

~~**RULE 4-1**~~
~~**BOARD OF TRUSTEES COMPOSITION AND**~~
~~**ELECTIONS**~~

~~A.C.A. § 24-7-301~~

RECEIVED

APR 19 2019

The general administration and proper operation of the System is vested in the Board of Trustees that consists of eleven (11) elected members and four (4) ex-officio members. Pursuant to ACA § 24-7-301, the Board shall adopted rules and regulations regarding the election of trustees and vacancies.

BUREAU OF
LEGISLATIVE RESEARCH

~~**I. GENERAL RULES FOR CANDIDACY AND VOTING IN TRUSTEE ELECTIONS**~~

- ~~A. For purposes of eligibility for an active member trustee position and voting, "active members" shall mean active members as defined in § 24-7-202 (2) and members participating in T-DROP, if employed by a participating employer and receiving T-DROP plan deposits.~~
- ~~B. If a candidate is employed in more than one position with a participating employer(s), eligibility shall be determined based on his/her primary position for which he/she receives the greater percentage of covered salary.~~
- ~~C. For purposes of eligibility for an administrator trustee position or voting for that position, "administrator" shall mean a public school superintendent, assistant superintendent, principal, or vice principal; a higher education president, chancellor or director; or a community college, vocational/technical or educational cooperative director, president, or vice president, who is employed by a participating employer OR any employee of an education related agency participating in ATRS that is employed in a position grade C127 or higher, including unclassified employees.~~
- ~~D. For purposes of eligibility for a licensed trustee position or voting for that position, "licensure" shall mean a person employed in a position requiring state teaching licensure or an education institution grade C117-C126 and not an administrator.~~
- ~~E. For purposes of eligibility for a nonlicensed trustee position and voting for that position, "nonlicensed" shall mean employed in a position with a participating employer that does not require state licensure including employment of an educationally related agency in a position Grade C116 or below. Nonlicensed shall not include any position defined as an administrator or licensure.~~
- ~~F. Only members are authorized to vote in a trustee election. Guardians,~~

~~attorneys in fact, or others may not vote on behalf of a member.~~

~~G. Terms not defined in these rules shall have the meaning set forth in Arkansas Code § 24-7-202 et. seq.~~

~~H. An employee working for ATRS is not eligible to be elected to the board, appointed to the board, or be a candidate to be elected or appointed to the board.~~

~~II. QUALIFICATION AND VOTER ELIGIBILITY FOR ELECTED TRUSTEE POSITIONS~~

~~There shall be four (4) active member trustees each of whom will represent one of the four congressional districts in Arkansas.~~

~~A. Active Member Trustee Position Nos. 1-4 Congressional Districts~~

~~1. Qualifications for Candidacy~~

- ~~i. Active member with a minimum of five (5) years of actual service.~~
- ~~ii. Employed by a participating employer located in the congressional district for which he/she is seeking election.~~
- ~~iii. Employed in a position requiring state teaching licensure or the equivalent under these rules.~~

~~2. Eligible Voters for Trustee Positions Nos. 1-4~~

~~Active members, regardless of credited service, employed by participating employers located in the respective congressional districts and who are otherwise eligible to be a candidate under subsection H.A.1.iii above.~~

~~B. Active Administrator Trustee Positions Nos. 5-6~~

~~There shall be two (2) active member trustees each of whom must be employed as administrators as defined in these rules.~~

~~1. Qualifications for candidacy:~~

- ~~i. Active member with a minimum of five (5) years of actual service.~~
- ~~ii. As provided in A.C.A. § 24-7-301, at least one of the administrators serving as an active administrator trustee must be employed by a participating employer as an Arkansas school superintendent.~~
- ~~iii. If an election is being held for either position and the other administrator position is not held by a superintendent, candidates for the open position must be a superintendent and the notice of election shall so state that requirement.~~
- ~~iv. Candidates for Position No. 5 and Position No. 6 shall be licensed~~

~~administrators employed by a participating employer.~~

~~2. Eligible Voters for Trustee Positions Nos. 5-6~~

~~Eligible voters for Position No. 5 and 6 shall be active members, regardless of credited service, employed as licensed administrators.~~

