
POLICY NUMBER: 100.3

EFFECTIVE DATE: 12/09/2008

TITLE: Election of Trustees

I. PURPOSE

The Board of Trustees of TRSL is charged with establishing procedures for the election of members to the Board, in compliance with applicable law. The Board consists of 17 trustees, 12 of whom are elected pursuant to procedures established by the Board to represent active and retired members; members employed in institutions of higher education; members paid with school lunch funds; and members who are employed as a city or parish school superintendent. The following procedures set forth the processes by which such trustees are elected.

II. IMPLEMENTATION OF ELECTION PROCEDURES

- A. TRSL staff and an elections management vendor, selected pursuant to the procedures set forth herein, shall implement this policy in the election of members of the Board.
- B. Any interpretation or clarification of this election policy will be at the discretion of the Board. A majority vote by the Board will decide any questions raised and those decisions will be considered final.

III. CANDIDATE ELIGIBILITY

A. Eligibility

- 1. Active member positions on the Board consist of the School Food Service Representative, the State Colleges and Universities Representative, the Parish and City Superintendent Representative, and the seven geographic district representatives.
- 2. All active members must be hired no later than April 30 of an election year to be eligible to run for a seat on the Board representing the district in which they are employed or the respective group to which they belong.
- 3. **Active Members**
 - a. An active member, for the purposes of eligibility to seek election to the Board, is an individual who is a "teacher," as defined in La. R.S. 11:701(35), or an individual who has retained membership in TRSL pursuant to La. R.S. 11:723.
 - i. An active member who becomes a candidate in a Trustee election must maintain employment with a TRSL-participating employer through the election cycle.
 - ii. An active member elected to the Board must be employed by a TRSL-participating employer when assuming a Trustee position, after which a

termination of employment with a TRSL-participating employer will be governed by La. R.S. 11:822.

- b. An active member on a leave of absence from employment shall be eligible to seek election to the Board.
- c. A member participating in the Deferred Retirement Option Plan (DROP) or working after DROP shall be eligible to seek election to the Board in an active member position.
- d. An active member, for the purposes of eligibility to seek election to the Board, does not include:
 - i. an individual who has chosen to participate in the Optional Retirement Plan, La. R.S. 11:921 *et seq.*, thereby forgoing the right to participate in the TRSL regular retirement plan;
 - iii. an individual holding membership in the United States Civil Service Retirement System, as provided in La. R.S. 11:881.

4. **School Food Service Worker Representative**

Any active member paid by school food service funds may seek election to the Board.

5. **State Colleges and Universities Representative**

Any active member employed by a state college or university may seek election to the Board. There is no restriction as to the type of employment or position held by an otherwise eligible active member seeking or holding the State Colleges and Universities Trustee position. As set forth in Paragraph III.A.3, "active member" does not include an individual who has chosen to participate in the Optional Retirement Plan, La. R.S. 11:921 *et seq.*, thereby forgoing the right to participate in the TRSL regular retirement plan.

6. **Parish or City Superintendent Representative**

Any active member employed as a parish or city superintendent may seek election to the Board.

7. **Geographic District Active Member Representatives**

- a. Active members seeking election to the Board to represent a geographic district must be employed in a parish that the respective district represents, as follows:
 - i. **District 1:** Ascension, St. James, St. John the Baptist, St. Charles, Jefferson, Plaquemines, St. Bernard
 - ii. **District 2:** Washington, St. Tammany, Orleans
 - iii. **District 3:** East Baton Rouge, Iberville, Assumption, Lafourche, Terrebonne

