, a “Special Election,” or collectively, “Special Elections”).</p> <p>D. <u>Parties; Officials</u>: FCERA, including the Board of Retirement, and/or any officer, employee, or agent thereof are the “FCERA Parties.” The County, including the Board of Supervisors and/or the County Registrar of Voters, and/or any officer, employee, or agent thereof are the “County Parties.” The Special Districts, including their respective governing boards, and/or any officer, employee, or agent thereof are the “Special District Parties.” The FCERA Retirement Administrator, the FCERA Assistant Retirement Administrator, the FCERA Executive Assistant or the FCERA employee whom the Retirement Administrator certifies in writing to the County Registrar of Voters as the functional equivalent of the FCERA Executive Assistant for purposes of these election procedures, and the FCERA officer who is designated by the Retirement Administrator as the clerk to the Board of Retirement shall be,</p>	<p>or requested by the Retirement Administrator, below (i.e., if the Retirement Administrator determines that no nominee is duly nominated or eligible for such seat; see Amended Elect. Procs., Sec. IV.F., p. 15).</p> <p><u>Updated</u> - Adds: definitions of FCERA Parties, County Parties, and Special District Parties; adds definition of FCERA Authorized Officers, and the scope of their authorization.</p>

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			<p>and each of them acting alone is (each a “FCERA Authorized Officer”), authorized to do any and all things for and on behalf of FCERA under these election procedures, unless the Retirement Administrator is specifically authorized to act hereunder for and on behalf of FCERA. The County Registrar of Voters (including his or her designee where specifically authorized to act hereunder) shall be and is authorized to do any and all things for and on behalf of the County under these election procedures, unless the Board of Supervisors is specifically authorized to act hereunder for and on behalf of the County.</p> <p>E. <u>Reimbursement of Election Costs</u>: Pursuant to an agreement entered into by and between FCERA and the County, the County Registrar of Voters shall be reimbursed for all of its election costs by FCERA within forty-five (45) calendar days after any Board of Retirement election referred to herein, or within the time otherwise agreed to between FCERA and the County under the reimbursement agreement.</p>	
1	II. <u>Type of Election</u> : The Board of Retirement shall have two types of elections with separate but	6-10	II. <u>Types of Elections; Eligible FCERA Membership Classifications</u> .	Adds: details for defining types of elections (i.e., Active Member

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	<p>comparable procedures for both. One type of election will be for the active member trustees (General and Safety) on the Board of Retirement (Active Member Elections). The second type of election will be for the Retired and Alternate Retired member trustees on the Board of Retirement (Retired Member Elections).</p> <p>A. Active Member Elections: There will be two categories of Active Member Elections, General and Safety.</p> <ol style="list-style-type: none"> 1. Active, deferred and inactive General members will be eligible to participate in the election of the second and third trustees (General). 2. Active, deferred and inactive Safety members will be eligible to participate in the election of the seventh trustee (Safety). 3. An Alternate Safety trustee (seventh trustee) may be elected and seated if there is an eligible candidate (see section V (I) below). 		<p>A. <u>Types of Elections</u>: The Board of Retirement shall have two types of elections with separate but comparable election procedures for both types of elections.</p> <ol style="list-style-type: none"> 1. <u>Active Member Election</u>: One type of election shall be for the second and third members (general members), seventh member (safety member), and, if any, alternate seventh member (safety member) of the Board of Retirement, who shall be employees of the County or a Special District, as well as be the appropriate membership classification of FCERA for the related Board of Retirement seat number, while they seek election for, and hold, such respective offices (each an “Active Member Election”). 2. <u>Retired Member Election</u>: The other type of election shall be separate elections that shall be held simultaneously for the retired member and alternate retired member of the Board of Retirement, who shall be retired members of FCERA while they seek election for, and hold, such respective offices, (each a “Retired Member Election”). <p>B. <u>Classifications of Eligible Members of FCERA</u>: Members of FCERA eligible to</p>	<p>Election and Retired Member Election).</p> <p>Adds: details regarding classification of Members of FCERA eligible to</p>

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	<p>B. Retired Member Elections: Simultaneous elections will occur for the Retired trustee (eighth trustee) and the Alternate Retired trustee (eighth trustee). Members may not run for both seats in the same election cycle.</p>		<p>participate in a Board of Retirement election are identified and classified as the following types of eligible voters, respectively:</p> <p>1. “Eligible Active Members” are separately classified within their respective eligible voter classifications:</p> <p>a. “Eligible General Members” are all general members of FCERA who either are employed by the County or a Special District, or have elected in writing to come within the provisions of Article 9 (commencing with Gov. Code, § 31700) of CERL, and on the date of such election was a general member (also known as a “Deferred General Member”), or have otherwise elected in writing under CERL to leave his or her accumulated contributions on deposit with FCERA upon separating from the service of the County or a Special District, and on the date of such election was a general member (also known as an “Inactive General Member”), as of the Eligible Voter Certification Date (as defined in Section VI.C.1., herein); and</p>	<p>participate in a Board of Retirement election, as follows:</p> <p>“Eligible Active Members” are separately classified within their respective eligible voter classifications:</p> <p>-- “Eligible General Members” are all general members of FCERA who either are employed by the County or a Special District, or are a “Deferred General Member,” or are an “Inactive General Member,” as of the Eligible Voter Certification Date.</p>

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			<p>b. “Eligible Safety Members” are all safety members of FCERA who either are employed by the County or a Special District, or have elected in writing to come within the provisions of Article 9 (commencing with Gov. Code, § 31700) of CERL, and on the date of such election was a safety member (also known as a “Deferred Safety Member”), or have otherwise elected in writing under CERL to leave his or her accumulated contributions on deposit with FCERA upon separating from the service of the County or a Special District, and on the date of such election was a safety member (also known as a “Inactive Safety Member”), as of the Eligible Voter Certification Date.</p> <p>2. “Eligible Retired Members” are all retired members of FCERA as of the Eligible Voter Certification Date. There shall not be any separate classifications of eligible voters within Eligible Retired Members.</p> <p>C. <u>Eligibility to Participate in Elections; One (1) Vote per Eligible FCERA Member:</u> A member of FCERA who is eligible to participate in a Board of Retirement election, as</p>	<p>-- “Eligible Safety Members” are all safety members of FCERA who either are employed by the County or a Special District, or are a “Deferred Safety Member,” or are an “Inactive Safety Member,” as of the Eligible Voter Certification Date.</p> <p>“Eligible Retired Members” are all retired members of FCERA as of the Eligible Voter Certification Date. No separate classifications within Eligible Retired Members.</p> <p>Adds/Explains: A member of FCERA who is eligible to participate in a Board of Retirement election, may vote only for one (1) candidate</p>

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			<p>provided in Section II.B., herein, may vote only for one (1) candidate who is designated within the same FCERA membership classification to which that eligible member of FCERA belongs as of the Eligible Voter Certification Date (<i>e.g.</i>, for an Active Member Election, the eligible member of FCERA may only participate in the appropriate eligible voter classification either as an Eligible General Member or as an Eligible Safety Member, but not both). This “one (1) vote per eligible FCERA member” rule means that a FCERA member’s accumulated retirement service credit in the other FCERA member classification (<i>e.g.</i>, Eligible Safety Member who has accumulated retirement service credit as a prior general member of FCERA), if any, shall not be considered in the determination of such FCERA members’ eligibility to participate in a Board of Retirement election. A person’s status as a beneficiary to a member of FCERA, whether living or deceased, does not, in and of itself, make such beneficiary eligible to participate in a Board of Retirement election.</p> <p><u>D. Eligibility to Participate in Elections; Active Member Elections:</u> Eligible Active Members may participate in the election for a member of the Board of Retirement only within their own</p>	<p>who is designated within the same FCERA membership classification to which that eligible member of FCERA belongs as of the Eligible Voter Certification Date.</p> <p>Adds/Explains: This “one (1) vote per eligible FCERA member” rule means that a FCERA member’s accumulated retirement service credit in the other FCERA member classification, if any, shall not be considered in the determination of such FCERA members’ eligibility to participate in a Board of Retirement election.</p> <p>Adds/Explains: Eligible Active Members may participate in the election for a member of the Board of Retirement only within their own</p>

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			<p>classification of FCERA membership either as an Eligible General Member or as an Eligible Safety Member, respectively, as follows:</p> <ol style="list-style-type: none"> 1. An Eligible General Member may participate only in the election of the second and third members (general members) of the Board of Retirement; 2. An Eligible Safety Member may participate only in the election of (a) the seventh member (safety member), and (b) the alternate seventh member, if any (safety member), of the Board of Retirement. The alternate seventh member, if any, shall be elected from the group under Government Code § 31470.2 or 31470.4, or any other eligible safety member in the County if there is no eligible candidate from the groups under Government Code §§ 31470.2 and 31470.4, which is not represented by a member of the Board of Retirement who received the highest number of votes of all candidates in that group. If there is no eligible candidate for the alternate seventh member, there may not be an alternate seventh member. <p>E. <u>Eligibility to Participate in Elections; Retired Member Elections</u>: Simultaneous elections shall occur for the retired member</p>	<p>classification of FCERA membership either as an Eligible General Member or as an Eligible Safety Member, respectively.</p> <p>Adds: Eligible Retired Members of FCERA may participate only in the election of retired member (eighth</p>

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			<p>(eighth member) and the alternate retired member of the Board of Retirement. Eligible Retired Members of FCERA may participate only in the election of retired member (eighth member) and the alternate retired member.</p> <p>F. <u>Observing the Election Process</u>: Each candidate, including his or her designated representative, and any member of the public may observe the Retirement Administrator's drawing of lots for the order of placement of eligible candidates' names on the official ballot under Section IV.G., herein, the County Registrar of Voters and his or her designees' undertaking of the pre-count procedures under Section VII.E., herein, and the opening and inspection of Official Return Envelopes and the counting of returned voted official ballots under Sections VII.E. and VII.F., herein, respectively, provided however, (1) each candidate, or his or her designated single representative who is a County employee, but not both, shall be allowed a reasonable amount of County release time ("County Allowed Time") for such activities and, (2) each candidate, including his or her representative, and members of the public shall not interfere in any way with the Retirement Administrator's drawing of lots for the order of placement of candidates' names on the official</p>	<p>member) and the alternate retired member.</p> <p>Explains: Each candidate, or his or her designated single representative who is a County employee, but not both, shall be allowed a reasonable amount of County release time for these elections activities (but no change the provision that employees, shall not be allowed such time to obtain nominations or campaign).</p>

