

**ELECTION RULES FOR EMPLOYEE REPRESENTATIVES  
TO THE BOARD OF TRUSTEES OF THE BAY COUNTY  
EMPLOYEES' RETIREMENT SYSTEM**

ADOPTED 12-8-87  
AMENDED 6-11-96  
AMENDED 9-14-99  
AMENDED 8-12-02  
AMENDED 11-5-02  
AMENDED 8-10-10  
AMENDED 6-9-15

**SECTION I**  
**CANDIDATE ELIGIBILITY**

Candidates for positions as trustees of the Bay County Employees' Retirement System must be members of the Retirement System and employees of the member group they seek to represent.

**SECTION II**  
**ELECTION SCHEDULING**

The County Clerk, at the request of the Secretary of the Retirement Board, shall schedule the date of all elections of any elected positions on the Retirement Board. Elections shall be scheduled for the second Tuesday following the first Monday in December. The election shall be conducted between the hours of 8 a.m. and 4 p.m. No ballots shall be received or accepted after the 4 p.m. deadline on the day the election is conducted.

**SECTION III**  
**NOTICE OF ELECTION**

The Secretary of the Retirement Board shall prepare a Notice of Election for all elections for elected member representatives of the Board of Trustees of the Bay County Employees' Retirement System. The Finance

Officer and the Human Resources Director of each employee group shall be responsible for distributing and posting the Notice of Election so that all members of the employee group will be informed of the election.

The Notice of Election shall be posted no later than thirty (30) days immediately preceding the date of the election.

The Notice of Election shall include at least the following information: date of election; the date nominating petitions will be available and the deadline for filing the same; the date absent voter ballots will be available and the deadline for filing the same; the deadline for withdrawing nominating petitions; the employee group representative to be elected; and locations of designated precincts.

#### **SECTION IV** **PETITIONS**

Candidates for the position of trustee of the Bay County Employees' Retirement System must file a nominating petition with the County Clerk containing the signatures of not less than 20 members of the employee group of which they are a member and seek to represent. Members may sign only one (1) nominating petition. Nominating petitions shall be prepared by the County Clerk and be made available to interested candidates at the County Clerk's office. Nominating petitions will be available the day the Notice of Election is posted. Nominating petitions shall be filed no later than 4 p.m. on the tenth day following the posting of the

election notice. The County Clerk shall check all nominating petitions to verify that the signatures contained therein are those of the eligible members of the candidate's employee group from a current employee list provided by the Secretary of the Retirement Board. The County Clerk shall be authorized to reject any petitions not conforming to the rules.

**SECTION V**  
**COPIES OF ELECTION RULES**

A copy of these election rules for employee group representatives to the Board of Trustees of the Bay County Employees' Retirement System will be given to each person requesting a nominating petition from the County Clerk and to any other interested person who requests the same.

**SECTION VI**  
**WITHDRAWAL OF NOMINATION**

Candidates may withdraw their nominations until 4 p.m. on the third day following the nomination petition filing deadline. Write-in candidates will not be allowed.

**SECTION VII**  
**VOTER ELIGIBILITY**

All members of the Retirement System shall be eligible to vote for a representative of the employee group of which they are members on the date that the Notice of Election is posted. Members shall elect a representative of each of the following employee groups further detailed within the Bay County Employees' Retirement System Ordinance: 1) the Bay County Road Commission and the Department of Water and Sewer; 2) the Bay County Medical Care Facility; 3) the Bay County Sheriff's Office and the

Bay County Library System; and 4) all members who are not employed by either groups 1), 2), or 3).

## **SECTION VIII** **CAMPAIGN RULES**

Candidates may conduct campaign activities which are consistent with the personnel policies applicable to their employee group. Candidates shall be allowed to post campaign literature of a size no greater than 8.5" x 11" in areas designated by the Human Resources Director of the various employee groups. Candidates are prohibited from using the employer's stationary in any campaign correspondence to employees or in any other campaign materials. Candidates shall adhere to the personnel policies of each of the participating employee groups voting for a trustee.

