

**FEATHER RIVER RAIL SOCIETY  
AGENDA REPORT**

DATE: 11/9/2023  
TO: Board of Directors  
FROM: Kerry Cochran, General Superintendent  
MEETING: 11/11/2023  
ITEM: New Business  
SUBJECT: Policies

Review and Approve revised Nominations and Elections Policy PM0025 revision 12.  
This revision has revisions that have been in holding and need to be corrected in the policy.  
This has been reviewed by the Nominations and Elections committee and approved.

ACTION: Review and Approve



## WESTERN PACIFIC RAILROAD MUSEUM POLICY

### Nominations and Elections

*Effective Date:* 1/1/2021  
*Next Review Date:* 12/31/2025  
*Replaces:* 12/04/2004

*Legal Review Date:* 01/05/2015

THE FRRS BOARD SHALL CREATE A STANDING NOMINATION AND ELECTION COMMITTEE TO **SOLICIT CANDIDATES AND ADMINISTER THE ELECTION PROCESS.**

THE MEMBERS OF THE COMMITTEE SHALL BE CONFIRMED NO LATER THAN THE AUGUST FRRS BOARD OF DIRECTORS MEETING OF EACH YEAR.

THE COMMITTEE WILL HAVE THE OPTION TO SOLICIT BOTH MEMBERS AND NON-MEMBERS TO ASSIST WITH ALL PHASES OF THE NOMINATION AND ELECTION PROCESS.

- (A) Nominations for the election of directors shall be submitted by voting members of the corporation in writing, by mail or email (electronic mail) addressed to the Nomination and Election Committee at its address, or personally delivered to the Nomination and Election Committee, to be received no earlier than January 1<sup>st</sup>, and no later than January 31<sup>st</sup> of each year.
- (B) The FRRS recognizes email as a form of written communication (unless otherwise specified). Therefore, a nominee and all other communications to the Nomination and Election Committee (except voting ballots) may be performed by email to the Nomination and Election Committee at [election@wplives.org](mailto:election@wplives.org) and **not directly to committee members.**
- (C) All physical mail to the Nomination and Election Committee must be sent to either the Nomination and Election Committee address on file or the FRRS in Portola California and not to individual committee members. Expect a slight delay if through the FRRS address.
- (D) Nominees may withdraw their names from nomination by written notice to the Nomination and Election Committee on or before the first Monday in March.
- (E) The Nomination and Election Committee shall be responsible for the preparation, mailing, and receipt of all ballots.
- (F) The committee will be responsible for deciding on a unique security feature to identify returned ballots as being the official ballot. This could be a conductor's punch, watermark, on something on the back of the ballot, etc.
- (G) Ballots shall be mailed by the committee on or before the 3<sup>rd</sup> Monday of April to paid members in good standing, as of the 28<sup>th</sup> of February. **All ballots will be mailed via First Class Mail to the membership with "Return Service Requested"**
- (H) Ballots must be returned to the ballot return address no later than 5.00 p.m. seven days prior to the Friday before the day of the annual meeting.



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- (I) Elections shall be by secret written ballot.
- (J) Each ballot shall only contain the full name of each candidate together with the designation "Inc", if the nominee is an incumbent, together with voting instructions. Ballot position of candidate(s) shall be determined by lot drawing.
- (K) Spaces will be provided for write-in candidate(s), equal to the number of positions open to be voted upon.
- (L) Each candidate may, at their option, provide to the Nomination and Election Committee, no later than the second Monday in February, an information statement. These statements shall be separate from the ballot but mailed with the ballot to each eligible voter (with the ballot mailing). These statements shall include membership number, date of becoming a member, previous offices and positions held in the corporation for each candidate.
- (M) Such statements shall only pertain to the candidate and his/her service and qualifications; statements in opposition to other candidates shall not be permitted. Statements and names of members endorsing candidates shall be allowed with said statement; statements in opposition to other candidates shall not be permitted.

The Candidate Statements shall be sent to the FRRS Board for review per paragraph (M) of the Election Policy within 5 days after the statement closing date and the FRRS Board shall have until February 28<sup>th</sup> of that election year to review these and return the validated candidate statements to the Nomination and Election Committee for final printing.

The Board of Directors shall review all candidate statements for proper statements of qualifications and return any candidate statements that do not meet the Code of Ethics and bring discredit or embarrassment to the Feather River Rail Society or to their profession in any activity. Candidate will have 48 hours to respond or return a revised statement.

Such statements shall not exceed one sheet of eight and one-half by eleven inch paper; however, candidates or others may utilize both sides of the paper. The corporation shall pay for the cost of mailing these statements with election material.

Each candidate or members submitting a statement will be responsible for the cost of the printing of said statement. Likewise, in the event it becomes necessary to use a mailing service, the fees from any mailing service shall be similarly prorated. The Nomination and Election Committee may require an advance deposit of the prorated share of the costs prior to the printing and assembly of the ballot mailing. Currently there is a flat rate charge of \$100.00 (subject to change, due to printing costs) for the inclusion of the candidate's statement the cost of which is to be borne by that candidate themselves. Any candidate submitting a statement shall be required to submit the payment at the time the statement is presented to cover costs of reproduction and mailing preparation. Checks, money orders or electronic funds shall be made out to the FRRS (Feather River Rail Society).



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Members and/or candidates can submit additional material at their own expense, under the same guidelines, review and timelines as candidate's statements. The organization shall not incur any cost for any additional cost for printing and/or mailing.

The candidate's statement must indicate at the bottom of the statement, that "Not prepared or reproduced at the Society's expense and does not necessarily represent the Society's policies and positions".