- iv. **District 4:** Caddo, Bossier, Webster, Claiborne, DeSoto, Red River, Bienville, Lincoln, Sabine, Natchitoches
 - v. **District 5:** Union, Morehouse, West Carroll, East Carroll, Jackson, Ouachita, Richland, Madison, Caldwell, Franklin, Tensas, Catahoula, Concordia, West Feliciana, East Feliciana, St. Helena, Livingston, Tangipahoa
 - vi. **District 6:** Winn, Grant, LaSalle, Vernon, Rapides, Avoyelles, Beauregard, Allen, Evangeline, St. Landry, Pointe Coupee, Jefferson Davis, St. Martin, West Baton Rouge
 - vii. **District 7:** Calcasieu, Acadia, Cameron, Vermilion, Lafayette, Iberia, St. Mary
- b. Active members who are eligible to hold the position of School Food Service Worker Representative, State Colleges and Universities Representative, or Parish or City Superintendent Representative are not eligible to seek election as a representative of a geographic district.
 - c. There is no restriction as to the type of employment or position held by an otherwise qualified active member seeking or holding a Trustee position representing a geographic district.
8. An active member employed by two TRSL employers shall be eligible to seek office based on the member's primary employment.
9. **Retired Representative**
- a. There are two Retired Representatives on the Board.
 - b. A retiree, for the purposes of eligibility to seek election to the Board, is an individual who has:
 - i. Retired from TRSL, pursuant to La. R.S. 11:726, 11:761, 11:765, 11:802 or 11:811, even if such retiree has returned to active service pursuant to La. R.S. 11:710, R.S. 11:710.1 or R.S. 11:710.2 (Return to Work Laws); or
 - ii. Retired from TRSL pursuant to La. R.S. 11:778 (Disability), and whose benefit has not ceased or terminated pursuant to La. R.S. 11:780 or 11:780.1.
 - c. A retiree must be retired no later than April 30 of an election year to be eligible to seek election to the Board.
 - d. A retiree who has renounced their base benefit pursuant to La. R.S. 11:793 and LAC 58:III.701 is not eligible to seek election to the Board.
 - e. Any retiree may seek election to the Board as a Retired Representative. There is no restriction as to the type of employment or position held by an individual seeking or holding the Retired Representative position.

10. Persons Ineligible to Run

No person who has been found in violation of the Code of Governmental Ethics for actions involving the misuse of public funds shall be eligible to run for a seat on the Board.

B. Qualifying Process

1. Letter of Intent and Candidate Statement

- a. An active member or retiree seeking election to a position on the Board ("Candidate"), must mail a Letter of Intent to TRSL. The Letter of Intent must include the following:
 - i. The Candidate's name as it is to appear on the ballot;
 - ii. The last four digits of the Candidate's Social Security number;
 - iii. A daytime telephone number where the Candidate can be reached;
 - iv. An email address where the Candidate can be contacted; and
 - v. For active members, the Candidate's:
 - aa. Place of employment; and
 - bb. Job classification/title.
- b. Candidate Statement. A Candidate may submit the following information for printing on the ballot that will be mailed to eligible voters by TRSL or its election vendor:
 - i. A biographical statement (curriculum vitae) of up to 250 words; and
 - ii. A candidate statement of interest in position of up to 75 words.
- c. All materials must be mailed to the attention of the TRSL Director. Materials must be mailed to TRSL's physical address, 8401 United Plaza Boulevard, 3rd Floor, Baton Rouge LA 70809-7017 by U.S. Certified Mail, U.S. Registered Mail, U.S. Express Mail, or other carrier that requires proof of delivery. No other method of delivery will be accepted.
- d. The Candidate Statement printed on the regular election ballot will be printed on the runoff election ballot.

2. Deadline for Receipt of Qualifying Materials for Regular Elections

A Candidate's Letter of Intent and Candidate Statement ("Qualifying Materials") must be received by TRSL no later than 4:30 p.m., Central Time, on the last working day prior to the first day of May in the year of the election.

3. Notice of Qualification Status

- a. TRSL will acknowledge receipt of each Candidate's qualifying materials and provide each candidate with qualification status for the election.
- b. TRSL will provide each qualifying Candidate who meets eligibility requirements with the following:
 - i. A copy of the fiduciary responsibility document;
 - ii. A copy of the applicable Election Schedule;
 - iii. A copy of financial disclosure statutory requirements and information for boards and commissions; and
 - iv. A copy of the Code of Conduct for candidates.

