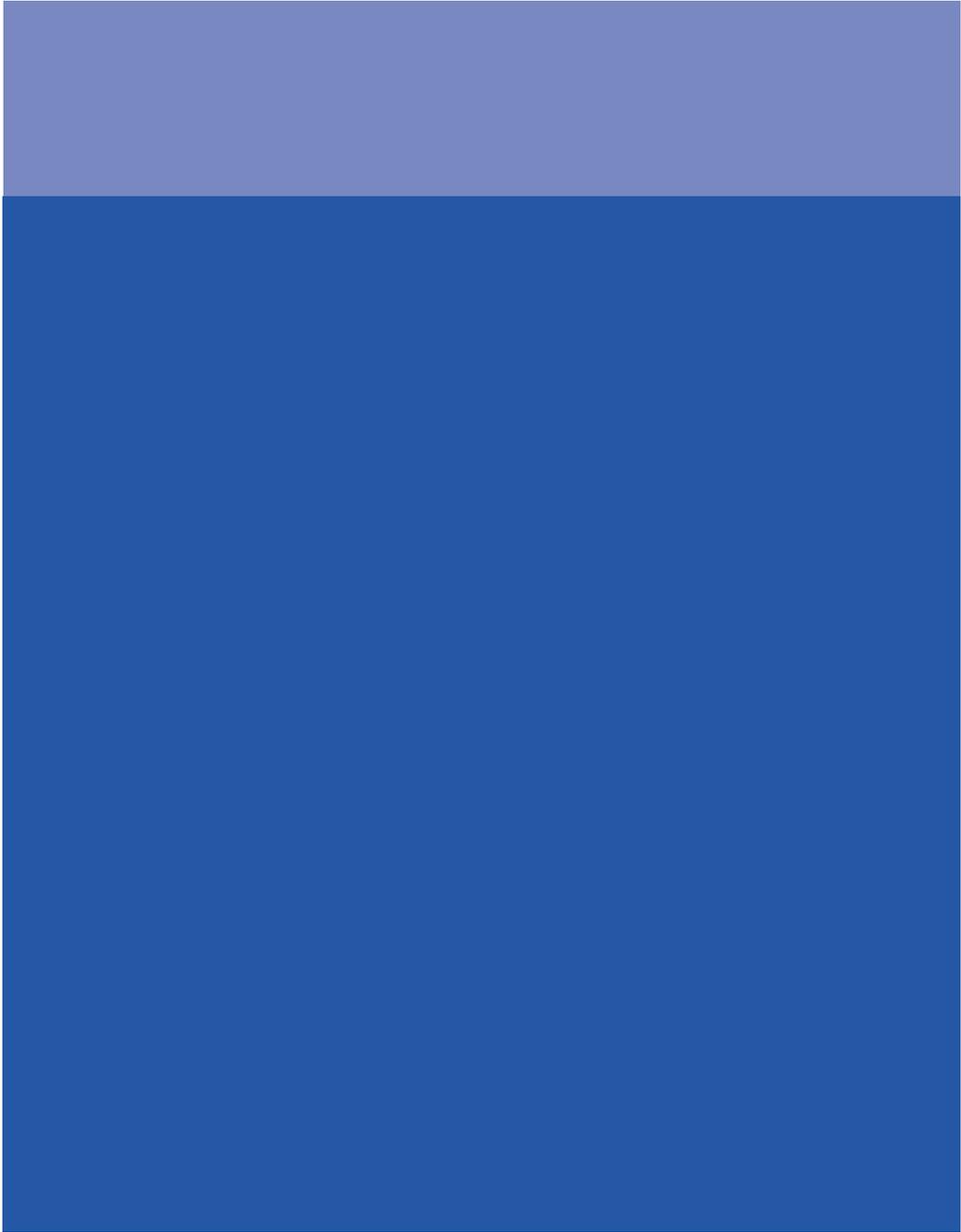


PERAC GUIDE

How to Run an Election





HOW TO RUN AN ELECTION

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PUBLIC EMPLOYEE RETIREMENT
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ELECTION GUIDELINES

One of the most important tasks assigned to the retirement board is that of coordinating the election process for its members who are to be elected by the system membership. Each member in service or retiree of the system has a right to participate in the election as a voter and, if he or she chooses, as a candidate. It is the solemn duty of the retirement board and staff to ensure that the exercise of those rights is protected and that the election takes place in a fair and open manner.

