

**Title 27: Personnel**

**Part 210: PERS, Regulations for Retirement Plans Administered by the Board of Trustees**

**Chapter 17: Election of Members of the Board of Trustees of the Public Employees' Retirement System of Mississippi**

**100 Purpose**

This regulation prescribes the manner in which members of the Board of Trustees of the Public Employees' Retirement System of Mississippi (PERS) are elected.

**101 Responsibility for conducting elections**

The Administrative Committee, as duly appointed, shall oversee all elections. The executive director shall prepare and furnish the Administrative 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 whose employees are eligible to participate in the election, or to the retirees and beneficiaries in the case of the election of a retiree representative, a notice of such impending expiration, and shall simultaneously prepare and distribute, or make available, an appropriate petition as prescribed by the Board for the nomination of candidates. In the event the Board declares a vacancy in the office of a trustee prior to the expiration of his or her term of office, the executive director shall, within seven business days of the declared vacancy, initiate accelerated election proceedings in accordance with Miss. Code Ann. § 25-11-15(3) (1972, as amended) so as to fill the vacancy as quickly as possible.
2. 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, other than the signature of the candidate seeking nomination, shall be necessary to place the name of any eligible candidate in nomination for the office.
3. The petition nominating candidates for said office shall be filed with the executive director 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. The executive director, or his or her designee, shall be responsible for verifying the eligibility of any candidate and, if necessary to perfect a petition, may allow a nominee to obtain additional required

signatures after filing the petition if the additional signatures are received before the deadline for filing of petitions.

4. Approximately one week after the deadline for filing petitions as provided in Section 103.3 of this regulation, the executive director shall initiate the preparation of an official ballot for said election, listing thereon in alphabetical order the names of all eligible candidates placed in nomination pursuant to these regulations, along with a short biography of approximately 25 words, which includes title, agency, and years of service on each candidate as certified by the Administrative Committee. In addition each candidate will be allowed to provide PERS with additional biographical information and a candidate statement of up to 100 words that will be included with the ballots. Such ballots and candidate information 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.
5. Employees who are active members of a public retirement system administered by PERS and retirees and beneficiaries, regardless of age, who are receiving a monthly retirement allowance from a public retirement system administered by PERS 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); however, only an eligible active member of PERS who has at least 10 years of creditable service or a retired member receiving a monthly retirement allowance from PERS may seek election to and, if elected, serve on the Board of Trustees.
6. Any employee of PERS may vote in any state employee representative election but may not seek election to serve on the Board of Trustees while so employed.
7. Any active member or retiree who holds office in the legislative or judicial branches of state or local government may vote in the applicable member or retiree representative election but may not seek election to serve on the Board of Trustees.
8. 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, or 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 ensure that the election is conducted with a high degree of confidentiality and that the voting process provides secure, verifiable, and unbiased results.
9. Within 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 90 days, have the right to review the official certified results.
10. 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 Administrative Committee shall certify the name of the candidate receiving the highest number of votes and the name(s) of the candidate(s) receiving the second 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. In the event two or more candidates tie for the highest number of votes cast in said election, the Administrative Committee shall certify the names of those candidates for purposes of the 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, except that the candidate who receives the most votes cast in the runoff election, or the candidate decided by lot in the event of a tie vote, shall be declared to have been duly elected.

11. In the event the name of an ineligible individual is placed on an official ballot in any election, that election shall be declared invalid and a new election will be held, unless excluding the votes cast for the ineligible individual would have no bearing whatsoever on the election results, in which case the election results would be certified by the Board.
12. In the event any eligible runoff candidate withdraws his or her name or subsequently becomes ineligible to serve at any point after certification of the candidates for the runoff election and before the election is completed, the Board shall declare the remaining candidate to have been duly elected if there is only one remaining candidate.
13. 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.
14. The Board of Trustees shall be the sole judge of all questions touching on the qualifications of (i) candidates, (ii) employees of the various political subdivisions, agencies, institutions, departments, (iii) retirees, and (iv) voters in such elections, and shall likewise determine any and all other questions arising incident to or connected with such election.
15. Any legal holidays falling within any period of time set forth in these policies shall extend the time for that period by one 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**

Each trustee shall, within ten days after his appointment or certification of election, take an oath of office as provided by law that he or she will diligently and honestly administer the affairs of the said Board, and that he or she will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to any public retirement system administered by PERS. Such oath shall be signed by the member making it, certified, and immediately filed in the office of the Secretary of State.