~~C. Nonlicensed Trustee Position No. 7~~

~~1. Qualifications for candidacy:~~

~~i. Active member with a minimum of five (5) or more years of actual service.~~

~~ii. Employed in a position not requiring state licensure.~~

~~2. Eligible Voters for Trustee Position No. 7~~

~~Eligible voters for Position No. 7 shall be all active members, regardless of credited service, who are employed by participating employers in non-licensed positions as defined these rules.~~

~~D. Minority Trustee Position No. 8~~

~~There shall be one (1) member trustee of a minority racial ethnic group.~~

~~1. Qualifications for candidacy:~~

~~i. An Active or retirant member of ATRS~~

~~ii. Member of a minority racial or ethnic group~~

~~2. Eligible Voters for Position No. 8~~

~~i. All active members, regardless of credited service~~

~~ii. Retirant members~~

~~E. Retired Member Trustees (At Large) - Position Nos. 9-11~~

~~There shall be three (3) retired member trustees who shall be "retirants" under A.C.A. § 24-7-202 (25).~~

~~1. Qualifications for Candidacy~~

~~i. Retirant member of ATRS~~

~~ii. Resident of the State of Arkansas~~

~~2. Eligible Voters for Position Nos. 9-11~~

~~All retirants of ATRS, regardless of present employment status or residency.~~

MARK-UP

~~Agency No. 088.00~~

~~Amended: April 26, 2007~~
~~February 11, 2008~~
~~December 18, 2009~~
~~Approved by Board: October 5, 2015~~
~~Amended: February 1, 2016~~
~~Effective: February 10, 2016~~

~~ELECTION PROCEDURES AND TERMS OF OFFICE FOR ELECTED TRUSTEE POSITIONS~~

~~A.C.A. §§ 24-7-301, 302~~

~~I. RULES ON ELECTED TRUSTEE NOMINATIONS~~

- ~~A. During December in a year in which an elected trustee position is subject to election or to fill a vacancy in a special election, the System shall publish a public notice of an upcoming trustee position election in a statewide newspaper for at least five (5) consecutive days. The notice will also be sent to such persons or groups that have requested a notice of Trustee vacancies. The notice shall also be posted on the System's website from December until the closing of the nomination period.~~
- ~~B. For all elected positions, a candidate must submit a petition signed by at least twenty-five (25) ATRS members who are eligible to vote for the trustee position for which the member is seeking nomination. The petition must include the last four digits of each signatory's Social Security number for verification of the member's eligibility to vote for the position.~~
- ~~C. The original petitions for nomination must be submitted to the ATRS Executive Director no later than January 10. Actual delivery must be made by January 10, regardless of postmark date or other methods to attempt delivery.~~
- ~~D. Upon receipt of a petition, the System will confirm its receipt and verify the eligibility of the candidate for the trustee position under ACA § 24-7-301. The System will verify the member's signatures signing the petition as eligible voters.~~
- ~~E. The candidates submitting a petition for nomination will receive notice by the System if the petition is accepted and will receive a list of other members who were certified to participate in the election for the trustee position for which he/she seeks nomination.~~
- ~~F. Prior to ballots being mailed, the System or its designee will conduct a random drawing for ballot position with at least two (2) independent witnesses present certifying the drawing. Candidates will be notified of the order in which he/she will be listed on the ballot.~~
- ~~G. Upon request of a candidate, the System will provide a list of mailing addresses of eligible voters for the distribution of a candidate's campaign materials. The candidate's message shall not contain information that would constitute defamation. Campaign materials will be mailed by the election contractor from its place of business. All postage for such~~