4. Failure to Qualify

- a. The following individuals shall fail to qualify to be a candidate for election to the Board:
 - i. Individuals failing to meet established deadlines for the submission of qualifying materials; and
 - ii. Individuals failing to meet any of the qualifications set forth herein for the respective position they are seeking.

C. Candidate Code of Conduct

- 1. All candidates (including trustees seeking re-election to the Board) are prohibited from using any stationery, document, envelope, advertisement, social media posting, website, or email that contains TRSL identification, such as logos, symbols, emblems or letterhead, in a manner that either directly or indirectly solicits a vote in which a reasonable person would assume constitutes an endorsement from TRSL. Candidates may link, like, or repost pictures or information posted by TRSL on their own social media pages, but may not do so in a manner that circumvents this policy.
 - a. Candidates or their surrogates who violate this provision will be required to make notification at their own expense to individuals who received the prohibited correspondence/information, clarifying that use of TRSL identification was in violation of the Board's election policy and in no way constitutes an endorsement by TRSL.
 - b. Any candidate found to be in violation of this provision may be subject to formal corrective action and/or liability.
- 2. Candidates seeking re-election shall not participate in the distribution, collection, delivery, opening, and/or ratification of election results.

3. Candidates seeking re-election to the Board shall not serve on the Elections Committee during the year the election is to be held.
4. All candidates may seek information from TRSL that is available to the general public and TRSL employees may respond to such a request; however, TRSL employees are prohibited from participating in any candidate's campaign activities.

IV. ELECTION PROCESS

A. Election Schedule

1. The Board will approve a regular election schedule in January or February of each year in which an election will be held.
2. The Board will approve a special election schedule, as necessary.
3. All election schedules presented to the Board for approval shall be in compliance with this policy, with date alterations, as necessary, for special elections.
4. The Board shall have the authority to modify any election schedule due to extraordinary circumstances.

B. Call for Candidates

1. No later than March 1 of each year in which a regular election(s) will be held, a notice announcing the elections of representatives to the Board will be provided to members and retirees utilizing various methods of communication, including the TRSL website, publications, email blasts, and social media. Notice will also be provided to employers for active members in districts or categories and employee and retiree associations, as applicable.
2. Information regarding the eligibilities to seek election to the Board, the process for qualifying for election, important dates, and TRSL contact information will be included in all notices.
3. TRSL will request that employers provide notice to their employees in a manner that is reasonable and customary.

C. Electorate Database

Through secure electronic transmission, TRSL will submit appropriate member database information to the election vendor for the purpose of allowing every eligible voter the ability to cast a single vote in the election.

D. Approval of Election Information

1. In compliance with statute, the Board will approve election information that will be transmitted to TRSL members.
2. Election information will be provided to the chairs of the House of Representatives and Senate Retirement Committees for their review, as provided by law.

E. TRSL's Election Webpage

1. The TRSL website will contain the following materials regarding TRSL Trustee elections:
 - a. Board Governance Manual Policy Number 100.3 (Election of Trustees);
 - b. A list of elections to be held in the current calendar year and the upcoming three calendar years; and
 - c. The election schedule approved by the Board for any election in the current calendar year.
2. The TRSL website is not a public forum; therefore, no campaign materials will be posted on the website.

F. Notice of Forthcoming Election

A Notice of Forthcoming Election will be provided to members and retirees utilizing various methods of communication, including the TRSL website, email blasts, and social media. Notice will also be provided to employers for active members in districts or categories and employee and retiree associations, as applicable.

G. Transmission of Voting Materials to Eligible Voters

Voting materials, including Candidate Statements and voting instructions, must be transmitted to active members and retirees eligible to vote in each respective trustee election at least thirty (30) days before the election deadline.

