

# **CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM ELECTION REGULATION**

Previous Revision:

Adopted Date: July 25, 2019

## **1. General**

- a) This election regulation shall govern all elections of Member Trustees and Retiree Trustees as required by Section 30, Election of Member Trustees, of the Charlotte Firefighters' Retirement System Act.
- b) The Administrator of the Charlotte Firefighters' Retirement System (CFRS) shall manage all elections conducted pursuant to this regulation.

## **2. Terms of Office**

The terms of the elected and appointed Trustees of the CFRS Board shall be three (3) years and their terms shall be staggered.

- a) Appointed Trustees' terms shall begin on the first day of July of the year of their respective appointment as appointed per the Act and are not subject to these Regulations
- b) Elected Member Trustee's terms shall begin on the first day of January after their respective election.
- c) Elected Retiree Trustee's terms shall begin on the first day of October after their respective election.

## **3. Eligible Voters**

- a) For Member Trustee elections, all Members of the CFRS as of November 1st prior to an election date shall be eligible to vote in a Member Trustee election.
- b) 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.
- c) For Retiree Trustee elections, all Retirees eligible for benefit payments as of September 1st prior to an election date shall be eligible to vote in a Retiree Trustee election.

## **4. Eligible Candidates**

- a) All Members that are Eligible Voters for Member Trustee elections as provided in 3(a) and 3(b) above are eligible as candidates for the office of Member Trustee.
- b) All Retirees that are Eligible Voters for Retiree Trustee elections as provided in 3(c) above are eligible candidates for the office of Retiree Trustee.
- c) Eligible Candidates must submit a Notice of Candidacy Form to the CFRS's administrative office by the date provided in the Notices of Election described below.
- d) Eligible Candidates must attest to the accuracy of any information included in their Notice of Candidacy Form. The CFRS will not verify information provided by potential candidates, other than that they meet the requirements for Eligible Candidates.

## **5. Notices of Election**

- a) For Member Trustee elections, a First Notice of Election shall be distributed and posted at all fire stations and administrative offices of the Charlotte Fire Department within the first seven business days in October. A Second Notice of Election shall be distributed and posted at all fire stations and administrative offices of the Charlotte Fire Department at least 10 business days but

not more than 14 business days after the First Notice. Notices of Election may also be distributed via electronic means at the Administrator's discretion.

- b) For Retiree Trustee elections, a First Notice of Election shall be distributed to all eligible Retirees within the first seven business days in July. A Second Notice of Election shall be distributed within the first seven business days in August. Notices of Election may also be distributed via electronic means at the Administrator's discretion.
- c) Each Notice of Election shall include, but not be limited to, the offices (and terms) for which the election pertains, the deadline for submitting Notice of Candidacy forms, information on how ballots will be distributed and accepted, and the deadline for submitting ballots.

## **6. The Ballot**

- a) Ballots may be printed or provided electronically 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. If available, ballots may be cast electronically. Otherwise, a self-addressed, return envelope will be provided with each ballot. Electronic ballots and return envelopes will be controlled via random numbers.
- b) Ballots will be distributed as explained in the Notice of Election.
- c) Ballots must be returned no later than the date and time specified in the Notice of Election or on the ballot in order to be counted.

## **7. Observers**

Any candidate and one delegate of the candidate's choice are permitted to observe the election results at the CFRS's administrative offices.

## **8. Special Elections**

- a) Special elections shall be conducted to fill a Vacancy on the Board of Trustees pursuant to Section 32 of the of the Charlotte Firefighters' Retirement System Act, or for any other reason.
- b) Special elections shall be held no more than ninety (90) calendar days after the CFRS Board's receipt of a letter of resignation or notification of the vacancy.

## **9. Runoff Elections**

- a) If there are three or more candidates for one office and none of the candidates receives a majority of all the votes cast, a runoff election shall be conducted between the two (2) candidates with the most number of votes cast.
- b) In a runoff election, the candidate who receives a plurality of all votes cast shall be elected to the Member or Retiree Trustee position.
- c) If a runoff election results in a tie, the number of votes from the original election will be combined with the number of votes from the runoff election for each candidate. The candidate who receives a plurality of the combined votes shall be elected to the Member or Retiree Trustee position.
- d) Only voters eligible to vote on the original ballot may cast a ballot in the runoff election.

#### **10. Challenges and/or Objections to Election**

- a) The Administrator, Board Member as defined in Section 11, any candidate or their delegate may challenge any proceeding, act, or omission which may be material to the election, by written notice to the Administrator not later than five (5) calendar days after the election.
- b) The Administrator will review any challenges received and submit a report of findings and recommendations to the CFRS Board.
- c) The CFRS Board shall either certify the election results by adopting the Administrator's findings and recommendations or making its own findings and recommendations. The CFRS Board may also, in its discretion, conduct further investigation to determine the validity of the election results.
- d) The CFRS Board may, for good cause, order that the election be repeated.

#### **11. Certification of Election/Runoff Results**

- a) The Administrator and a member of the CFRS Board designated by the Chairman shall observe and certify the election results.
- b) The certified results shall be self-ratifying after five (5) calendar days if no challenges or objections have been received pursuant to Section 10, above.

#### **12. Disposition of Election Materials**

Election materials shall be disposed of at the direction of the Administrator in a timely manner, but no earlier than thirty (30) calendar days after the ratification of election/runoff results.

#### **13. 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.

#### Summary of Changes:

Added new section that gives terms of office and when those terms begin for each type of trustee.

Made language for Eligible Voters for Member and Retiree Trustees consistent

Slight revisions to Eligible Candidates and added provision for Eligible Candidates to attest to accuracy of information provided in their Notice of Candidacy Form

Changed Notices of Election dates 7 business day periods

Changed wording for Ballots to allow more options for how ballots may be distributed and returned for an election.

Changed observers to allow candidates and one delegate of candidate's choice to observe election results.

Added provision for Special Elections to fill vacancy on Board.

Slight revisions to Runoff Elections. Changed the requirement to be a plurality of votes in a runoff election and, in the event of a tie, for the votes from the original election to be combined with the runoff election results.

Slight revisions to Challenges and/or Objections to Election.

Some grammatical revisions throughout and renumbering of provisions.