ORANGE COUNTY OCERS EMPLOYEES RETIREMENT SYSTEM

OCERS Board Policy

Election Procedures

Purpose

To provide for the lawful and orderly election of the Second, Third, Seventh, Eighth, and Alternate Members of the OCERS Board of Retirement ("Board"), consistent with the County Employees Retirement Law of 1937 (Gov. Code, § 31450, et seq.). Government Code § 31520.1 designates these Board Member positions to be filled as follows:

Second (General Member)	Elected by OCERS General Membership
Third (General Member)	Elected by OCERS General Membership
Seventh (Safety Member)	Elected by OCERS Safety Membership
Eighth (Retired Member)	Elected by OCERS Retired Membership
Alternate Member	The candidate in the election for the Seventh Member from the safety group under Gov. Code, Section 31470.25 other than the safety group of the successful candidate who received the most votes.

Each of the elected positions above serves a three-year term. Elections are held on the expiration of the term of office for any elected member or at the earliest date possible in the event of a vacancy.

Definitions

General Member/Safety Member: OCERS members are divided into two (2) classes: general members and safety members. Safety members include employees whose principal duties are active law enforcement, probation, and active fire suppression.[1] All other active members of OCERS are general members.

[1] "Active law enforcement" personnel include all sheriffs, undersheriffs, assistant sheriffs, chief deputy sheriffs, captains, lieutenants, sergeants, jailers, turnkeys, deputy sheriffs, bailiffs, constables, deputy constables, motorcycle officers, aircraft pilots, detectives, investigators in the office of the district attorney, marshals and all regularly appointed deputy marshals (Gov. Code, § 31470.25).

"Safety member" also includes persons employed as probation officers, juvenile hall or juvenile home group counselors, and group supervisors who are primarily engaged in the control and custody of delinquent youths who must be detained under physical security in order not to be harmful to themselves or others (Gov. Code, § 31469.4).

"Active fire suppression" includes all county foresters, county firewardens, deputies or assistant county foresters, deputies or assistant county firewardens, firefighters, fire apparatus engineers, fire prevention inspectors, forest firemen, fire patrolmen, aircraft pilots, and foremen assigned to fire suppression crews, all other personnel assigned to active fire suppression in any county forester's or county firewarden's department and all officers, engineers, and

Retired Member: A member retired for either service or disability.

Alternate Member: The alternate member is that candidate, if any, for the Safety Member board position that is from the "active law enforcement" group (or any other Safety Member if there is no eligible "active law enforcement" candidate which is not represented by a board member), who received the highest number of votes of all candidates in that group, and will be referred to as the alternate seventh member. If there is no eligible candidate, there may not be an Alternate Member (Gov. Code, § 31520.1).

Regular Election: An election upon the expiration of a Board Member's term of office is a "regular election."

Special Election: An election necessary to fill a vacancy that occurs for a reason other than term expiration is referred to as a "special election."

Elections Process and Procedures

The Orange County Registrar of Voters ("Registrar") will serve as the elections official for Board Member elections. The Registrar's office and OCERS will agree on the process and procedures for the conduct of elections. Such process may be modified from time to time, and all candidates must comply with the Registrar's then-existing elections process. OCERS staff will cooperate with the Registrar's office to ensure that elections are held in a timely and efficient manner. OCERS will reimburse the Registrar for its actual costs in conducting Board Member elections.

The failure of a candidate or potential candidate to comply with the Registrar's requirements or deadlines will result in their disqualification from that election.

Election Schedule

At least 190 days before the expiration of the term of office of a Safety Member, General Member, or

Retired Member, OCERS will pull from its records a list of members of the same category to be provided to the Registrar.

At least 140 days before the expiration of the term of office of a Safety Member, General Member, or

Retired Member, the OCERS Chief Executive Officer ("CEO") or their designee will notify the Registrar of the date of expiration and the need for a regular election. In addition, the CEO or their designee will notify the Registrar of the need for a special election promptly following a vacancy on the Board. The special election will be held as soon as practicable after the vacancy unless the Board determines that conducting an election during the remaining term of the vacant position is impractical.

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firemen of any county fire protection district, and all other personnel assigned to active fire suppression in any county fire protection district are eligible (Gov. Code, § 31470.4).

