

KCPERS Policy

Policy #006 – Rules and Regulations for the Conduct of Elections

Adopted: March 4, 1999

Revised: April 10, 2001, December 13, 2011

Section 86.950 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. For active members, notice shall be sufficient if posted through electronic media and/or on bulletin boards at duty posts. For retired members and surviving spouses of deceased members, notice shall be mailed to each member's last known mailing address.

(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 by the Retirement Board. The Retirement Board shall determine the date of certification of results of the election in the case of no contest.

(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

Policy #006 Rules and Regulations for the conduct of elections

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 the Retirement Board shall approve the election ballots prior to mailing to all eligible members. The Retirement Board shall hire a third party administrator to conduct voting by mail, phone or internet, or any combination thereof. The third party administrator shall be responsible for all aspects of the voting process including mailing ballots to members, receiving members' votes, and reporting election results to the Election Director and Retirement Board Chair. Ballots shall be mailed to members at their last known mailing address, at least two weeks prior to the date set for counting ballots. The third party administrator shall provide reasonable assurance that no person shall vote more than once.

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 a 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 receiving election results from the third party administrator, 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 electronic media, Police Department bulletin boards, and given other publicity as deemed reasonable by the Election Director, but no general mailing to members shall be required.

(c) Election Time Table. (1) Ballots mailed to members on the first Monday, following the first Sunday in June. (2) Voting process ends on the Monday two weeks after the ballot mailing date. (3) Election winner certified within two business days of election close. (4) Newly elected member(s) should be sworn-in by Friday following Certification of Results, but not later than ten days following Certification of Results.

5. Protests.

(a) File in Writing with Retirement Board. Any member may file a protest concerning any aspect of the election by submitting such member's reasons in writing to the Retirement Board. A protest of the results must be filed within seven business days after the Certification of Results. The Election Director shall receive all written protests on behalf of the Retirement Board.

(b) Election Director to Make Initial Determination. The Election Director shall determine any questions or election issues, other than formal protests, raised at any stage of the election process.

(c) Appeal to Retirement Board. The Retirement Board shall consider all written protests, and shall be required to grant a hearing concerning each protest, and

Policy #006 Rules and Regulations for the conduct of elections

shall make a determination, as set forth in section 5(d)(4) of this policy, which shall be final. The board shall determine the format of any protest hearing. If a member of the retirement board is a candidate or is the person complained about in such petition, then that board member shall be disqualified from considering the matter in question. If the protest involves the Retirement Board Chair, then the Vice Chair shall serve in that capacity through this process.

(d) Holder of Office During Pendency of Protest. The Retirement Board declares its policy to be that provided for all public elections in Missouri by Sections 115.523 and 115.595 RSMo, relating to protested elections. To this end: (1) As soon as possible, but within two business days, the Election Director shall certify the winner for each position voted upon as determined by the initial counting of ballots. (2) The person so certified shall qualify and take the office within ten days thereafter. (3) If a protest is filed, the person so certified shall exercise the duties of the office, except as provided in section 5(c) of this policy, until the protest has been decided, and thereafter if the protest is denied. (4) If the protest is upheld by the board, the person originally so certified shall relinquish the office forthwith, and the person, if any, determined by the board to be entitled to the office shall qualify and take the office within ten days thereafter. (5) If for any reason the person determined by the board to be entitled to the office does not or cannot take office, or if the board shall decide that it cannot determine the person entitled to the office, a vacancy shall exist to be filled in the manner provided by law for the filling of vacancies.

(e) Remedies for Valid Protests. The Retirement Board may grant such relief upon any protest the 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.

(f) Protest Time Table. (1) Certification of Results within two business days of election close. (2) Protest filing, in writing with Election Director, within seven business days after Certification of Results. (3) Retirement Board shall hold a hearing within 14 business days after receiving the written protest.