~~materials shall be the candidate's sole expense.~~

~~II. RULES ON TRUSTEE ELECTIONS-~~

- ~~A. The System shall employ an independent election service to conduct the trustee elections.~~
- ~~B. If any position receives only one nomination and the position is not contested, the Board at its next regular or special meeting may certify the nomination and declare the candidate duly elected as a trustee prior to the commencement of the trustee's term.~~
- ~~C. The System shall publish ballots that shall be submitted to the election vendor for mailing on March 15 to the member's address of record.~~
- ~~D. Completed ballots must be received by the election vendor on or before April 15 to be counted. The vendor shall only count such ballots that are correctly completed.~~
- ~~E. Results for positions not subject to a run-off election shall be certified to the System by April 20.~~
- ~~F. If upon certification of the outcome of a trustee election by the vendor, if no candidate receives at least 50% of the votes cast by eligible voters, a runoff election will be held between the two (2) candidates receiving the highest number of votes for the position. The run-off ballots will be mailed by the election vendor to eligible voters on May 1.~~
- ~~G. Completed ballots for a run-off election must be received by the election vendor on or before June 1 to be counted.~~
- ~~H. Upon the completion of the run-off election, results shall be certified by the election vendor to the System by June 5.~~
- ~~I. Any candidate included on the ballot may submit a challenge to the election vendor's certified results for an elected trustee position by submitting a written challenge to the ATRS Executive Director. A challenge must be received within five (5) calendar days of the certification of the elections results for the position at issue. If a candidate challenges the election results, the election process will be suspended for the same number of days that the resolution of the challenge requires, and the remaining election schedule will be adjusted accordingly.~~
- ~~J. Upon receipt of a challenge, the ATRS Board will hold a special meeting to consider the challenge. The Executive Director will issue a System recommendation to the Board along with the administrative record relating to the position being challenged.~~
- ~~K. For any fixed date in the election schedule that falls on a holiday or a weekend, the official date shall become the next business day.~~

~~L. Upon completion of an election, all elected trustee terms, except for special elections, begin on July 1 following the election.~~

~~III. BOARD PROCEDURES TO FILL UNEXPIRED TERMS FOR ELECTED TRUSTEES~~

~~Staff shall notify the Board of all resignations and vacancies by other causes in any Trustee position as soon as possible after staff has knowledge of the vacancy. The Board shall take appropriate action authorized by law to fill the vacancy. The Board may by majority vote appoint a trustee until the next system election. In the event the Board by majority vote determines that the vacancy should be filled by a special election, then a special election shall be scheduled as follows:~~

~~If an elected trustee position is declared vacant by the Board and is to be filled by a special election then, in accordance with this regulation, the System shall publish notice that a special election will be held and will announce the schedule for the special election, which will include the following: 1) the date the vacancy occurred and position being vacated; 2) the time period for circulating petitions for nominating signatures; 3) the deadline for filing petitions with the System; 4) the date the System will verify the validity of petitions; 5) the date ballots will be sent to eligible voters; 6) the election date; and 7) the date the term shall begin.~~

~~IV. TERM OF ELECTED TRUSTEE OFFICE AND VACANCIES~~

- ~~A. The term of office of each elected trustee shall be six (6) years.~~
- ~~B. Each trustee shall continue to serve as trustee until his or her term expires unless he/she resigns or is otherwise ineligible under these rules.~~
- ~~C. In a year in which a six (6) year term of a trustee expires, the position shall be filled under the regular election schedule in ATRS Rules.~~
- ~~D. A trustee elected to fill an unexpired term in a special election will serve for the remainder of the six (6) year term of the vacating trustee.~~

~~V. RULES ON ELECTED TRUSTEE VACANCIES~~

- ~~A. An active member trustee shall be ineligible to serve after becoming inactive or retiring.~~
- ~~B. An active member trustee shall be ineligible to serve if he or she changes employment category during his or her term of office and the employment category is a requirement of the trustee position, i.e., an administrator becomes a classroom teacher.~~
- ~~C. A retirant member trustee shall be ineligible to serve after becoming active.~~

- ~~D. An absence that is excused by a majority of the members of the Board shall not be counted towards a vacancy. Attendance on either day of a two-day Board meeting is sufficient to meet the attendance requirement.~~
- ~~E. The Board of Trustees or its designee will notify the Board member after the second consecutive absence.~~
- ~~F. A vacancy will occur if the Board votes to declare a position vacant due to one of the following:

 - ~~1. A trustee is absent for three (3) consecutive regular Board meetings and the absences are not excused by the Board;~~
 - ~~2. A trustee is ineligible due to a change in status under A.C.A. § 24-7-302 resulting in three (3) consecutive absences at regular Board meetings prior to the expiration of the trustee's term; or~~
 - ~~3. Resignation or death of a trustee which will create three (3) or more consecutive absences at regular Board meetings prior to the expiration of the trustee's term.~~~~

