

Title 22
STATE RETIREMENT AND PENSION SYSTEM
Subtitle 03 BOARD OF TRUSTEES

22.03.01 Election of Trustees

Authority: State Personnel and Pensions Article, [§§21-104(b)] §§21-401 and 21-110, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Active member" means a member who is not separated from employment with the State or a participating employer.
- (2) "Candidate" means an eligible voter who seeks election to The Board of Trustees.
- (3) "Certified candidate" means a candidate who meets the required qualifications to serve in the trustee position into which the individual is seeking to be elected.
- (4) "Election year" means the calendar year during which an election of a trustee is conducted.
- (5) "Eligible voter" means an active member or retiree of the Employees' Systems, State Police Retirement System, or Teachers' Systems.
- (6) "Employees' Systems" means the following State systems:
 - (a) Employees' Pension System;
 - (b) Employees' Retirement System;
 - (c) Judges' Retirement System;
 - (d) Correctional Officers' Retirement System;
 - (e) Local Fire and Police System;
 - (f) Law Enforcement Officers' Pension System; and
 - (g) Legislative Pension Plan.
- (7) Retiree.
 - (a) "Retiree" has the meaning set forth in State Personnel and Pensions Article, §20-101(jj), Annotated Code of Maryland.
 - (b) "Retiree" includes a member of the Deferred Retirement Option Program under State Personnel and Pensions Article, §24-401.1 or 26-401.1, Annotated Code of Maryland.
- (8) "Teachers' Systems" means the Teachers' Pension System and the Teachers' Retirement System.

.02 Election of Trustees—General.

A. The Retirement Agency shall conduct elections for eligible voters to select:

- (1) Two trustees to serve on the Board of Trustees, one active member of the Employees' Systems and one active member of the Teachers' Systems, for a 4-year term to begin on August 1, 2021, and every 4 years after that;
- (2) One trustee to serve on the Board of Trustees who is an active member or retiree of the State Police Retirement System, for a 4-year term to begin on August 1, 2022, and every 4 years after that; and
- (3) Two trustees to serve on the Board of Trustees, one retiree of the Employees' Systems and one retiree of the Teachers' Systems, for a 4-year term to begin on August 1, 2023, and every 4 years after that.

B. At each applicable election, eligible voters from:

- (1) The Employees' Systems shall elect one trustee from the Employees' Systems;
- (2) The State Police Retirement System shall elect one trustee from the State Police Retirement System; and
- (3) The Teachers' Systems shall elect one trustee from the Teachers' Systems.

.03 Election Schedule.

A. The Executive Director shall prepare a schedule for conducting the election of trustees that conforms to the requirements of §B of this regulation.

B. The election schedule shall include the following information:

- (1) The time period during which nominations will be accepted from a candidate;
- (2) The date by which the Executive Director will certify any candidate as a certified candidate who has satisfied the conditions set forth in Regulation .06 of this chapter;
- (3) The dates when eligible voters may vote; and
- (4) The date election results shall be announced.

C. In the calendar year preceding the election year, the Executive Director shall submit the election schedule to the Board of Trustees for its review. After making any revisions the Board of Trustees determines to be appropriate, a majority of the Board of Trustees shall approve the election schedule and direct the Executive Director to conduct the election of trustees in accordance with the election schedule.

.04 Election Notice.

A. After the Board approves an election schedule, the Executive Director shall notify all eligible voters of the upcoming election.

B. The election notice shall include:

- (1) The election schedule approved by the Board of Trustees;
- (2) An explanation of the eligibility requirements to serve as a trustee set forth in State Personnel and Pensions Article, §21-104, Annotated Code of Maryland, and this chapter; and
- (3) Any other information the Executive Director considers necessary.

C. The Executive Director shall circulate the election notice by:

- (1) Distributing the election notice to retirement coordinators of all participating employers for posting;
- (2) Publishing the election notice in Retirement Agency newsletters;
- (3) Posting the election notice on the Retirement Agency website; and
- (4) Using any other method the Executive Director considers appropriate to notify eligible voters of the election.

.05 Nomination Requirements.

A. A candidate may obtain nomination requirements from the Retirement Agency at any time after the Executive Director has announced the election schedule and before the election schedule's stated deadline for submitting nominations.

B. Except as provided in a revised election schedule issued under Regulation .06 of this chapter, the Executive Director may not distribute nomination requirements to a candidate after the date specified in the election schedule.

.06 Nomination of Candidates.

A. A candidate shall properly complete and submit all required nomination materials on or before the election schedule's stated submission deadline.

B. A candidate becomes a certified candidate if the Executive Director certifies that the following criteria are met:

- (1) The candidate satisfies the eligibility requirements set forth in State Personnel and Pensions Article, §21-104, Annotated Code of Maryland; and
- (2) On or before the date specified in the election schedule, the Executive Director receives:
 - (a) For a candidate to become a certified candidate for the Employees' Systems or Teachers' Systems:
 - (i) Completed nominations with the signatures and birth dates of at least 500 eligible voters;
 - (ii) A separate written statement in the length and format required by the Executive Director setting forth the candidate's relevant experience but excluding any references to endorsements;
 - (iii) Confirmation that at least 500 of the individuals who signed the nomination forms are eligible to vote for the candidate to serve as trustee; and
 - (iv) Such additional information as the Executive Director may require; or
 - (b) For a candidate to become a certified candidate for the State Police Retirement System:
 - (i) Completed nominations with the signatures and birth dates of at least 100 eligible voters;
 - (ii) A separate written statement in the length and format required by the Executive Director setting forth the candidate's relevant experience but excluding any references to endorsements;
 - (iii) Confirmation that at least 100 of the individuals who signed the nomination forms are eligible to vote for the candidate to serve as trustee; and
 - (iv) Such additional information as the Executive Director may require.

