

807 CMR: TEACHERS' RETIREMENT BOARD

807 CMR 2.00: RULES OF ELECTION

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2.01: Purpose of Standard Rules

807 CMR 2.00 governs the election of the two elected members of the Massachusetts Teachers' Retirement Board. The purpose of 807 CMR 2.00 is to establish the procedure by which members of the Massachusetts Teachers' Retirement System shall elect two members in accordance with the provisions of M.G.L. c. 15, § 16 and shall be supplemental to those rules governing the election of retirement board members as promulgated by the Public Employee Retirement Administration Commission and set out in 840 CMR 7.00: *Standard Rules for Elections*.

2.02: Notice of Election and Eligibility

(1) On or before August 1st of an election year, which shall occur every four years, the Massachusetts Teachers' Retirement Board will notify active and retired members of their eligibility to run for the elected member seats *via* publication of the notice of the upcoming election on the MTRS's website, and, as available, *via* other electronic and traditional means, including broadcast e-mails directly to employers, members and constituent groups; and, newsletters. The notice shall specify how, where, and when nomination papers can be obtained. Each retired member will receive a notice of election, on or before August 1st of an election year by email if available or by mailing such notice to the most current address on file.

(2) Members in service (as defined in M.G.L. c. 32, § 3) as of August 1st of an election year or members retired from service shall be eligible for nomination as a candidate to fill either of the two elected positions on the Board upon submission of nomination papers as provided by the Board, containing the valid signatures of at least 100 active or retired members.

(3) All nominees who have qualified as candidates for election will be notified of the same and will be invited to submit a brief biographical sketch of 100 words or fewer to be distributed to eligible voters as part of the election information packet. The Board shall establish a deadline for the submission of each nominee's biographical sketch. Any biographical sketch received after the deadline and any portion of a biographical sketch which exceeds 100 words will not be distributed.

2.03: Nomination Papers

(1) Nomination papers will be available as of August 1st of an election year, and will be forwarded to members upon request together with a copy of the Rules of Election.

(2) The candidate must submit nomination papers containing the valid signatures, and required identifying information specified on the form, of at least 100 active or retired members. Nomination papers must be received at the Board's Main Office on or before October 15th of an election year. In the event that October 15th falls on a Saturday or Sunday, nomination papers must be received on or before 5:00 P.M. of the next business day.

(3) Members in service and members retired from service may sign nomination papers. Members may sign more than one set of nomination papers.

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2.03: continued

(4) The Election Officer will validate nomination papers. In order for a signature to be valid, the MTRS staff must be able to read the signature and verify from MTRS records that the signatory is an active or retired member. MTRS staff will validate signatures submitted earlier than the October 15th deadline as time and resources allow to permit supplementation or correction; however, signatures submitted later than five business days before October 15th will not be validated until after the October 15th deadline. If the Election Officer determines that a candidate has filed nomination papers containing fewer than 100 qualified signatures, the Election Officer shall declare the nomination papers invalid and shall notify the candidate of his decision in writing.

2.04: Printing Ballots

(1) The Election Officer shall print an Official Ballot containing only the proper names of the candidates in an order determined by random drawing, and their respective school districts or their last employer school district. If an incumbent elected member is nominated, he or she shall be identified as an incumbent on the official ballot.

(2) The Election Officer shall determine the actual format of the Official Ballot. For the purpose of ensuring that only one ballot may be submitted by each eligible voter, each election packet shall include a unique ballot identifier or PIN that allows for validation of the voter's eligibility while maintaining the voter's anonymity. The Election Officer or his or her designee will create and maintain the key to the unique identifier or PIN, and will not share the key with the Board or any of its employees.

2.05: Distribution of Ballots

(1) The Election Officer shall print an election information packet which will contain voting instructions and biographical sketches of each candidate as provided by 807 CMR 2.02(3).

(2) On or before November 10th, the Massachusetts Teachers' Retirement Board will mail the Official Ballot, together with the election information packet, to the most current, known valid home address of every member in service and member retired from service as of September 30th.

(3) Votes must be either:

- (a) received at the designated mailing address at or before 5:00 P.M.; or
- (b) electronically submitted before midnight, on December 10th of the election year.

In the event that December 10th falls on a Saturday or Sunday, the votes must be received or submitted on or before the same times of the next business day.

2.06: Verification of Votes

(1) The Election Officer shall verify votes against the official records of the Massachusetts Teachers' Retirement System and disqualify votes cast by ineligible persons.

(2) In addition, the Election Officer will disqualify:

- (a) votes of members who have voted more than once;
- (b) votes that are received after the deadline;
- (c) votes that contain identifying data of the voter;
- (d) votes for more than two candidates;
- (e) votes that are illegible such that, in the opinion of the Election Officer, the voter's choice of candidates is ambiguous.

The Election Officer shall retain all votes or data relating to all votes for 60 days after certification of the results.

(3) Votes and data related to votes shall be stored in a secure location at all times. Once the votes are counted, the results of the count shall not be shared with members, MTRS staff, or anyone else until the Official Tabulation is received at the MTRS Main Office.

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2.07: Tabulation of Votes

- (1) The Election Officer, with the approval of the Board, shall set the date when the Official Tabulation of votes shall be received and opened at the MTRS office.
- (2) The total of votes received for each candidate shall be compiled in the Official Tabulation, which the Election Officer shall cause to be delivered to the Board's Main Office on the date specified in 807 CMR 2.07(1).
- (3) The Election Officer shall notify each candidate of the time and location of the receipt and opening of the Official Tabulation and shall permit all candidates, or their representatives, to be present at the opening.

2.08: Certification and Recount

- (1) The Executive Director shall certify the results of the election to the Board at the regular meeting of the Massachusetts Teachers' Retirement Board not later than the month of December in any election year. The term of the newly elected Board member(s) shall begin at 12:00 P.M. on December 31st of the year in which the election occurred and end at 12:00 P.M. on December 31st four years later.
- (2) The Massachusetts Teachers' Retirement System shall notify all candidates formally in writing by certified mail of the results of the election within five days of certification to the Board.
- (3) Any candidate who lost the election by fewer than 200 votes may request a recount provided that such request, made to the Election Officer, is received in writing within seven days of receipt of notification of the election results.
- (4) The Election Officer shall conduct a recount within five days of receipt of such a request, which recount will include a review of disqualified votes. In conducting such recount, the Election Officer may rely on the accuracy of the software of any vendor retained to conduct electronic voting.
- (5) The Election Officer shall retain all valid and invalid votes and data related to votes for 60 days after the date of certification to the Board.

2.09: Administration

- (1) Unless otherwise determined by the Board, the Executive Director shall serve as Election Officer. All or some of the duties of the Election Officer may be delegated to a person or person(s) as the Executive Director sees fit, including to a qualified vendor or vendors retained pursuant to a contract for services in connection with the election.
- (2) Except for the election information packet required by 807 CMR 2.05(1), the Board shall not distribute any campaign paraphernalia or literature on behalf of any candidate.

REGULATORY AUTHORITY

807 CMR 2.00: M.G.L. c. 15, § 16.