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			<p>ballot, or the County Registrar of Voters’ and his or her designees’ orderly undertaking of such pre-count procedures and counting, including, but not limited to, the touching or handling of any returned Official Return Envelopes or any returned voted official ballots. Candidates, including their representatives, who are County employees, shall not be allowed any County Allowed Time to obtain nominations or campaign.</p> <p>G. <u>Secret Ballots</u>: Each election for the Board of Retirement shall be conducted herein by secret official ballot, and all votes shall be kept secret.</p> <p>H. <u>No Write-Ins</u>. Write-in ballots may not be made for any candidates, and write-in votes shall not be counted, in any election for the Board of Retirement.</p>	<p>Adds: Each election for the Board of Retirement shall be conducted herein by secret official ballot, and all votes shall be kept secret.</p> <p>Adds: Write-in ballots may not be made for any candidates, and write-in votes shall not be counted, in any election for the Board of Retirement.</p>
2-3	<p>III. <u>Notice of Election - Active Member (General and Safety) Election</u>: FCERA shall send a Notice of Election to each County Department, Special District and recognized employee representation organization with active FCERA</p>	10-11	<p>III. <u>Request for Election</u>.</p> <p>A. <u>Requirements</u>. Not later than one hundred twenty (120) calendar days prior to election day (E – 120; all references to “E-#” mean election day minus # of calendar days) for a Board of Retirement election, the FCERA Authorized</p>	<p>Revises Election Schedule: Not later than 120 calendar days prior to election, the FCERA Authorized Officer shall provide a Written Request (including certain details) to</p>

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	<p>members, and to each eligible deferred and inactive FCERA member at the address on file with FCERA, no later than seventy (70) calendar days prior to election day (E – 70 or election day minus 70). Said notice shall contain the following information:</p> <p><u>A. Qualifications:</u> The nominee must be an active, deferred or inactive member of FCERA (General Member for the General Member seat and Safety Member for the Safety member seat).</p> <p><u>B. Method of Nomination:</u> A petition signed by fifteen (15) active, deferred or inactive FCERA members (signed by General Members for General Seat and signed by Safety Members for Safety seat) must be delivered to the Retirement Administrator together with a certification from the nominee of said petition certifying his or her willingness and qualification to serve on the Board of Retirement and giving the name of the department or district in which he or she is (or was) employed. The nominee may also</p>	11-19	<p>Officer shall provide the following to the County Registrar of Voters for the election:</p> <p>1. <u>Written Request:</u> Written request for the County Registrar of Voters to conduct the Board of Retirement election that (a) specifies the date of the election either according to Appendix A - Election Schedule, or as a Special Election called by the Board of Supervisors under Sections I.C. or IV.F., herein, respectively; (b) specifies the relevant member election, including the related seat number, for the Board of Retirement; (c) includes a confirmation that the County-FCERA cost reimbursement agreement is in effect (See Section I.E., herein); and (d) provides an estimate of the specific number of Official Ballot Packets (as defined in Section VI.A., herein) that FCERA requests the County Registrar to order for printing in relation to such election; and</p> <p>2. <u>Election Calendar:</u> Proposed calendar of events for the election, which calendar shall be consistent with these election procedures.</p> <p>IV. <u>Nomination Process.</u></p>	<p>conduct the election to the County Registrar of Voters.</p> <p>Specifies the information that is to be included with the request (e.g., the relevant member election, including the related seat number, for the Board of Retirement).</p>

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	<p>submit a statement of 200 words or less giving his or her qualifications and platform, which will be distributed with the ballots. Said statement must be submitted with the petition, or it will not be published. Said statement will be published as presented by the candidate, subject to the 200 word limitation; neither the FCERA nor the Fresno County Clerk/Registrar of Voters will make changes to correct grammar, punctuation, or spelling.</p> <p><u>C. Close of Nominations:</u> The nomination period shall close twenty (20) (E – 50) calendar days after the date FCERA sends the Notice of Election, as described above. If the nomination period ends on a weekend or holiday, it shall be extended to the end of the next business day. The County Clerk will be provided candidate names by E – 49.</p> <p>D. If any duly nominated candidate is unopposed for election at the close of nominations, the Board of Retirement shall so certify to the Board of Supervisors, who shall declare the</p>		<p>A. <u>Notice of Election:</u> Not later than E-70, FCERA shall provide a written notice of the election (“Notice of Election”) as follows:</p> <p>1. For Active Member Elections, to each County department, Special District, and recognized employee representation organization having FCERA members employed by the County or a Special District, and to each eligible deferred and inactive FCERA member at the deferred or inactive FCERA member’s then-current address on file with FCERA.</p> <p>2. For Retired Member Elections, which shall be separate elections held simultaneously for the retired member and alternate retired member of the Board of Retirement, (a) to each organization recognized by the Board of Retirement as representing the retired members of FCERA, and (b) for regularly-scheduled Retired Member Elections, to each retired member of FCERA at his or her then-current address on file with FCERA provided that such notice shall be by mailing a flyer (or including information along with or in the monthly benefit statement mailed to each retiree) that provides basic information about</p>	<p>(Note: no change in the date that FCERA shall provide a written notice of the election (E-70)).</p>

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	election cancelled and appoint said candidate to the Board of Retirement.		<p>the regularly-scheduled Retired Member Elections.</p> <p>B. <u>Member Seats</u>: The Notice of Election shall state the following concerning the election for each member seat on the Board of Retirement:</p> <ol style="list-style-type: none"> 1. Each member seat for which the election is being held, specifying the classification of (<i>i.e.</i>, for Active Member Election, specifying either the general member or safety member classification, or for the Retired Member Elections, specifying the retiree classification) and qualifications for the member seat, and the related seat number, or reference to retiree alternate member, as applicable. 2. The term of office for each member seat for which the election is being held. 3. Procedures for submissions of a Nominee's Submittal (defined in Section IV.D, herein) and a Candidate's Statement (defined in Section IV.D, herein), including deadlines for submissions thereof, the date of the election to be held, and the time period for the pre-count and counting of 	<p>Adds: Notice of Election shall state certain information concerning the election for each member seat on the Board of Retirement (e.g., each member seat for which the election is being held, the term of office, and procedures for submissions of nominations and candidate's certification thereof and candidates' statements, including deadlines for submissions thereof, the date of the election to be held, and the time period for the pre-count and counting of returned voted official ballots.</p>

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			<p>returned voted official ballots, all of which shall comply with these election procedures.</p> <p>C. <u>Nominee and Office Holder Qualifications:</u> Each nominee and office holder shall meet the following qualifications, as applicable:</p> <p>1. For the Active Member Election:</p> <p>a. The nominee who is a general member of FCERA may be elected and hold office only as the second or third member of the Board of Retirement, provided that, at all relevant times, he or she shall be an employee of the County or a Special District, and remain (i) employed by the County or a Special District, and (ii) in the classification of a general member of FCERA.</p> <p>b. The nominee who is a safety member of FCERA may be elected and hold office only as the seventh member, or, if any, alternate seventh member of the Board of Retirement, provided that, at all relevant times, he or she shall be an employee of the County or a Special District, and remain (i) employed by the</p>	<p>Adds: Each nominee and office holder shall meet certain qualifications, as applicable.</p> <p>-- the nominee who is a general member of FCERA may be elected and hold office only as the second or third member of the Board of Retirement, provided that, at all relevant times, he or she shall be an employee of the County or a Special District, and remain (a) employed by the County or a Special District, and (b) in the classification of a general member.</p> <p>(Similar rule for safety member of FCERA).</p>

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			<p>County or a Special District, and (ii) in the classification of a safety member of FCERA.</p> <p>c. The nominee may be elected and hold office only in one seat at a time as a member of the Board of Retirement.</p> <p>d. Any nominee who is elected to any such seat on the Board of Retirement, but either separates from the service of the County or a Special District, or changes his or her FCERA membership classification from general member to safety member or vice-versa, shall automatically vacate his or her office.</p> <p>e. The nominee may not be elected and hold office as a member of the Board of Retirement if he or she is or would be prohibited by law from holding such office.</p> <p>2. For the Retiree Member Elections:</p> <p>a. The nominee shall be, and at all relevant times remain, a retired member of FCERA.</p>	<p>Adds: The nominee may be elected and hold office only in one seat at a time.</p> <p>Adds: Any nominee who is elected to any such seat on the Board of Retirement, but either separates from the service of the County or a Special District, or changes his or her FCERA membership classification from general member to safety member or vice-versa, shall automatically vacate his or her office.</p> <p>Adds: For the Retiree Member Elections, the nominee shall be, and at all relevant time remain, a retired member of FCERA.</p>

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			<p>b. The nominee may be elected and hold office only in one seat at a time as a member of the Board of Retirement.</p> <p>c. A nominee may not be elected and hold office as a member of the Board of Retirement if he or she is or would be prohibited by law from holding such office.</p> <p><u>D. Nominations; Petitions and Nominee's Submittal:</u> The FCERA Retirement Administrator shall prepare (or caused to be prepared and approve) a petition form for each Board of Retirement election according to the requirements of these election procedures and make each petition form available to eligible members of FCERA for such election. The petition, specifying the seat number (or for the Retired Member Elections, specifying the retiree seat classification of the member) of the Board of Retirement, and signed by at least fifteen (15) Eligible General Members for the second or third member, or by at least fifteen (15) Eligible Safety Members for the seventh member, or, if any, alternate seventh member, or by at least (15) Eligible Retired Members for the retired member (eighth member) seat or the alternate retired member seat of the Board of</p>	<p>The nominee may be elected and hold office only in one seat at a time as a member of the Board of Retirement.</p> <p><u>Updated - Adds: FCERA Retirement Administrator shall prepare (or caused to be prepared and approve) a petition form for each Board of Retirement election according to the requirements of these election procedures and make each petition form available to eligible members of FCERA for such election. The petition, specifying the seat number (or for the Retired Member Elections, specifying the retiree seat classification of the member) of the Board of Retirement, and signed by at least fifteen (15) eligible Members, as applicable, shall be delivered to the FCERA Retirement Administrator together</u></p>

