Omaha School Employees’ Retirement System
Board Election Policy & Procedures

BOARD COMPOSITION

1. Two business members recommended by the trustees and approved by the Board of Education
2. Two certificated employees elected by its membership
3. One classified employee elected by its membership
4. One annuitant member elected by its membership
5. The Superintendent (or his/her designee) as an ex-officio voting member

ELECTION POLICY

The Board of Trustees of the Omaha School Employees’ Retirement System (the “Retirement Board”) shall ensure the annual election of trustees to the Retirement Board in accordance with the Nebraska Revised Statutes (the “Statutes”). This policy and the procedures set forth herein shall be interpreted in a manner consistent with the Statutes; in the event of an inconsistency between the policy and procedures and the Statutes, the Statutes shall control. The elections of the trustees who are members of the retirement system shall be arranged for, managed, and conducted by the Board of Trustees and shall be for terms of four years.

In the event of a vacancy to a trustee seat, the Board of Trustees shall appoint a replacement to said seat in accordance with the Statutes.

In January of each year, the Executive Director of the Omaha School Employees’ Retirement System (“OSERS”) shall provide the Retirement Board with an election calendar for the current year to outline the key milestone dates to ensure the election process is completed and the election ratified by the June Board meeting. This will permit the elected candidate to be seated as a trustee effective July 1st as prescribed in the Statutes.

The Retirement Board shall issue a call for candidates at the March meeting of the Retirement Board. The nomination period shall be open to the Members for seven business days. The Retirement Board shall cause notice of such meeting to be posted on the retirement system website [www.osers.org] and, to the extent possible in other print format and/or social media outlets to all members approximately 30 days prior to the March Retirement Board meeting. Such notice shall indicate a call for candidates will be issued at the March meeting.

In the event only one candidate is nominated for an elected trustee seat, the Retirement Board reserves the right to not conduct an election process for the open seat that year and to designate the nominated or re-nominated person to the Board of Trustees.
All nominations shall be made in writing and filed at the Retirement System’s administration offices, located at the Teacher Administrative Center, 3215 Cuming Street, Omaha, NE. Electronic, facsimile, and U.S. mail or other courier services will not be acceptable for the nomination process. The Executive Director of OSERS shall be responsible for overseeing the integrity of the nomination process.

The Retirement Board shall certify the nominated candidates are eligible to run for the trustee seat for which they have been nominated. If the Retirement Board determines a person(s) nominated for a Retirement Board seat is not eligible to run for said board seat, the person nominated shall be notified and the nomination will be considered an invalid nomination and the person will not be listed on an election ballot.

The Board will recognize the most recent/current employment status of a Member of OSERS to determine their eligibility status for being nominated to run for election to the Retirement Board.

**ELECTION PROCEDURES OVERVIEW**

The elected Retirement Board member shall serve a four (4) year term based on the following schedule:

**Order of Elections**

(2017) Certificated Staff Member Seat #1
(2018) Certificated Staff Member Seat #2
(2019) Classified Staff Member Seat
(2020) Annuitant Member Seat

and will follow this schedule on an annual rotating basis hereafter.

The position and/or membership status for an elected trustee will determine whether the elected trustee shall be eligible to remain serving in his/her elected trustee seat. A trustee shall serve until a successor qualifies, except that a trustee (or their designee) who is a member of the retirement system shall be disqualified as a trustee immediately upon ceasing to be a member of the retirement system.

**IMPORTANT NOTE:** Beneficiaries and deferred vested members and former members with employee contributions still held with OSERS are not eligible to vote in trustee elections. Surviving spouses and joint annuitants are not eligible to vote in trustee elections. Only active members of OSERS are eligible to vote for active-member trustees. Only retired OSERS members receiving a retirement allowance are eligible to vote for the annuitant-member trustee.

**ELECTION PROCEDURES DETAILS**

**Section 1. Retirement Board Trustee Member Elections**
The Omaha School Employees’ Retirement System (OSERS) trustee member elections shall be conducted in accordance with Statute § 79-980, and the accompanying OSERS Election Policy.
Section 2. Categories of Elections  
Separate elections are conducted for each category of trustee:  
1) Certificated Trustees (2)  
2) Classified Trustee (1)  
3) Annuitant Trustees (1)  

In order to become a candidate for OSERS Trustee, individuals must meet the qualifications for the respective position. The qualifications to be a candidate are:

1) For the Certificated Trustee: the candidate must be an active member of OSERS and be employed by a Nebraska Class V School District in a position which is designated by the School District as a certificated position.