~~If the Board declares a vacancy by resolution under the section above, the Board may vote to hold a special election to fill an unexpired term under the Board procedures to fill unexpired terms for elected trustees. If the Board does not certify a vacancy under this section, the vacancy will be filled during the next annual ATRS election held upon expiration of an elected trustee's term, utilizing approved election procedures for that position.~~

Approved:	May 10, 2000	
Amended:	February 11, 2008	
	December 18, 2009	
	July 1, 2011	(Emergency)
Adopted:	August 8, 2011	
Effective:	November 11, 2011	

ATRS Rule 4

ELECTION OF BOARD OF TRUSTEES

A.C.A. §§ 24-7-301, 24-7-302

The general administration and proper operation of ATRS is vested in the Board of Trustees that consists of eleven (11) elected members and four (4) ex officio members. Pursuant to A.C.A. § 24-7-301, the Board shall adopt rules and regulations regarding the election of trustees and *trustee* vacancies.

I. General Rules for Candidacy and Voting in Trustee Elections

- A. For purposes of eligibility for an active member trustee position and voting, "active members" shall mean active members as defined in A.C.A. § 24-7-202 and members participating in T-DROP, if employed by a participating employer and receiving T-DROP plan deposits.
- B. If a candidate is employed in more than one position with a participating employer(s), eligibility shall be determined based on their primary position for which they receive the greater percentage of covered salary.
- C. For purposes of eligibility for an administrator trustee position or voting for that position, "administrator" shall mean a public school superintendent, assistant superintendent, principal, or vice-principal; a higher education president, chancellor or director; or a community college, vocational/technical or educational cooperative director, president, or vice president, who is employed by a participating employer; OR any employee of an education related agency participating in ATRS that is employed in a position grade *GS13 or above or its equivalent*, including unclassified employees.
- D. For purposes of eligibility for a licensed trustee position or voting for that position, "licensure" shall mean a person employed in a position requiring state teaching licensure or an education institution grade *GS09-GS12 or its equivalent* and who is not an administrator.
- E. For purposes of eligibility for a nonlicensed trustee position and voting for that position, "nonlicensed" shall mean a *member* employed in a position with a participating employer that does not require state licensure including employment in an educationally related agency in a position grade *GS08 or below or its equivalent*. Nonlicensed shall not include any position that is defined as an administrator or *that requires* licensure.
- F. Only members are authorized to vote in a trustee election. Guardians, attorneys-in-fact, or others may not vote on behalf of a member.
- G. Terms not defined in these rules shall have the meaning set forth in A.C.A.

MARK-UP

§ 24-7-202 et. seq.

H. An employee working for ATRS is not eligible to be elected to the board, appointed to the board, or be a candidate to be elected or appointed to the board.

II. Qualifications and Voter Eligibility for Elected Trustee Positions

There shall be four (4) active member trustees each of whom will represent one of the four congressional districts in Arkansas.

A. Active Member Trustee Position Nos. 1-4 - Congressional Districts

1. Qualifications for Candidacy

- a. Active member with a minimum of five (5) years of actual service.
- b. Employed by a participating employer located in the congressional district for which he/she is seeking election.
- c. Employed in a position requiring state teaching licensure or the equivalent under these rules.

2. Eligible Voters for Trustee Position Nos. 1-4

Active members, regardless of credited service, employed by participating employers located in the respective congressional districts and who are otherwise eligible to be a candidate under this subsection.

B. Active Administrator Trustee Position Nos. 5-6

There shall be two (2) active member trustees each of whom must be employed as an administrator as defined in these rules.

1. Qualifications for candidacy:

- a. Active member with a minimum of five (5) years of actual service.
- b. As provided in A.C.A. § 24-7-301, at least one of the administrators serving as an active administrator trustee must be employed by a participating employer as an Arkansas school superintendent or educational cooperative director.
- c. If an election is being held for either position and the other administrator position is not held by a superintendent or educational cooperative director, candidates for the open position must be a superintendent or educational cooperative director and the notice of election shall so state that requirement.
- d. Candidates for Position No. 5 and Position No. 6 shall be licensed administrators employed by a participating employer.

