



Teachers' Retirement System of Alabama

Board of Control Election Manual

Amended on 5/22/13, 6/5/14, 6/22/16, 12/7/2016, 12/06/2017, 3/13/2020, 6/1/2021, 9/13/2022, 9/6/2023

Composition of the TRS Board of Control

The Board of Control consists of 15 members as follows:

- The State Superintendent of Education, ex officio;
- The State Treasurer, ex officio;
- The State Director of Finance, ex officio; and
- Twelve elected members of the Teachers' Retirement System:
 - Two retired members.
 - One city or county superintendent.
 - One principal.
 - One member from postsecondary education that is part of the Alabama Community College System.
 - Two members from a public four-year institution of higher education.
 - Three teachers who are actively instructing students in grades K-12.
 - Two education support personnel from a grade K-12 school.

Terms of Office

- The ex officio members serve as long as they hold that office.
- All other Board members serve three-year terms.

Vacancies

If a vacancy occurs, it shall be filled for the remainder of the unexpired term through appointment by the Governor.

Third-Party Entity (Independent Election Service)

Regular, statewide elections shall be conducted by the Independent Election Service that is not a participant of or affiliated with the Teachers' Retirement System. The Independent Election Service shall be responsible for the distribution and collection of ballots, tallying election results, and providing election reports.

Compensation

Members serve without compensation for their services, but will be reimbursed from the expense fund for all necessary expenses that they may incur through service on the TRS Board of Control.

Oath

Members will take an oath of office within 10 days after their appointment or election.

Voting of the Board of Control

- Each member is entitled to one vote.
- Eight votes in favor of any decision are necessary for a decision by the members at any meeting.
- In case of a tie vote, the decision shall fail.

Chairperson and Vice Chair

The members of the Board of Control elect a chairperson and vice chair.

Duties of the TRS Board of Control

The members of the Board of Control are the trustees of the retirement funds and are responsible for the management and administration of the retirement system.

The Board of Control has full power to invest and reinvest such funds, through the Secretary-Treasurer, in such classes of bonds, mortgages, common and preferred stocks, shares of investment companies or mutual funds, or other investments the Board may approve, with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

The members of the Board of Control shall elect by a majority vote a Secretary-Treasurer, who shall serve as chief executive officer of the retirement system.

The Board of Control designates a medical board to be composed of three physicians not eligible to participate in the retirement system. The medical board investigates all applications for disability retirement and reports to the Board of Control its conclusions and recommendations.

The Board of Control hires an actuary, an investment advisor, and others as required to conduct business of the retirement system.

The Board of Control appoints an investment committee of three members of the Board, one of whom is the Director of Finance. The investment committee approves investments made by the Secretary-Treasurer. The investment committee acts through the affirmative vote of any two members by written authorization attached to the invoice of the transaction.

Election Procedures

1. Governance Process

1.1. Election Committee Charter

- 1.1.1. The Chairperson of the Teachers' Retirement System (TRS) Board of Control will appoint a three-member committee from the Board of Control as an Election Committee to oversee the election process.
- 1.1.2. Members of the Board of Control seeking election for a current position on the Board of Control will not be eligible for membership on the Election Committee.

1.2. Election Committee Responsibilities

- 1.2.1. The Election Committee will ensure that a nominee's eligibility is certified for a place on the official ballot.
- 1.2.2. The Chairperson of the Election Committee or designee will conduct a random drawing of names to determine the order of candidates on the ballot.
- 1.2.3. The Election Committee will disqualify ballots that fail to clearly indicate the eligible voter's candidate selection; are received after the return date established by the Election Committee; are cast by ineligible voters; or any other legal reason.
- 1.2.4. The Election Committee will certify the results of each election.
- 1.2.5. After the results of the election have been certified, the Election Committee will ensure that each candidate is contacted with the results.
- 1.2.6. The Election Committee will ensure that the election results are provided for announcement in the *Advisor*.

2. Nominations

- 2.1. Notice of positions to be filled during the Regular Election will be published in the November *Advisor*.
- 2.2. Nomination for any position on the TRS Board of Control will be by submission of a Letter of Intent and Certificate of Assurance.
- 2.3. The Letter of Intent and Certificate of Assurance will be available on the RSA website or from the Elections Coordinator.
- 2.4. A candidate's Letter of Intent and Certificate of Assurance must be received by the Elections Coordinator no later than 4:00 p.m., December 2 or the first business day following. Only documents with original signatures are accepted.
- 2.5. The Election Committee may request additional documentation to confirm a candidate's eligibility. Failure to provide the requested documentation may result in the disqualification of the proposed candidate.

3. Eligibility Determination

3.1. Retired Position

A candidate for a Retired Position must have formerly been an active member of the TRS and currently on the TRS retirement payroll.

