

Kansas Administrative Regulations

Kansas Public Employees Retirement System

Article 8.—Board Election

80-8-3. Voting.

(a) Voice Response Voting.

(1) Contents.

(A) Candidate listings shall be prepared by the executive secretary and shall:

(i) List in alphabetical sequence the names of the candidates; and

(ii) contain a resume of not more than 150 words listing the qualifications of each candidate.

(B) Separate candidate listings shall be prepared for the board position for a school member and the board position for a non-school member, as necessary.

(2) Distribution.

(A) A candidate listing shall be distributed to each member in March of the calendar year in which the term of an elected trustee expires. Active member candidate listings shall be distributed to active members through the employers' designated agents.

Retired member candidate listings shall be distributed directly to retired members by mail.

(B) The system shall maintain a listing of the names and social security numbers of each member to whom a candidate listing was sent.

(3) Voting will be by voice response using touchtone telephones.

(A) In accordance with subsection (a)(2)(B) of Section 7 of Pub. L. 93-579 (5 U.S.C. § 552a note) and K.A.R. 80-4-1, because KPERS uses social security numbers for the purpose of maintaining member records, the member's social security number shall be the voter registration number for this election process. Use of the social security number in this process shall be mandatory. There shall be no public disclosure of the social security numbers.

(B) Each member shall have from receipt of the candidate listing until April 30 to vote by touchtone telephone using a voice response system.

(C) The system shall keep a daily record of the number of votes received.

(b) Alternate voting method.

(1) The system shall set up an alternate method of voting for those individuals who may not have access to a touchtone telephone. Under the alternate method the member calling will be identified using the member's social security number. An alternate paper ballot shall be mailed to the member which the member shall return postmarked by 5:00 p.m. on April 30 as specified in paragraph (a)(3)(B) above.

(A) In accordance with subsection (a)(2)(B) of Section 7 of Pub. L. 93-579 (5 U.S.C. § 552a note) and K.A.R. 80-4-1, because KPERS uses social security numbers for the purpose of maintaining member records, the member's social security number shall be the voter registration number for this election process. Use of the social security number in this process shall be mandatory. There shall be no public disclosure of the social security numbers.

(B) The postmark date on the return envelope shall determine whether the alternate paper ballot has been returned within the prescribed period. The system shall date stamp all envelopes which are either hand delivered, not postmarked or received by the system after the last day for the return of alternate paper ballots.

(C) Each alternate paper ballot received after the time prescribed for the return of ballots shall be kept separately for inspection and disposition by the election committee.

(D) The system shall keep a daily record of the number of alternate paper ballots received.

(2) Tallying of alternate paper ballots.

(A) The system may tally the number of alternate paper ballots not earlier than four days after the last day for the return of alternate paper ballots by mail.

(B) Votes shall not be counted for write-in candidates. Alternate paper ballots where the number of votes exceeds the number of positions available shall not be counted. No alternate paper ballot containing an erasure shall be counted. Alternate paper ballots shall be marked pursuant to the instructions contained on the ballot or as provided by the system. The election committee shall be the sole judge as to the validity of any questionable ballot.

(C) Each alternate paper ballot which has been tallied shall be held by the system for a period of at least 30 days following the day when the last successful candidate takes office.

(c) Tallying of total vote count. After the final alternate paper ballot votes are counted, the votes shall be combined with the voice response totals to determine the winning candidates.

(d) Recounts.

(1) A recount of an election may be ordered by the board when the election plurality of the winning candidate over the candidate with the next highest number of votes is less than one percent of the total number of votes cast for all candidates contesting for the vacancy.

(2) Any candidate may request a recount, providing the candidate pays the total cost of the recount in advance.

(Authorized by K.S.A. 1995 Supp. 74-4909(12); implementing K.S.A. 1995 Supp. 74-4905(a)(2); effective, T-80-1-22-93, Jan. 22, 1993; effective Aug. 9, 1993; amended, T-80-9-11-96, Sept. 15, 1996; amended Dec. 20, 1996.)

***** Authenticated Kansas Administrative Regulation *****