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Special:

# Circular Letter

RECEIVED JAN 15 2010

**TO: BOARD MEMBERS, CANDIDATES, ALL SYSTEM EMPLOYEES,  
STATE AGENCIES, PUBLIC AGENCIES, COUNTY OFFICES OF  
EDUCATION, AND OTHER INTERESTED ORGANIZATIONS**

**SUBJECT: 2009 MEMBER-AT-LARGE CERTIFIED ELECTION  
RESULTS FOR CalPERS BOARD OF ADMINISTRATION**

In accordance with the provisions of the Public Employees' Retirement Law, Government Code sections 20090 (g) (1), 20095 and 20096, the Secretary of State's Office certified on December 22, 2009 that:

Mr. Joseph (JJ) Jelincic, Candidate for Position A, an Investment Officer III for the California Public Employees' Retirement System, and Mr. Kurato Shimada, Candidate for Position B, a retired operations supervisor for San Jose's Oak Grove School District, have been elected by the active and retired members of CalPERS to the office of Member, Board of Administration, CalPERS.

The new Board Members will serve a four-year term of office beginning January 16, 2010, and continuing through January 15, 2014.

Attached is the election certification of the official results from the Secretary of State. Also included are the procedures for a Protest of an Election, as set forth in Section 554.9 of the Public Employees' Retirement Law.

Any questions regarding this information should be directed to Kim Malm, Division Chief, Operations Support Services Division, at (916) 795-3703.

ANNE STAUSBOLL  
Chief Executive Officer

Attachments

Attachments:      Official Certified Election Results – Position A  
                         Official Certified Election Results – Position B  
                         California Public Employees' Retirement Law, §554.9  
                         (Protest of an Election)

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
BOARD OF ADMINISTRATION  
2009 MEMBER-AT-LARGE ELECTION**

**RUNOFF ELECTION - POSITION A  
OFFICIAL RESULTS  
DECEMBER 16, 2009**

<b>CANDIDATES</b>		<b>TOTAL VALID VOTES</b>	<b>PERCENT OF VALID VOTES CAST</b>
1	Joseph (JJ) Jelincic	109,094	51.04%
2	Cathy Hackett	104,664	48.96%
TOTALS		213,758	100.00%

<b>Ballot Reconciliation</b>	<b>Total Ballots</b>	<b>Percent of Ballots Cast</b>
Total Valid Ballots Counted	213,758	98.16%
Total Invalid Ballots Counted (Blank and Over Votes)	1774	.82%
Total Invalid Envelopes (No signature or valid perjury statement on reverse side of envelope)	439	.20%
Total Invalid Late Envelopes (Postmarked after December 4 deadline)	1750	.80%
Total Miscellaneous Invalid Ballots (Ballot cards determined invalid)	38	.02%
<b>TOTAL BALLOTS RECEIVED</b>	<b>217,759</b>	<b>100.00%</b>

(17.19% of ballots were returned based on the number of eligible members, 1,266,766)

# State of California

## SECRETARY OF STATE

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That, in accordance with the provisions of the "Public Employees' Retirement Law," specifically Government Code sections 20090, subdivision (g)(1), 20095, and 20096, and pursuant to the information and instructions set forth in the Notice of Election issued by the Board of Administration, Public Employees' Retirement System, dated March 23, 2009, an election was held under the supervision of the Board to elect two representatives from the active and retired members of the System.

I further certify that, according to the official returns of said election on file in my office, a copy of which is attached,

*Joseph (JJ) Jelincic*

was elected to the office of Member, Board of Administration, Public Employees' Retirement System, for the term beginning on the 16<sup>th</sup> day of January, 2010, for a four-year term (term expiring January 15, 2014).



IN WITNESS WHEREOF, I  
hereunto set my hand and  
affix the Great Seal of  
the State of California this  
22<sup>nd</sup> day of December, 2009.

*Debra Bowen*

Debra Bowen  
Secretary of State

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
BOARD OF ADMINISTRATION  
2009 MEMBER-AT-LARGE ELECTION**

**OFFICIAL RESULTS – POSITION B  
OCTOBER 15, 2009**

<b>CANDIDATES</b>		<b>TOTAL VALID VOTES</b>	<b>PERCENT OF VALID VOTES CAST</b>
1	Kurato Shimada	155,170	83.31%
2	Inderjit Singh Kallirai	31,080	16.69%
TOTALS		186,250	100.00%

<b>Ballot Reconciliation</b>	<b>Total Ballots</b>	<b>Percent of Ballots Cast</b>
Total Valid Ballots Counted	186,250	93.70%
Total Invalid Ballots Counted (Blank and Over Votes)	9,552	4.80%
Total Invalid Envelopes (Improper or no signature or valid perjury statement on reverse side of envelope)	370	.19%
Total Invalid Late Envelopes (Postmarked after October 2 deadline)	2,474	1.24%
Total Miscellaneous Invalid Ballots (Ballot cards determined invalid)	130	.07%
<b>TOTAL BALLOTS RECEIVED</b>	<b>198,776</b>	<b>100.00%</b>

(15.72% of ballots were returned based on the number of eligible members 1,264,648)