3.2. Superintendent Position

A candidate for the Superintendent Position must be an active member of the TRS and be in a Superintendent's position with a city or county system.

3.3. Postsecondary Position

A candidate for the Postsecondary Position must be an active member of the TRS and work in an institution of postsecondary education that is a part of the Alabama Community College System.

3.4. Higher Education Position

A candidate for the Higher Education Position must be an active member of the TRS and work in a public four-year institution of higher education.

3.5. Principal Position

A candidate for the Principal Position must be an active member of the TRS and be a Principal.

3.6. Teacher Position

A candidate for a Teacher Position must be an active member of the TRS and actively instructing students in grades K-12.

3.7. Support Personnel Position

A candidate for a Support Personnel Position must be:

- an active member of the TRS
- either a maid, custodian, bus driver, lunchroom, cafeteria worker, secretary, clerk, clerical assistant, maintenance worker, or other non-certificated employee who works an average of 20-hours-a-week
- employed by a grade K-12 school

3.8. Provided that the candidate is an active member of the TRS, the candidate may be employed either full-time or part-time. The candidate must disclose on his or her candidate biography whether his or her employment is full-time or part-time.

3.9. If a change in the candidate's position has occurred after qualification, the candidate is no longer eligible to run for election and shall be disqualified.

3.10. The burden of proving eligibility lies with the member. If the member has reason to believe they are categorized incorrectly, they should contact their HR/Payroll Department and the Elections Coordinator.

4. *Validation of Candidacy*

- 4.1. Each candidate must submit a Letter of Intent and Certificate of Assurance provided by the Election Committee. A Notary Public signature is required on both documents.
- 4.2. It is the responsibility of the Election Committee to certify that a nominee is an eligible candidate and should be placed on the official ballot. The Election Committee will use the Department of Education's Object Codes as a guideline to determine the candidate's eligibility, however, the final decision of eligibility will be in the full discretion of the Election Committee. Where the Department of Education's Object Codes and the local board of education's codes differ, the Committee shall defer to the Department of Education's Object Codes as the guideline but the final decision of a candidate's eligibility will be in the full discretion of the Election Committee.
- 4.3. Once the validation process is completed, each candidate will be notified of his or her validation status.

5. *Biographical Sketches*

A biographical information form should be completed by each potential candidate and submitted along with the Letter of Intent and Certificate of Assurance. Biographical information will be used for publication on the RSA website and election ballot. Biographical information that includes qualifications will be included with the election ballot. This information should include basic information such as education, work experience, and awards. The information is published at the discretion of the Election Committee. It is preferred to have the biographical information sent in electronic format.

6. *Voting*

6.1. Voting Categories

6.1.1. Retired Position

All retired members shall be eligible to vote for the Retired Position.

6.1.2. Superintendent Position

All active members who are in a Superintendent's position with a city or county system shall be eligible to vote for the Superintendent Position.

6.1.3. Postsecondary Position

All active members who work in an institution of postsecondary education that is part of the Alabama Community College System or for the Department of Postsecondary Education shall be eligible to vote for the Postsecondary Position.

6.1.4. Higher Education Position

All active members who work in a public four-year institution of higher education or for the Commission on Higher Education shall be eligible to vote for the Higher Education Position.

6.1.5. Principal Position

All active members who hold the position of Principal shall be eligible to vote for the Principal Position.

6.1.6. Teacher Position

All active members who actively instruct students in grades K-12 shall be eligible to vote for the Teacher Position.

6.1.7. Support Personnel Position

All active members who are maids, custodians, bus drivers, lunchroom workers, cafeteria workers, secretaries, clerks, clerical assistants, maintenance workers, or other non-certificated employee who works an average of 20-hours-a-week and are employed by a grade K-12 school shall be eligible to vote for the Support Personnel Position.

All active members who are not otherwise eligible to vote for another position shall be eligible to vote for the Support Personnel Position. Where the member is assigned a Department of Education Object Code, that code shall determine the member's voting category. Where the Department of Education's Object Codes and the local board of education's codes differ, the Department of Education's Object Codes will determine the member's voting category.

6.1.8. Members shall be allowed to vote only in one category per election.

6.1.9. The burden of receiving the correct ballot lies with the member. If the member has reason to believe they are categorized incorrectly, they should contact their HR/Payroll Department and the Elections Coordinator.

6.2. Ballots

6.2.1. Order of candidates

The order of candidates on the ballot will be by a random drawing conducted by the Election Committee or designee no later than the December TRS board meeting following the nomination deadline. Candidates or their representatives may be present to witness the drawing.

6.2.2. Mailing of ballots

Scannable ballots and information on how to vote by phone or internet will be mailed on or before January 3 or the first business day following.

6.2.3. Receipt of ballots

Voted ballots or phone and internet responses must be received by the Third-Party Entity before 4:00 p.m. on February 15 or the first business day following.