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			<p>Retirement, as applicable, shall be delivered to the FCERA Retirement Administrator together with the following completed, signed, and dated Nominee's Submittal, provided by the nominee of said petition, as applicable:</p> <p>For the Active Member Election:</p> <p style="text-align: center;">NOMINEE'S SUBMITTAL</p> <p style="text-align: center;">(Active Member Election)</p> <p>For the election of the BOARD OF RETIREMENT OF THE FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION to be held on _____, 20____.</p> <p>Name of nominee: _____ [Print your name]</p> <p style="text-align: center;"><u>Certification</u></p> <p>I certify my willingness to serve on the BOARD OF BOARD OF RETIREMENT OF THE FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION, and declare the following:</p>	<p>with the following completed, signed, and dated Nominee's Submittal, provided by the nominee of said petition, as applicable.</p> <p><u>Updated</u> – Adds Nominee's Submittal (Active Member Election), including nominee's acknowledgement, including receipt of a copy of County ordinance code § 3.08.110 (Employees—Political activity).</p>
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			<p>(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 _____.</p> <p>(b) I am a _____ Member [specify: General Member or Safety Member] of the Fresno County Employees' Retirement Association.</p> <p>(c) I am an employee of the: _____ [specify employer].</p> <p>(d) (County employees only): The Department (including Division, if any) in which employed, _____</p> <p><u>County Employees Political Activity</u></p> <p>I acknowledge that I have received a copy of County ordinance code § 3.08.110 (Employees—Political activity), which is attached.</p> <p><u>[Attach copy of County ordinance code § 3.08.110 (Employees—Political activity)]</u></p>	
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			<p style="text-align: center;"><u>Contact Information</u></p> <p>Telephone number that may be used to contact me: _____</p> <p>E-mail address; that may be used to contact me: _____</p> <p>SIGNATURE: _____</p> <p>PRINT YOUR NAME: _____</p> <p>DATE: _____</p> <p>[Attach nominee's petition to this Nominee's Submittal, using the petition form provided by FCERA according to these election procedures]</p> <p style="text-align: center;">-End of Nominee's Submittal-</p> <p>Notwithstanding anything to the contrary in these election procedures, (a) County ordinance code § 3.08.110 (Employees—Political activity), referenced herein and a copy of which is attached to any Nominee's Submittal, is not incorporated into these election procedures or to be used for any</p>	
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			<p>purposes under these election procedures except as expressly stated on the Nominee's Submittal, (b) neither the FCERA Parties nor the County Parties have any responsibility under these election procedures for any alleged or actual violation by a nominee, or any other County employee allegedly or actually acting at the behest of or in concert with the nominee, of County ordinance code § 3.08.110 (Employees—Political activity) relating to any Active Member Election, and (c) the references, herein, to County ordinance code § 3.08.110 (Employees—Political activity) is only a statement of existing rules of conduct for County employees and does not impose any new term or condition of employment upon nominees who are County employees, and (d) the nominee's receipt of a copy of County ordinance code § 3.08.110 (Employees—Political activity) is only to be used by the County for the County's own purposes, in its capacity as an employer with respect to the management of its employees.</p> <p>For the Retired Member Elections:</p> <p>NOMINEE'S SUBMITTAL (Retired Member Elections)</p>	<p><u>Updated</u> – Adds: Nominee's Submittal (Retired Member Elections).</p>

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			<p>For the election of the BOARD OF RETIREMENT OF THE FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION to be held on _____, 20____.</p> <p>Name of nominee: _____ [Print your name]</p> <p style="text-align: center;"><u>Certification</u></p> <p>I certify my willingness to serve on the BOARD OF RETIREMENT OF THE FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION, and declare the following:</p> <p>(a) I am a nominee for the office of _____ [specify: Retired Member or Alternate Retired Member] for _____ [specify: Seat No. 8 or Retired Alternate Member Seat, as applicable] concerning the term of office from _____ to _____.</p> <p>(b) I am a retired member of the Fresno County Employees' Retirement Association.</p>	
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			<p align="center"><u>Contact Information</u></p> <p>Telephone number that may be used to contact me: _____</p> <p>E-mail address that may be used to contact me: _____</p> <p>SIGNATURE: _____</p> <p>PRINT YOUR NAME: _____</p> <p>DATE: _____</p> <p>[Attach nominee's petition to this Nominee's Submittal, using the petition form provided by FCERA according to these election procedures]</p> <p align="center">-End of Nominee's Submittal-</p> <p>Each Eligible General Member, each Eligible Safety Member, and each Eligible Retired Member, as applicable may nominate only one (1) person per member seat on the Board of Retirement for which the election is (or elections are, as applicable) being held and in</p>	
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			<p>which such Eligible General Member, Eligible Safety Member, or Eligible Retired Member, respectively, may participate. The nominee may also submit a candidate's statement of two hundred (200) words or less, (the "Candidate's Statement"), which shall be distributed with the official ballots, subject to the following:</p> <p>1. The Candidate's Statement may include the name and occupation (for the Active Member Election, including the name of the County department or Special District in which he or she is employed, or for the Retired Member Elections, including the name of the County department or Special District in which he or she was employed), of the candidate and a brief description of the candidate's education, qualifications, and platform expressed by the candidate. The Candidate's Statement shall be limited to a recitation of the candidate's own personal background, qualifications, and platform, and shall not in any way refer to other candidates for that office or to another candidate's qualifications, platform, character, or activities.</p>	<p>Adds: The Candidate's Statement shall be limited to a recitation of the candidate's own personal background, qualifications, and platform, and shall not in any way refer to other candidates for that office or to another candidate's qualifications, platform, character, or activities.</p>

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			<p>2. The Candidate's Statement shall be submitted with the petition in Word form, 12-point font type.</p> <p>3. Once submitted, the Candidate's statement may not be withdrawn, revised, or refiled by the nominee.</p> <p>4. The Candidate's Statement will be published as presented by the candidate, subject to the requirements of this Section IV.D., and any reformatting deemed necessary by the Retirement Administrator and/or the County Registrar of Voters.</p> <p>5. Notwithstanding anything to the contrary in this Section IV.D., neither the FCERA Parties nor the County Parties assume any responsibility for the content or form of the Candidate's Statement or the distribution thereof to any voters, or for making any changes to the content of the Candidate's Statement, or for correcting its grammar, punctuation, or spelling, provided however, that the County Registrar of Voters may, in his or her sole discretion, after providing written notice to the affected candidate, delete any portion of the Candidate's Statement that</p>	<p>Adds: Once submitted, the Candidate's Statement may not be withdrawn, revised, or refiled by the nominee.</p> <p>Adds: Neither the FCERA nor the County assume any responsibility for the content or form of the Candidate's Statement or the distribution thereof to any voters, or for making any changes to the content of the statement, or for correcting its grammar, punctuation, or spelling, provided however, that the County Registrar of Voters may, in his or her sole discretion, after providing written notice to the affected candidate, delete any portion of the statement</p>

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			<p>the County Registrar of Voters determines to be non-compliant with the requirements of this Section IV.D.</p> <p>E. <u>Close of Nominations</u>: The nomination period shall close twenty (20) calendar days (E – 50) after the date FCERA provides the Notice of Election pursuant to this Section IV. If the nomination period ends on a weekend or holiday, it shall be extended to the end of the next FCERA business day.</p> <p>F. <u>Confirmation of Eligible Candidates</u>: Prior to determining the order of placement of candidates’ names on the official ballot, the Retirement Administrator shall determine that the nominees are duly nominated and eligible candidates, according to these election procedures, for election of the relevant seat on the Board of Retirement, and have timely delivered their respective signed and sufficiently completed Nominee’s Submittal according to these election procedures.</p> <p>1. For any Active Member Elections, the Retirement Administrator shall email a PDF copy of the signed Nominee’s Submittal of such nominees to their respective employer identified in their</p>	<p>that the County Registrar of Voters determines to be non-compliant with these requirements.</p> <p>(Note: no change in the close of the nomination period).</p> <p>Adds: Prior to determining the order of placement of candidates’ names on the official ballot, the Retirement Administrator shall determine that the nominees are duly nominated and eligible candidates for election of the relevant seat on the Board of Retirement.</p> <p><u>Updated</u> – Adds: for Active Member Elections, a procedure for the Retirement Administrator to confirm a nominee’s employment.</p>

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			<p>respective Nominee's Submittal, and obtain email confirmation from such employer (<i>e.g.</i>, for the County employer, the nominee's identified County department is sufficient) that such nominee is employed by such employer, and retain the original thereof for the same period provided under Section XI, herein, solely for the purpose of keeping custody of such documents, and no additional obligations of the Retirement Administrator shall be inferred or implied therefrom.</p> <p>2. If the Retirement Administrator determines that a nominee is not duly nominated or eligible for such seat, or has not timely delivered his or her signed and sufficiently completed Nominee's Submittal, the Retirement Administrator shall declare such nominee as ineligible as a candidate for such seat. The nominee's lack of sufficient Contact Information shall not be a basis for the Retirement Administrator to determine that the nominee is not duly nominated or eligible for such seat, provided however, the nominee shall, upon request by any FCERA Authorized Officer, immediately</p>	<p>--specifies procedures if a nominee is not eligible, or if no eligible nominees.</p> <p>--Updated--specifies that the nominee's lack of sufficient Contact Information shall not be a basis for the Retirement Administrator to determine that the nominee is not duly nominated or eligible for such seat.</p>

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			<p>deliver sufficient Contact Information to the requesting FCERA Authorized Officer.</p> <p>3. If the Retirement Administrator determines that no nominee is duly nominated or eligible for such seat, the Retirement Administrator shall declare that there is no nominee who is eligible as a candidate for such seat, and the Retirement Administrator shall promptly request the Board of Supervisors to call a Special Election for such seat, and simultaneously provide a copy of such request to the County Registrar of Voters. Any such declaration by the Retirement Administrator shall be final and conclusive, but only as to such election for such seat, and the Retirement Administrator shall so inform the nominee(s), if any, and the reason therefor.</p> <p><u>G. Placement of Eligible Candidates' Names on Official Ballot:</u> On E-47, the FCERA Retirement Administrator shall determine the order of placement of duly nominated and eligible candidates' names on the official ballot by drawing of lots at FCERA's office in the manner provided for the County Registrar's drawing of lots to break tie votes under Section</p>	<p>--if no eligible nominees, the Retirement Administrator shall promptly request the Board of Supervisors to call a Special Election for such seat.</p> <p>On E-47, the FCERA Retirement Administrator shall determine the order of placement of duly nominated and eligible candidates' names on the official ballot by drawing of lots at FCERA's office in the manner provided for the County Registrar's drawing of lots to break tie votes,</p>

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			<p>VII.I., herein, except that the order of placement of such candidates' names on the official ballot shall be based on descending order of the lots as they are drawn. At least one (1) FCERA business day prior to such drawing of lots, FCERA shall provide written notice to all such candidates that they may observe such drawing of lots. The FCERA Retirement Administrator shall provide such candidates' names, and order of placement of such candidates' names on the official ballot, to the County Registrar of Voters not later than E – 45.</p> <p>H. <u>Unopposed Candidates</u>: If any duly nominated and eligible candidate is unopposed for election at the close of nominations, the Retirement Administrator shall so certify to the Board of Supervisors, and the Board of Supervisors shall order that no election be held for such seat and shall direct the Clerk of the Board of Supervisors to cast a unanimous ballot in favor of the candidate pursuant to Government Code § 31523, subdivision (c). The Clerk of the Board of Supervisors shall deliver the casted ballot to the Board of Retirement, and a copy thereof to the County Registrar of Voters.</p>	<p>except that the order of placement of such candidates' names on the official ballot shall be based on descending order of the lots as they are drawn.</p> <p>Clarifies procedure if there are no unopposed candidates (Gov. Code, § 31523, subdivision (c)).</p>

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3-4	<p>IV. <u>Notice of Election - Retired and Alternate Retired Member Elections:</u> Separate elections are held simultaneously for the Retired trustee and Alternate Retired trustee of the Board of Retirement. The FCERA shall send a Notice of Election to each organization recognized by the Board of Retirement as representing the Retired members of the FCERA no later than seventy (70) calendar days prior to Election Day (E – 70). In addition, prior to sending the Notice, the FCERA will notify each Retired member of the upcoming election by mailing a flyer (or including a flyer in the monthly benefit statement mailed to each retiree) that provides basic information about the scheduled elections.</p> <p>Said Notice of Election shall contain the following information:</p> <p>A. <u>Qualifications:</u> The nominee must be a Retired FCERA member.</p> <p>B. <u>Method of Nomination:</u> A petition signed by fifteen (15) Retired FCERA</p>			Retired Member Elections: Consolidated into new Section III, above.