The following election guidelines are to be used in conjunction with PERAC regulation **840 CMR 7.00 Standard Rules for Election**. These guidelines are designed for all retirement systems, except counties which should consult with MGL c. 32, §§ 20(3)(b) and 20(3)(h) and regional retirement boards which should consult with MGL c. 34B, § 19, especially as to candidate eligibility issues. Unless specifically stated otherwise in the statute, county and regional retirement boards may follow these guidelines as well.

GENERAL GUIDELINES

The term of each elected board member is for not more than three years. An elected board member serves until the qualification of his or her successor, even if that requires that he or she serve for longer than three years. In the event of a vacancy, the board must schedule an election as soon as practicable. In such a situation, the board must determine before the election whether the newly elected member will serve for a three-year term or for the remainder of the vacant term.

ELECTION TIMETABLE

An election for each of the elected members of your retirement system must take place every three years or whenever a vacancy occurs. The notice of election must be posted 90 days prior to the election. Careful attention should be paid to your election schedule so as to ensure the full 90 day advance notice is not missed. When conducting your election, it is recommended that the election officer prepare a schedule for the following election to allow sufficient planning time. A calendar tickler outlining that schedule will ensure that timeframes are met for the next election.

If a system misses the 90 day notice period, the board may write to PERAC for approval of a supplementary regulation authorizing the use of a reduced notice period. For example, if you realize that within 50 days the elected member's term will expire, upon review of all the facts, PERAC **may** approve a supplementary

regulation that authorizes less than a 90 day notice period.

PERAC will not approve a supplementary regulation less than 45 days and whereas the official notice period is 90 days, all boards should plan accordingly. If a term expires in less than 45 days, the elected member will have to serve beyond the time of his/her term until a new member is elected.

In counting the days for purposes of these and other election related deadlines, include both holidays and weekends. Boards may hold simultaneous elections for the two retirement board members if the term of each elected board member has expired or if both elected positions are vacant. The board must, however, unless a supplemental regulation is approved by PERAC that states otherwise, provide separate ballots for each elected position.

➤ *See page 16 for a sample schedule.*

POSTING OF THE ELECTION NOTICE

Notice that an election is to take place should be broadly disseminated.

The retirement system has two options in providing a notice of the upcoming election. The system may:

1. Mail a notice to each member in service; **or**
2. Mail a notice to each retired member, **and**, for other members, post the election notice in at least three conspicuous places within the jurisdiction of the retirement system. If a system has more than one governmental unit, a notice must be posted within each unit.

While a notice must be posted in at least three locations, a system may choose to post in a number of different places. Suggested locations include:

- Town or City Hall
- Police and Fire stations
- Public library
- DPW Headquarters
- Advertisement in the local newspaper

The election notice must include the date, time and manner of the election and shall describe nomination and election procedures. If the election is to be conducted at a polling place, the notice should include procedures for obtaining an absentee ballot.

You may wish to draft a different notice regarding the method of voting for members and retirees so as to address the unique circumstances for each group.

➤ *See pages for 18-22 sample notices.*

APPOINTMENT OF ELECTION OFFICER

The retirement board shall appoint an election officer to coordinate all election activity.

The election officer may be:

- a member of the board or
- a staff person of the retirement system or
- the city or town clerk

An individual who is a candidate in the election should not be appointed as election officer. Any person who is aggrieved by a determination made by the election officer may appeal to the retirement board.

➤ *See page 17 for a sample Election Officer's Selection Letter.*

WHO IS ELIGIBLE TO VOTE IN AN ELECTION?

Only members in or retired from service may vote in an election for a retirement board member.

WHO IS ELIGIBLE TO SERVE AS THE ELECTED MEMBER?

Any member in or retired from service is eligible to serve as an elected member of the retirement system. Individuals receiving non-contributory pensions (because their allowance is paid by the community and not the retirement system) or individuals receiving survivor benefits are **not** eligible to run for the positions. County and regional retirement board permanent staff may not run for elected member positions.