## **SECTION IX** **PAPER BALLOT PRECINCT**

Employees will be eligible to vote at an assigned precinct by signing an application to vote and presenting the signed application to an election inspector. A person offering to vote, before being given a ballot, shall identify himself or herself by executing an application to vote, showing the applicant's signature and department name in the presence of an election inspector. In addition, the person offering to vote will present the election inspector with one of the following forms of identification: 1) federal or state issued photo identification; or 2) employee badge issued by the respective employee group. The election inspector in charge of the list of employees eligible to vote shall check the list from the application to determine the eligibility of the voter and whether an absent voter ballot

was issued. A red check mark would confirm an absent voter ballot was issued. If the voter does not know his or her department name, the inspector will enter the department name on the application to vote upon completion of the name check. The inspector will highlight the name of the person voting on the list of eligible voters. If it is found that the applicant/voter is entitled to vote, an election inspector shall approve the application after which the number of the ballot issued shall be noted on the application and the application shall be placed upon a spindle.

The ballot will be issued and voted. The elector shall fold his or her ballot so that no part of the face shall be exposed and with the detachable corner on the outside. The elector shall deliver the ballot to the inspector and the inspector shall tear off the perforated corner of the ballot containing the number and shall then in the presence of the elector deposit the ballot in the proper ballot box without opening the ballot. The number will be discarded.

If an elector inadvertently spoils a ballot, he shall return the ballot given him to the election inspector, and said inspector shall deliver to him as many additional ballots as necessary to complete the process in accordance with Michigan's election Law. One of the inspectors shall upon the application to vote note the change in ballot number by drawing a line through the first number and entering the new number(s). The spoiled ballot(s) shall be deposited in the envelope marked for spoiled ballots.

If an elector, after marking his or her ballot, exposes it to any person in a manner likely to reveal the name of any candidate for whom the

elector voted, the election inspector shall reject the ballot and the elector shall forfeit the right to vote. A note of occurrence shall be made upon the poll list opposite the name of the elector.

## **SECTION X** **BALLOTS**

Voting shall be by secret ballot. The ballots will be prepared by the County Clerk. The Retirement System shall pay the expenses of preparing the ballots.

## **SECTION XI** **ABSENT VOTER PRECINCT**

Employees who for reason of absence, illness, vacation, leave or who will not be present during the regular election period will be allowed to vote by an absent voter ballot. Absent voter ballots will be distributed by the County Clerk to each employee requesting the same who can verify that they will be absent from work for any of the above-stated reasons.

Absent voter ballots will be made available to eligible voting members during the period of Monday through Friday of the week immediately preceding the week in which the election is scheduled. All absent voter ballots must be returned to the County Clerk's office no later than 4:45 p.m. on the Friday immediately preceding the election. The Secretary of the Bay County Employees' Retirement System shall provide the County Clerk with the master list of all eligible voters in the employee group.

## **SECTION XII** **NOTICE OF PRECINCT LOCATIONS AND** **COLLECTION OF BALLOTS**

The County Clerk shall determine precinct locations. A notice shall be posted ten (10) days prior to the election. The notice shall include at least the following information: the proper voter location for each department; absence voter precinct location; date and time of the election, and where a copy of the election rules can be obtained. The Finance Officer and the Human Resources Director of each employee group shall be responsible for distributing and posting the notice of precinct locations so that all members of the employee groups will be informed of the precinct locations.

After the polls close the inspectors will count the applications to vote, the number of ballots issued, and the number of highlighted names on the voter list. All should coincide. The applications to vote will be placed in an envelope and sealed. The remaining ballots will be placed in an envelope designated for ballots and both returned to the County Clerk. All exposed or spoiled ballots shall be sealed in designated envelopes. The poll list of eligible votes will be placed in the ballot can with a certification by the inspectors of the number of persons voting, the number of applications processed, the number of spoiled ballots, the number of exposed ballots and the number of ballots returned. All should coincide, and the inspectors shall provide written justification for any discrepancy.