2) For the Classified Trustee: the candidate must be an active member of OSERS and be employed by a Nebraska Class V School District in a position which is designated by the School District as a classified position.

3) For the Annuitant Trustee: the candidate must be a retired member of OSERS and must be receiving a retirement allowance from OSERS.

There shall be at least one election annually, unless there is only one valid nomination for that year’s election.

If a seat is up for election with only one valid candidate, the Retirement Board reserves the right not to run an election and the sole candidate is declared elected to the seat for which he or she has been nominated.

If there is no valid nomination for a board seat in any given year, the seat will be deemed vacant and the Board will fill the vacancy in accordance with the Statutes.

Section 3. Election Procedures  
All election ballots for a Retirement Board seat on the OSERS shall be counted through either: (1) an independent election voting service company, (2) a CPA firm, or (3) a law firm approved by the Retirement Board

The elected winner will be by a plurality of the votes cast in the election.

No Retirement Board member or OSERS staff member will engage in counting election ballots in order to maintain an “arms-length” relationship to the process to ensure transparency and good governance.

The results of the election will be certified by the processing company/firm and reported in writing to the Executive Director who will report the results to the Retirement Board. The Retirement Board will accept and certify the results of the election no later than the designated June Retirement Board meeting for each calendar year.
Section 4. Guidelines

OMAHA SCHOOL EMPLOYEES’ RETIREMENT SYSTEM
ELECTION GUIDELINES

Section 4.1. Date of Elections
1. Each year an election for a board seat shall be conducted in a manner to ensure the results of the election are verified by the service company conducting the election on a date that is no later than the Friday before the regular June Retirement Board meeting.
2. The actual voting period shall be conducted over a period not to exceed 14 calendar days.
3. Voting ballots shall be mailed to eligible Members at least seven calendar days two business days prior to the opening of the election voting period.
4. Election Voting Period shall be the calendar days during which time Members may cast their ballots online or the election service company can receive ballots cast by mail.
   a. If a Member is voting online, his/her ballot must be voted online by the date and time indicated as the online voting closing date and time.
   b. If a Member is voting by mail, his/her ballot must be postmarked by the Postmark Date and received by the election service company by the Received Date.
   c. Each year’s Election Calendar will indicate the prescribed dates for voting online, and the Postmark and Received dates.

Section 4.2. Notice of Election
The Notice of Election shall contain the date of each election, eligibility criteria for candidates and voters, information on how to obtain a candidate nomination packet, instructions on the nomination process, election guidelines, and the schedule of election events. The Executive Director shall cause to be distributed the Notice of Election to each eligible voter as soon as possible, but in no event more than seven business days following the February Retirement Board meeting in each calendar year.

Section 4.3. Candidate Statements
Each candidate for election may submit a Candidate Statement. The statement shall contain at the least, the information listed below and shall be submitted in electronic form and emailed to the Executive Director or typed, double spaced and delivered to the Executive Director. The candidate statement is limited to 300 words.

1) Name
2) Recent photo (optional) – Head shot with a plain background is best.
3) Member status (i.e. teacher, administrator/supervisor, classified staff, or annuitant)
4.) Statement of the nominee’s position and understanding of the role of a trustee.

A candidate’s statement cannot exceed 300 words and shall be truncated at the word limit. Candidate statements cannot contain inaccurate, misleading or inflammatory language. Once filed, statements may not be changed or withdrawn. Information contained in the statement is the responsibility of the candidate and OSERS shall not be held responsible for the validity of any candidate statement or the contents thereof.

Write-in candidates will not be permitted on the election ballot.
Section 4.4. Voter Eligibility
Eligibility to vote in the each election shall be based on the Members’ membership status in OSERS at close of business on March 31st of each year.

Terminated Members, deferred non-vested, and deferred-vested members will not be eligible to vote in annual elections.

Beneficiaries, surviving spouses and surviving joint annuitants of deceased members who are in payment status will not be eligible to vote in trustee elections.

Section 4.5. Form of Ballots
Voting shall be by secret ballot. Names of the candidates for each election shall be rotated on the ballots so that each candidate’s name appears to the extent possible at the top of the list an equal number of times.