NOMINATIONS

Any member in or retired from service may qualify as a candidate by filing with the retirement board nomination papers containing the signatures and addresses of at least twenty members of the retirement system who are either in or retired from service. The retirement board should verify that those signing the nomination papers are in fact active or retired members of the retirement system. Nomination papers must be signed by the candidate.

Any person submitting less than the required number of qualified signatures shall not be considered a candidate and shall be notified of their failure to qualify. If all candidates fail to meet the nomination

requirements prior to the deadline, the nomination period should remain open until the first Monday following the date the first candidate qualifies.

Nomination papers should be made available 90 days prior to the election. Completed nomination papers must be submitted no later than 45 days prior to the election.

In the event that two seats are being contested at the same election, candidates must specify if they are running for Seat A or Seat B.

➤ *See page 26 for sample nomination papers.*

WHEN ONLY ONE CANDIDATE FILES NOMINATION PAPERS

When only one qualified candidate files nomination papers, said individual shall be declared the winner and an election need not be held. Notice to PERAC of the new or re-elected member must be provided.

➤ *See page 31 for a sample Election by Declaration Announcement.*

➤ *See page 32 for a sample Notice to the Selectmen Regarding Election by Declaration.*

ELECTION BALLOT

If more than one candidate qualifies, an election ballot must be prepared. The length of the term of each elected member position must be printed on the ballot. The order of the names on the ballot must be determined by a random drawing. The ballot may also include the office or agency where the candidate works. The random drawing can be as simple as putting all the names of qualified candidates in a hat and drawing one at a time. The incumbent (if any) has the right to be identified as such on the ballot.

Example:

Paul Phillips (*Incumbent*)
Mark Davis
Arthur Smith

In addition to the election ballot, a return envelope must also be printed for the return of absentee ballots. The return envelope should provide space for the member's name and home address. This information is critical in determining whether the voter is indeed eligible to vote. If any absentee ballots are returned without this information, the ballot should be considered disqualified. Your system may choose to pre-stamp the return envelopes.

When completing the absentee ballot, many members are dismayed at having their name on the envelope that contains their ballot. To avoid confusion and to ensure that the voter cannot be identified, you are encouraged to include a smaller inside ballot envelope in

which the ballot will be placed. The sealed inside ballot envelope (which contains no identifying information) is then placed inside the outer envelope. Upon receipt of the absentee ballot by the election officer, the outer envelope is used to verify the voter, the outer envelope is opened, and then separated from the inside ballot envelope. On Election Day, all the inside ballot envelopes (which contain no voter information) are to be opened at the same time.

It should be noted that MGL c. 32, § 20(3)(h) and MGL c. 34B, § 19(d) require that county and regional retirement board elections utilize an inside ballot envelope.

If your system chooses not to use an inside ballot envelope, you may still assure voters that precautions are taken to prevent identifying for whom they cast their vote. To accomplish this, the size of the ballot should be such that it must be folded (once or twice) in order to be placed in the return envelope. This is to prevent anyone opening the ballot envelope from immediately identifying the vote that has been cast. While the envelopes should be verified as they arrive at the retirement office, they should not be opened until Election Day.

All the outer envelopes would be opened at the same time and the folded ballots separated from the envelope. Once all the envelopes are opened, the ballots may then be counted. Your system should allow this process to be observed by candidates or their representatives.

- See page 25 for voting instructions.
- See page 26 for a sample election ballot.
- See page 27 for a sample return envelope and ballot envelope.

CONDUCTING THE ELECTION

The election may be conducted totally by mail with both members and retirees voting by mail **or** the election may be conducted on an established election day with pre-determined polling hours whereby the members and retirees may personally cast their vote at the established location.

Elections by mail:

If your system chooses to conduct the election by mail, all members in and retired from service must be mailed a ballot. In addition to the ballot, the election package must contain a return envelope that must include a space where the voter must sign his or her name to indicate that he/she is a qualified voter.

Election conducted at a polling place:

If your system chooses to conduct the election at a polling place, the location must be open a total of 10 hours. This should be kept in mind when securing a room to hold the election. Make sure the room will be available from about

8:00 AM to 6:00 PM on election day. Your system may establish its own election hours and may choose to keep the polls open even longer than 10 hours.

Two individuals should be assigned to monitor the polling place at all times.

