

HAWAII ADMINISTRATIVE RULES

TITLE 6

DEPARTMENT OF BUDGET AND FINANCE

EMPLOYEES' RETIREMENT SYSTEM

CHAPTER 24

ELECTION OF MEMBERS AND RETIRANT OF THE SYSTEM
TO THE BOARD OF TRUSTEES

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Historical Note: This chapter is based substantially on Rule covering the Election of Members of the System to the Board of Trustees. [Eff. 11/5/71; am 5/26/77; R 11/9/81]

§6-24-1 Definitions. Definitions generally applicable to this chapter are also provided in section 88-21, HRS, and section 6-20-1. As used in this chapter:

"Alternate Identifier" means a unique system-generated number assigned to members and retirees of the system.

"Employee organization" means an organization classified as an employee organization under section 89-2 HRS.

"General employee" means a member who is an employee of the State or a county, including police officers and firefighters but excluding teachers.

"General employee organization" means an organization which is comprised principally of members who are general employees.

"General employee-trustee" means a trustee who is classified as a general employee.

"Retirant organization" means an organization which is comprised principally of retirants.

"Retirant-trustee" means a trustee who is included in the definition of a retirant.

"Teacher" means a member classified as a teacher under section 88-102, HRS; a teacher or an educational officer certified as a teacher by the department of education, and includes a dean, professor, instructor, and lecturer of the University of Hawaii and the community college system.

"Teacher-trustee" means a trustee who is included in the definition of a teacher. [Eff 11/9/81; am and comp 2/9/89; am and comp 7/10/95; am and comp 11/26/09; am and comp] (Auth: HRS §§88-24, 88-28) (Imp: HRS §88-24)

§6-24-2 Candidates proposed by employee organizations or retirant organizations. (a) Each of the general employee organizations, if the election is for a general employee-trustee; each of the teacher organizations, if the election is for a teacher-trustee; the above mentioned organizations and retirant organizations, if the election is for a retirant-trustee; shall be invited to submit a list of candidates whose names the organization desires to have on the ballot, together with brief resumes of

their qualifications. The resume of each candidate shall contain not more than one hundred words, inclusive of the candidate's name.

(b) The list of candidates must be received by the system at its Honolulu office, by 4:30 p.m., no later than sixty days from the date the system posts or circulates the notice to submit a list of candidates. Any list of candidates received after the sixtieth day shall not be considered. [Eff 11/9/81; am and comp 2/9/89; am and comp 7/10/95; am and comp 11/26/09; comp] (Auth: HRS §§88-24, 88-28) (Imp: HRS §88-24)

§6-24-3 Other candidates. Any member or retirant who has not been proposed as a candidate by an employee or retirant organization, as the case may be, and who desires to be a candidate for election to the board may have the member's or retirant's name placed on the ballot by submitting a petition to the board, if the following conditions are met:

- (1) The petitioner shall be a general employee if the election is for a general employee-trustee; a teacher, if the election is for a teacher-trustee; or a retirant, if the election is for a retirant-trustee;
- (2) The petition shall be certified by the petitioner and shall be accompanied by the signatures of at least one hundred members or retirants of the system who desire to have the petitioner's name on the ballot. The signatures shall be obtained on a form provided by the system. For identification and member or retirant verification purposes, the signatures shall be accompanied by ~~[the last four digits of] the member's or retirant's [social security number,] current mailing address, [and] current or former employing agency [of each person signing the petition, and shall be certified by the petitioner,]~~ and either:

- (A) The last four digits of the member's or retirant's social security number;
 - (B) The member's or retirant's Alternate Identifier; or
 - (C) The member's or retirant's month and day of birth;
- (3) The petition must be received by the system at its Honolulu office (together with a resume of the qualifications of the petitioner containing not more than one hundred words, inclusive of the petitioner's name) no later than 4:30 p.m. sixty days from the date the notice to submit petition is published; and
- (4) The system shall verify the petitioner's status as a member or retirant of the system, as the case may be, and the signatures and status as a member or retirant of the system, as the case may be, of at least one hundred of the persons signing the petition.

The system shall notify the public of the opportunity to petition the board to have a member's or retirant's name placed on the ballot by publishing a notice to submit petition [~~shall be published~~] in a newspaper of general circulation in the State. The notice shall announce the forthcoming election[~~7~~] and shall contain other information as appropriate. [Eff 11/9/81; am and comp 2/9/89; am and comp 7/10/95; am and comp 11/26/09; am and comp] (Auth: HRS §§88-24, 88-28) (Imp: HRS §88-24)

§6-24-4 Contents of ballots. The ballot shall:

- (1) List in alphabetical sequence the names of the candidates; and
- (2) Contain a resume of their qualifications containing not more than one hundred words, inclusive of the candidate's name [~~7~~ ~~or the qualifications of each candidate~~]. [Eff 11/9/81; am and comp 2/9/89; am and comp]

7/10/95; am and comp 11/26/09; am and comp
] (Auth: HRS §§88-24, 88-28)
(Imp: HRS §88-24)

§6-24-4.01 Electronic voting authorized. (a) The system may use electronic means to allow members and retirants to vote. The [~~administrator~~] executive director may implement and maintain the electronic voting system, or the board may appoint an independent electronic balloting service that specializes in the solicitation and compilation of ballots for government entities through electronic means, for the purpose of performing some or all of the functions in connection with electronic voting.