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	<p>members must be delivered to the Retirement Administrator together with a certification from the nominee of said petition certifying his or her willingness and qualification to serve on the Board of Retirement. The nominee may also submit a statement of 200 words or less giving his or her qualifications and platform, which will be distributed with the ballots. Said statement must be submitted with the petition, or it will not be published. Said statement will be published as presented by the candidate, subject to the 200 word limitation; neither the FCERA nor the Fresno County Clerk/Registrar of Voters will make changes to correct grammar, punctuation, or spelling.</p> <p>C. <u>Close of Nominations</u>: The nomination period shall close twenty (20) (E – 50) calendar days after the date the FCERA sends the Notice of Election, as described above. If the nomination period ends on a weekend or holiday, it shall be extended to the end of the next business day. The</p>			<p>As stated above: Retired Member Elections: Consolidated into new Section III, above.</p>

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	<p>County Clerk will be provided candidate names by E – 49.</p> <p>D. If any duly nominated candidate is unopposed for election at the close of nominations, the Board of Retirement shall so certify to the Board of Supervisors, who shall declare the election cancelled and appoint said candidate to the Board of Retirement.</p>			
4-10	<p>V. <u>Election Procedure:</u></p> <p>A. On the first working day following the close of nominations, the Retirement Administrator or his or her designee shall determine the order of placement of nominees’ names on the ballot by drawing of lots. All nominees will be extended an invitation to view the drawing of lots.</p> <p>B. Each nominee or prospective nominee, or his/her designated representative, shall be allowed a reasonable amount of County or Special District time for witnessing</p>	19-24	<p>V. <u>Preparations for Elections.</u></p> <p>A. <u>Preparation of Elections Materials:</u> For each Board of Retirement election, not later than E-35, the Retirement Administrator, or any other FCERA Authorized Officer, and the County Registrar of Voters or his or her designee shall coordinate their respective pre-printing activities for the official ballot form and, if any, candidates’ statements (See Section VI.A., herein, regarding the County Registrar of Voters’ mailing of the Official Ballot Packet to eligible voters) as follows:</p>	<p>Not later than E-35, the Retirement Administrator, or any other FCERA Authorized Officer, and the County Registrar of Voters or his or her designee shall coordinate their respective pre-printing activities for the official ballot form and, if any, candidates’ statements.</p>

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	<p>the drawing of lots and the ballot count. County and Special District time shall not be used for obtaining nominations or campaigning.</p> <p>C. At the most recent payroll period ending before E-35, FCERA's Retirement Administrator, or his or her designee, shall deliver to the Fresno County Clerk/Registrar of Voters the following together in one transmittal: FCERA's then-current electronic data file, in a computer program that is acceptable to the the Fresno County Clerk/Registrar of Voters, of all eligible voters for the Active Member Election (based on their respective categories of General Members and Safety Members) and for the Retired Member Election, including their names and mailing addresses for their receipt of ballots (which mailing address is his or her mailing address as filed with his or her employer for active members or as filed with the FCERA for deferred, inactive and Retired members) accompanied by FCERA's Retirement Administrator's, or his or her</p>		<p>1. The FCERA Authorized Officer shall provide the following to the County Registrar of Voters:</p> <ul style="list-style-type: none"> a. Sample proof of the form of the official ballot showing eligible candidates' names and order of their placement on the ballot (See Section IV.F., herein, regarding the Retirement Administrator's confirmation of eligible candidates); and b. Sample proof of the candidates' statements, if any. <p>2. The County Registrar of Voters or his or her designee shall order for printing the Official Ballot Packets based on the estimate of the specific number of Official Ballot Packets that FCERA requests the County Registrar to order under Section III.A.1., herein, plus additional official ballots and Official Return Envelopes, in his or her determination, to accommodate an estimated number of eligible voters who might need reissued official ballots or Official Return Envelopes. The County Registrar of Voters shall order the printing of appropriate type of official ballots and Official Return Envelopes for each election (<i>i.e.</i>, Eligible General</p>	<p>Adds: the information that the FCERA Authorized Officer shall provide to the County Registrar of Voters.</p> <p>Adds: The County Registrar of Voters or his or her designee shall order for printing the Official Ballot Packets based on the estimate of the specific number of Official Ballot Packets that FCERA requests the County Registrar (See above in new Sec. III.A.1).</p>

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	<p>designee's, certification, which shall be signed and dated as of the delivery date, and shall state the following: [__insert name__], [__insert title__] of the Fresno County Employees Retirement Association (FCERA) certifies to the Fresno County Clerk/Registrar of Voters that each accompanying electronic data file of eligible voters for the [__insert date__] FCERA Active Member Election (based on their respective categories of General Members and Safety Members) and for the [__insert date__] FCERA Retired Member Election correctly identifies all current, eligible voters for each such election (and for the [__insert date__] FCERA Active Member Election, further correctly identifies all current, eligible voters within their respective categories of General Members and Safety Members), and that the information in each such electronic data file of eligible voters is complete and accurate for all such eligible voters in each such election, as of the date that each such electronic data file of eligible voters and this certification</p>		<p>Members, Eligible Safety Members and Eligible Retiree Members) so that types of Official Return Envelopes can be matched with their like-kind official ballots, for example, and not as a limitation, color-coding Official Return Envelopes to match the color of their like-kind official ballots.</p> <p>3. At least one FCERA Authorized Officer shall review all sample proofs of the forms of official ballot and, if any, candidates' statements provided to the County Registrar of Voters or his or her designee under Sections V.A.1.a. and V.A.1.b, herein, respectively, and give final written verification to the County Registrar of Voters or his or her designee that the form of official ballot and, if any, candidates' statements are correct and ready to print.</p> <p>B. <u>Confidentiality</u>: The mailing addresses of the Eligible Active Members and Eligible Retired Members shall remain confidential, and not subject to public disclosure (See Gov. Code, § 31532; Cal. Const. Art I, § 1).</p> <p>C. <u>FCERA-Certified Electronic Data Files</u>: At the most recent payroll period ending before E-45, a FCERA Authorized Officer shall, not later</p>	<p>Adds: members' addresses shall remain confidential, and not subject to public disclosure (Gov. Code, § 31532; Cal. Const. Art I, § 1).</p> <p>--the single eligible member certification form is tailored into an Active Member Election</p>
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	<p>is delivered to the Fresno County Clerk/Registrar of Voters. [<i>__insert signature block/date__</i>]. Twenty-four (24) calendar days preceding the election (E – 24), the Fresno County Clerk/Registrar of Voters shall mail a ballot packet to each eligible voter for the Active Member Elections (based on their respective categories of General Members and Safety Members) and for the Retired Member Elections at the mailing address for such voter, based on the information set forth in the applicable FCERA certified electronic data file of eligible voters, above. Said packet shall consist of:</p> <ol style="list-style-type: none"> 1. Appropriate ballot(s) (General, Safety, or Retired and Alternate Retired), 2. Voting instructions, 3. Candidates’ statements of qualifications, 4. A non-postage paid ballot return envelope bearing the address of the Fresno County Clerk/Registrar of Voters Office, and 		<p>than E-43, deliver to the County Registrar of Voters the following together in an individual transmittal for each type of election that has been called (<i>i.e.</i>, Active Member Election or Retired Member Elections), FCERA’s then-current electronic data file, in a computer program that is acceptable to the to the County Registrar of Voters:</p> <p>1. <u>For Active Member Elections</u>: Eligible General Members who may participate in the election of the second and third members of the Board of Retirement (general members), and Eligible Safety Members who may participate in the election of the seventh member of the Board of Retirement (safety member), and the alternate seventh member (safety member), if any, and their names and mailing addresses for receipt of Official Ballot Packets (which mailing address shall be his or her then-current mailing address as filed with his or her employer for active members of FCERA, or as filed with FCERA for deferred or inactive members), accompanied by the FCERA Authorized Officer’s certification, which shall be completed signed, and dated as of the delivery date (the “Eligible Voter Certification Date”), and shall state the following:</p>	<p>certification form and a Retired Member Elections certification form; additional detail is provided in each new certification form</p> <p>--at the most recent payroll period ending before E-45, a FCERA Authorized Officer shall, not later than E-43, deliver the form and voter data.</p>

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	<p>5. A sealed envelope bearing the member's name and address containing items 1 through 4.</p> <p>D. The Fresno County Clerk/Registrar of Voters shall administer the election as follows:</p> <p>1. The Fresno County Clerk/Registrar of Voters shall receive the following from the Retirement Administrator or designee:</p> <ol style="list-style-type: none"> Date of the Election, Sample of the ballot with appropriate candidates' names and order of placement on the ballot, Candidates' Statements (if applicable), Calendar of events for the election, Written request for the Fresno County Clerk to conduct the election, and County-FCERA cost reimbursement agreement (See Section I, above). 		<p>ACTIVE MEMBER ELECTION CERTIFICATION</p> <p>This certification is provided under the Election Procedures of the Board of Retirement of FCERA, as adopted by the Fresno County Board of Supervisors on [__insert date__] (the Election Procedures).</p> <p>[__insert name__], [__insert title__] of the Fresno County Employees Retirement Association (FCERA) certifies to the Fresno County Clerk/Registrar of Voters that:</p> <ol style="list-style-type: none"> The accompanying electronic data file(s) for the [__insert date__] Active Member Election represents and correctly identifies all current, eligible voters who may vote in such election; The accompanying electronic data file(s), depending on the Board of Retirement member seat, corresponds to the classification of members of FCERA who may vote for the relevant seat in such election (<i>i.e.</i>, Eligible General Members may vote only for the Eligible General 	<p>As stated above, specifies eligible members for each election.</p>
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	<p>f. Electronic data files of eligible voters for the Active Member Election and for the Retired Member Election, including Member names and address data (which shall remain confidential) for mailing purposes and the accompanying FCERA certification of such eligible voter electronic data files (See section V.C, above),</p> <p>g. Voting instructions and other requested inserts/letters when applicable.</p> <p>2. The Fresno County Clerk or designee shall order the official ballots and candidate statements. (Note: Ballots and candidate statements are ordered as per the amount requested by the Retirement Administrator or designee plus additional ballots to accommodate voters who might “spoil” their ballot and for voters who did not receive their ballot in the mail.)</p>		<p>Member seat(s), and Eligible Safety Members may vote only for Eligible Safety Member seat(s));</p> <p>c. If an accompanying electronic data file represents Eligible General Members, then that electronic data file correctly identifies and only includes all current Eligible General Members who may vote for the Eligible General Member seat(s) for such election;</p> <p>d. If an accompanying electronic data file represents Eligible Safety Members, then that electronic data file correctly identifies and only includes all current Eligible Safety Members who may vote for the Eligible Safety Member seat(s) for such election;</p> <p>e. If an Active Member Election includes both the Eligible General Member seat(s) and the Eligible Safety Member seat(s), there are no voters classified in the accompanying electronic data file(s) both as an Eligible General Member and an Eligible Safety Member for such election;</p>	<p>As stated above, specifies eligible members for each election.</p>