When conducting an election at a polling place, retired members are provided the option of voting in person at the polling place **or** by mailing in an absentee ballot. *Even though your system may be conducting the election at a polling place, retired members **must** have an absentee ballot mailed to them.*

ABSENTEE BALLOTS

Members may also vote by absentee ballots provided they meet the following criteria:

1. Will be absent from the city or town where the polling place is located during the hours it will be open; **or**
2. Will be unable to cast his or her vote in person on the day of the election for reasons of religious belief; **or**
3. Will be unable to cast his or her vote in person at the polling place by reason of temporary physical disability.

If a member wishes to vote by absentee ballot, he or she must request such a ballot in writing and such a request shall be

made no later than the day before the election or such other time which may have been stipulated by the retirement system. Absentee ballots shall only be counted if received by the retirement board no later than the time fixed for the closing of the polls on the day of the election.

When receiving completed absentee ballots, attention should be paid to checking the name off the voter list as the ballots are received so as to prevent the voter from sending in an absentee ballot and then trying to vote in person on election day. By maintaining an accurate list of who submitted an absentee ballot prior to Election Day, you can prevent the possibility of someone voting twice.

COUNTING OF BALLOTS

Ballots should be counted only by the election officer or by another person designated by the retirement board. The retirement board should notify all candidates in advance of the time and place of the ballot tabulation. The candidates or their representatives may be present and may observe the counting process. An impartial witness other than the election officer or designee should also be present to observe the ballot counting. At least two individuals should be responsible for counting the ballots.

DISQUALIFIED BALLOTS

Ballots generally are considered disqualified if:

- a. Ballot envelope contains no name.
- b. Ballots are not returned in the envelope provided.
- c. Ballots are not able to be verified as being submitted by a member in service or a retiree.
- d. Ballots of members or retirees voting more than once.
- e. Ballots received after the deadline.
- f. Ballots containing identifying data of the voter.
- g. Ballots containing more than one "X".
- h. Ballots which have been defaced such that the voter's choice of candidate is ambiguous.

ELECTION RESULTS

The retirement board shall notify all candidates of the election results in writing within seven days after the election. Written notice should be provided even if the candidates were present when the election results were determined. Notice to PERAC of the new or re-elected member must be provided.

➤ See page 28 for a sample *Announcement of Election Results*.

APPEAL OF ELECTION RESULTS

Any candidate appealing the election results or any aspect of the election proceedings shall file an appeal with the retirement board.

PRESERVATION OF BALLOTS

All ballots received by the retirement board shall be preserved for 60 days following the determination of the election results unless a longer period is specifically required by law. All ballots including absentee ballots and disqualified ballots must be preserved for that period of time.

APPENDIX

This appendix includes forms and letters related to a fictional retirement board election. They can be used as models for public employee retirement board elections.

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ELECTION TIMETABLE FOR QUABBIN
RETIREMENT BOARD ELECTION

Meeting of Quabbin Retirement Board
to Nominate an Election Officer June 7, 2001

Mail Election Officer's Selection Letter June 8, 2001

Notice of Election:

Members & Retirees Sept. 4, 2001

Department Heads Sept. 4, 2001

Cable TV Studio: Community Bulletin Board . . . Sept. 4, 2001

Local Paper Sept. 4, 2001

Deadline for Filing Nomination Papers Oct. 24, 2001

Mailing of Ballots, Envelopes & Instructions . . . Nov. 19, 2001

Date of Election Dec. 7, 2001

Announcement of Election Results Dec. 13, 2001

If This Was An Election by Declaration:

Retirement Board Meeting to Declare Oct. 30, 2001

Notice to the Selectmen (or Mayor) Regarding
Election by Declaration Oct. 31, 2001

ELECTION OFFICER'S SELECTION LETTER

June 8, 2001

Board of Selectmen
Town Hall
135 Central Street
Quabbin, MA 01468

Dear Chairman:

Please be advised that at the meeting of the Quabbin Retirement Board held Thursday, June 7, 2001, the Board voted to appoint Martha Kellogg the "Election Officer" for the Quabbin Contributory Retirement System's election of the Third Member of the Quabbin Retirement Board.

If you have any questions or concerns regarding the above, please do not hesitate to call.