Section 4.6. Election Results
The election will be determined by a plurality of the votes cast in the election. The election service company or firm shall transmit the election results to the Executive Director. The Executive Director shall report the election results to the Board of Trustees at the June Board meeting. The results of the election will be certified at the June Retirement Board meeting.

Following the certification of the election and the winning candidate by the Board of Trustees, the Executive Director shall notify all candidates, and other interested parties of the certified results.

Notification to the newly elected Board member shall include a copy of the Oath of Office, a copy of the Statutes applicable to the Retirement System of a Class V School District and other materials as determined by the Executive Director.

The results of the election shall be made public at the office of OSERS and on the OSERS web page on the day the final results are certified by the Retirement Board. The results shall remain on display at the Retirement Office and on the OSERS web page for 14 days following the date the Retirement Board certifies the election results.

Section 4.7. In The Event of a Tie Election
In the event an election results in a tie – equal number of affirmative votes for the top ranking candidates, the method used to determine the tie breaker will be by a mutually agreed upon flip of a coin.

Section 4.8. Seating the Board of Trustee
Following the June Board meeting, the sitting Retirement Board President shall administer an Oath of Office, for newly elected trustees so as to ensure the newly elected trustee has affirmed the oath before July 1.
If an incumbent trustee wins re-election, a new oath of office is not necessary.

Section 4.9. Retention of Election Materials
The Executive Director shall preserve the election materials for fifty (50) days following the close of each election period unless a request for a recount or a protest of the election has been filed. After the fifty (50) day period has lapsed, the ballots will be destroyed.

If the Executive Director is aware of proceedings pending in any court in which such ballots or other material may be required as evidence, the ballots shall not be destroyed until such proceedings are finally adjudicated.

Section 4.10. Recount of an Election
A candidate in the election may request the recount of an election only if the difference in the number of votes cast for the candidate requesting the recount is less than 2% of the total vote count in the election, from the winner.

To request a recount, the candidate in the affected election must file a written request with the Executive Director by 5:00pm of the third (3rd) business day following the certification of the election results.

The written request for a recount shall be signed by the candidate requesting the recount, and shall specify any other relevant material to be examined. The Executive Director shall notify the Board of the request for a recount and shall set a date for the recount upon receipt of the written request. The recount shall be held within 15 calendar days of the request.

The expense of one recount shall be borne by the Retirement System.

The Board shall hold a Special Meeting to consider the results of the requested recount.

Section 4.11. Protest of an Election
A valid protest must be based on evidence that the Board adopted election procedures were not substantially followed and that, such errors would have materially affected the outcome of the election.

A candidate in the affected Board member election may file a written protest with the Executive Director prior to the election and under no circumstances no later than three (3) business days following the certification and notification to the candidates of the election results. The written protest shall be identified using the word “protest”, shall specify the election which the candidate is protesting, and shall state the specific grounds of the protest and provide any evidence (including witnesses) in support of its protest.

Upon receipt of a valid and timely protest, the Executive Director shall mail a copy of the protest to all candidates in the election and shall notify the Board and other interested parties that a protest has been filed. The Retirement Board shall investigate the protest and determine what remedy, if any, shall be granted to the candidate filing the protest. No Board member who is a candidate in the election under protest may participate in its Board’s deliberation.
The Board may consider written and/or oral arguments submitted by the candidate filing the protest and any other interested party, in making its determination. If the Board determines that a hearing is necessary, such hearing shall be held in the Retirement Board’s meeting room and shall be open to the public. The Board shall determine the rules, regulations and process by which this proceeding shall gather evidence. The determination of the Retirement Board shall be rendered within 30 calendar days of the hearing.

If the Board sustains the protest, the election shall be void. The Retirement Board will arrange for a new election. If the Board rejects the protest, then the certified results will stand as certified.

Section 4.12. Use of Retirement System Vendors
No candidate for trustee shall be permitted to engage the services of OSERS vendors or service providers for the purpose of printing, distributing or mailing campaign materials, or to secure monetary assistance for the candidate’s campaign. OSERS shall provide certified candidates with a list of OSERS vendors and service providers.

Section 4.13. Request for Member mailing lists
OSERS will not provide mailing eligible voting membership addresses and/or labels to candidates or supporting organizations.