C. Only One Certified Candidate.

(1) If there is only one certified candidate from the Employees' Systems, the State Police Retirement System, or the Teachers' Systems the provisions of this section apply to the selection of the certified candidate to serve as trustee.

(2) The sole certified candidate shall:

(a) Be considered nominated to serve as trustee for the Employees' Systems, the State Police Retirement System, or the Teachers' Systems; and

(b) Serve as trustee for the 4-year term beginning on August 1 of the election year.

(3) The Executive Director shall:

(a) Discontinue the election process for the trustee for the applicable system or systems;

(b) Report the results to the Board of Trustees; and

(c) Proceed with an election for other trustees for the remaining system or systems with more than one certified candidate as provided in this chapter.

(4) On receipt of the Executive Director's report, the Board of Trustees shall:

(a) Certify the results;

(b) Direct the Executive Director to notify the sole certified candidate; and

(c) Publish the results of the election as provided in Regulation .10 of this chapter.

D. No Certified Candidate.

(1) If the Executive Director is not able to certify the name of one candidate from the Employees' Systems, the State Police Retirement System, or the Teachers' Systems to be placed on the ballot as a certified candidate, the provisions of this section apply.

(2) The Executive Director shall:

(a) Promptly prepare a new election schedule, or a partially modified election schedule, in substantial conformity with this chapter for approval by the Board of Trustees; and

(b) Proceed with an election for the trustee for the Employees' Systems, the State Police Retirement System, or the Teachers' Systems with more than one certified candidate as provided in this chapter.

(3) On approval of the revised election schedule by a majority of the Board of Trustees, the Executive Director shall conduct the election of a trustee or trustees in accordance with the revised schedule.

E. Campaign Materials and Contributions.

(1) A certified candidate's campaign materials may not:

(a) Use the Retirement Agency logo or letterhead; or

(b) State or imply that the Board of Trustees, any member of the Board of Trustees, the Retirement Agency, or any employee of the Retirement Agency has endorsed the certified candidate.

(2) A certified candidate may not solicit or accept contributions, gifts, or donations in connection with the individual's candidacy.

(3) Any certified candidate who violates this section is subject to disqualification by the Board of Trustees.

.07 Election.

A. Election Packets.

(1) Election packets shall include the following information:

(a) The names of each certified candidate, listed in alphabetical order by last name;

(b) The written statement of each certified candidate; and

(c) The procedures for voting.

(2) An election packet shall be distributed to each eligible voter not later than 20 days before the date the voting shall be completed.

(3) An eligible voter must cast a ballot on or before the close of business (4:30 p.m. eastern daylight time) on the date the Executive Director designates in the election schedule. A ballot received after the close of business (4:30 p.m. eastern daylight time) on the date designated shall be rejected.

B. Each eligible voter from:

(1) The Employees' Systems may vote for one trustee for the Employees' Systems;

(2) The State Police Retirement System may vote for one trustee for the State Police Retirement System; and

(3) The Teachers' Systems may vote for one trustee from the Teachers' Systems.

.08 Canvassing of Ballots.

A. The Executive Director or the Executive Director's designee shall supervise the canvassing of ballots.

B. The Executive Director or the Executive Director's designee shall determine if a ballot is valid or void. If the certified candidate designated by an eligible voter on the ballot cannot be determined, the ballot shall be void.

C. An eligible voter may only vote once, and for only one certified candidate. If an eligible voter submits more than one ballot or votes for more than one certified candidate, all of that eligible voter's ballots shall be void.

D. The certified candidate receiving the highest number of votes shall win the election.

E. In the event of a tie, the Executive Director shall establish procedures for a run-off election, which are subject to approval by a majority of the Board of Trustees.

.09 Certification of Election Results by the Board of Trustees.

A. The Executive Director shall report the results of the election to the Board of Trustees at the next meeting of the Board of Trustees after canvassing of ballots is complete.

B. On receipt of the results, the Board of Trustees shall certify the results of the election and direct the Executive Director to notify the certified candidates.

.10 Publication of Election Results.

The results of the election shall be published in Retirement Agency newsletters and on the Retirement Agency's website and social media sites.

.11 Challenges and Retention of Ballots.

A. Within 7 days after certification of the election results by the Board of Trustees, an unsuccessful certified candidate may petition the Executive Director in writing for a recount of the ballots.

B. The Executive Director shall retain ballots for at least 30 days following an election or until a duly filed challenge is finally decided, whichever occurs later.

.12 Vacancy of Trustee Position During Term.

A. If a trustee dies or resigns before the completion of the trustee's term, the Board of Trustees shall direct the Executive Director to conduct an election to select a successor trustee to serve for the balance of the trustee's term.

B. The election shall be conducted in substantial conformity with the procedures set forth in this chapter.