H. Method of Voting in an Election

Each eligible voter may cast a vote by telephone, on the Internet, or by paper ballot.

I. Regular Election Voting Deadline

A regular election voting deadline shall be scheduled no later than the last weekday in September and in sufficient time to permit the receipt of election results by the Board Elections Committee at its October meeting.

J. Election to Board of Trustees

1. A candidate receiving more than fifty (50) percent of all votes cast in the election contest shall be elected to the Board.
2. In the case of a tie or an appeal of any election, the Board shall make a determination as to the process to be used to conclude the election.

K. Run-off Elections

1. If no candidate receives more than fifty (50) percent of the votes in an election contest, a run-off election will be held between the two candidates who receive the largest number of votes.
2. If necessary, a run-off election shall be scheduled following the same procedures outlined for a primary election; however, the Board shall have the authority to waive the transmission of a Notice of Forthcoming Election to each member.
3. Notice of a run-off election will be included in TRSL publications and on its website.
4. The election voting deadline shall be scheduled no later than the last weekday in November and in sufficient time to permit the receipt of election results by the Board Elections Committee at its December meeting.

L. Opening and Ratification of Election Results

1. The Elections Committee will open and ratify the election results for each election.
2. All candidates will be notified of the time and date that the Election Committee will open the election results.
3. All candidates will be notified of the results following the Election Committee meeting.

M. Publication of Election Results

All election results will be published by percentage in TRSL publications, on the TRSL website, and in press release(s). Published election results will include the name of the Trustee-elect and the percentage of the vote won by the Trustee-elect.

N. Interim Appointments and Special Elections

1. In the event of a vacancy in the office of a Trustee when the unexpired portion of the term is one year or less, the Board may fill the vacancy by the appointment of a person who is otherwise eligible to hold that particular office which is vacant for the remainder of the term.
 - a. The Board may choose to use the procedure outlined below, but is not required to do so.
2. In the event of a vacancy in the office of a trustee when the unexpired portion of the term exceeds one year, the Board shall fill the unexpired term by calling a special election.
 - a. Prior to the special election, the Board may appoint a person who is otherwise eligible to hold that particular office which is vacant. If a person is appointed prior to a special election, the Board shall use the procedure outlined below.
 - b. The Board will establish an election schedule for any special election following the same procedures outlined for a primary election with date alterations, as necessary. The Board shall have the authority to schedule a special election to be conducted on the same schedule as a regular election.
 - i. Board members elected via special election to fill a vacant term exceeding one year shall hold such office until the regular election for that position is held in accordance with the Term of Office had that position not been vacant.
3. When making an interim appointment to a vacant position,
 - a. A notice announcing the vacancy and that the Board will be making an interim appointment will be provided to members and retirees. In making this announcement, various methods of communication, including the TRSL website, publications, email blasts, and social media, will be utilized. Notice will also be provided to employers for active members in districts or categories and employee and retiree associations, as applicable,
 - b. Members seeking an interim appointment shall submit a Letter of Intent and Applicant Statement as provided in Section III.B of this policy to the TRSL official business address by an established deadline,
 - c. Applicants may be asked to appear before the Board to express their interest in the position at the meeting in which the appointment is scheduled to be made, and
 - d. Interim appointments shall only be effective until an election is held and a successor takes office.

O. Taking of Office and Oath of Office

1. Each Trustee elected to the Board in a regular election will assume office at the end of the term of the incumbent.
2. Each Trustee elected to the Board in a special election or appointed to the Board will assume office at the first board meeting following election or appointment.
3. Each Trustee will take an oath of office in accordance with applicable law.
4. Before taking the oath of office, an incoming Trustee who has any change in status that would otherwise result in a vacancy in the position shall not be eligible to become a member of the Board.