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	<p>3. The Fresno County Clerk or designee shall order the official outgoing mailer and reply envelopes for the election. The quantity is determined by the number of members voting in the election.</p> <p>4. The Fresno County Clerk or designee shall receive the ballot and candidate statement proofs. The Retirement Administrator or designee shall review all proofs and give the final verification that the ballot and candidate statements are ready to print.</p> <p>5. The ballot packets shall be inserted and mailed by the Fresno County Clerk or designee. The Fresno County Clerk or designee shall observe all inserting processes.</p> <p>6. The Fresno County Clerk or designee shall use non-profit postage for mailing of ballot packets, if such method of mailing is available.</p>		<p>f. If an Active Member Election is only for one type of classification (<i>i.e.</i>, Eligible General Member seat(s) or Eligible Safety Member seat(s)), there are no voters classified in the accompanying electronic data file(s) from the other classification for such election;</p> <p>g. 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;</p> <p>h. There are no identified voters in the accompanying electronic data file(s) who are retired members of FCERA as of the Eligible Voter Certification Date; and</p> <p>i. The information in the accompanying electronic data file(s) of eligible voters is complete and accurate for all such Eligible General Member's or Eligible Safety Member's, as applicable, who may vote in such election, as of the date that such electronic data file(s) of eligible voters and this certification is delivered to the Fresno County Clerk/Registrar of Voters,</p>	<p>As stated above, specifies eligible members for each election.</p>

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	<p>7. Procedures for ‘Spoiled or Reissued Ballots and Official Return Envelopes’ are as follows:</p> <p>a. If a voter has spoiled or marked his or her ballot or official return envelope in error and needs a replacement, the Fresno County Clerk or designee must receive the spoiled or marked ballot or official return envelope back from the voter and a signed declaration under penalty of perjury that, “My spoiled/marked ballot/envelope has been surrendered to the Fresno County Clerk” before a new ballot or envelope is issued.</p> <p>b. If a voter did not receive or has lost or destroyed his or her ballot or official return envelope in the mail, the Fresno County Clerk or designee must receive a signed declaration under penalty of perjury that, “If received or found, the original ballot/official return envelope will be destroyed” before a new ballot or official return envelope is issued.</p>		<p>which is the “Eligible Voter Certification Date” under the Election Procedures.</p> <p>j. Any capitalized terms that are not defined herein, are defined in the Election Procedures.</p> <p>Signature: _____</p> <p>Title: _____</p> <p>Date: _____</p> <p style="text-align: center;">-END-</p> <p>2. <u>For Retired Member Elections:</u> Eligible Retired Members of FCERA who may participate in the election of retired member (eighth member) and the alternate retired member of the Board of Retirement, if any, and their names and mailing addresses for receipt of Official Ballot Packets (which mailing address shall be his or her then-current mailing address as filed with FCERA) accompanied by the FCERA Authorized Officer’s certification, which shall be completed, signed, and dated as of the Eligible Voter Certification Date, and shall state the following:</p>	As stated above, specifies eligible members for each election.
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	<p>E. Voted ballots shall be returned, each in its official return envelope, by United States Postal Service, over the counter, or by County messenger, to the Fresno County Clerk/Registrar of Voters Office not later than 5:00 p.m. on the date of the election. A postmark date, or the date that the voted ballot was given to the County messenger, shall not be considered. A voted ballot that is not in its official return envelope, and multiple voted ballots that are in one official return envelope, shall be rejected. Bulk delivery of voted ballots, defined here as over the counter delivery of more than one ballot by a single individual, will not be accepted by the Fresno County Clerk/Registrar of Voters office.</p> <p>F. Members who reside outside of the continental United States may return their voted ballot by mail or overnight delivery to be received in the County Clerk's office not later than 5:00 pm on the date of the election. A postmark date or other</p>		<p>RETIRED MEMBER ELECTIONS CERTIFICATION</p> <p>This certification is provided under the Election Procedures of the Board of Retirement of FCERA, as adopted by the Fresno County Board of Supervisors on [__insert date__] (the Election Procedures).</p> <p>[__insert name__], [__insert title__] of the Fresno County Employees Retirement Association (FCERA) certifies to the Fresno County Clerk/Registrar of Voters that:</p> <ul style="list-style-type: none"> a. The accompanying electronic data file for the [__insert date__] Retired Member Elections represents and correctly identifies all current, Eligible Retired Members who may vote in such elections; b. The accompanying electronic data file corresponds to the classification of Eligible Retired Members who may vote in such elections (<i>i.e.</i>, the retired member (eighth member) and the alternate retired member seats); c. The accompanying electronic data file correctly identifies and only includes all 	As stated above, specifies eligible members for each election.
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	<p>countries' marks indicating mailing date, or date that the voted ballot was given to the overnight carrier, shall not be considered.</p> <p>G. At 9:00 AM on the next business day following the election, the Fresno County Clerk or designee shall count the ballots and certify the results of the count in writing. Any member of the public may witness the counting of the ballots.</p> <p>H. Prior to opening the official envelopes containing voted ballots, the Fresno County Clerk or designee shall compare FCERA's electronic data files (See section V.C, above) to the name of the voter on each official envelope, and create a roster of voters who voted in each election. If the Fresno County Clerk determines that multiple ballots have been received from any voter, none of their ballots will be opened and counted.</p> <p>I. Prior to opening the official envelopes containing voted ballots,</p>		<p>current Eligible Retired Members who may vote in such elections.</p> <p>d. There are no identified voters classified in the accompanying electronic data file(s) who are deferred or inactive general members of FCERA or deferred or inactive safety members of FCERA, or general members of 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</p> <p>e. The information in the accompanying electronic data file of eligible voters 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 and this certification is delivered to the Fresno County Clerk/Registrar of Voters, which is the "Eligible Voter Certification Date" under the Election Procedures.</p> <p>f. Any capitalized terms that are not defined herein, are defined in the Election Procedures.</p>	<p>As stated above, specifies eligible members for each election.</p>

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	<p>any candidate may challenge the validity of any ballot based on good cause, and in the event of any such challenge, the Fresno County Clerk/Registrar of Voters shall, consistent with these procedures, decide the validity of such ballot so challenged.</p> <p>J. Any candidate receiving a plurality of all votes cast for his or her respective election (General, Safety, Retired or Alternate Retired) shall be deemed elected.</p> <p>K. The Alternate Safety member shall be that Safety candidate from the group under Government Code section 31470.2 or 31470.4, or any other eligible Safety member in the FCERA if there is no eligible candidate from the groups under Sections 31470.2 and 31470.4, which is not represented by a Board of Retirement trustee who received the highest number of votes of all candidates in that group. If there is no eligible candidate from the other</p>		<p>Signature: _____ Title: _____ Date: _____</p> <p style="text-align: center;">-END-</p> <p>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 reflected in such data file(s), and shall retain such records and files for the same period that the County Registrar of Voters is required to retain tallied ballots under Section IX., herein. The County Registrar of Voters may rely exclusively on the foregoing certifications delivered by the FCERA Authorized Officer as conclusive proof of the accuracy and completeness of the information set forth in each accompanying applicable FCERA-certified electronic data file of eligible voters delivered to the County Registrar of Voters.</p>	<p>The County Registrar of Voters may rely exclusively on the foregoing certifications delivered by the FCERA Authorized Officer as conclusive proof of the accuracy and completeness of the information set forth in each accompanying applicable FCERA-certified electronic data file of eligible voters delivered to the County Registrar of Voters.</p>
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	<p>Safety groups, there may not be an Alternate Safety member.</p> <p>L. Official results of ballots shall be tallied and canvass results shall be forwarded to the Retirement Administrator or designee. The ballots shall be canvassed and accounted for by the Fresno County Clerk as to:</p> <ol style="list-style-type: none"> 1. Ballots issued; 2. Ballots returned, 3. Rejected ballots, 4. Votes cast, 5. Over votes, 6. Blank votes, 7. Spoiled/Reissued ballots, 8. Undeliverable Ballots. <p>M. Upon certification of the election results, the Fresno County Clerk or designee shall post the results on its Department website.</p> <p>N. Within three business days following receipt of the election results, the Retirement Administrator or designee shall post the results on</p>			
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	<p>the FCERA’s website (www.FCERA.org) and deliver a copy to each County Department and Special District with active members, to each organization recognized by the Board of Retirement as representing the Retired members of FCERA and to each employee representation unit with active members in the classification for which the election was held (Safety or General).</p> <p>O. Except for the date of the election, the preceding sections shall govern such special elections as the Board of Supervisors may call to fill midterm vacancies.</p> <p>P. The Fresno County Clerk shall retain tallied ballots for a period of six months following the certification of the election results.</p>			
		24-26	<p>VI. <u>Distribution of Official Ballot Packets to Eligible Voters.</u></p> <p>A. <u>Ballot Requirements; Mailing:</u> Twenty-four (24) calendar days before the election (E – 24),</p>	(Note: no change in the ballot mailing period).