2. Eligible Voters for Trustee Position Nos. 5-6

MARK-UP

Eligible voters for Position Nos. 5 and 6 shall be active members, regardless of credited service, employed as licensed administrators.

C. Nonlicensed Trustee Position No. 7

1. Qualifications for candidacy:

- a. Active member with a minimum of five (5) years of actual service.
- b. Employed in a position not requiring state licensure.

2. Eligible Voters for Trustee Position No. 7

Eligible voters for Position No. 7 shall be all active members, regardless of credited service, who are employed by participating employers in nonlicensed positions as defined these rules.

D. Minority Trustee Position No. 8

There shall be one (1) member trustee of a minority racial ethnic group.

1. Qualifications for candidacy:

- a. An active or retiree member of ATRS with a minimum of five (5) years of actual service
- b. Member of a minority racial or ethnic group

2. Eligible Voters for Trustee Position No. 8

- a. All active members, regardless of credited service
- b. Retiree members

E. Retired Member Trustees (At-Large) - Position Nos. 9-11

There shall be three (3) retired member trustees who shall be "retirees" or "retirants" as defined under A.C.A. § 24-7-202.

1. Qualifications for Candidacy

- a. Retiree member of ATRS
- b. Resident of the State of Arkansas

2. Eligible Voters for Trustee Position Nos. 9-11

All retirees of ATRS, regardless of present employment status or residency.

III. Rules on Elected Trustee Nominations

A. During December in a year in which an elected trustee position is subject to election or to fill a vacancy in a special election, ATRS shall publish public notice of an upcoming trustee position election in a statewide newspaper for at least five (5) consecutive days. The notice will also be

MARK-UP

- sent to such persons or groups that have requested a notice of Trustee vacancies. The notice shall also be posted on the ATRS website from December until the closing of the nomination period.
- B. For all elected positions, a candidate must submit a petition signed *legibly* by at least twenty-five (25) ATRS members who are eligible to vote for the trustee position for which the member is seeking nomination. The petition must include the last four digits of each signatory's Social Security number for verification of the member's eligibility to vote for the position.
- C. The original petitions for nomination must be submitted to the ATRS Executive Director no later than January 10. Actual delivery must be made by January 10, regardless of postmark date or other methods to attempt delivery.
- D. Upon receipt of a petition, ATRS will confirm its receipt and verify the eligibility of the candidate for the trustee position under A.C.A. § 24-7-301. ATRS will verify the member's signatures signing the petition as eligible voters.
- E. The candidates submitting a petition for nomination will receive notice by ATRS if the petition is accepted and will receive a list of other members who were certified to participate in the election for the trustee position for which they seek nomination.
- F. Prior to ballots being mailed, ATRS or its designee will conduct a random drawing for ballot position. At least two (2) independent witnesses shall be present to certify the drawing of the ballot position. Candidates will be notified of the order in which they will be listed on the ballot.
- G. Upon request of a candidate, ATRS will provide a list of mailing addresses of eligible voters for the distribution of a candidate's campaign materials. The candidate's message shall not contain information that would constitute defamation *of another candidate*. Campaign materials will be mailed by the election vendor from its place of business. All postage for such materials shall be the candidate's sole expense.

IV. Rules on Trustee Elections

- A. ATRS shall employ an independent election vendor to conduct the trustee elections.
- B. If any position receives only one nomination and the position is not contested, the Board at its next regular or special meeting may certify the nomination and declare the candidate duly elected as a trustee prior to the commencement of the trustee's term.
- C. ATRS shall publish ballots that shall be submitted to the election vendor for mailing on March 15 to the member's address of record.

