

## **KCPERS Policy**

### **Policy #006 – Rules and Regulations for the conduct of elections**

**Adopted: March 4, 1999**

**Revised: April 10, 2001**

Section 86.930 RSMo. directs the retirement board of the Police Retirement System of Kansas City to establish rules and regulations for the conduct of nominations and elections of the elected members of the retirement board. In fulfillment of that directive, the following rules and regulations are hereby adopted.

1. Election Director. The chairman of the retirement board shall appoint in January each year an Election Director, who may but need not be a member of the retirement board. The Election Director shall have responsibility to oversee the election process for the election of all board members whose positions are prescribed by the statute to be filled that year.

2. Nominations. The Election Director shall set a 30-day period for the receipt of filings for positions to be filled that year. The filing period shall end not less than 30 days before the commencement of balloting.

(a) Notice of Election and Filing Period. Prior to the commencement of the filing period, the Election Director shall notify the Retirement System members of the positions to be filled, the dates of the filing period, instructions on how to file a candidacy, and the dates for balloting.

(b) Form of Notice. The notice shall be conveyed in a form reasonably calculated to reach all members eligible to vote in the upcoming election, except as limited in this paragraph. For active members notice shall be sufficient if posted on bulletins at duty posts. For retired members and surviving spouses of deceased members, notice shall be mailed to each member's last known mailing address, but notice to such retirees and surviving spouses shall be required only for elections in which one of the positions to be filled must be filled by a retiree.

(c) All Filings Specific; Rejection of Filing. Any filing of candidacy for election shall be a filing for a specific position to be filled that year for which the candidate is qualified. No filing shall be accepted from any person who would not meet a qualification requirement for that position for that year.

(d) Procedure if No Contest. In any year in which only one qualified person files for election to a position to be filled that year, there shall be no balloting for such position and that filed candidate shall be declared elected.

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(e) Procedure if No (Qualifying) Nominee. In any year in which no qualified candidate files for election to a position to be filled that year, there shall be no balloting for such position. Such position shall be deemed to be vacant, and the retirement board shall appoint a person meeting the qualifications for such position to serve until the next annual election. At the next annual election such position shall be filled for the remaining term thereof by balloting pursuant to these Election Rules.

### **3. Balloting. Each year when balloting shall be needed --**

(a) Active Members. The Election Director shall work with the Police Department to arrange for balloting to be conducted at duty stations or otherwise to provide an opportunity for all active members to cast secret written ballots. The election process shall provide reasonable assurance that no person shall vote more than once. The Retirement System office shall secure such ballots as they are returned, until turning them over to the Election Director for counting.

(b) Retired Members and Surviving Spouses. Ballots shall be furnished to all other members at their last known mailing address, at least two weeks prior to the date set for counting ballots, for return by mail to the Retirement System office. The Election Director shall arrange such mailing to provide reasonable assurance that no person shall vote more than once. The Retirement System office shall secure such ballots as they are returned, until turning them over to the Election Director for counting.

(c) Counting of Ballots; Observers. The Election Director shall designate in the notice of election a time and place for counting the ballots, shall arrange for independent counters who shall not be related to nor active supporters of any candidate, and shall provide space for observers of the count. The counters shall certify the total votes for each candidate in writing to the Election Director, and shall deliver all ballots to the Election Director who shall preserve them for at least 30 days following the day of counting.

### **4. Determination of Persons Elected.**

(a) In General. In general, the position to be elected shall be declared won by the candidate having the largest number of votes. In the event of a tie, if the candidates so tied do not agree among themselves upon a winner, the winner shall be determined by coin toss administered by the Election Director or by any other method, which is (i) preferred by all candidates so tied and (ii) approved by the Election Director.

(b) Certification of Results. As soon as possible after the counting of ballots, the Election Director shall certify in writing to the Chairman of the retirement board the vote totals for each candidate and the winners of positions among the candidates elected. Such certification shall be published on Police Department bulletin boards and given other publicity as deemed reasonable by the Election Director, but no general mailing to members shall be required.

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### **5. Protests.**

(a) File in Writing with Election Director. Any member may file a protest concerning any aspect of the election by submitting such member's reasons in writing to the Election Director. A protest of the results must be filed within two weeks after the Certification of Results.

(b) Election Director to Make Initial Determination. The Election Director shall determine any questions or protests raised at any stage of the election process. If a written protest is filed, the Election Director shall issue a written statement of the Director's conclusion to the person filing the protest. The Election Director's conclusion on any question or protest shall be final unless appealed to the retirement board.

(c) Appeal to Retirement Board. If any person files a written protest and feels aggrieved by the Election Director's conclusion, such person may file an appeal in writing to the retirement board within two weeks following receipt by such person of the Election Director's written conclusion. The retirement board shall consider the matter, but shall not be required to grant a hearing concerning it, and shall make a determination, which shall be final. No appeal to the retirement board may be filed more than two weeks following receipt of the Election Director's written conclusion by the person filing the protest, unless the retirement board concludes in a given instance that good cause exists to permit such a late filing. If a member of the retirement board is the member complained about in such petition, then that board member shall be disqualified from considering the matter in question.

(d) Remedies for Valid Protests. The Election Director (subject to appeal to the retirement board) or the retirement board may grant such relief upon any protest as the Director or board finds equitable, including if deemed necessary declaring the election void and setting aside its results, either in whole or in part. If any part of the election results shall be set aside, the Election Director shall commence a new election process for all positions affected by the result which has been set aside.