V. ELIGIBLE VOTERS

A. Active Members Eligible to Vote

1. An active member, for the purposes of voting in a Trustee election, is an individual who is a “teacher,” as defined in La. R.S. 11:701(35), or an individual who has retained membership in TRSL pursuant to La. R.S. 11:723.
2. An active member shall be eligible to vote in a Trustee election in which the member would also be eligible to qualify as a candidate as set forth in Section III.A.3 through A.7 of this policy.
3. For regular elections, all active members must be hired no later than July 1 of an election year to be eligible to vote in a Trustee election. For special elections, all active members must be hired no later than forty-five days prior to the date that the vendor transmits election information and voting instructions to eligible voting members.
4. An active member employed by two TRSL employers in separate geographic districts or Trustee position categories or a combination thereof, who make contributions to TRSL for both employments will be allowed to participate in elections for the respective Trustee positions. Such members may participate in the election in each applicable district or category provided contributions were made in the respective calendar year. Active members employed by two TRSL employers in the same geographic district or Trustee position category shall only be permitted to cast one vote in the election for the Trustee position.
5. An active member on leave of absence from employment shall be eligible to vote in the applicable Trustee election.
6. An active member employed on a part-time, temporary, or substitute basis is eligible to vote in the applicable Trustee election.
7. A member participating in the Deferred Retirement Option Plan (DROP) or working after DROP is eligible to vote as an active member.

8. An active member, for the purposes of voting in a Trustee election, does not include:
 - a. an individual who has chosen to participate in the Optional Retirement Plan, La. R.S. 11:921 *et seq.*, thereby forgoing the right to participate in the TRSL regular retirement plan;
 - b. an individual holding membership in the United States Civil Service Retirement System, as provided in La. R.S. 11:881.

B. Retirees Eligible to Vote

1. A retiree shall be eligible to vote in a Trustee election in which the retiree would also be eligible to qualify as a candidate as set forth in Section III.A.9 of this policy.
2. For a regular election, a retiree must be retired no later than July 1 of an election year to be eligible to vote in a Trustee election. For special elections, a retiree must be retired no later than forty-five days prior to the date that the vendor transmits election information and voting instructions to eligible voting members.

VI. SELECTION OF VENDOR

The TRSL Director shall select a vendor to provide election services through the use of a Solicitation for Proposal and determine the term of the contract for such services.

In the event of extenuating circumstances, the TRSL Director may choose to execute a contract with an election service provider without the necessity of a Solicitation for Proposal.

VII. VENDOR RESPONSIBILITIES

- A. The vendor will conduct the election in accordance with the Board-approved election schedule.
- B. The vendor will transmit election information and voting instructions to the home address on file with TRSL of each eligible voting member.
- C. The voting instructions provided by the Vendor to each eligible voting member shall contain instructions for each type of voting methods. Voting methods shall include telephone voting, Internet voting, and, paper ballot voting. Additionally, instructions shall contain the statement "Vote for One Candidate Only."
- D. The vendor must assign a unique Personal Identification Number (PIN) to each eligible voting member to be used when voting by telephone or web.
- E. The vendor must provide a toll-free telephone number for those members who wish to vote using the telephone voting procedure; web pages for those who wish to vote using the Internet; and a paper ballot for those who wish to vote by paper ballot. The vendor must also provide a toll-free telephone number for customer assistance, which includes provisions for casting a vote for a disabled member.

- F. When the vendor's customer service representative receives a call from a disabled member who is unable to cast a vote, the representative must cast the vote for the member as directed by the member after verifying the member is eligible to vote. Verification will require the last four digits of the member's Social Security number and PIN.
- G. The first vote recorded by the vendor (either by telephone, Internet, or paper ballot) must be the vote counted.
- H. The vendor must have the election results, including vote percentages by candidate, certified by a notary public. This certification is to be provided to the TRSL Director by overnight delivery, sent to the official TRSL business address, to be received on the date established by the Board-approved Election Schedule.
- I. The vendor shall comply with all requirements set forth in its proposal in response to TRSL's Solicitation of Proposal or Request for Information, its contract with TRSL and all other agreements reached between the parties.

Authority: La. R.S. 11:822

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