Election Procedures

OCERS will develop an election schedule for each regular or special election and then coordinate the implementation of that schedule with the Registrar. The election schedule will include all relevant deadlines and mutually satisfactory timeframes to OCERS and the Registrar. To the extent practicable, the election schedule will avoid having ballots for OCERS elections sent to members during a time period when state or federal election ballots are also with voters. Among other things, the election schedule will provide the date on which the nomination period opens ("Nomination Period Open Date") and the date on which the nomination period closes ("Nomination Period Close Date"). The election schedule will provide for a minimum of 30 days between the Nomination Period Open Date and the Nomination Period Close Date. The schedule will be posted on the OCERS' website.

Candidate Requirements

The duties and obligations of Board Members are stated in the Board of Retirement Charter (a copy of which can be found on the OCERS website[1] and that will be provided to potential candidates by the Registrar). The Statement of Willingness to Serve (see below) includes an acknowledgment that the candidate has received and reviewed the Board of Retirement Charter and understands the obligations and expectations of the position of Trustee on the Board of Retirement.

Any current member of the respective election group (General, Safety, or Retired) who wishes to be considered for certification as a Board Member candidate must file all the required nomination documents with the Registrar's Office no later than 5:00 p.m. on the Nomination Period Close Date as stated on the Registrar's schedule for that election.

The required nomination documents are as follows:

1. Nomination Petition for Election
2. Statement of Willingness to Serve

A potential candidate may also file a Biographical Statement (see below).

Nomination Petition for Election

The Registrar will prepare the Nomination Petition for Election and make it, along with a copy of the OCERS Board of Retirement Charter, available to potential candidates at least 30 days before the Nomination Period Close Date (i.e., the deadline by which candidates must return completed forms to the Registrar). Candidates must complete the Nomination Petition for Election with the following information and signatures:

1. The name, address (work or home), and candidate signature.
2. The designation of the seat on the Board to which the candidate seeks election.
3. A ballot designation selected by the candidate that contains no more than 40 characters.

[1] https://www.ocers.org/sites/main/files/file-attachments/board_of_retirement_charter.pdf?1692995766

4. All individuals signing the Nomination Petition for Election must be members of the election group at the time of signature. The printed name and last four digits of the signer's social security number must accompany the signature. The Registrar will not accept electronic signatures.
5. The Nomination Petition for Election filed by a candidate for a General Member or Safety Member position must include at least seventy-five (75) signatures of current active employee members of OCERS from the same election group as the candidate for election.
6. The Nomination Petition for Election filed by a candidate for the Retired Member position must include at least twenty-five (25) signatures of retired members of OCERS.

Statement of Willingness to Serve

Each candidate is required to file a Statement of Willingness to Serve, which consists of the following signed statement:

> *I have received and reviewed the Board of Retirement Charter and understand the obligations and expectations of the position of Trustee on the Board of Retirement.*
>
> *I do hereby state that if I am elected, I am willing to serve faithfully and will execute the position of this office by attending meetings and fulfilling my fiduciary duties. I understand that additional time will be required for Committee assignments, which will be made by the Chairman of the Board.*
>
> *Executed this _____ day of, [year] in [county], [state].*
>
> _____
>
> *Signature of Candidate*

Biographical Statement

Candidates may, *at their option,* submit to the Registrar a Biographical Statement consisting of no more than four hundred (400) words and provided in PDF format or on a single sheet of 8 ½ by 11-inch paper of scanner/camera-ready quality. The deadline for the Biographical Statement is the same as that for the required nomination documents above, i.e., on the Nomination Period Close Date.

Preparation of Ballots

The Registrar will determine the order in which candidates' names will appear on the ballot by random drawing. The Registrar will notify all candidates of the time and place of the drawing at least one (1) day in advance.

The Registrar will print the ballots and envelopes that voters must use to return their completed ballots. OCERS will provide the Registrar with voter addresses based on OCERS' current member information. An active employee's work address will be provided if the personal address is unknown. The Registrar will mail a ballot, voter's pamphlet, and a postage-paid return envelope to each eligible member no less than thirty-five (35) calendar days before the date the Registrar will tally the votes as indicated on the election schedule.

The envelopes to be used by the Registrar will be designed by OCERS, and an example envelope will be posted on the OCERS' website.

If there is only one qualified candidate for an office, no ballot will be printed, and no election will be held. The Registrar will notify the CEO and then prepare an Agenda Item Transmittal for the Orange County Board of Supervisors, and the Board of Supervisors will declare that candidate to be appointed to the Board for the term specified. If no eligible candidate is certified by the Registrar, the Registrar will notify the CEO and reschedule the election.