6.2.4. Disqualifying ballots

The Election Committee will disqualify ballots which:

- fail to clearly indicate the eligible voter's candidate selection,
- are received after the return date established by the Election Committee,
- are cast by ineligible voters, or
- any other legal reason.

6.2.5. Counting of ballots

All ballots, phone, and internet responses will be counted by the Third-Party Entity and the results tabulated.

6.2.6. Certification of ballots

6.2.6.1. The ballots will be canvassed and the results sent to the Election Committee for certification on or before February 22 or the first business day following. If a committee member has any concern as to the ballots, the Chair or the committee member will call a meeting. Any request for a meeting must be made within 24 hours of the results being sent. If there is no timely request for such meeting, the votes are certified.

6.2.6.2. Immediately after the results of the election have been certified, a member of the Election Committee or its designee will contact each candidate with the results.

6.2.6.3. Each candidate will receive a report of the vote count.

6.2.7. Storage and Destruction of Ballots

Pending any official challenge, ballots will be retained for 60 days following the certification and then destroyed.

7. *Runoff Election*

- 7.1. A runoff election will be held in the event no candidate receives a majority of the votes cast. The two candidates with the most votes will be placed on the ballot for the runoff election.
- 7.2. The order of the candidates on the ballot will remain the same.
- 7.3. Runoff ballots will be mailed on or before March 13 or the first business day following.
- 7.4. Runoff ballots must be received by the Third-Party Entity by 4:00 p.m. on April 18 or the first business day following.
- 7.5. The ballots will be canvassed and the results sent to the Election Committee for certification on or before April 26 or the first business day following. If a committee member has any concern as to the ballots, the Chair or the committee member will call a meeting. Any request for a meeting must be made within 24 hours of the results being sent. If there is no timely request for such meeting, the votes are certified.

8. *Oath of Office*

Within 10 days after certification of the election, each new Board Member will sign an Oath of Office. The Elections Coordinator will ensure the Oath is immediately filed with the Secretary of State's Office.

9. *Endorsements by Current Board Members and Staff*

TRS board members and staff may endorse candidates in elections for board positions only while on personal time or approved leave and in compliance with all applicable laws and regulations, as amended from time to time. See, e.g., *Ala. Code* § 17-1-4(a)(3), 17-17-5(c), and 36-26-38.

10. *Definitions*

Member

Person currently contributing to the TRS as an active or formerly an active of the TRS and is on the TRS retirement payroll.

Active Member

Person currently contributing to the TRS.

Retired Member

Person who is a former active member of the TRS and on the TRS retirement payroll.

Voter

Active or retired members of the TRS who may vote for a position based on the members' present status.

Candidate

Active or retired member of the TRS seeking election to the TRS Board of Control for a particular position for which he or she qualifies.

Term of Office

The term of office begins on July 1 and is for a period of three years, except in the case of an appointment for an unexpired term, which will be for the remainder of the term.

Challenge

Any challenge to the election must be filed in writing with the Chairperson of the TRS Board of Control within 15 days after the certification of the results by the Election Committee. Any challenge will be treated as any other appeal to the TRS Board of Control.

Certification of Election

At the appropriate time, the Elections Coordinator will certify to the Election Committee the results of the election.

Nominations

Any candidate for a position on the TRS Board of Control will nominate himself or herself by submitting a Letter of Intent and Certificate of Assurance.

Election Committee

A three-member committee of the TRS Board of Control will be appointed by the Chairperson of the Board.

11. Election Timeline

November	Election announcement in the <i>Advisor</i>
December 2	Nominations due
December TRS Meeting	Election Committee validates candidates and draws name order
December	<i>Advisor</i> article announces voting dates
January 3	Ballots to be mailed out
February 15	Ballots due to Third-Party Entity
February 22	Election Committee certifies results
March	<i>Advisor</i> article announces results/ runoff if needed
March 13	Runoff ballots to be mailed out
April 18	Runoff ballots due to Third-Party Entity
April 26	Election Committee certifies runoff results
July 1	Term begins
September	First board meeting

Should any of the foregoing deadlines fall upon a weekend or holiday, the deadline shall be moved to the following business day.

Applicable Law

§16-25-19. Administration

(a) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this chapter are hereby vested in a board of trustees which shall be known as the Board of Control and shall be organized immediately after a majority of the trustees provided for in this section shall have qualified and taken the oath of office.