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			<p>the County Registrar of Voters shall mail a sealed outgoing official ballot packet (each an “Official Ballot Packet,” or collectively “Official Ballot Packets”) to each Eligible Active Member for the Active Member Election, or to each Eligible Retired Member for the Retired Member Elections, at the mailing address for each such eligible voter, based solely on the information set forth in each applicable FCERA-certified electronic data file of eligible voters, delivered to County Registrar of Voters and certified by a FCERA Authorized Officer under Section VI.C., herein. All such eligible voter name and address data shall remain confidential, including for mailing purposes, pre-counting, and official ballot counting (See Section V.B., herein).</p> <p>1. The Official Ballot Packet shall bear the applicable eligible voter’s name and address and consist of the following documents to be inserted therein:</p> <p>a. One (1) official ballot that is applicable to the eligible voter’s FCERA member classification pursuant to Section II.B., herein, for an election of the Board of Retirement (<i>i.e.</i>, either one official ballot for Eligible General Members in the</p>	<p>Clarifies: Twenty-four (24) calendar days before the election (E – 24), the County Registrar of Voters shall mail sealed outgoing official ballot packets, based solely on the information set forth in each applicable FCERA-certified electronic data file of eligible voters, delivered to County Registrar of Voters and certified by a FCERA Authorized Officer, in Section VI.C., herein.</p>

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			<p>Active Member Election, or one official ballot for Eligible Safety Members in the Active Member Election; or one official ballot for Eligible Retired Members in the Retired Member Elections);</p> <p>b. Voting instructions prepared by the County Registrar of Voters or his or her designee;</p> <p>c. Candidates' statements, if any; an</p> <p>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.</p> <p>2. The County Registrar of Voters or his or her designees shall:</p> <p>a. Use a company or companies, which is or are certified by the California Secretary</p>	<p>Adds: Official Return Envelope will provides 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.</p> <p>Adds: The County Registrar of Voters or his or her designees shall use a company or companies, which is or are certified by the California Secretary of State to</p>

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			<p>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;</p> <p>b. Use non-profit postage for mailing of the Official Ballot Packets if such method of mailing is available; and</p> <p>c. Mail the Official Ballot Packets as required herein.</p>	<p>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.</p>
		26-37	<p>VII. <u>Pre-Count; Counting; Election Results.</u> The County Registrar of Voters shall process the receipt, pre-counting, and counting of returned voted official ballots for the election as follows:</p> <p>A. <u>Reissued Official Ballot Materials:</u> The procedures for spoiled, mismarked, undelivered, lost, or destroyed, official ballots or Official Return Envelopes are as follows:</p>	

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			<p>1. If an eligible voter has spoiled or marked his or her official ballot or Official Return Envelope in error and needs a replacement, the County Registrar of Voters or his or her designees must receive the spoiled or mismarked ballot or Official Return Envelope back from the eligible voter and a signed declaration under penalty of perjury from the eligible voter, as applicable, before a new official ballot or Official Return Envelope is issued to the eligible voter, as follows:</p> <p><i>“My spoiled/mismarked official ballot for the [inset date____] Board of Retirement election has been surrendered to the Fresno County Registrar of Voters.”</i></p> <p>Or</p> <p><i>“My spoiled/mismarked official return envelope for the [inset date____] Board of Retirement election has been surrendered to the Fresno County Registrar of Voters.”</i></p> <p>2. If an eligible voter claims that he or she did not receive in the mail the Official Ballot Packet or claims that he or she lost or destroyed his or her official ballot or Official Return Envelope, the County Registrar of</p>	

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			<p>Voters or his or her designees must receive a signed declaration under penalty of perjury from the eligible voter, as applicable, before a new official ballot or Official Return Envelope is issued to the eligible voter, as follows:</p> <p><i>“I did not receive my official ballot packet for the [inset date ____] Board of Retirement election. If I receive my official ballot packet, I will immediately destroy the original official ballot.”</i></p> <p style="text-align: center;"><i>Or</i></p> <p><i>“I lost or destroyed my official ballot for the [inset date ____] Board of Retirement election. If I find my official ballot, I will immediately destroy the official ballot.”</i></p> <p style="text-align: center;"><i>Or</i></p> <p><i>“I lost or destroyed my official return envelope for the [inset date ____] Board of Retirement election. If I find my official return envelope, I will immediately destroy the official return envelope.”</i></p> <p>3. The County Registrar of Voters’ created roster of FCERA members who voted in each election under Section VII.D.1., herein, and counting of returned voted official ballots</p>	

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			<p>under Section VII.F., herein, shall take into account, any new official ballot issued to the eligible voter under this Section VII.A.</p> <p>B. <u>Return of Voted Official Ballots</u>: Each eligible voting member of FCERA returning his or her voted official ballot to the County Registrar of Voters must return the voted official ballot in the voted official ballot's like-kind, Official Return Envelope provided to the eligible voting member by the County Registrar of Voters. Voted official ballots may be returned by the eligible voting member to the County Registrar of Voters only by United States Postal Service, overnight delivery by a commercial carrier, such as FedEx or United Parcel Service, also known as UPS (each a "Commercial Carrier"), or the eligible voting member returning his or her voted official ballot by hand delivery to a County staff member who is attending the front counter within the County Registrar of Voter's office, in each case, <u>not later than 5:00 PM on the date of the election</u>. A United States Postal Service postmark date on the Official Return Envelope containing the voted official ballot, or a date that the Official Return Envelope containing the voted official ballot was given to a Commercial Carrier, shall not be considered. A returned voted official</p>	<p>Adds: Each member of FCERA returning his or her voted official ballot to the County Registrar of Voters must return the voted official ballot in the voted official ballot's like-kind, Official Return Envelope provided to the member by the County Registrar of Voters.</p> <p>--Eliminates: the use of County messenger as a means for eligible voters to return their voted ballots.</p> <p>--Updated- Adds: Voted official ballots may be returned by the eligible voting member to the County Registrar of Voters only by United States Postal Service, overnight delivery by a commercial carrier, such as FedEx or United Parcel Service, also known as UPS (each a "Commercial Carrier"), or the eligible voting member returning his or her voted official ballot by hand delivery to a County</p>

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			<p>ballot that is not in the voted official ballot's like-kind, Official Return Envelope, or multiple voted official ballots that are in a single Official Return Envelope, shall be rejected. If during counting of returned voted official ballots, the County Registrar of Voters or his or her designee discovers any returned voted official ballot that is not among like-kind returned voted official ballots, such returned voted official ballot shall be 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. The County Registrar of Voters shall not accept delivery of any returned voted official ballots through any means other than those specified, above, in this Section VII.B. Without limiting the generality of the foregoing sentence, the County Registrar of Voters shall not accept delivery of any returned voted official ballots through any of the following means: (i) any County means of internal communication among County departments, including, but not limited to, County messenger, commonly known as "stop mail" or County inter-office mail or delivery (however, any County means of internal communication among County departments are not considered herein as, and shall not be treated herein as, the use of Commercial</p>	<p>staff member who is attending the front counter within the County Registrar of Voter's office, in each case, <u>not later than 5:00 PM on the date of the election.</u></p> <p>--A returned voted official ballot that is not in the voted official ballot's like-kind, Official Return Envelope, or multiple voted official ballots that are in a single Official Return Envelope, shall be rejected. If during counting of returned voted official ballots, the County Registrar of Voters or his or her designee discovers any returned voted official ballot that is not among like-kind returned voted official ballots, such returned voted official ballot shall be 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.</p> <p>--<u>Updated</u> – Adds: the County Registrar of Voters shall not accept delivery of any returned voted official ballots through any of the</p>

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			<p>Carriers); (ii) any County Registrar of Voters drop box otherwise used by the County Registrar of Voters for any elections other than an election of the Board of Retirement; and/or (iii) the delivery to the County Registrar of Voters in any manner of multiple voted official ballots.</p> <p>C. <u>Return of Voted Official Ballots from Outside Continental United States</u>: Eligible voting members of FCERA who reside outside of the continental United States may, subject to these election procedures, return their voted official ballot only by United States mail or Commercial Carrier to be received in the County Registrar of Voters Office, in each case, <u>not later than 5:00 PM on the date of the election</u>. A United States Postal Service postmark date on the Official Return Envelope containing the voted official ballot, or a date that the Official Return Envelope containing the voted official ballot was given to a Commercial Carrier, or other countries' marks on the Official Return Envelope containing the voted official ballot indicating any date, including but not limited to a mailing date, or date that the Official Return Envelope containing the voted official ballot was given to a Commercial Carrier, shall not be considered.</p>	<p>following means: (i) any County means of internal communication among County departments, including, but not limited to, County messenger, commonly known as “stop mail” or County inter-office mail or delivery (however, any County means of internal communication among County departments are not considered herein as, and shall not be treated herein as, the use of Commercial Carriers); (ii) any County Registrar of Voters drop box otherwise used by the County Registrar of Voters for any elections other than an election of the Board of Retirement; and/or (iii) the delivery to the County Registrar of Voters in any manner of multiple voted official ballots.</p>

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			<p>D. <u>Pre-count Procedures</u>: Commencing at 9:00 AM on the next County business day following the election, or as soon thereafter as may be practicable under the circumstances at such time, the County Registrar of Voters or his or her designees shall undertake the following pre-count procedures before opening and counting the returned voted official ballots.</p> <p>1. Prior to opening the Official Return Envelopes, the County Registrar of Voters or his or her designees shall (a) verify whether the name of the eligible voter, and his or her FCERA member classification, on each Official Return Envelope, matches the eligible voter's name and FCERA member classification on the FCERA-certified electronic data file(s) for such classification delivered to the County Registrar of Voters under Section VI.C., herein, and (b) create a roster of FCERA members who voted in each election. The roster of FCERA members who voted shall remain confidential, and not subject to public disclosure (See Section V.B., herein). If the County Registrar of Voters or his or her designee determines that any returned Official Return Envelopes do not comply with these election procedures, none</p>	<p>Adds: pre-count procedures prior to the Registrar of Voters or his or her designees counting returned ballots:</p> <p>--Prior to opening the Official Return Envelopes, the County Registrar of Voters or his or her designees shall (a) verify whether the name of the voter, and his or her FCERA member classification, on each Official Return Envelope, matches the eligible voter's name and FCERA member classification on the FCERA-certified electronic data file(s) for such classification delivered to the County Registrar of Voters under Section VI.C., herein, and (b) create a roster of FCERA members who voted in each election.</p> <p>--If the County Registrar of Voters or his or her designee determines that any returned Official Return</p>

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			<p>of those Official Return Envelopes will be opened, none of the voted official ballots contained therein will be counted, and the County Registrar of Voters shall proceed to complete all pre-count procedures for all other returned Official Return Envelopes for the Active Member Election or the Retired Member Elections, as applicable.</p> <p>2. The County Registrar of Voters or his or her designees shall complete all pre-count procedures for the Active Member Election or the Retired Member Elections prior to opening the Official Return Envelopes under Section VII.E., herein.</p> <p>E. <u>Opening and Inspecting Official Returned Envelopes; Separating Returned Voted Official Ballots</u>: Upon opening the Official Returned Envelopes, and before the official voted ballots are separated from their respective Official Return Envelopes, the County Registrar of Voters or his or her designees shall inspect each opened Official Returned Envelope solely for the purpose of determining whether the returned official ballot contained therein is in its like-kind, Official Returned Envelope. If the County Registrar of Voters or his or her designees discover that any returned voted official ballot</p>	<p>Envelopes do not comply with these election procedures, none of those Official Return Envelopes will be opened, none of the voted official ballots contained therein will be counted, and the County Registrar of Voters shall proceed to complete all pre-count procedures for all other returned Official Return Envelopes for the Active Member Election or the Retired Member Elections, as applicable.</p> <p>--The County Registrar of Voters or his or her designees shall complete all pre-count procedures for the election prior to opening the Official Return Envelopes.</p> <p>-- Upon opening the Official Returned Envelopes, and before the official voted ballots are separated from their respective Official Return Envelopes, the Registrar of Voters or his or her designees shall inspect each opened Official Returned Envelope solely for the purpose of determining whether the returned official ballot contained therein is in</p>