The ballot can shall be returned to the County Clerk no later than 5:00 p.m. on the election day.

The ballot cans to be placed at the various precinct locations shall be sealed by the County Clerk preceding their distribution to the election

workers. The seal shall be recorded prior to the distribution of the ballot cans. Seals shall be checked by the County Clerk before the ballot can is opened; if the number on the seal corresponds with the recorded number as noted by the County Clerk prior to voting, the ballots contained therein shall be counted. If the seal number does not correspond to the number recorded by the County Clerk for that ballot can, the ballots contained therein will not be counted.

It will be the responsibility of the election worker(s), who receives the ballots, to provide for the safekeeping of the ballot can during the election period. It will also be their responsibility to return the ballot can to the Clerk's office by 5 p.m. on the election day.

### **SECTION XIII** **TALLY CLERKS**

The County Clerk shall employ two (2) tally clerks to assist him/her in counting the ballots. The tally clerks shall be compensated at a rate similar to that received by tally clerks in regular County elections and the expense of the same shall be charged to the Retirement System as an administrative expense.

### **SECTION XV** **BALLOT PROCESSING**

For each precinct, it shall be the responsibility of the County Clerk or his or her designee to verify the number of applications to vote, the number of highlighted names on the master list, and the number of ballots voted to ensure that all three counts coincide. The County Clerk and/or his/her designee shall be responsible for calling the votes, as each ballot can is

opened, the ballot removed, the vote read, and the ballot placed in separate piles according to each candidate. Upon completion, the tally clerks will check against each other and a double check will be made from the individual piles to verify the vote totals.

## **SECTION XV**

### **CHALLENGERS**

Each candidate or a representative designated by the candidate, will be allowed to observe the counting of ballots. Candidates or their representatives shall have the right to challenge any ballot. Ballots challenged regarding the sufficiency of the marking of the ballot shall be resolved by a determination of the intent of the voter. Challenged ballots shall be individually identified and the reasons for the challenge noted by the County Clerk.

## **SECTION XVI**

### **REVIEW OF CHALLENGED BALLOTS**

Any candidate may request that any challenged ballots be reviewed by an Election Review Board which shall include the County Treasurer, Register of Deeds, and the County Executive. Decisions of the Election Review Board regarding challenged ballots shall be considered final.

## **SECTION XVII**

### **RECOUNTS**

Any candidate may file a request for a recount of the ballots within six (6) days after the certification of the election results by the County Clerk by posting a twenty-five dollar (\$25) recount filing fee. If the ballots are recounted and there is no change in the election results, the candidate will forfeit the twenty-five dollar (\$25) fee. If however the election results

change as a result of the recount, the candidate will be refunded his/her filing fees. In the event of a recount, the County Clerk shall employ two (2) tally clerks in the same manner as identified in Section XIII.

**SECTION XVIII**  
**TIE VOTES**

Tie votes will be resolved by a flip of a coin conducted by the County Clerk. The winner of the coin flip will be declared the winner of the election.

**SECTION XIX**  
**UNOPPOSED CANDIDATE**

If only one candidate has filed for the respective open position per employee group, it shall be at the discretion of the Board of Trustees to not proceed with the election and deem the candidate to be elected by a vote of at least five (5) concurring votes.

**SECTION XX**  
**GENERAL ELECTION LAW**

Any issue not specifically addressed by these rules will be resolved by reference to the General Election Law of the State of Michigan.

**SECTION XXI**  
**ELECTION RULES**

These rules may be suspended by a vote of at least six (6) concurring votes of the Board of Trustees, in a roll call vote.

These rules may be amended by a vote of at least five (5) concurring votes of the Board of Trustees.