

REGULATORY PROPOSAL: Updates to Board Elections Regulations

SUMMARY

Staff is seeking approval to initiate preliminary rulemaking activities to amend the existing regulations that govern Teachers' Retirement Board elections to make various substantive and technical changes to allow for flexibility during the nomination process.

RECOMMENDATION

Staff recommends that the board approve initiation of preliminary rulemaking activities to make updates to the existing Board Elections regulations. The board's policy is to support or sponsor regulations that provide more effective and efficient administration of the retirement plan. In addition, this proposal aligns with the CalSTRS Strategic Plan Goal 2: Leading innovation and managing change—Innovate to grow resiliency and efficiency in service of our members.

BACKGROUND

During the most recent nomination period for the 2023 board elections, several candidates shared their experience and concerns with the existing nomination process. Specifically, the concerns raised included:

- Petitioners providing personal information, such as the last four digits of their Social Security number, on the nomination packet.
- Candidates having difficulty collecting wet signatures because of remote work conditions.
- Candidates having to submit nomination packets to CalSTRS headquarters in physical form or via facsimile.

In addition, the Ombuds recommends updating existing regulations to align with gender neutral terms.

Statute governing board member elections exempts adoption of the corresponding regulations from the formal rulemaking process under the Administrative Procedure Act. Therefore, amendments to the existing regulations presented to the board do not require CalSTRS to, among other things, submit the adopted regulations to the Office of Administrative Law for approval.

PROPOSED CHANGES

With the board's approval, a drafting team will be formed to engage with stakeholders and to craft the necessary amendments to the existing Board Elections regulations. The drafting team would explore regulatory amendments to:

- Collect less confidential or sensitive personal information while still receiving enough detail to verify a petitioner's eligibility.
- Allow for electronic signatures for petition forms, if CalSTRS determines that this may be administered in a reasonable and cost-effective method.
- Allow for the electronic submission of nomination packets.
- Update existing regulations to align with gender neutral terms.

NEXT STEPS

With the board's approval, staff will engage with stakeholders and form an internal drafting team that will develop proposed amendments to the regulations. Since the Board Elections regulations are exempt from the formal rulemaking process under the Administrative Procedure Act, staff will present proposed regulatory amendments to the board for a first reading where stakeholders and other members of the public may provide public comment. If staff make significant changes to the proposed amendments based on public comment, staff will present the revised amendments at a future meeting. If no significant changes are made, the proposed amendments will be presented to the board for final adoption.