

CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM ELECTION REGULATION

(Adopted by the Board 7/25/2002)

1. General

- This election regulation shall govern all elections of Member Trustees and the Retiree Trustee as required by Section 30, Election of Member Trustees, of the Charlotte Firefighters' Retirement System Act.
- The Administrator of the Charlotte Firefighters' Retirement System shall be responsible for the administration of all elections conducted pursuant to this regulation.

2. Voting Eligibility

- For a Member Trustee election, all Members of the Charlotte Firefighters' Retirement System as of the first Tuesday of November prior to each election date shall be eligible to vote in an election.
- Eligibility shall include any Member on active payroll, workers compensation, sick leave, accident and sickness leave, vacation, and/or any approved unpaid leave of absence of less than six months.
- For the Retiree Trustee election, all Retirees eligible for benefit payments as of the first Friday of August and at the time ballots are distributed shall be eligible to vote in a Retiree Trustee election.

3. Eligibility for Candidacy

- All Members that qualify under the voting eligibility requirements are eligible to become candidates for the office of Member Trustee to the Board of Trustees of the Charlotte Firefighters' Retirement System and cast a ballot in a Member Trustee election..
- All Retirees that qualify under the voting eligibility requirements are eligible to become candidates for the office of Retiree Trustee to the Board of Trustees of the Charlotte Firefighters' Retirement System and cast a ballot in a Retiree Trustee election.
- To become a candidate, a Member or Retiree must complete a request for candidacy form at the System's administrative office within the time period designated in the Notice of Election.

4. Notice of Election

- For a Member Trustee election, a First Notice of election shall be distributed and posted at all fire stations and administrative offices of the Charlotte Fire Department on the second Tuesday of October. A Second Notice of election shall be distributed and posted at all fire stations and administrative offices of the Charlotte Fire Department on the last Tuesday of October. Notices of election may also be distributed via electronic means at the Administrator's discretion.

- For the Retiree Trustee election, a First Notice of election shall be distributed to all Retirees receiving benefits during the month of July. A Second Notice of election shall be distributed during the month of August. Notices of election may also be distributed via electronic means at the Administrator's discretion.
- Such notice shall include, but is not limited to, the term of office for which the election pertains, the time period for which a member must file for candidacy, the latest date and time that a ballot shall be accepted via mail or delivery by voter, and time, date and location of ballot count.

5. **The Ballot**

- Ballots will be printed for each election with candidates listed in alphabetical order by last name. The name or identity of the voter will not be shown on the ballot. A self-addressed, return envelope will be provided with each ballot. Return envelopes will be controlled via random numbers assigned by the Administrator's office.
- The ballots for a Member Trustee election shall be distributed by the Administrator's office to the assigned Fire Department fire station or administrative office on file with the Administrator. The Administrator's office will mail ballots for any Members not on active payroll but eligible to vote to the address of record.
- The ballots for a Retiree Trustee election shall be distributed by the Administrator's office to eligible Retirees by U.S. Mail to the address of record.
- Ballots must be returned sealed in the numbered return envelope provided by the Administrator's office by first class mail, City of Charlotte interoffice mail or in person by the voter to the Administrator's office no later than the date and time specified in the Notice of Election and on the ballot. Any return of a ballot by other than the foregoing will be considered a breach of the ballot's security and will result in it being a spoiled ballot.

6. **Observers**

- Any interested party is permitted to observe the election procedures at the location of the ballot count.

7. **Runoff Elections**

1. When there are three or more candidates on the ballot and in the election and none of the candidates receives a majority of the ballots cast, the results shall be deemed inconclusive. When results are deemed to be inconclusive, the Administrator shall conduct a runoff election between the candidates on the original ballot receiving the highest and the next highest number of votes. If the results of the unspoiled ballots cast in a runoff election are deemed inconclusive, the election shall be settled by a flip of the coin between the two runoff candidates.
2. Only voters eligible to vote on the original ballot may cast a ballot in the runoff election.

8. Challenges and/or Objections to Election

- Any observer has the right to challenge a ballot being cast for just cause. Such challenge must be made promptly to the Administrator prior to the ballot count.
- A candidate must file an objection to an original election or a runoff election in writing to the Chairman of the Board of Trustees within five days after the ballot count.

9. Resolution of Challenges and/or Objections to Election

- Any challenge that cannot be resolved by the Administrator to the satisfaction of the observer who made the challenge shall be referred to the Chairman of the Board of Trustees for resolution.
- The Chairman of the Board of Trustees shall name a committee consisting of himself and two other members of the Board of Trustees, excluding the three members of the Retirement System. The committee shall investigate the challenge(s) and/or objection(s) and hear any evidence, and shall have final authority for the resolution of any challenge and/or objection. The ballot count cannot be accomplished until the resolution of all challenges. If the resolution to an objection has the effect of invalidating an election or runoff election, the committee shall direct the Administrator to rerun such election or runoff election.

10. Certification of Election/Runoff Results

- The Administrator and a member of the Board of Trustees designated by the Chairman shall observe the opening and counting of ballots and shall certify the results of the election/runoff to the Board of Trustees upon the completion of the ballot count. The certified results shall be self ratifying upon the completion of five days or upon the resolution of all objections by the committee as named in 9 above.

11. Disposition of Election Materials

- Election materials shall be disposed of by the Administrator in a timely manner, but not before 30 days has elapsed, after the ratification of election/runoff results.

12. Continuation in Office

- A Member Trustee or Retiree Trustee shall hold office until a successor has been properly elected and qualified, except when said Member or Retiree Trustee has vacated office pursuant to Section 32 of the Charlotte Firefighters' Retirement System Act.