

# **Retirement Board of Allegheny County**

## ***Election Policy and Procedures***

**WHEREAS**, the retirement system shall be under the sole direction of a board; and

**WHEREAS**, the board, which shall consist of seven (7) members: the Chief Executive; one member, who shall be a member of the Retirement System, who shall be appointed by the Chief Executive with the consent of a majority of a quorum of the seated Members of County Council; one member, who shall be a member of the Retirement System, appointed by a majority of a quorum of the seated Members of County Council, the Treasurer, the Controller , and two (2) persons elected by ballot by the County's employees and retirees. The two members presently serving as members of the Board by election by the County's employees and retirees at the time of the adoption of this Administrative code shall continue to serve the remainder of their elected terms of office; and

**WHEREAS**, following the completion of the initial terms, the stated terms of such members shall be four years; and

**WHEREAS**, a vacancy occurring during the term of any member of the board shall be filled for the unexpired term by the appointment or election of a successor in the same manner as his predecessor; and

**NOW THEREFORE**, the members of the RBAC adopt the following Election Policy and Procedures.

## I. Definitions

- A. Member of the Retirement System:** Any County employee as defined by 16 PS § 4701 and any Retiree. A Retiree is any former County Employee who is receiving retirement benefit or has a vested right to receive a retirement benefit as a member of the system. Note: there is not adequate legal support for defining retiree to include a surviving spouse.
- B. Biographical Form:** A form that allows candidates to submit information to be placed on the ballot along with the candidate's name.
- C. Candidate's Affidavit:** A form that must be notarized and submitted with the Nominating Petition to ensure a candidate's eligibility for office.
- D. Nominating Petition:** A form that is signed by eligible voting members to certify a candidate. It includes identifying information for validation of membership.
- E. Nomination Packet:** A packet of information provided to members upon request; the packet includes the Election's Procedures and Guidelines policy, Nominating Petition form, Candidate's Affidavit, Biographical Form, and summary of responsibilities of a RBAC member.
- F. Office of the RBAC Manager:**

Retirement Office, Room 106 County Office Building, 542 Forbes Avenue

Pittsburgh PA 15219

**G. RBAC:** Retirement Board of Allegheny County

**H. ACERS:** Allegheny County Employees' Retirement System

**I. Special Election:** A vacancy occurring during the term of any member of the board shall be filled for the unexpired term by the appointment or election of a successor in the same manner as the predecessor.

## **II. Procedures and Guidelines**

### **A. Regular Election**

- 1.** The Office of the RBAC Manager will publicize the election to the Members of the Retirement System, subject to the rest of these guidelines.
- 2.** The Office of the RBAC Manager may provide information on a particular election to any interested organization upon written request.
- 3.** The Office of the RBAC Manager will develop a schedule of events for each election to be held during the year. The schedule will include the dates for the distribution and return of all election-related material. The statute requires **at least 20 days between the date of mailing ballots and the date of election.**
- 4.** All candidates for a RBAC seat must request a Nomination Packet in writing. All such requests should be directed to the Office of the RBAC Manager.
- 5.** A Candidate's Nominating Petition, Affidavit, and Biographical Form must be received by the Office of the RBAC Manager on or before the close of business

on the date selected by the Office of the RBAC Manager. Nominating Petitions received after the deadline will be deemed invalid.

6. The Office of the RBAC Manager will review and validate all Nominating Petitions. All decisions regarding the validation of the Nominating Petitions will be final.

7. To be valid, a Nominating Petition must be filed timely and include a signed, notarized Candidate's Affidavit; a Biographical Form completed in accordance with these guidelines; and the required number of signatures as provided herein.

a) **The required number of signatures will be determined for every election depending upon the total plan participants in the fund as reported in the most recent actuarial report. The total number required will be one half percent of the plan participants reported rounded to the nearest whole amount. For example, if there are 12,381 members reported, the total number of signatures required would be 61.91, rounded down to 60 for the election. Signatures must be from Members of the Retirement System.**

8. The Office of the RBAC Manager will notify each candidate of the validation or invalidation of his Nominating Petition.

