



# California Senior Legislature Election Rules and Procedures 2014

# California Senior Legislature

## Election Rules and Procedures (2014)

### Table of Contents

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Introduction .....	2
Voter and candidate eligibility .....	2
Election Procedures.....	2
Election methods .....	2
San Bernardino County election method .....	3
Brown Act.....	3
Candidate election considerations .....	3
Election process.....	4
Election committee.....	4
Publicity.....	4
San Bernardino County publicity.....	5
Campaigning.....	5
San Bernardino County campaigning .....	5
Ballot counting .....	6
San Bernardino County ballot counting.....	6
Election results.....	7
San Bernardino County election results.....	7
Contested elections .....	8
Late submission of election results .....	8
Vacancies .....	9

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# California Senior Legislature Election Rules and Procedures 2014

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## **Introduction**

The California Senior Legislature (CSL) is a non-partisan, volunteer organization made up of 120 elected members. These 40 Senior Senators and 80 Senior Assembly Members are elected every 4 years by their peers (persons 60 years of age or older) to represent seniors throughout the State.

The primary mission of the CSL is to gather ideas for legislation, turn the ideas into formal proposals for presentation to members of the Legislature or Congress, and advocate for laws implementing the ideas.

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## **Voter and candidate eligibility**

Voter and candidate eligibility is defined as persons age sixty (60) or over on election-day, who are registered voters and reside in the Public Service Area (PSA) where the election is occurring.

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## **Election Procedures**

Election of members to the CSL will be held every 4 years in May, which includes 1 Senior Senator and 3 Senior Assembly Members for Public Service Area (PSA) 20, San Bernardino County. Election results must be reported to the CSL office by 5pm, May 31. Positions for the newly elected CSL members are effective in October of the election year.

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## **Election methods**

When there is competition for a seat, any of the five election methods listed below may be used. The method selected is to be determined by the Area Agency on Aging (AAA), which is the Department of Aging and Adult Services (DAAS) in San Bernardino County.

- A. On-site polling stations balloting;
  - B. Absentee balloting;
  - C. A combination of #A and #B above;
  - D. AAA Advisory Councils, which is the Senior Affairs Commission (SAC) in San Bernardino County, and/or the AAAs may hold meetings or caucuses for the purpose of electing CSL members; and
  - E. Eligible AAA Advisory Council (SAC) members may be the electing body of CSL members if none of the other election methods is feasible.
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# California Senior Legislature Election Rules and Procedures 2014, Continued

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## San Bernardino County election method

San Bernardino County AAA (DAAS) has determined that method “E” will be used for the current election, due to lack of funding to support the other election methods.

If the election is by Method E – eligible AAA Advisory Council (SAC) members – the rules listed below must be followed:

- I. AAA election committee shall solicit candidates and verify their eligibility. (Refer to “Voter and candidate eligibility” section on Page 1 of these procedures.)
  - II. Candidates, who have otherwise complied with election rules and procedures, shall make themselves known to Advisory Council (SAC) members by each speaking briefly at the Advisory Council (SAC) meeting at which the election is being held.
  - III. Election shall be cast by ballot and only by those Advisory Council (SAC) members who are eligible to vote in accordance with the eligibility guidelines in the “Voter and candidate eligibility” section on Page 1 of these procedures.
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## Brown Act

Advisory Council (SAC) must comply with the Brown Act, which states that only public or open voting may be utilized; no secret ballots. Members may cast their ballot(s):

- Orally or by raising his/her hand, with the results tallied at that time, or
  - In writing, so long as the ballots:
    1. Contain the voting member’s name,
    2. Indicate how the member voted,
    3. Are tallied in open session, and
    4. Are filed and become public record.
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## Candidate election considerations

**Candidate list publicity:** A Candidate list will be published by the AAA no later than thirty (30) days prior to the election date.

If there is only one candidate for a seat, that person will be declared as elected by the AAA Advisory Council (SAC).

If there are no candidates for a seat, the eligible AAA Advisory Council (SAC) members will cast a ballot for the candidate of their choice.

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# California Senior Legislature Election Rules and Procedures 2014, Continued

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## **Election process**

Lead agency role and responsibility:

- A. The AAA and its Advisory Council (SAC) are responsible for seeing that the CSL election is undertaken within its planning and service area according to these election rules and procedures.
  - B. It is allowed local flexibility in determining the most appropriate process and method to be used.
  - C. The Area Agency may contract out or designate one or more appropriate local entities to conduct the election.
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## **Election committee**

The AAA is encouraged to designate an Election Committee six (6) months prior to the election, whose responsibility will be to design and monitor the election process. The CSL Office will notify each PSA office six (6) months prior to the election.

The Committee may include Advisory Council (SAC) members, Area Agency staff, representatives from local senior organizations and a designee (if applicable) of the entity responsible for conducting the election.

No member of the Election Committee may be a candidate in the election or a campaign worker for any qualifying candidate, nor may they endorse any candidate. CSL members may not serve on the Election Committee.

The election method and procedures to be used shall be in writing and widely publicized two (2) months prior to election. All candidates will be notified, as well as voting venues, if applicable.

