

KENTUCKY RETIREMENT SYSTEMS

BOARD OF TRUSTEES ELECTION POLICY AND PROCEDURES

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INTRODUCTION

Adoption of Board Election Policy:

Pursuant to the provisions of KRS 61.645, the Board of Trustees (“Board”) of the Kentucky Retirement Systems (“KRS”) is permitted to adopt procedures necessary to conduct the business of the Retirement Systems as needed. The law shall control if any inconsistency exists between the law and this policy.

Statement of Board Election Policy:

The Board of Trustees of KRS is composed of nine members: three nominated by the Governor, two elected from the members or retired members of the Kentucky Employees Retirement System, two elected from the members or retired members of the County Employees Retirement System, one elected from the members or retired members of the State Police Retirement System, and the Secretary of the Personnel Cabinet. KRS 61.645 (3) through (6) provides the basic statutory requirements for the election of the elected members of the Board of Trustees. KRS recognizes the need to establish consistent procedures for the implementation of these statutory provisions.

Purpose:

The purpose of this Board Election Policy is to: a) establish a framework for the statutory election process; b) enumerate certain activities and actions needed to complete the election process in a timely manner; and c) establish formats and rules for certain of the processes and information related to the election.

DEFINITIONS

The following definitions and terms used in this Policy shall be applicable whenever used herein:

1. “Ballot” means a voting instrument which shall include the name, address, and position title of each individual nominated by the Board of Trustees and by petition. An optional photograph of the candidate and biographical information of no more than 200 words provided by the candidate shall be included with the ballot. Candidates’ position on the ballot shall be determined by random lottery, performed and certified by the External Auditor. Candidates’ biographical information shall be listed in the same order as on the ballot. Identification information of members shall be

- protected by means of bar code or other means. The ballot shall include the ability to write-in candidates.
2. “Candidate” means a participating employee, former employee whose membership has not been terminated under KRS 61.535, or a retired member who has no constitutional incompatibility and is one of three nominations from the Board of Trustees for each vacant position, nominated by petition by the membership of the system for which the vote is being taken, or who is written-in on a valid ballot.
 3. “Constitutionally eligible individual” means a prospective candidate who does not have a conflict of interest on the basis of holding a constitutionally elected or appointed position pursuant to KRS 61.645 and Kentucky Constitution Section 165.
 4. “Eligible voter” means any participating employee, employee whose participation has been verified by his or her employer, inactive member, or retired member of the system for which the vote is being taken, and who has provided the Systems with a valid address, as set forth in KRS 61.645.
 5. “Petition” means a document submitted by a prospective candidate requesting to be nominated by the membership of the retirement system. The petition shall contain the names, Social Security numbers, and signatures of not less than one-tenth of the number of members voting in the last election by the retirement system’s members. Petitions shall be submitted not later than November 30 of the year prior to the expiration of a term of office.
 6. “Plurality of votes” means a majority of votes cast in the election on a valid ballot.
 7. “Resume” means a document submitted to the Board of Trustees by a participating employee, former employee whose membership has not been terminated under KRS 61.535, or a retired member of the systems for which an election is to be held, requesting the Board consider nominating that member for candidacy. A resume shall include the member’s name, Social Security number, address, phone number, e-mail address, and a written statement regarding the member’s background and qualifications.
 8. “Term of Office” means the period of time of membership on the Board of Trustees, which shall begin on April 1 of the year elected or appointed and shall end on March 31 four years thereafter.
 9. “Valid Ballot” means a ballot provided to a member that has been marked to show the member’s choice of eligible candidate(s) for the number of vacancies being filled. The ballot shall contain the signature of the member and be postmarked not later than March 1. Any ballot that does not meet this standard shall be deemed invalid.
 10. “Valid Petition” means a petition that meets the requirements set out in the definition above. A member may only be counted once. Any petition that does not meet this standard shall be deemed invalid.

NOMINATION PROCEDURES

1. The Executive Director of KRS shall provide written notice to the Board of Trustees of election procedures at the first quarterly meeting in the Board year preceding the expiration of the term of office.
2. KRS shall distribute a newsletter to the membership requesting resumes from members interested in being nominated by the Board. This newsletter shall include information regarding the qualifications necessary for candidacy as well as the due dates for resumes to be considered.
3. Personal information for each member requesting consideration by the Board of Trustees or who becomes a candidate by petition will be forwarded to the Office of the Attorney General of Kentucky to determine whether any constitutional incompatibility would exist between any position currently held by the individual and membership on the Board of Trustees. If a constitutional incompatibility exists, the individual and the Board of Trustees shall be notified.
4. At the quarterly Board meeting in August, or no later than six months prior to the expiration of a term of office, the Board of Trustees shall nominate no more than three constitutionally eligible members for each position to be elected. Nominations shall be made by a vote of the Board from a list of all members from whom a resume was submitted and from any members proposed for nomination by the Board during the quarterly Board meeting. Each Board member shall enumerate their choices in numeric order with one being the most preferred and so on until all candidates have been numbered. The candidates with the lowest aggregate score shall be considered the nominees. In the case of a tie, the process shall be repeated until the number of candidates needed has been determined. The votes shall be reviewed by the Internal Auditor who shall maintain control of the lists until the process has been concluded. The Internal Auditor shall issue a certification of the process which shall become part of the official minutes of the Board. Current Board members seeking re-election to their positions shall recuse themselves from the nomination process.
5. KRS will distribute a newsletter following nominations notifying members of the candidates nominated by the Board of Trustees, and the process by which members may be nominated by petition from the membership of the retirement system for which the election is to be held. Deadlines as set out below shall be provided in this newsletter.
6. Members may also seek nomination by petition from the membership of the retirement system for which the election is to be held by submitting a petition containing the names, Social Security numbers, and signatures of not less than one-tenth of the number of members voting in the last election by the retirement system's members. Petitions may only contain the name of one candidate. Valid petitions shall be delivered to the Executive Director or his