Section 5: Appointment of Business-Member Trustees
Two members of the business community who are not Members of OSERS will serve as trustees. Selection of these business community members shall follow the following guidelines:

a. Candidates for the two Business Member trustees will initially be identified in March of 2018 and 2020 for their respective terms of four years and every four year term following.
b. An incumbent business-member trustee can be recommended for an additional four-year term without seeking additional candidates for that position if the incumbent is recommended by a majority vote of the OSERS Board.
c. If more than one business member trustee is identified for a term of office, interviews will be conducted by the OSERS Board in April of the year a new term will begin.
d. The recommendation for a business-member trustee will be sent to the Omaha Public School Board of Education for consideration and approval in May of the year that a new term will begin.
e. The Executive Director will arrange for an Oath of Office to be administered to any new business-member trustee by July 1 of the year the new term begins.
f. New business-member trustees will begin their four-year term of office on July 1 of the year the new term will begin.

Section 6: Superintendent of a Nebraska Class V School District (or his/her designee)
The Superintendent of a Nebraska Class V School District shall serve as an ex-officio, voting Trustee for OSERS unless he/she designates a specific individual to serve in that capacity.
OMAHA SCHOOL EMPLOYEES’ RETIREMENT SYSTEM’S
RETIREMENT BOARD OF TRUSTEES
ELECTION CALENDAR

2020

Election for: Retired Member Seat

Retirement Board Meetings in …

December 2019
• Provide Retirement Board with 2020 Election Calendar
• Retirement Board approves 2020 Election Calendar in the meeting
• Poster Announcement distributed to OEA-Retired and OARSEA immediately following the
  December Board of Trustees meeting

January 2020
• Communicate the open Board Seat for 2020 to OSERS Retired Membership
• Notice of Nominations for Board Seat – distributed by Friday, January 10, 2020
  o Posted to OSERS Web Site
  o Distributed to OEA-Retired and OARSEA
  o Distributed to OSERS Retirees through email and/or U.S. mail to all “retirees” as of
    January 1, 2020 (surviving annuitants and alternate payees are not eligible to vote)
  o Includes “Retirement Board Trustee – Role & Responsibilities”
  o Includes schedule of events for the election

February 2020
• Nomination Period Opens Friday, February 7, 2020 through the end of following week Friday at
  4:00 p.m.
  o Nominations must be in writing at the Retirement Office (email and telephone calls are
    not acceptable)
  o Nomination Period: Friday, February 7, 2020 (8:00 a.m.) – Friday, February 14, 2020
    (4:00 p.m.)

March 2020
• Retirement Board ratifies eligibility of nominated candidate(s) at March Board meeting
  (03/05/2020)
• If only one candidate is nominated – board reserves the right to not hold an election
• If more than one candidate is nominated – election is held and the election service will be
  engaged
• Candidate Statements due to Retirement Office by close of business Friday, March 6, 2020 (with
  head-shot photo -- statement is limited to 300 words) – sent via email communication

April 2020
• OSERS staff identifies eligible voters for current election (membership status as of March 31st)
• Ballots mailed to eligible voting Members via U.S. mail on Thursday, April 16, 2020
NOTE: Ballots will not be accepted at the Retirement Office

- Election Period opens Monday, April 20, 2020 (closes Monday, May 4, 2020)
- Online ballot voting will open at 8:00 a.m. (central) on Monday, April 20, 2020 and closes at 5:00 p.m. (central) on Monday, May 4, 2020

**May 2020**
- Ballots voted by U.S. Mail must be postmarked by Monday, May 4, 2020 (Postmark Date)
- Ballots voted by U.S. Mail must be received at the counting service company by Monday, May 11, 2020 (Received Date)
- Service company reports election results to Executive Director by Thursday, May 14, 2020

**June 2020**
- Executive Director reports election outcome to the Retirement Board of Trustees at the June 4, 2020 Regular Board Meeting (or next scheduled Board meeting)
- Retirement Board formally “certifies” the election results for the Minutes
- Executive Director publicly displays the election results following the Board Meeting
- The election results shall remain on display at the Retirement Office for 14 days following the date the Retirement Board certified the election results (June 18, 2020)
- Recount must be requested in writing by 5 p.m. of the 3rd business day following the Board certification meeting (Tuesday, June 9, 2020)
  - If recount requested, recount must be completed within 15 calendar days of request (Wednesday, June 24, 2020)