- (N) The Board in its rules and regulations shall provide for the balloting procedure. This procedure shall provide for a secret mail ballot as described below. The ballot shall be folded, inserted, sealed by the voting member in an inner envelope provided by the corporation. The inner envelope shall contain no markings other than that necessary to identify it as the inner envelope. The inner return envelope containing the ballot shall be returned in a special self-addressed outer envelope. The Nomination and Election Committee shall compare the membership number and name against the list of qualified voters prior to the mailing of ballots.
- (O) The FRRS Board at its May meeting shall select members of the corporation to serve as tellers to count the ballots. These tellers shall be neither, directors, candidates, or relatives, by marriage or birth, of either a director(s) or a candidate(s). Tellers are to be selected by the FRRS Board of Directors and not the Nomination and Election Committee.
- (P) All directorships to be filled at any election shall be voted for together, each voting member being permitted to vote for as many candidates as there are vacancies to be filled.

The three candidates receiving the highest number of votes shall be elected to the full three year terms to be filled at that election. If any unexpired portion(s) of director(s) terms are to be filled at that election, then the candidate respectively receiving the next highest number of votes shall be elected to fill the longest unexpired term of office, and so on until all vacant positions have been filled.

Should more candidates than the number required to fill vacancies having the same term of office receive the same number of votes, **the tie will be resolved by drawing from among those persons**. Names will be drawn until the vacancies of equal term have been filled, then until vacancies of the next shorter term have been filled, and so on until the tie has been broken.

Should a tie occur with two or more candidates, the tie will be resolved by a drawing from among those persons (candidates) as indicated above.

Should a re-count be requested by a candidate, the Nomination and Elections Committee shall consult with the FRRS Board of Directors as to the process to be used. This may be just a general recount and/or if necessary, the FRRS Board of Directors may advise the Nomination and Elections Committee to use a third party for the recount. **Persons requesting the recount will be responsible for all costs (if any) involved to the society to perform the recount.**



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- (Q) Ballots which violate the election procedures set forth in the election materials provided to the members shall be deemed null and void. Possible procedural violations include:
- Any outer envelope containing more than one inner envelope. (Family membership for two votes is allowed.)
  - Inner envelope containing more than one ballot.
  - Ballot returned to a location other than that identified in the election materials.
  - Ballots with ineligible candidates.
  - Ballots without the inner envelope.
  - Copied ballots.
  - Ballots with more votes than open positions.
- (R) The committee will be solely responsible for deciding which, if any, ballots will be disqualified. However, the disqualified ballots must be kept in their original as received condition and the reason for disqualification must be documented. The disqualified ballots and documentation of reason will be turned over to the FRRS Secretary along with all the ballots and election materials upon completion of the elections process.
- (S) The committee, at the May FRRS Board of Directors meeting, will announce the time and place of the ballot counting.
- (T) The FRRS Board at this time may select two (2) members to witness the counting of the ballots.
- (U) Each candidate may send a witness to be present at the ballot counting.
- (V) This provision, is provided that any witness, shall not interfere with the tellers and the vote counting process. (Any witness can be one in the same as sent by the FRRS Board of Directors and/or a candidate.)
- (W) The tellers shall report and certify the accuracy and proper procedure of the vote at the annual meeting of members of the corporation as provided for in the by-laws. The tellers shall report to the Nomination and Elections Committee and the FRRS Board of Directors prior to the Annual Membership Meeting that all procedures and accuracy were followed.
- (X)
- The Nomination and Elections Committee shall be ready to announce the outcome of the election at least one hour prior to the opening of the Annual Membership Meeting.
  - In the case of situations such as the COVID-19 Virus of 2020, or some other disaster that will not allow for the Annual Membership Dinner and Election vote count and announcement, the FRRS Board of Directors will make an announcement on the society's website and in the next regular issue of the FRRS Newsletter (*The Train Sheet*).
- (Y) Upon completion of their report the tellers shall render custody of the ballots and tally sheets to the Secretary of the corporation. The Secretary will retain the outer envelopes, ballots and



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tally sheets for not less than three (3) years. During this retention they will be treated as part of the records of the annual meeting of members that they were reported at.

~~(Z) No cumulative voting for members of the FRRS Board of Directors shall be permitted.~~

~~If at the end of the nomination period the number of nominees equals the number of open positions, commonly known as a white ballot, the following shall occur:~~

- ~~a) The voting members of the corporation shall be notified in writing that a white ballot exists.~~
- ~~b) The member notification shall contain instruction for petitioning, in writing, the FRRS Board of Directors to conduct a write in campaign.~~
- ~~c) Petitions shall be accepted during the period set aside for the acceptance of candidate statements.~~
- ~~d) The Membership Secretary shall be responsible for verifying the petition submitter is qualified to hold the position of director.~~

(AA) If a white ballot exists at the end of the period for candidate statement submission then the nominees shall be considered elected and the membership notified of the election results **electronically and via the Train Sheet and the FRRS/WPRM website.**

(BB) The Nomination and Elections Committee will be responsible for deciding on a security feature on the ballot to identify returned ballots as being the official ballot. This could be a conductor's punch, watermark on the back, etc.



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POLICY**

**Nominations and Elections**

**Change Log:**

<b>Rev Number</b>	<b>Changes</b>	<b>By</b>	<b>Date</b>
0	Initial Issue Format updates Legal Review	Kerry Cochran Paul Finnegan Porter/Simon	4/5/2018 4/6/2018 4/13/2018
9	Minor updates	Kerry Cochran	1/1/2021
10	Minor updates	Matthew Shuman Kerry Cochran	2/6/2021
11	Minor updates	Matthew Shuman Kerry Cochran	2/6/2021
12	Updates to meet current conditions	Matthew Shuman Kerry Cochran	11/8/2023