designee not later than November 30, or four months prior to the expiration of a term of office for which an election will be conducted. Names and Social Security numbers on petitions shall be verified by individuals designated by the Executive Director and the results shall be certified by the Internal Auditor. The certification of additional candidates shall become part of the official minutes of the Board.

7. Each candidate nominated by the Board or by the membership of the retirement system for which the election is to be held must submit a written statement regarding his or her background and qualifications in the form prescribed by KRS, not to exceed 200 words.
8. Any information requested by a candidate and approved by KRS to be provided to the candidate shall be forwarded to all other candidates, providing the information does not violate the confidentiality requirements specified in KRS 61.661.

ELECTION PROCEDURES

1. An official ballot, complying with the requirements as set out in the definitions above, shall be prepared no later than three months prior to the expiration of the term of office in question. Ballots shall include instructions for marking and returning the ballots. Deadlines for the latest mailing date for return of the ballot shall be printed on the ballots. Ballots shall be addressed to KRS in care of the External Auditor at a predetermined post office box number at a United States Post Office located within Kentucky.
2. The Board's contracting auditing firm, hereinafter referred to as "External Auditor," shall obtain the post office box for receipt of ballots. Access to this box shall be limited to the External Auditor. An agreement shall be made between the Systems and the External Auditor concerning the location of the postal box and the Business Reply Permit Number that shall be used.
3. The Executive Director or designee shall initiate a bid for the printing of ballots using the Procurement Procedures then in place. The form of the bid shall include the process for review of, and approval of, proofs of the ballots, the handling of member information, the security of information and ballots, and the manner in which ballots are transferred to the United States Postal Service.
4. Ballots for the election of Board members shall be distributed via the United States Postal Service to each eligible voter with a valid address on file at KRS. Only one ballot will be mailed to an eligible voter. Duplicate ballots will not be produced or mailed.
5. An initial mailing of ballots will be made to all eligible voters of the system on December 31 of the year prior to the calendar year of the election. A follow up mailing of ballots will be made on or about February 15 of the year of the election for all eligible voters who have become active contributing members because of employment during the month of January as shown on the February 10 reporting of contributions. Eligible voters who have become

- members between the last reported contributions on February 10 and the deadline for submitting ballots on March 1 will be issued a ballot upon request and verification by their employers of their membership in the system.
6. Eligible voters shall cast their ballots by checking a square opposite the name of the candidate of their choice, or by writing in the name of an eligible member, for each position to be elected, and by signing the ballot.
 7. Completed ballots must be forwarded through the United States Postal Service to the designated post office box, and shall be postmarked on or before March 1, or thirty days prior to the date the term of office expires.
 8. The External Auditor shall collect ballots as often as necessary, and open and count each ballot. In so doing, the External Auditor will review the validity of the ballot in accordance with the definition above. All valid ballots shall be counted for the candidates marked. During the process of the count, all ballots shall be in the exclusive control of the External Auditor, with proper security to ensure that no one other than the External Auditor has access to the ballots.
 9. Ballots that are returned to KRS for faulty addresses shall remain unopened and transferred to the Internal Auditor. If a corrected address is received by the Systems from the United States Postal Service with the returned ballot, the Internal Auditor may send the ballot to the eligible voter at the corrected address. The Internal Auditor will maintain the unopened ballots with incorrect addresses for safekeeping until the final results are announced. Upon that occasion, all returned ballots with incorrect addresses shall be shredded and a certificate to that effect shall be provided by the Internal Auditor.
 10. After completion of the tally, the External Auditor shall certify in writing the results of the election to the Chair of the Board of Trustees in care of the Executive Director at the business offices of KRS on or before March 15 of the year in which a term of office expires, or two weeks following the postmark deadline.
 11. The candidate(s) receiving a plurality of the votes for each position to be elected shall be designated as the winner. Winning candidates shall begin their term of office on April 1 and shall be sworn in at the annual meeting of the Board of Trustees.
 12. Once ballots have been counted and the election is deemed final, the External Auditor shall destroy all ballots and provide a certificate to that effect to the Executive Director or his designee.

VACANCY PROCEDURES

1. Any vacancy which may occur in an appointed position, other than by the expiration of the term, shall be filled in the same manner which provides for the selection of that appointed Trustee position.

2. Any vacancy which may occur in an elected position, other than by the expiration of the term, shall be filled by appointment by a majority vote of the remaining members of the Board of Trustees.
3. Should the Secretary of the Personnel Cabinet resign his or her position as a member of the Board of Trustees, the position shall be filled by appointment made by the Governor.
4. Any such vacancies shall only be filled for the expiration of the unexpired term.

ETHICS

Ethics in the election process shall conform to the Executive Branch Code of Ethics as set forth in KRS Chapter 11A.