9. If an election has only one candidate who qualifies to appear on the ballot, no election will be conducted. The Office of the RBAC Manager will notify the RBAC President that only one candidate qualifies. The President will declare the candidate elected by acclamation, at the next regularly scheduled meeting of the board, in accordance with Section 46 of Robert's Rules of Order<sup>1</sup>.

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<sup>1</sup> Robert's Rules of Order, Newly Revised, 10<sup>th</sup> Edition. "When only one nominee is put up and the bylaws do not require a ballot, the chair can take a voice vote, or declare that the nominee is elected, thus effecting the election by unanimous consent or "acclamation."

- 10.** If there is more than one candidate who qualifies, the Office of the RBAC Manager will report the names of approved candidates to the RBAC President for announcement at the next RBAC meeting.
- 11.** After all petitions have been validated, a drawing will be conducted to determine the ballot position of each approved candidate for the election, according to the following:
  - a)** The drawing will be held at the Elections Office at a date and time determined by the Office of the RBAC Manager.
  - b)** Each candidate will receive written notification of the drawing.
  - c)** Each candidate has the right to attend or be represented at the drawing.
  - d)** The drawing will be conducted in the presence of the RBAC Manager or designee.
- 12.** The Office of the RBAC Manager retains the right to edit the biographical information to conform to printing requirements or if the information provided is not biographical in nature. All decisions of the Office of the RBAC Manager will be final.
- 13.** Ballots containing each candidate's biographical information will be mailed to all eligible members in accordance with the election schedule established by the Office of the RBAC Manager.
- 14.** Only ballots timely returned to the Allegheny County Division of Elections in accordance with the schedule established by the Office of RBAC Manager will be counted.
- 15.** The Allegheny County Division of Elections will tally votes and certify the results of the election to the RBAC Manager.

**16.** Candidates and /or representatives are permitted to observe the entire tally process and may examine the actual ballots as soon as the count is completed.

**17.** The Office of the RBAC Manager will submit the election results to the RBAC President for announcement to RBAC.

**18.** The Office the RBAC Manager will notify all candidates in writing of the election results.

## **B. Special Election**

A vacancy occurring during the term of any member of the board shall be filled for the unexpired term by the appointment or election of a successor in the same manner as the predecessor. All other procedures of a Regular Election will be followed.

## **C. Withdrawal**

**1.** A candidate who wishes to withdraw from the election must notify the Office of the RBAC Manager of the desire to do so by the close of business (4:30 p.m.) on the day preceding the drawing for ballot positions.

**2.** If a candidate is certified by the Allegheny County Division of Elections as the winner and does not wish to accept the office, the candidate must notify the Office of the RBAC Manager in writing. The Office of the RBAC Manager will conduct a new election in accordance with the procedures of a Regular Election.

## **D. Death or Ineligibility**

1. If a candidate dies or for any reason is found to be ineligible before the ballots are printed, his/her name will not be printed on the ballot.
2. If the death or ineligibility of a candidate occurs after the ballots are printed but before they are mailed, a new ballot will be printed dropping the candidate from the ballot. The ballot positions will be adjusted accordingly. For example, if Candidate #1 is removed from the ballot, Candidate #2 will appear first on the new ballot.
3. If the death or ineligibility of a candidate occurs after the ballots are mailed, but before the winner is seated, the ACERS will conduct a new election in accordance with the procedures of a Regular Election.
4. If an elected RBAC member dies or otherwise becomes ineligible to serve on the RBAC, the Office of the RBAC Manager will conduct a new election in accordance with the procedures of a Regular Election.

### **III. Application**

- A. This Election Policy & Procedure applies to the conduct of all elections as governed by the Retirement Law.
- B. The RBAC will review this Policy from time to time.

Reference: § 4703. Retirement board PENNSYLVANIA SECOND CLASS COUNTY CODE, 16 P.S. §§ 4701 – 4716, ARTICLE XVII. EMPLOYES' RETIREMENT SYSTEM, 16 P.S. §§ 1201.02, ARTICLE XII. EMPLOYEE RETIREMENT SYSTEM

*Adopted by the RBAC November 21, 2013*

*Updated April 21, 2014*

*Updated April 19, 2018*

*Updated April 16, 2020*

*Updated April 21, 2022*