

Chapter 17 Election of Members of the Board

100 Purpose

The purpose of this regulation is to provide for the manner in which members of the Board of Trustees are elected.

101 Responsibility for conducting elections

The Elections Committee, as duly appointed, shall oversee all elections. The Executive Director shall prepare and furnish the Election Committee with a schedule of election to be approved by the Board and followed in each election.

102 Prohibition against influencing election

The official authority of any Board member or employee shall not be used for the purpose of interfering with or affecting the result of an election or a nomination for office.

103 Election Procedure

The procedure for the nomination and schedule of election of members of the Board provided in Miss. Code Ann. § 25-11-15 (1972, as amended), shall be as follows:

1. Not less than 150 days prior to the expiration of the term of office of any member of said Board, the Executive Director shall prepare and distribute to the chief executive officer of all agencies eligible to participate in the election, or to the retirees and beneficiaries, in the case of the election of a retiree member representative, a notice of such impending expiration, and shall simultaneously prepare and distribute, or make available as noted below, appropriate petitions for the nomination of candidates. In the event a vacancy occurs in the office of a trustee prior to expiration of term of office, the Executive Director shall initiate such election proceedings within 90 days of declared vacancy, in accordance with Miss. Code Ann. § 25-11-15(3) (1972, as amended).
 - a. In the case of the election of an active employee member of the Board, the Executive Director shall distribute to such executive officers a petition for the nomination of candidates for such office in similar form as follows:

"We, the undersigned, hereby certify that we are employees of _____ (insert Institutions of Higher Learning, Public Schools, Community/Junior Colleges, State, County, or Municipality, Instrumentality or Juristic Entity thereof) and members of a Public Retirement System administered by the Public Employees' Retirement System and that we qualify to vote in the election of _____ a _____ (insert Institutions of Higher Learning, Public School and Community/Junior College, State, County, or Municipality, Instrumentality or Juristic Entity thereof)

member on the Board of Trustees. We do hereby place in nomination the name of:

Name:(Miss,Ms.,Mrs.,Dr., Mr.) _____
 Job title: _____
 Social Security Number: _____
 Employed by Agency: _____
 Home Phone No.: _____
 Home Address: _____
 Office Phone No.: _____
 Office Address: _____

We certify that the above nominee is a member with at least ten years of creditable _____ service in the _____ administered by the Public Employees' Retirement system (*) and we hereby request that the name of said nominee be placed on the ballot as a candidate for said office."

* Insert the following for only county and municipal elections: and the above nominee is not holding office in the legislative or judicial department of said county or municipality

- b. For retired member representative elections, the following petition for the nomination of candidates will be substituted and furnished upon request:

"We, the undersigned, hereby certify that we are receiving a monthly retirement allowance from a public retirement system administered by the Public Employees' Retirement System, as provided in Miss. Code Ann. § 25-11-15(f) (1972, as amended), in which case we are qualified to vote in the election of a retired member for the Board of Trustees for the term expiring _____. We hereby place in nomination for a trustee representing retired members on the Board of Trustees, the name of _____, whose correct mailing address is _____. We certify that the nominee is receiving a monthly retirement allowance from the _____ administered by the Public Employees' Retirement System.

Sufficient lines shall be provided on each petition for at least 25 signatures of members or retirees, as applicable, of systems administered by PERS and a minimum of 25 signatures shall be necessary to place the name of any candidate in nomination for the office.

2. The petition nominating candidates for said office shall be filed with the Executive Director of the System not less than 120 days prior to the expiration of the term of office of the incumbent member of the Board whose term is expiring, and no nomination received subsequent to said time shall be considered.
3. Approximately one week after the deadline provided above for filing of petitions, the Executive Director shall initiate the preparation of an official ballot for said election, listing thereon in alphabetical order the names of all candidates placed in nomination pursuant to these regulations, along with a short biography of twenty-five (25) words or less, which includes title, agency and years of service, on each candidate, as certified by the Election Committee. In addition each candidate will be allowed to provide PERS with a statement of up to one hundred (100) words which will be included with the ballots. Such ballots shall be sent to the members, retirees, and beneficiaries entitled to vote in said election. If only one nomination is approved, such candidate shall be declared by the Board of Trustees to have been duly elected.
4. Employees who are members of a public retirement system administered by the Public Employees' Retirement System and retirees and beneficiaries who are receiving a monthly retirement allowance from a public retirement system administered by the Public Employees' Retirement System shall be entitled to vote in the appropriate election of the member of the Board of Trustees, as provided in Miss. Code Ann. § 25-11-15 (1972, as amended).
5. The Executive Director is authorized to conduct elections of an active employee member or retired member to the Board of Trustees in the manner deemed most efficient and effective. The manner used in the casting of ballots in the election, whether by paper ballot, telephone, e-mail, or other electronic means, shall reasonably provide each member with the opportunity to cast a single vote for the candidate of his or her choice. The Executive Director shall take the necessary measures to insure that the election voting process is conducted with a high degree of confidentiality throughout the voting process and that the process provides secure, verifiable, and unbiased results.
6. Within thirty (30) days after the mailing of such ballots to members, retirees, and beneficiaries who are entitled to vote in said election, the voting period will close and the results tabulated. The results of the election will be certified at the next Board meeting. Any candidate in said election, or his or her representative or attorney, shall, upon request within ninety (90) days, have the right to review the official certified results.
7. If any candidate for said office shall receive a majority of all votes cast in said election, such candidate shall be declared to have been duly elected. If no candidate receives a majority of the total votes cast in said election, the Election Committee shall certify the names of the two candidates receiving the highest number of votes, and the Executive Director shall, thereupon, within a period of approximately one