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			<p>is not its like-kind, Official Return Envelope, such returned voted official ballot shall be rejected. After all Official Returned Envelopes have been so opened and inspected for an election, the County Registrar of Voters or his or her designees shall separate the returned official ballots from their respective Official Returned Envelopes, and, once separated, kept in separate groups, as follows:</p> <ol style="list-style-type: none"> 1. For the Active Member Election: <ol style="list-style-type: none"> a. Returned official ballots for the active general member seat(s) shall be grouped together, and kept separate from all other returned official ballots; and b. Returned official ballots for the active safety member seat(s) shall be grouped together and kept separate from all other returned official ballots. 2. For the Retired Member Elections: returned official ballots for the retired member (eighth member) seat and alternate retirement member seat shall be grouped together (but in any event shall be considered as official ballots for separate elections) and kept separate from all other returned official ballots. 	<p>its like-kind, Official Returned Envelope. If the County Registrar of Voters or his or her designees discover that any returned voted official ballot is not its like-kind, Official Return Envelope, such returned voted official ballot shall be rejected.</p> <p>-- After all Official Returned Envelopes have been so opened and inspected for an election, the Registrar of Voters or his or her designees shall separate the returned official ballots from their respective Official Returned Envelopes, and, once separated, kept in separate groups, based on eligible voter classifications.</p>

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			<p>F. <u>Counting the Returned Voted Official Ballots</u>: After opening and inspecting all of the Official Return Envelopes under Section VII.E., herein, the County Registrar of Voters or his or her designee(s) shall count the returned voted official ballots by using an electronic voting system until completed, as follows:</p> <p>1. The County Registrar of Voters shall tally the results of the official count for the Active Member Election (including separate counts for the active general member seat(s) and the active safety member seat(s) in the same regularly scheduled election or Special Election), and for the Retired Member Elections (including separate counts for the retired member (eighth member) seat and the alternate retired member seat in the same regularly scheduled election cycle or Special Election), according to the following categories, as applicable:</p> <ul style="list-style-type: none"> a. Official ballots issued; b. Official ballots returned; c. Rejected official ballots; d. Votes cast; 	<p>Adds: After opening and inspecting all of the Official Return Envelopes, the County Registrar of Voters or his or her designee(s) shall count the returned voted official ballots by using an electronic voting system until completed.</p>

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			<p>e. Overvotes (<i>i.e.</i>, returned voted official ballot invalidated due to more than one vote per member seat);</p> <p>f. Blanks (<i>i.e.</i>, not voted);</p> <p>g. Spoiled/reissued official ballots; and</p> <p>h. Undeliverable official ballots.</p> <p>2. In the event an electronic voting system cannot be used for counting all of the returned voted official ballots, the County Registrar of Voters or his or her designee(s) shall count the returned voted official ballots by hand. In the event a returned voted official ballot cannot be counted by an electronic voting system due to the condition of the voted official ballot, the County Registrar of Voters or his or her designee(s) shall create a duplicate ballot, using the same information in the returned voted official ballot, and count such duplicate ballot in the same manner as all other like-kind returned voted official ballots are counted by the electronic voting system. The County Registrar of Voters shall retain the returned voted official ballot that cannot be counted by the electronic voting system, and</p>	<p>Adds: In the event an electronic voting system cannot be used for counting all of the returned voted official ballots, the County Registrar of Voters or his or her designee(s) shall count the returned voted official ballots by hand.</p> <p>--specifies use of duplicate ballot for ballots that cannot be counted electronically.</p>

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			<p>indicate on such returned voted official ballot that it cannot be used and that the duplicate ballot has been used in its place; the created duplicate ballot shall be deemed to be the voted official ballot.</p> <p>3. Any candidate receiving the highest number of votes, in the plurality of all votes cast for the election of a member seat on the Board of Retirement, shall be deemed elected for that seat.</p> <p>G. <u>Posting and Delivering Election Results:</u> The County Registrar of Voters or his or her designees shall complete all counting procedures for the Active Member Election or the Retired Member Elections under Section VII.F, herein, prior to posting the results of each election. After completing the counting procedures for each election, the County Registrar of Voters or his or her designee shall, as soon thereafter as may be practicable under the circumstances at such time, promptly post the election results on its Department website and deliver the election results to the FCERA Retirement Administrator by email or hand delivery.</p>	

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			<p>H. <u>Request for Recount Requirements</u>: In the event a candidate desires to request a recount of the election for the member seat that he or she is seeking on the Board of Retirement, he or she must file a written request for the recount with the County Registrar of Voters, and comply with this Section VII.H., <u>not later than 5:00 PM on the fifth (5th) calendar day</u> following the date that the County Registrar of Voters or his or her designee has posted the election results on its Department website pursuant to Section VII.G., herein. In the event of timely multiple requests for a recount of the election for the member seat, each requesting candidate shall comply with this Section VII.H, herein, without regard any other request for a recount, but there shall be only one recount.</p> <p>1. <u>Recount Request in Writing</u>. The written request for a recount must comply with this Section VII.H., herein.</p> <p>2. <u>One Request Per Candidate</u>. A candidate may only request a recount of the election for the member seat that he or she is seeking on the Board of Retirement, and a recount will only be conducted if the candidate first pays the County Registrar of Voters' the full cost</p>	<p>Adds: Procedures for recount request:</p> <p>--Candidate he or she must file a written request for the recount with the County Registrar of Voters, and comply with this Section VII.H., <u>not later than 5:00 PM on the fifth (5th) calendar day</u> following the date that the County Registrar of Voters or his or her designee has posted the election results on its Department website.</p> <p>--A candidate may only request a recount of the election for the member seat that he or she is seeking on the Board of Retirement, and a recount will only be conducted if the candidate first pays the County</p>

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			<p>of the recount pursuant to this Section VII.H.2.</p> <p>a. In the event of a request for a recount, the County Registrar of Voters or his or her designee shall, not later than five (5) County business days thereafter, provide the candidate a written estimate cost of the recount, and the candidate must deposit an amount equal to the cost estimate, in the form of cash, cashier's check, or money order, with the County Registrar of Voters <u>not later than the third (3rd) County business day</u> thereafter.</p> <p>b. In the event the money so deposited is insufficient to pay the County Registrar of Voters' costs of completing the recount, the County Registrar of Voters shall suspend the recount and provide the candidate a written estimate of the cost of completing the recount. The candidate must deposit an amount equal to the cost estimate with the County Registrar of Voters <u>not later than the third (3rd) County business day</u> thereafter. In the event the County Registrar of Voters does not receive the estimated cost in the form of a cash, cashier's check, or money order</p>	<p>Registrar of Voters' the full cost of the recount.</p> <p>--Specified the procedure for the Registrar of Voters to request the estimated amount for the cost of the requested recount; specifies deposit requirements.</p> <p>--specifies the procedure for further deposit of funds in the event the money so deposited is insufficient to pay the County Registrar of Voters' costs of completing the recount.</p>

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			<p>deposit within such time, the recount shall be terminated, and any activities that the County Registrar of Voters undertook toward the recount shall be disregarded and have no force or effect.</p> <p>c. In the event the moneys so deposited are sufficient to pay the County Registrar of Voters' costs of the recount, the County Registrar of Voters shall conduct recount, including breaking any resulting tie vote, according to the election procedures for counting returned official ballots under Section VII.F., herein, and the following procedures shall apply, depending on the outcome of the recount:</p> <p>i. If the recount does not change the result of the election in the favor of the candidate requesting the recount, including a resulting tie vote or breaking a tie vote, the County Registrar of Voters shall so inform the affected candidates of the recount results and such recount shall be disregarded.</p> <p>ii. If the recount changes the result of the election in the favor of the candidate requesting the recount,</p>	<p>Conducting the recount:</p> <p>--the County Registrar of Voters shall conduct recount, including breaking any resulting tie vote, according to the election procedures for counting returned official ballots, and the following procedures shall apply:</p> <p>--If the recount does not change the result of the election in the favor of the requesting candidate, including a resulting tie vote or breaking a tie vote, the County Registrar of Voters shall so inform the affected candidates of the recount results and such recount shall be disregarded.</p> <p>--If the recount changes the result of the election in the favor of the requesting candidate, including a</p>

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			<p>including a resulting tie vote or breaking a tie vote, the County Registrar of Voters shall post the changed election results on its Department website and deliver the changed election results to the FCERA Retirement Administrator, pursuant to Section VII.G., herein.</p> <p>iii. No affected candidate shall be entitled to a new recount following the completion of a recount under these election procedures.</p> <p>d. The amount of moneys deposited by the candidate for the costs of a recount shall only be refunded to the candidate requesting the recount upon the completion of the recount if such candidate achieves a new count in the election that changes the result of the election in his or her favor, including a resulting tie vote (in which case any such tie vote shall be broken under Section VIII.I., herein, but if the outcome of the broken tie vote is favorable to the candidate requesting the recount, that outcome shall not give such candidate a right to the refund) or breaking a tie vote; otherwise all of such moneys paid to the</p>	<p>resulting tie vote or breaking a tie vote, the County Registrar of Voters shall post the changed election results on its Department website and deliver the changed election results to the FCERA Retirement Administrator.</p> <p>--No affected candidate shall be entitled to a new recount following the completion of a recount.</p> <p>-- The amount of moneys deposited by the candidate for the costs of a recount shall only be refunded to the candidate upon the completion of the recount if such candidate achieves a new count in the election that changes the result of the election in his or her favor, including a resulting tie vote.</p> <p>-- otherwise all of such moneys paid to the County Registrar of Voters and spent for the recount shall be retained by the County Registrar of Voters.</p>

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			<p>County Registrar of Voters and spent for the recount shall be retained by the County Registrar of Voters.</p> <p>e. Any amount of such moneys so deposited with the County Registrar that is required to be refunded, as provided herein, or in any event not spent for the recount, will be refunded to the candidate within thirty (30) County business days following the completion of the election process. In the event of timely multiple requests for a recount of the election, the County Registrar shall determine whether or how to apportion any such amounts to be refunded to the requesting candidates.</p> <p>I. <u>Tie Votes</u>: After the conclusion of, or passage of time allowed herein for, any recount that may be conducted pursuant to Section VII.H, herein, if two or more candidates receive an equal and the highest number of votes, in the plurality of all votes cast for the election of a member seat on the Board of Retirement, the County Registrar of Voters shall direct the candidates who received the tie votes to appear before him or her or his or her designee at the office of the County Registrar of Voters at a time and date, not later than five (5) County</p>	<p>-- any amount of such moneys so deposited with the County Registrar that is required to be refunded, or in any event not spent for the recount, will be refunded to the candidate within thirty (30) County business days following the completion of the election process.</p> <p>Adds: Procedures for breaking tie votes:</p> <p>-- the County Registrar of Voters shall direct the candidates who received the tie votes to appear before him or her or his or her designee at the office of the County Registrar of Voters at a time and date, not later than five (5) County business days thereafter, to be designated by him or her for the</p>