# State of California

## SECRETARY OF STATE

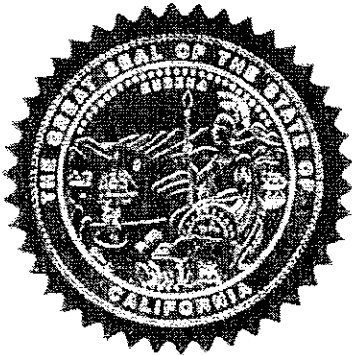
I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That, in accordance with the provisions of the "Public Employees' Retirement Law," specifically Government Code sections 20090, subdivision (g)(1), 20095, and 20096, and pursuant to the information and instructions set forth in the Notice of Election issued by the Board of Administration, Public Employees' Retirement System, dated March 23, 2009, an election was held under the supervision of the Board to elect two representatives from the active and retired members of the System.

I further certify that, according to the official returns of said election on file in my office, a copy of which is attached,

*Kurato Shimada*

was elected to the office of Member, Board of Administration, Public Employees' Retirement System, for the term beginning on the 16<sup>th</sup> day of January, 2010, for a four-year term (term expiring January 15, 2014).



IN WITNESS WHEREOF, I  
hereunto set my hand and  
affix the Great Seal of  
the State of California this  
22<sup>nd</sup> day of December, 2009.

*Debra Bowen*

Debra Bowen  
Secretary of State

## CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT LAW

### § 554.9. Protest of an Election

(a) The filing of a protest shall not delay the seating of an elected Board member. Such elected Board member shall take office, in accordance with the published election schedule, subject to the potential termination of such Board membership as a result of the protest. Any newly elected member, as the result of a protest, shall hold office for a period equal to the remainder of the term of the vacated office.

(b) Any party who is an active or retired member of CalPERS, eligible to vote in the applicable Board member election, may protest a runoff election, if any, or an election, if no runoff election is conducted. A protest shall be filed with the Election Coordinator at the Sacramento Office of CalPERS within ten working days following the mailing of the certified election results. A protest shall be in writing, shall be identified using the word "protest", shall specify the election, and shall state the grounds of the protest and suggested remedy.

(c) Upon receipt of a valid and timely protest, the Election Coordinator shall mail a copy of the request to all candidates for the same seat. The Board or its designee shall appoint an independent, neutral agent which shall designate a Protest Panel using the following process. The independent agent shall promptly submit simultaneously to each candidate for the same office that is subject of the protest an identical list of names of at least five persons chosen from its panel of arbitrators. Each candidate shall have seven days from the date the list is submitted in which to file an objection with the agent to any name, number the remaining names to indicate order of preference, and return the list to the agent. From among the persons for whom no objection has been filed, and in accordance with the designated order of preference, the agent shall invite members to serve on the Protest Panel. If every proposed panel member receives an objection, or if a panel member selected declines or is unable to act, or if any other reason the appointment cannot be made from the submitted list, the agent shall make the appointment from among other members of the agent's panel of arbitrators without the submission of any additional list. No Board member who is a candidate for election that is the subject of the protest may participate in the selection of the Protest Panel. The decision of the Protest Panel shall be final. The Protest Panel shall be comprised of no less than three people, all of whom are neither employed by CalPERS nor otherwise interested in the outcome of the election that is the subject of the protest. For purpose of the foregoing sentence only, membership in CalPERS does not, by itself, constitute an "interest in the outcome of the election." The Protest Panel shall consider written and/or oral arguments submitted by the protestor and any other interested party, including the Board's staff. Any oral proceedings shall be held in the City of Sacramento. The determination of the Protest Panel shall be rendered within 30 days of selection of the Panel and shall be final and binding on CalPERS and candidates for office. Other procedures, including those for receiving and considering arguments and factual allegations, shall be determined by the Protest Panel in its sole discretion. A protest shall only be granted upon a finding that Board-adopted election procedures were not substantially followed and that, without this lack of substantial compliance, the election outcome would likely have been different.

NOTE: Authority cited: Section 20121, Government Code. Reference: Section 20121, Government Code; Duva, Calif. School Employees' Assoc. v. PERS., et al., 1993 Sacramento Superior Court Case No. 375842.

HISTORY:

1. New section filed 8-9-94; operative 9-8-94 (Register 94, No. 32).
2. Amendment of Note filed 8-24-98; operative 9-23-98 (Register 98, No. 35).
3. Amendment filed 11-30-2000 as an emergency; operative 11-30-2000 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-30-2001 or emergency language will be repealed by operation of law on the following day.
4. Change without regulatory effect correcting subsections (b) and (c) of 11-30-2000 emergency action filed 12-18-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 51).
5. Pursuant to the order of the Superior Court of California, Court of Sacramento, dated April 20, 2001, in California State Employees Association, Local 1000, SEIU, AFL-CIO, CLC v. Public Employees Retirement System, et al., No. 00CS01662, the emergency amendment filed 11-30-2000 has been invalidated and is unenforceable until adopted in full compliance with the Administrative Procedure Act. Reinstatement of section as it existed prior to 11-30-2000 emergency amendment (Register 2001, No. 22).
6. Amendment filed 8-2-2001; operative 9-1-2001 (Register 2001, No. 31).