week after such certification, initiate an official runoff election. The runoff election process, including the declaration of the duly elected candidate, shall be conducted using the same voting process as hereinabove provided in the first election process.

8. The Board of Trustees shall certify the results of said election to the Secretary of State so that a commission may be issued as required by law to the successful candidate, and said candidate shall be sworn in as a member of the Board as provided by law.
9. The Board of Trustees shall be the sole judge of all questions touching on the qualifications of candidates, of employees of the various political subdivisions, agencies, institutions, departments, of retirees, and voters in such elections, and shall likewise determine any and all other questions arising incident to or connected with such election.
10. Any legal holidays falling within any period of time set forth in these policies shall extend the time for that period by one (1) day unless otherwise directed by the Board. Any time period referred to in these procedures shall mean calendar days not work days. If a deadline falls on Saturday or Sunday, the deadline shall be extended to the following Monday.

104 OATH OF OFFICE

1. Each trustee shall, within ten (10) days after his appointment or certification of election, take an oath of office as provided by law that he will diligently and honestly administer the affairs of the said Board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to any public retirement system administered by the Public Employees' Retirement System. Such oath shall be signed by the member making it, certified and immediately filed in the office of the Secretary of State.
2. The form of the oath to be executed by the trustee shall be substantially in the following form:

STATE OF MISSISSIPPI
COUNTY OF HINDS

I, _____ do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of Trustee of Public Employees' Retirement System of Mississippi; that I will faithfully discharge the duties of the office upon which I am about to enter. That I will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to any public retirement system administered by the Public Employees' Retirement System. So help me God.

Trustee
By: _____

(NOTARY PUBLIC)
My Commission Expires _____

(Adopted November 13, 1952, page 55; amended November 2, 1953, page 130; amended March 26, 1953, page 80; amended December 17, 1991; amended June 30, 1992; amended August 17, 1993; amended June 21, 2005, to be effective August 1, 2005; reformatted August 1, 2007; amended October 23, 2007)

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1. Not less than 150 days prior to the expiration of the term of office of any member of said Board, the Executive Director shall prepare and distribute to the chief executive officer of all agencies eligible to participate in the election, or to the retirees and beneficiaries, in the case of the election of a retiree member representative, a notice of such impending expiration, and shall simultaneously prepare and distribute, or make available as noted below, appropriate petitions for the nomination of candidates. In the event a vacancy occurs in the office of a trustee prior to expiration of term of office, the Executive Director shall initiate such election proceedings within 90 days of declared vacancy, in accordance with Miss. Code Ann. § 25-11-15(3) (1972, as amended).
 - a. In the case of the election of an active employee member of the Board, the Executive Director shall distribute to such executive officers a petition for the nomination of candidates for such office in similar form as follows:

"We, the undersigned, hereby certify that we are employees of _____ (insert Institutions of Higher Learning, Public Schools, Community/Junior Colleges, State, County, or Municipality, Instrumentality or Juristic Entity thereof) and members of a Public Retirement System administered by the Public Employees' Retirement System and that we qualify to vote in the election of _____ a _____ (insert Institutions of Higher Learning, Public School and Community/Junior College, State, County, or Municipality, Instrumentality or Juristic Entity thereof)

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member on the Board of Trustees. We do hereby place in nomination the name of:

Name:(Miss,Ms.,Mrs.,Dr., Mr.) _____
Job title: _____
Social Security Number: _____
Employed by Agency: _____
Home Phone No.: _____
Home Address: _____
Office Phone No.: _____
Office Address: _____

We certify that the above nominee is a member with at least ten years of creditable _____ service _____ in _____ the _____ administered by the Public Employees' Retirement system (*) and we hereby request that the name of said nominee be placed on the ballot as a candidate for said office."

* Insert the following for only county and municipal elections: and the above nominee is not holding office in the legislative or judicial department of said county or municipality

- b. For retired member representative elections, the following petition for the nomination of candidates will be substituted and furnished upon request:

"We, the undersigned, hereby certify that we are receiving a monthly retirement allowance from a public retirement system administered by the Public Employees' Retirement System, as provided in Miss. Code Ann. § 25-11-15(f) (1972, as amended), in which case we are qualified to vote in the election of a retired member for the Board of Trustees for the term expiring _____. We hereby place in nomination for a trustee representing retired members on the Board of Trustees, the name of _____, whose correct mailing address is _____. We certify that the nominee is receiving a monthly retirement allowance from the _____ administered by the Public Employees' Retirement System.