Very truly yours,



Martha Kellogg
Election Officer/Retirement Administrator
Quabbin Retirement Board

NOTICE OF ELECTION: MEMBERS & RETIREES

September 4, 2001

To members and retirees of the Quabbin Contributory Retirement System:

Notice of Election

Election Date: December 7, 2001

Purpose

To elect the Third Member of the Quabbin Retirement Board in accordance with the provisions of M.G.L. Chapter 32, 840 CMR 7.00.

Term of Office

Effective December 17, 2001 - December 17, 2004.

Candidates

Members in service and retirees of the Quabbin Contributory Retirement System.

Nomination Papers

Any member or retiree of the Quabbin Contributory Retirement System may qualify as a candidate by filing with the Quabbin Retirement Board Office a nomination paper or papers containing the signatures and addresses of at least twenty (20) members or retirees of the Quabbin Contributory Retirement System.

Nomination papers may be obtained at:

Quabbin Town Hall
Room 106
Quabbin, MA 01144

The last day to submit nomination papers is October 24, 2001.

Absentee Ballots

Available to all members.
Absentee Ballots will be mailed to *all* retirees.

Place

Quabbin Town Hall
2nd Floor Conference Room
Quabbin, MA 01144

Date of Election

December 7, 2001, 8:00 AM to 6:00 PM



Martha Kellogg
Election Officer/Retirement Administrator
Quabbin Retirement Board

NOTICE OF ELECTION TO DEPARTMENT
HEADS

September 4, 2001

Dear Department Head,
Enclosed please find a notice pertaining to the Retirement Board election that is to be held on December 7, 2001. Would you kindly see to it that each employee in your department, who is a member of the Quabbin Contributory Retirement System, receives this notice with their payroll check this week?

Thank you for your cooperation in this matter.



Martha Kellogg
Election Officer/Retirement Administrator
Quabbin Retirement Board

NOTICE OF ELECTION: COMMUNITY
BULLETIN BOARD

September 4, 2001

Community Bulletin Board
Cable TV Studio
1 Elm Street
Quabbin, MA 01451

Dear Sir,
Would you please place the following "Notice of Election" on the
Cable TV Community Bulletin Board.

To all members of the Quabbin Contributory Retirement System,
election of the Third Member to the Quabbin Retirement Board
will be held on December 7, 2001, 8:00 AM to 6:00 PM in the
Town Hall Conference Room. Nomination papers now available at
the Quabbin Retirement Board's Office.

Thank you for your attention to this matter.

Very truly yours,



Martha Kellogg
Election Officer/Retirement Administrator
Quabbin Retirement Board

NOTICE OF ELECTION: LOCAL PAPER

September 4, 2001

Quabbin Independent
1377 Main Street
Quabbin, MA 01468

Dear Editor,

Would you please place the following "Notice of Election" in the *Quabbin Independent* for the week of October 1, 2001.

An election is to be held on Friday, December 7, 2001 for the purpose of electing the Third Member to serve on the Quabbin Retirement Board for a term that will commence on December 17, 2001 through the date of expiration, December 17, 2004. All holding membership in the Quabbin Contributory Retirement System including retirees are eligible as candidates provided they file with the Quabbin Retirement Board's Office a nomination paper containing the signatures and addresses of at least 20 members of the system. The nomination paper must be filed on or before 12:00 Noon, Wednesday October 24, 2001. Nomination papers may be obtained at the Quabbin Retirement Board's Office, Quabbin Town Hall, Room 106, Quabbin, MA 01468.

Thank you for your attention to this matter.



Martha Kellogg
Election Officer/Retirement Administrator
Quabbin Retirement Board

NOMINATION PAPERS

We, the undersigned, hereby state that we are qualified members of the Quabbin Contributory Retirement System and in accordance with the provisions set forth in Chapter 32, section 20 and the PERAC Rules and Regulations 840 CMR 7.04 make the following nomination of:

Paul Phillips



A candidate for the elected member of the Quabbin Retirement Board for the term commencing December 17, 2001 and expiring on December 17, 2004, to be voted for at an election to be held on Tuesday, December 7, 2001 from 8:00 AM to 6:00 PM in the Conference Room, located on second floor of the Quabbin Town Hall.