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## **Publicity**

Publicity information when Election Methods A-D are used is as follows:

- The CSL date for filing nomination petitions, official candidate list, election method, polling sites (if applicable), election date, voting hours (if applicable), and any other pertinent details should all be extensively publicized through local television, radio, print media, senior centers, and wherever else possible.
  - If applicable, the availability of absentee ballots and the procedure for securing such ballots shall be widely publicized.
  - Eligible candidates should be encouraged by the AAA to campaign throughout their respective planning and service areas/districts as appropriate.
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# California Senior Legislature Election Rules and Procedures 2014, Continued

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## **San Bernardino County publicity**

The election method and procedures to be used will be widely publicized two months prior to the election using the following methods:

- Election method and procedures posted on the AAA (DAAS) website at <http://hss.sbcounty.gov/daas/>.
  - Informational flyer detailing election method and procedures for candidacy sent to Senior Centers and posted on the AAA (DAAS) website at <http://hss.sbcounty.gov/daas/>.
  - Press Release
  - Public Service Announcement
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## **Campaigning**

The following information applies to campaigning:

- A. If Election Method A or C is used, there will be no campaigning on Election Day within one hundred feet of the polling site.
  - B. If Election Method B, D or E is used, campaigning areas will be determined by the AAA or its designee in accordance with the type of election meeting or caucus being held.
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## **San Bernardino County campaigning**

Campaigning areas will be determined by the AAA or its designee in accordance with the type of election meeting or caucus being held.

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# California Senior Legislature Election Rules and Procedures 2014, Continued

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## Ballot counting

The following information applies to ballot counting:

- A. When polling sites have been closed (note: they must remain open through the publicized time whether or not there are few voters), the sealed ballot box(es) will be delivered to a location designated by the Area Agency, or its designee.
- B. Counting procedures shall be established in writing and provided to the CSL and the candidate. The process will be monitored by representatives from the Election Committee. **NO CANDIDATE** shall be allowed to count ballots. However, a candidate may designate a ballot monitor who may be present during the counting of the votes. Candidates will be informed prior to the counting of the ballots.
- C. All ballots shall be counted within five (5) working days of the election.
- D. If Election Method #C was selected, on-site and absentee ballots shall be counted at the same time.
- E. If Election Method #D or #E was selected, ballots will be counted immediately upon an official declaration of closure of the election balloting at the meeting or caucus.
- F. Upon opening the sealed ballot boxes, a cross-check should be made between the number of signatures on the polling site sign-in sheet and the number of ballots in the ballot box. Any discrepancy should be noted for the record.
- G. Registration sheets and ballots will be sealed and retained at the AAA for at least three (3) months following the elections.
- H. Ballots not marked or improperly marked will be voided and retained in the file with other ballots.

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## San Bernardino County ballot counting

Ballot counting procedures shall be established in writing and provided to the CSL and the candidate. The process will be monitored by representatives from the Election Committee. **No candidate shall be allowed to count ballots.** However, a candidate may designate a ballot monitor who may be present during the counting of the votes. Candidates will be informed prior to the counting of the ballots.

All ballots will be counted immediately upon an official declaration of closure of the election balloting at the meeting or caucus.

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# California Senior Legislature Election Rules and Procedures 2014, Continued

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**Election results** The following information applies to election results:

- A. A member of the Elections Committee will verify the ballot count.
  - B. The AAA will notify the CSL office in writing of the election results within seven (7) calendar days following the election.
  - C. A plurality of one (1) vote constitutes a winner. Should there be a tie, the winner will be determined by lot with both candidates in attendance.
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**San Bernardino  
County election  
results**

A member of the Elections Committee will verify the ballot count.

- A plurality of one (1) vote constitutes a winner. Should there be a tie, the winner will be determined by lot with both candidates in attendance.
  - The AAA will notify the CSL office, in writing, of the election results within seven (7) calendar days following the election, but no later than 5pm, May 31.
  - If election results have not been received from the PSA in the CSL office by June 15, the Chair of the Joint Rules Committee will send a letter to the AAA.
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# California Senior Legislature Election Rules and Procedures 2014, Continued

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## **Contested elections**

Any candidate contesting the election results must file a written complaint with the AAA within five (5) working days following the announcement of the election results.

- A. The election may be contested by a candidate on one or more of the following grounds:
    - i. Omission of an eligible candidate's name on the ballot.
    - ii. Altering of ballots.
    - iii. Verification of voting by an ineligible person.
    - iv. Duplicate voting by an eligible person.
    - v. Deviation from election rules without prior written approval of the CSL Joint Rules Committee.
    - vi. The use by the Election Committee and/or AAA of methods and procedures other than those that had been announced and publicized.
  - B. A copy of the challenger's written complaint must be sent by the AAA to the Chair of the CSL Joint Rules Committee within five (5) working days of receipt of such complaint.
  - C. The Area Agency Director will respond to the complaint in writing within ten (10) days after receipt of the written complaint.
  - D. All efforts should be made to set a meeting of one representative each of the CSL Joint Rules Committee and the AAA or its designee, and the winning candidate(s) and the challenger(s).
  - E. If the decision of the AAA is not acceptable to the challenger(s), an appeal may be made to the CSL Joint Rules Committee.
  - F. The final resolution of an appeal shall be made by a two-thirds (2/3) vote of the CSL Joint Rules Committee.
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## **Late submission of election results**

If election results from the PSA's have not been received in the CSL office by June 15, the Chair of the Joint Rules Committee will send a letter to the AAA.

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# California Senior Legislature Election Rules and Procedures 2014, Continued

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## **Vacancies**

The following information applies to vacancies during the term of a senior legislator:

1. When a vacancy is created at any time during the term by a senior legislator moving out of the planning and service area or district in which he or she were elected to serve, or through death, resignation, recall, or an invalid election, one of the following methods will be used by the AAA to fill the vacancy:
    - A. Hold an election to fill the vacancy; or
    - B. Request the AAA Advisory Council (SAC) appoint a person to fill the vacancy; or
    - C. Leave the seat vacant until the next election, if less than three (3) months remain prior to the election for a new term.
  2. The CSL Joint Rules Committee and the CSL office will be notified of the new legislator within ten (10) working days of the election or appointment.
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