Sufficient lines shall be provided on each petition for at least 25 signatures of members or retirees, as applicable, of systems administered by PERS and a minimum of 25 signatures shall be necessary to place the name of any candidate in nomination for the office.

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2. The petition nominating candidates for said office shall be filed with the Executive Director of the System not less than 120 days prior to the expiration of the term of office of the incumbent member of the Board whose term is expiring, and no nomination received subsequent to said time shall be considered.
3. Approximately one week after the deadline provided above for filing of petitions, the Executive Director shall initiate the preparation of an official ballot for said election, listing thereon in alphabetical order the names of all candidates placed in nomination pursuant to these regulations, along with a short biography of twenty-five (25) words or less, which includes title, agency and years of service, on each candidate, as certified by the Election Committee. In addition each candidate will be allowed to provide PERS with a statement of up to one hundred (100) words which will be included with the ballots. Such ballots shall be sent ~~by the Executive Director to the employers for distribution to the members, entitled to vote in said election, or to~~ retirees, and beneficiaries entitled to vote in said election. If only one nomination is approved, such candidate shall be declared by the Board of Trustees to have been duly elected.
4. Employees who are members of a public retirement system administered by the Public Employees' Retirement System and retirees and beneficiaries who are receiving a monthly retirement allowance from a public retirement system administered by the Public Employees' Retirement System shall be entitled to vote in the appropriate election of the member of the Board of Trustees, as provided in Miss. Code Ann. § 25-11-15 (1972, as amended).
5. ~~a. In the election of an active employee member, the chief executive of the various municipalities, counties, state departments, institutions, public schools, community/junior colleges or agencies, qualified to vote in said election, shall require each of his employees to sign a register, which register shall be furnished by the Executive Director of the System, when each such employee casts his ballot in said election, and shall return said register to the Executive Director with the ballots of employees voting in said election. No employee shall be required to sign the ballot, but no ballots from any agency shall be counted or tabulated unless such register shall have been filed with the Executive Director.~~
~~b. In the election of a retiree representative, no such register is required. Ballots shall be mailed to each retiree and beneficiary receiving a monthly retirement allowance from a public retirement system administered by the PERS.~~
5. The Executive Director is authorized to conduct elections of an active employee member or retired member to the Board of Trustees in the manner deemed most efficient and effective. The manner used in the casting of ballots in the election, whether by paper ballot, telephone, e-mail, or other electronic means, shall reasonably provide each member with the opportunity to cast a single vote for the candidate of his or her choice. The Executive Director shall take the necessary

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measures to insure that the election voting process is conducted with a high degree of confidentiality throughout the voting process and that the process provides secure, verifiable, and unbiased results.

6. Within thirty (30) days after the mailing of such ballots to members, ~~the chief executive of the agencies or to retirees~~, and beneficiaries who are entitled to vote in said election, the voting period will close and the results tabulated. The results of the election will be certified at the next Board meeting ~~same shall be returned to the Executive Director, and, within one week after the deadline for the return of such ballots, the Election Committee shall meet and tabulate the same, and declare the results of the election.~~ Any candidate in said election, or his or her representative or attorney, shall, upon request within ninety (90) days, have the right to review the official certified results. ~~be present during tabulation and canvassing of such returns.~~
7. If any candidate for said office shall receive a majority of all votes cast in said election, such candidate shall be declared to have been duly elected. If no candidate receives a majority of the total votes cast in said election, the Election Committee shall certify the names of the two candidates receiving the highest number of votes, and the Executive Director shall, thereupon, within a period of approximately one week after such certification, ~~prepare~~ initiate an official runoff election. ~~second primary ballots which shall be prepared, distributed, voted and returned, counted, tabulated and the results of such second primary declared, in the same manner and within the same time as hereinabove provided for the first primary balloting. The runoff election process, including the declaration of the duly elected candidate, shall be conducted using the same voting process as hereinabove provided in the first election process.~~
8. The Board of Trustees shall certify the results of said election to the Secretary of State so that a commission may be issued as required by law to the successful candidate, and said candidate shall be sworn in as a member of the Board as provided by law.
9. The Board of Trustees shall be the sole judge of all questions touching on the qualifications of candidates, of employees of the various political subdivisions, agencies, institutions, departments, of retirees, and voters in such elections, and shall likewise determine any and all other questions arising incident to or connected with such election.
10. Any legal holidays falling within any period of time set forth in these policies shall extend the time for that period by one (1) day unless otherwise directed by the Board. Any time period referred to in these procedures shall mean calendar days not work days. If a deadline falls on Saturday or Sunday, the deadline shall be extended to the following Monday.

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2. The form of the oath to be executed by the trustee shall be substantially in the following form:

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COUNTY OF HINDS

I, _____ do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of Trustee of Public Employees' Retirement System of Mississippi; that I will faithfully discharge the duties of the office upon which I am about to enter. That I will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to any public retirement system administered by the Public Employees' Retirement System. So help me God.

Trustee
By: _____

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