(b) The board shall consist of 15 trustees as follows:

- (1) The State Superintendent of Education, ex officio.
- (2) The State Treasurer, ex officio.
- (3) The State Director of Finance, ex officio.
- (4) Twelve members of the retirement system. Those 12 members shall consist of representatives elected from each of the following categories: two shall be retired members, one shall be a city or county superintendent, one shall be a principal, one shall be a member from an institution of postsecondary education that is part of the Alabama Community College System, two shall be members from a public four-year institution of higher education, three shall be teachers who are actively instructing students in grades K-12, and two shall be educational support personnel from a grade K-12 school. Each of the elected members shall be elected only by members from the same category of the retirement system. The 12 elected members shall be elected in a statewide election conducted by a third party entity that is not a participant of or affiliated with the Teachers' Retirement System. All such elections shall be conducted in accordance with accepted principals of fair election practices. The third-party entity shall be responsible for the distribution and collection of ballots and tallying election results. Other aspects of the election shall be handled pursuant to such rules and regulations as the Board of Control may adopt to assure that members will be eligible to vote for the applicable elected position as follows:

- a. Teacher Place #1 for a term of three years beginning July 1, 1974.
- b. Teacher Place #2 for a term of three years beginning July 1, 1974.
- c. Teacher Place #3 for a term of two years beginning July 1, 1974.
- d. Educational Support Personnel Place #1 for a term of three years beginning July 1, 1986.
- e. Educational Support Personnel Place #2 for a term of two years beginning July 1, 1986.
- f. Retired Place #1 for a term of three years beginning July 1, 1974.
- g. Retired Place #2 for a term of three years beginning July 1, 1987.
- h. Superintendents' Place for a term of two years beginning July 1, 1976.
- i. Principals' Place for a term of three years beginning July 1, 1976.
- j. Postsecondary Place for a term of three years beginning July 1, 2016, to be filled by the member elected from an institution of postsecondary education that is part of the Alabama Community College System.
- k. Higher Education Place #1 for a term of three years beginning July 1, 2013, to be filled by a member elected from a public four-year institution of higher education.
- l. Higher Education Place #2 for a term of three years beginning July 1, 2015, to be filled by a member elected from a public four-year institution of higher

education. This higher education position shall replace the Educational Support Personnel Place #2 at the conclusion of the incumbent's term June 30, 2015.

Thereafter each member according to place number shall be elected for three-year terms, according to such rules and regulations as the Board of Control shall adopt to govern such elections. The terms of these officers shall begin after they have qualified and taken the oath of office.

- (c) The Board of Control of the Teachers' Retirement System shall provide for annual elections to fill the position of any trustee whose term has expired.
- (d) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the remainder of the unexpired term through appointment by the Governor.
- (e) The trustees shall serve without compensation for their services as trustees, but they shall be reimbursed from the expense fund for all necessary expenses that they may incur through service on the Board of Control.
- (f) Each trustee shall, within 10 days after his appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the Board of Control and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and immediately filed in the office of the Secretary of State.
- (g) Each trustee shall be entitled to one vote in the Board of Control. Eight votes shall be necessary for a decision by the trustees at any meeting of said board. In case of a tied vote, the decision shall fail.
- (h) Subject to the limitations of this chapter, the Board of Control shall from time-to-time establish rules and regulations for the administration of the funds created by this chapter and for the transaction of its business.
- (i) The Board of Control shall elect from its membership a chairman and by a majority vote of all the members shall elect a Secretary-Treasurer, who shall serve as Chief Executive Officer of the retirement system. In addition thereto, the Board of Control may engage such actuarial and administrative officers and other special services as shall be deemed necessary to transact the business of the retirement system. The compensation and expenses of these actuarial and administrative officers and other special services shall be paid at such rates and in such amounts as the Board of Control shall approve. All other employees not in these categories of employment shall be employed under the provisions of the Merit System Act.
- (j) The Board of Control shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.
- (k) The Board of Control shall keep a record of all its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding school year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

(l) The Attorney General of the state shall be the legal adviser of the Board of Control.

(m) The Board of Control shall designate a medical board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall arrange for and pass upon all medical examinations required under this chapter, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the Board of Control its conclusions and recommendations upon all matters referred to it.

(n) The Board of Control shall designate an actuary who shall be the technical adviser of the Board of Control on matters regarding the operation of the funds created by the provisions of this chapter and who shall perform such other duties as are required in connection therewith.

(o) Immediately after the establishment of the retirement system, the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the Board of Control shall authorize, and on the basis of such investigation he shall recommend for adoption by the Board of Control such tables and such rates as are required in subdivisions (1) and (2) of subsection (p) of this section. The Board of Control shall adopt tables and certify rates; and, as soon as practicable thereafter, the actuary shall make a valuation based on such tables and rates, of the assets and liabilities of the funds created by this chapter.

(p) In the year 1943, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system and shall make a valuation of the assets and liabilities of the funds of the system; and, taking into account the results of such investigation and valuation, the Board of Control shall:

(1) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary; and

(2) Certify the rates of contributions payable by the state under the provisions of this chapter.

(q) On the basis of such tables as the Board of Control shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this chapter.