MARK-UP

- D. Completed ballots must be received by the election vendor on or before April 15 to be counted. The vendor shall only count such ballots that are correctly completed.
- E. Results for positions not subject to a run-off election shall be certified to ATRS by April 20.
- F. If upon certification of the outcome of a trustee election by the vendor, if no candidate receives at least 50% of the votes cast by eligible voters, a runoff election will be held between the two (2) candidates receiving the highest number of votes for the position. The run-off ballots will be mailed by the election vendor to eligible voters on *or before* May 1.
- G. Completed ballots for a run-off election must be received by the election vendor on or before June 1 to be counted.
- H. Upon the completion of the run-off election, results shall be certified by the election vendor to ATRS by June 5.
- I. Any candidate included on the ballot may submit a challenge to the election vendor's certified results for an elected trustee position by submitting a written challenge to the ATRS Executive Director. A challenge must be received within five (5) calendar days of the certification of the elections results for the position at issue. If a candidate challenges the election results, the election process will be suspended for the same number of days that the resolution of the challenge requires, and the remaining election schedule will be adjusted accordingly.
- J. Upon receipt of a challenge, the ATRS Board will hold a special meeting to consider the challenge. The Executive Director will issue an ATRS recommendation to the Board along with the administrative record relating to the position being challenged.
- K. For any fixed date in the election schedule that falls on a holiday or a weekend, the official date shall become the next business day.
- L. Upon completion of an election, all elected trustee terms, except for special elections, begin on July 1 following the election.

V. Board Procedures to Fill Unexpired Terms for Elected Trustees

ATRS staff shall notify the Board of all resignations and vacancies by other causes in any Trustee position as soon as possible after staff has knowledge of the vacancy. The Board shall take appropriate action authorized by law to fill the vacancy. The Board may by majority vote appoint a trustee until the next ATRS election. In the event the Board by majority vote determines that the vacancy should be filled by a special election, then a special election shall be scheduled as follows:

If an elected trustee position is declared vacant by the Board and is to be

MARK-UP

filled by a special election then, in accordance with this rule, ATRS shall publish notice as set out in Section III.A. that a special election will be held and will announce the schedule for the special election, which will include the following: 1) the date the vacancy occurred and position being vacated; 2) the time period for circulating petitions for nominating signatures; 3) the deadline for filing petitions with ATRS; 4) the date ATRS will verify the validity of petitions; 5) the date ballots will be sent to eligible voters; 6) the election date; and 7) the date the term shall begin.

VI. Term of Elected Trustee Office and Vacancies

- A. The term of office of each elected trustee shall be six (6) years.
- B. Each trustee shall continue to serve as trustee until his or her term expires unless they resign or is otherwise ineligible under these rules.
- C. In a year in which a six (6) year term of a trustee expires, the position shall be filled under the regular election schedule in this rule.
- D. A trustee elected to fill an unexpired term in a special election will serve for the remainder of the six (6) year term of the vacating trustee.

VII. Rules on Elected Trustee Vacancies

- A. An active member trustee shall be ineligible to serve after becoming inactive or retiring.
- B. An active member trustee shall be ineligible to serve if he or she changes employment category during his or her term of office and the employment category is a requirement of the trustee position, i.e., an administrator becomes a classroom teacher.
- C. A retiree member trustee shall be ineligible to serve after becoming active.
- D. A trustee vacancy may occur if the trustee is absent from meetings.
 - 1. The Board of Trustees or its designee will notify the Board member after the second consecutive absence.
 - 2. A vacancy shall occur if the Board votes to declare a position vacant due to one of the following:
 - a. A trustee is absent for three (3) consecutive regular Board meetings and the absences are not excused by the Board. An absence that is excused by a majority of the members of the Board shall not be counted towards a vacancy. Attendance on either day of a two-day Board meeting is sufficient to meet the attendance requirement for that meeting.
 - b. A trustee is ineligible due to a change in status under A.C.A. § 24-7-302 resulting in three (3) consecutive absences at regular Board

MARK-UP

meetings prior to the expiration of the trustee's term; or

- c. Resignation or death of a trustee which will create three (3) or more consecutive absences at regular Board meetings prior to the expiration of the trustee's term.

If the Board declares a vacancy by resolution under the section above, the Board may vote to hold a special election to fill an unexpired term under the Board procedures to fill unexpired terms for elected trustees. If the Board does not certify a vacancy under this section, the vacancy will be filled during the next annual ATRS election held upon expiration of an elected trustee's term, utilizing approved election procedures for that position.