Signature	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____

Signature	Address
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**Twenty qualified signatures are required for nomination.
Nomination papers must be returned no later than 12:00 Noon
on Wednesday, October 24, 2001.

INSTRUCTION FOR VOTING

To: All Retirees
From: Martha Kellogg, Election Officer/Retirement Administrator
Date: November 19, 2001
Re: Election of a Retirement Board Member

This is to inform you that you must now vote to elect the Third Member of the Quabbin Retirement Board. Enclosed please find the “Official Ballot”, voting instructions, and two envelopes.

Please indicate your choice to Elect the Third Member to the Quabbin Retirement Board by marking an “X” beside one of the names listed on the “Official Ballot” and proceed as follows:

Instructions for Voting

1. Mark Ballot: **Vote for One.**
2. Place Ballot in the “Official Ballot” Envelope.
3. Place Official Ballot Envelope in the pre-addressed stamped envelope.
4. Mail to the Quabbin Retirement Board.
5. All ballots must be received or post marked no later than December 7, 2001.

If you have any questions regarding this election process, please call the Quabbin Retirement Board’s Office at (413) 438-1111.

Official Ballot

Quabbin Contributory Retirement System

Deadline for returning ballots is 4:00 PM, December 7, 2001

Mark a cross (X) in the box opposite the name of the candidate of your choice.

Vote for one candidate only.

Paul Phillips (*Incumbent*)

Mark Davis

Arthur Smith

PRE-ADDRESSED RETURN ENVELOPE

<p>Voter Name and Address <i>Do not remove label.</i></p>	<p>Quabbin Retirement Board Town Hall Room 106 Quabbin, MA 11111</p>	<p>H: 3.875 in.</p>
<p>ELECTION</p>		

W: 8.875 in.

INSIDE BALLOT ENVELOPE

<p>Inside Ballot Envelope THIS ENVELOPE PROTECTS THE SECRECY OF YOUR VOTE</p>	<p>H: 3.625 in.</p>
<p>It will be removed from the return envelope and will be mixed with other inside ballot envelopes before it is opened. No one will know how you voted.</p>	
<p>Place your voted ballot inside this envelope, seal and place inside the pre-addressed return envelope for mailing.</p>	

W: 6.5 in.

ANNOUNCEMENT OF ELECTION RESULTS

December 13, 2001

Please be advised that as a result of the election held in the Town Hall Conference Room, Quabbin, MA on December 7, 2001, Paul Phillips was elected as the Third Member of the Quabbin Board of Retirement for a term which will commence on December 17, 2001 and expire on December 17, 2004.



Martha Kellogg
Election Officer/Retirement Administrator
Quabbin Retirement Board

ELECTION BY DECLARATION ANNOUNCEMENT

It is hereby determined that Paul Phillips was the only candidate nominated for the Third Member to be elected to the Quabbin Retirement Board. Therefore, at the meeting of the Quabbin Retirement Board held on Tuesday, October 30, 2001, the Board voted to declare elected the Third Member to the Quabbin Retirement Board and that no election shall be held. His term will commence on December 17, 2001 and expire on December 17, 2004. He will serve in all respects as though he had been elected by election.

The Quabbin Retirement Board

NOTICE TO THE SELECTMEN (OR MAYOR)
REGARDING ELECTION BY DECLARATION

October 31, 2001

To the Honorable Board of Selectmen
Town Hall
137 Central Street
Quabbin, MA 01111

Gentlemen,
Please be advised that at the meeting of the Quabbin Retirement Board held on Tuesday, October 30, 2001, the Board determined that Paul Phillips was the only candidate nominated for the Third Member of the Quabbin Retirement Board. Therefor it was voted to declare Paul Phillips to be elected the Third Member of the Quabbin Retirement Board in accordance with M.G.L. Chapter 32, 840 CMR 7.00. His term will commence on December 17, 2001 and expire on December 17, 2004.

Very truly yours,



Martha Kellogg
Election Officer/Retirement Administrator
Quabbin Retirement Board

Cc: Town Clerk
PERAC

NOTES

NOTES



PERAC

Five Middlesex Ave., Third Floor
Somerville, MA 02145

617 666 4446 *ph*

617 628 4002 *fax*

617 591 8917 *tty*

www.state.ma.us/perac