(History of Board Regulation 17: 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; amended effective August 1, 2014)

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**100 Purpose**

~~The purpose of this~~ This regulation is to provide for prescribes the manner in which members of the Board of Trustees of the Public Employees' Retirement System of Mississippi (PERS) are elected.

**101 Responsibility for conducting elections**

The ~~Elections~~ Administrative Committee, as duly appointed, shall oversee all elections. The ~~Executive D~~irector shall prepare and furnish the ~~Election~~ Administrative 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 D~~irector shall prepare and distribute to the chief executive officer of all agencies whose employees are 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~~, an appropriate petitions as prescribed by the Board for the nomination of candidates. In the event the Board declares a vacancy ~~occurs~~ in the office of a trustee prior to the expiration of his or her term of office, the ~~Executive D~~irector shall, within seven business days of the declared vacancy, initiate ~~such~~ accelerated election proceedings within 90 days of a declared vacancy, in accordance with Miss. Code Ann. § 25-11-15(3) (1972, as amended) so as to fill the vacancy as quickly as possible.
  - 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., and 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.

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2. 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, other than the signature of the candidate seeking nomination, shall be necessary to place the name of any eligible candidate in nomination for the office.
  23. The petition nominating candidates for said office shall be filed with the ~~E~~xecutive ~~D~~irector 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. The executive director, or his or her designee, shall be responsible for verifying the eligibility of any candidate and, if necessary to perfect a petition, may allow a nominee to obtain additional required signatures after filing the petition if the additional signatures are received before the deadline for filing of petitions.
  34. Approximately one week after the deadline for filing of petitions as provided above in Section 103.3 of this regulation for filing of petitions, the ~~E~~xecutive ~~D~~irector shall initiate the preparation of an official ballot for said election, listing thereon in alphabetical order the names of all eligible candidates placed in nomination pursuant to these regulations, along with a short biography of approximately twenty five (25) words or less, which includes title, agency, and years of service; on each candidate; as certified by the ~~E~~lection Administrative Committee. In addition each candidate will be allowed to provide PERS with additional biographical information and a candidate statement of up to one hundred (100) words which that will be included with the ballots. Such ballots and candidate information 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.
  45. Employees who are active members of a public retirement system administered by the ~~Public Employees' Retirement System~~ PERS and retirees and beneficiaries, regardless of age, who are receiving a monthly retirement allowance from a public retirement system administered by the ~~Public Employees' Retirement System~~ PERS 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); however, only an eligible active member of PERS who has at least 10 years of creditable service or a retired member receiving a monthly retirement allowance from PERS may seek election to and, if elected, serve on the Board of Trustees.
  6. Any employee of PERS may vote in any state employee representative election but may not seek election to serve on the Board of Trustees while so employed.
  7. Any active member or retiree who holds office in the legislative or judicial branches of state or local government may vote in the applicable member or retiree representative election but may not seek election to serve on the Board of Trustees.
  58. The ~~E~~xecutive ~~D~~irector 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 ~~E~~xecutive ~~D~~irector shall take the necessary

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

69. 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.
710. 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~~Administrative Committee shall certify the name of the candidate receiving the highest number of votes and the name(s) of the ~~two~~ candidate(s) receiving the second highest number of votes, and the ~~Executive D~~irector shall, thereupon, within a period of approximately one week after such certification, initiate an official runoff election. In the event two or more candidates tie for the highest number of votes cast in said election, the Administrative Committee shall certify the names of those candidates for purposes of the 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, except that the candidate who receives the most votes cast in the runoff election, or the candidate decided by lot in the event of a tie vote, shall be declared to have been duly elected.
11. In the event the name of an ineligible individual is placed on an official ballot in any election, that election shall be declared invalid and a new election will be held, unless excluding the votes cast for the ineligible individual would have no bearing whatsoever on the election results, in which case the election results would be certified by the Board.
12. In the event any eligible runoff candidate withdraws his or her name or subsequently becomes ineligible to serve at any point after certification of the candidates for the runoff election and before the election is completed, the Board shall declare the remaining candidate to have been duly elected if there is only one remaining candidate.
813. 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.
914. The Board of Trustees shall be the sole judge of all questions touching on the qualifications of (i) candidates, ~~of~~ (ii) employees of the various political subdivisions, agencies, institutions, departments, ~~of~~ (iii) retirees, and (iv) voters in such elections, and shall likewise determine any and all other questions arising incident to or connected with such election.
105. 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 or she will diligently and honestly administer the affairs of the said Board, and that he or she 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 PERS. 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 \_\_\_\_\_

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