Campaign Materials

If a qualified candidate or other interested third-party wishes to request that OCERS send campaign material in support of or in opposition to a candidate, they must:

- Notify OCERS, and submit the materials in the format required by OCERS before the scheduled deadline.
- Include in the campaign materials the following disclaimer:

  These election materials are provided by [insert name of candidate or third party] and are not endorsed by the Orange County Employees Retirement System (OCERS). Neither OCERS, its Board, nor its agents is responsible for the content, format, or timeliness of these materials.
- Deposit with the mailing service designated by OCERS an amount of money sufficient to cover the processing and postage costs of the campaign material.

OCERS will employ a mailing service that has entered into a confidentiality agreement with OCERS to send the campaign materials to members voting in an election. The mailing service will use the information provided to it only for the purpose of distributing campaign material.

Voting Procedures

1. After making their ballot selection(s), the voter must sign the outside of the provided envelope and return it to the Registrar with the completed ballot inside.
2. Ballots must be returned by the individual member either in person or by mail in the envelope provided by the Registrar.
3. Members should contact the Registrar to request a replacement ballot.
4. Ballots must be received by the Registrar on or before 5:00 p.m. on the date of the election. Ballots that are mailed must be postmarked on or before Election Day and received by the Registrar no later than seven (7) calendar days after Election Day.

Election Certification

The Registrar will notify the CEO and each candidate at least five (5) days in advance of the time and place of the tallying of ballots. The Registrar will prepare an election certification certifying the candidate with the highest number of votes and submit the certification to the Orange County Board of Supervisors on an Agenda Item Transmittal before the beginning of the term of the newly elected Board Member. A copy of the certification will be sent to the CEO and the OCERS Administrator.

The candidate certified by the Registrar as having won the election will take office the day after the expiration of their predecessor's term. In the event of a tie vote and the need for a runoff election or a

delay due to a recount request, the incumbent will continue to serve in office until their successor is certified.

Recount

A candidate may request that the Registrar perform a recount of ballots. A recount request must be in writing and filed with the Registrar within five (5) days of the Registrar's certification of the election.

The candidate making the request or a third party on behalf of the candidate will pay the cost of the recount. The Registrar will provide the requester with an estimate of the cost, and a deposit of the estimated amount must be provided before the recount will be commenced. The recount will commence no more than seven (7) days after receipt of the request for a recount and continue on each subsequent business day until concluded. The Registrar will notify the CEO and all candidates for the office being recounted and post a Notice of Recount at least one (1) day before the recount at the office of the Registrar.

A recount is only valid if every vote received per the Registrar's election procedures is recounted. The results will be posted in the office of the Registrar and at the OCERS' office.

Safety Member Elections

When there is an election for the Safety Member, OCERS will advise the Registrar which of the eligible candidates are engaged in active law enforcement (Law Enforcement Group); which are engaged in active fire suppression (Fire Suppression Group); and which are in any other safety group, e.g., probation (Other Safety Group). The candidate with the highest number of votes will be certified by the Registrar as the Safety Member regardless of their group.

The Safety Member candidate with the highest number of votes in a group other than that of the winner of the election will be certified as the Alternate Member of the Board, except that if there is a candidate from the Fire Suppression or Law Enforcement Group, a candidate from the Other Safety Group cannot be the Alternate Member, regardless of vote count.

The terms of office for the Safety Member and the Alternate Member will be the same. In the event of an Alternate Member vacancy before the end of that member's term, a special election will be held to elect a successor to complete the unexpired term unless the Board determines that it is impractical to conduct an election during the remaining term period. Only safety members who are not members of the current Safety Member's group will be eligible candidates. If there is an eligible candidate from either the Law Enforcement Group or Fire Suppression Group to succeed as the Alternate Member, no member from the Other Safety Group may be a candidate. If there are no eligible candidates, there will be no successor Alternate Member. The candidate receiving the most votes will become the successor and serve out the unexpired term of the Alternate Member.

Policy Review

The Board will review these procedures at least every three years to ensure that they remain relevant and appropriate.

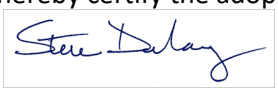
Election Procedures

Policy History

These procedures were adopted by the Board on October 15, 2001. These procedures were revised on May 17, 2011, February 17, 2015, July 20, 2015, November 16, 2020, October 16, 2023, and May 18, 2026.

Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.



5/18/2026

Steve Delaney
Secretary of the Board

Date