(b) If electronic voting is used, electronic ballots shall be sent, received, and maintained in a manner substantially equivalent to the manner in which paper ballots are sent, received, and maintained. The [~~administrator~~] executive director or the independent balloting agent, whichever implements the electronic voting system, shall maintain and ensure the integrity and security of the electronic voting system. [Eff and comp 11/26/09; am and comp] (Auth: HRS §§88-24, 88-28) (Imp: HRS §88-24)

§6-24-5 Mailing of ballots. (a) For printed ballots, a ballot shall be mailed to each member and retirant together with a postage guaranteed return envelope, between [~~September~~] July 1 and [~~December~~] October 1 of the calendar year preceding the year in which the term of an elected trustee expires; provided that if a vacancy occurs for the unexpired term of a trustee, the board shall determine whether to fill the vacancy by appointment or election and if by election, the dates for the mailing of ballots.

(b) The system shall maintain a listing of the names and mailing addresses of all members and retirants to whom ballots were sent. [Eff 11/9/81; am

and comp 2/9/89 and comp 7/10/95; am and comp
11/26/09; am and comp] (Auth: HRS
§§88-24, 88-28) (Imp: HRS §88-24)

§6-24-6 Return of ballots. (a) For printed ballots, members and retirants shall have at least fifteen days from the date of the mailing of the ballot within which to return the ballot to the system or independent balloting agent as the case may be. The postmark date on the return envelope shall determine whether the envelope has been returned within the prescribed period. The system, or independent balloting agent as the case may be, shall date stamp all envelopes which are hand-delivered, or which are not post-marked, or which are received [~~by the system~~] after the last day for the return of ballots.

(b) All ballots received after the time prescribed for the return of ballots shall be kept separately by the system or the independent balloting agent as the case may be, for inspection and disposition by the election committee.

(c) The system, or independent balloting agent as the case may be, shall maintain a daily record of the number of ballots received. Printed ballots shall be kept sealed and locked in boxes until the day for the tallying of ballots. [Eff 11/9/81; am and comp 2/9/89; am and comp 7/10/95; am and comp 11/26/09; am and comp] (Auth: HRS §§88-24, 88-28) (Imp: HRS §88-24)

§6-24-7 Non-receipt of ballots; spoiled ballots; new ballots. (a) Any member or retirant who claims not to have received a paper or electronic ballot shall be issued a new ballot through paper or electronic means, if the records indicate that no ballot was sent to the member or retirant, the ballot was sent to the wrong mailing address, or the member or retirant was not

able to access the electronic ballot, through no fault of the member or retirant; provided that if the ballot was sent to the wrong mailing address, a reasonable time shall elapse to permit return of the ballot before the issuance of a new ballot. If the records indicate that the ballot was sent to the proper mailing address, a new ballot shall be issued if the member or retirant shall file a written statement, or by other prescribed and approved means, to certify~~ing~~ that the member or retirant did not receive the ballot.

(b) A member or retirant who has spoiled a ballot may request a new ballot which shall be issued only upon the receipt of the spoiled ballot by the system or the independent balloting agent as the case may be.

(c) The system, or the independent balloting agent as the case may be, shall keep a record of all ballots issued under the provisions of this section. [Eff 11/9/81; comp 2/9/89; am and comp 7/10/95; am and comp 11/26/09; am and comp] (Auth: HRS §§88-24, 88-28) (Imp: HRS §§88-24)

§6-24-8 Election committee. The system shall appoint an election committee of three members who shall be recommended by employee and retirant organizations. The committee shall supervise the opening and tallying of ballots and shall, upon completion of the tally, certify to the board of trustees the results of the election. [Eff 11/9/81; comp 2/9/89; am and comp 7/10/95; comp 11/26/09; comp] (Auth: HRS §§88-24, 88-28) (Imp: HRS §88-24)

§6-24-9 Opening and tallying of ballots. (a) The system, or independent balloting agent as the case may be, shall tally the ballots no earlier than four days after the last day for the return of ballots by mail.

(b) Ballots shall be opened and tallied under the supervision of the election committee. Electronic ballots may be opened and tallied by an independent electronic balloting [~~service~~] agent under the supervision of the election committee.

(c) Any ballot containing more than the number of votes permitted by the instructions on the ballot and any ballot containing any erasure shall be invalid. The election committee shall be the sole judge as to the validity of any other questionable ballot. [Eff 11/9/81; am and comp 2/9/89; am 1/29/90; am and comp 7/10/95; am and comp 11/26/09; am and comp] (Auth: HRS §§88-24, 88-28) (Imp: HRS §88-24)

§6-24-10 Declaration of election. Upon receipt of the certified results of the election from the election committee, the board of trustees shall declare as elected the person (or persons, if there is more than one trustee to be elected) receiving the highest number of votes. [Eff 11/9/81; comp 2/9/89; comp 7/10/95; comp 11/26/09; comp] (Auth: HRS §§88-24, 88-28) (Imp: HRS §88-24)

§6-24-11 Ballots to be held for thirty days. All ballots which have been tallied shall be held by the system or independent balloting agent as the case may be, for a period of at least thirty days following the day when the successful candidate or candidates take office. If there are no questions raised as to the results of the election, the system or independent balloting agent as the case may be, may then destroy the ballots. [Eff 11/9/81; comp 2/9/89; am and comp 7/10/95; comp 11/26/09; am and comp] (Auth: HRS §§88-24, 88-28) (Imp: HRS §88-24)

§6-24-12 Computation of time. In computing any period of time prescribed or allowed by this chapter, or any order of the board, the day of the act, event, or default after which the designated period of time is to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or legal holiday in the State, in which event the period of time runs until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. Intermediate Saturdays, Sundays, or legal holidays shall not be include in the computation when the period of time prescribed or allowed is seven days or less. A half-holiday shall not be considered a holiday for purposes of these computations. All references in this chapter to days shall mean calendar days, unless otherwise expressed. [Eff 11/9/81; comp 2/9/89; am and comp 7/10/95; am and comp 11/26/09; am and comp] (Auth: HRS §88-28) (Imp: HRS §§88-24, 88-28)