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			<p>business days thereafter, to be designated by him or her for the drawing of lots to break the tie, provided that a candidate may designate a representative to appear and act for him or her in his or her absence. If a candidate or his or her representative is not in attendance at the specified time and date for, or attends but at any time does not participate in, the drawing of the lots, the County Registrar of Voters or his or her designee shall proceed and appoint a Department employee or employees (in either case, who is not a spouse, domestic partner, parent or child of any affected candidate) to act as the candidate's or candidates' representative(s) for all purposes relating to the drawing of lots, provided that, if a candidate or his or her representative appears, or attends but at any time does not participate, while the drawing of lots is in progress, the drawing of lots shall continue until completion without regard to the fact that the candidate or his or her representative had not appeared or participated. The County Registrar of Voters or his or her designee shall break the tie by drawing of lots in the following manner, using ordinary materials and supplies selected by the County Registrar of Voters or his or her designee:</p>	<p>drawing of lots to break the tie (i.e., using slips of paper, each placed in a container, drawn from a larger container).</p>

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			<p>1. Before undertaking the drawing of lots, the following procedures shall be read aloud to the candidates or their representatives who are present.</p> <p>2. The candidates or their representatives shall be provided a small slip of paper, each approximately the same size, upon which they shall write the name of the candidate.</p> <p>3. The candidates or their representatives shall fold and place their signed slips in identical small sealed containers (<i>e.g.</i>, pill bottle with a cap), seal them, and hand their sealed containers to the County Registrar of Voters or his or her designee, and those sealed containers, once returned to him or her, shall be placed by Registrar of Voters or his or her designee in a larger opaque container (<i>e.g.</i>, hat, bag, or bucket).</p> <p>4. Without looking into the larger container, the County Registrar of Voters' or his or her designee shall reach into the larger container, retrieve only one (1) of the smaller sealed containers, and open the retrieved sealed container. The name of the candidate whose name is in the retrieved sealed container shall</p>	

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			<p>be announced as the winner of the elected seat.</p> <p>5. The candidate winning the tie for the election of a member seat on the Board of Retirement shall be deemed elected for that seat, and the completion of such drawing of lots to break the tie vote shall be final and conclusive.</p> <p>J. <u>Certification of Final, Official Election Results</u>: The County Registrar of Voters or his or her designees shall complete all counting procedures for each election under Section VII.F., herein, prior to certifying the final, official election results of such election. After completing all such counting procedures for each election, the County Registrar of Voters shall, as soon thereafter as may be practicable under the circumstances at such time, certify the final, official election results of such election, and, such certification shall be the final and conclusive, official results of the election, except for any County Registrar of Voters final action, or a response, in relation to the protest under Section VIII.A.2, herein. Upon certification of the official election results of each election, the County Registrar of Voters or his or her designees shall promptly post the</p>	<p>Clarifies: The County Registrar of Voters or his or her designees shall complete all counting procedures for each election prior to certifying the final, official election results of such election.</p> <p>--The counting procedures and certification of the final, official election results shall be completed not later than fourteen (14) calendar days following the first day of opening the Official Return Envelopes for each such election, as applicable, provided that the time for such completion shall be extended by any additional time as may be necessary for the County Registrar of Voters to act upon or respond to any</p>

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			<p>certified final, official election results on its Department website and deliver the certified final, official election results to the FCERA Retirement Administrator by email or hand delivery. The counting procedures and certification of the final, official election results shall be completed not later than fourteen (14) calendar days following the first day of opening the Official Return Envelopes for each such election, as applicable, provided that the time for such completion shall be extended by any additional time as may be necessary for the County Registrar of Voters to act upon or respond to any request for recount, under Section VII.H., herein, and by five (5) County business days in the event there is the need for the drawing of lots to break the tie, as provided in Section VII.I., herein.</p> <p>K. <u>No Requirement for County Registrar of Voters to Act.</u> Notwithstanding anything to the contrary in these election procedures, the County Registrar of Voters is not required to post or deliver any election results under Section VII.G., herein, or certify, post and deliver any final, official election results under Section VII.J., herein, when the County Registrar of Voters declares that he or she cannot conduct or complete the conducting of the election, or the</p>	<p>request for recount, and by five (5) County business days in the event there is the need for the drawing of lots to break the tie.</p> <p>Adds: the County Registrar of Voters is not required to post or deliver any election results, or certify, post and deliver any final, official election results when the County Registrar of Voters declares that he or she cannot conduct or complete the conducting of the election, or the election of a particular member seat.</p>

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			election of a particular member seat, as provided in Section I.B., herein.	
		37-38	<p>VIII. <u>Protest; Legal Challenge.</u></p> <p>A. <u>Protest Requirements:</u> In the event a candidate desires to protest the results of any election, other than making a request for a recount of the election for the member seat that he or she is seeking on the Board of Retirement, of the election for the member seat that he or she is seeking on the Board of Retirement, he or she must file the written protest with the County Registrar of Voters (and he or she must include written proof that he or she has provided a copy of the written protest to any other affected candidate), in compliance with this Section VIII.A., <u>not later than 5:00 PM on the fifth (5th) calendar day</u> following the date that the County Registrar of Voters has posted the election results on its Department website pursuant to Section VII.G., herein. The County Registrar of Voters shall not be obligated to consider any additional or amended grounds for the protest, or any augmented documentation or other evidence from the protesting candidate, after receipt of the written protest.</p>	<p>In the event a candidate desires to protest the results of his or her election (other than a recount request), he or she must file the written protest with the County Registrar of Voters <u>not later than 5:00 PM on the fifth (5th) calendar day</u> following the date that the County Registrar of Voters has posted the election results on its Department website.</p>

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			<p>1. <u>Protest in Writing</u>. The written protest shall be based on the failure of the FCERA Parties, the County Parties, and/or the Special District Parties, as applicable, to comply with these election procedures, and must specify such grounds for the protest and be accompanied by any documentation or other evidence that may be referenced in the protest.</p> <p>2. <u>County Registrar of Voters Action or Response</u>. Subject to the candidate's compliance with Section VIII.A., herein, the County Registrar of Voters shall, with thirty (30) County business days of receipt of the written protest, act upon or respond to the written protest and provide notice thereof to the affected candidates and the FCERA Administrator.</p> <p>3. <u>Valid and Timely Protest; Final, Official Election Results</u>. Once the County Registrar of Voters takes final action, or provides a response, in relation to any protest under Section VIII.A., herein, such final action or response, as applicable, shall be the final and conclusive, official results of the election.</p>	<p>The written protest shall be based on the failure of the FCERA Parties, the County Parties, and/or the Special District Parties, as applicable, to comply with these election procedures; must include grounds for protest.</p> <p>Adds: Subject to the candidate's compliance with the protest requirements, the County Registrar of Voters shall, with thirty (30) County business days of receipt of the written protest, act upon or respond to the written protest and provide notice thereof to the affected candidates and the FCERA Administrator.</p> <p>Adds: Once the County Registrar of Voters takes final action, or provides a response, in relation to any protest, such final action or response, as applicable, shall be the final and conclusive, official results of the election.</p>

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			<p>B. <u>Failure to Exhaust Administrative Remedies</u>: Any candidate's failure to timely make a request for a recount or pay the County Registrar of Voters for the full cost of a requested recount, if any, as required in Section VII.H., herein, or timely file a valid written protest of the official election results as required under Section VIII.A., herein (or raise any issue that could have been raised in a protest but was not raised), shall be considered a failure of the candidate to exhaust his or her administrative remedies with respect to (a) any failure of any of the FCERA Parties, the County Parties, and/or the Special District Parties to comply with these election procedures (or any issue, to the extent the issue could have been raised but was not raised in the protest); and (b) the election results.</p> <p>C. <u>Legal Challenge to Election and Writ of Mandate</u>: Any legal challenge seeking review of, any right or duty of, act or omission including any failure by FCERA Parties, the County Parties, and/or the Special District Parties, as applicable, to comply with these election procedures relating to any election of the Board of Retirement under these election procedures or otherwise, shall be by writ of</p>	<p>Adds: Any candidate's failure to timely make a request for a recount or pay for the cost of a requested recount, if any, or timely file a valid written protest of the official election results as required herein (or raise any issue that could have been raised in a protest but was not raised), shall be considered a failure of the candidate to exhaust his or her administrative remedies with respect to (a) any failure of any of the FCERA Parties, the County Parties, and/or the Special District Parties to comply with these election procedures (or any issue, to the extent the issue could have been raised but was not raised in the protest); and (b) the election results.</p> <p><u>Updated - Adds: Any legal challenge seeking review of, any right or duty of, act or omission including any failure by FCERA Parties, the County Parties, and/or the Special District Parties, as applicable, to comply with these election procedures relating to any</u></p>

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			mandate under Code of Civil Procedure § 1085 in the Fresno Superior Court.	election of the Board of Retirement under these election procedures or otherwise, shall be by writ of mandate under Code of Civil Procedure § 1085 in the Fresno Superior Court.
		39	<p>IX. <u>FCERA Posts Official Election Results.</u></p> <p>Not later than ten (10) FCERA business days following the later of the date that the County Registrar of Voters or his or her designees delivers the certified final, official election results to the FCERA Retirement Administrator for each election, or provides notice of final action, or a response to a protesting candidate, relating to his or her protest under Section VIII.A., herein, to the FCERA Administrator, a FCERA Authorized Officer shall post such results on FCERA’s website (www.FresnoCountyRetirement.org) and deliver a copy thereof as follows: (1) for an Active Member Election, to each County department and Special District employing members of FCERA who were eligible to vote in the election, and to each recognized</p>	<p>Adds: Not later than ten (10) FCERA business days following the later of the date that (1) the County Registrar of Voters or his or her designees delivers the certified final, official election results to the FCERA Retirement Administrator, or provides notice of final action, or a response to a protesting candidate, to the FCERA Administrator, a FCERA Authorized Officer shall post such results on FCERA’s website and deliver a copy thereof to certain officers and organizations.</p>

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			employee representation organization having FCERA members who were eligible to vote in the election and employed by the County or a Special District, and (2) for Retired Member Elections, to each organization recognized by the Board of Retirement as representing the retired members of FCERA. A FCERA Authorized Officer may provide any updating information under this Section IX in the event of any legal challenge to any certified final, official election results.	
		39	<p>X. <u>Swearing in the Newly Elected Member.</u></p> <p>The Board of Retirement shall swear in the newly elected member as soon as practicable under the circumstances at such time.</p>	Adds: The Board of Retirement shall swear in the newly elected member as soon as practicable.
		39	<p>XI. <u>Retention of Tallied Returned Official Ballots.</u></p> <p>The County Registrar of Voters shall retain tallied returned official ballots until the later of: (i) six (6) months following the certified final, official election results under Sections VIII.H.3., or VIII.H.4., herein, or (ii) the final</p>	

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			judgment, including any appeals, of any legal challenge brought pursuant to Section VIII.C., herein.	
		39	<p>XII. <u>Effectiveness.</u></p> <p>This Resolution shall be effective immediately upon its adoption. From and after its effective date, this Resolution supersedes any prior resolution of the Board of Supervisors with respect to the subject of Board of Retirement Election Procedures, including the prior resolutions of the Board of Supervisors referenced in the recitals to this Resolution.</p>	<p>Adds: The new Resolution shall be effective immediately upon its adoption. From and after its effective date, the new Resolution supersedes any prior resolution of the Board of Supervisors.</p>
			END	