



Rules for Conducting the Election of Trustees of the Missouri Local Government Employees Retirement System

WHEREAS the Missouri Local Government Employees' Retirement System (LAGERS) is established and governed by §70.605 RSMo et. seq. and,

WHEREAS the management of LAGERS is vested in a board of trustees and,

WHEREAS successor trustees are elected by delegates from the classes defined in §70.605 RSMo in a manner as prescribed in 16 CSR 20-2.150, and

WHEREAS the board of trustees and delegates shall prescribe rules by which elections are conducted, therefore be it

RESOLVED that the following rules are adopted by the board and collectively assembled trustees for the conduct of this and subsequent elections.

1. General Provisions

a. Scope

The following resolution shall govern the election taking place in this year and all applicable provisions except for elections in the subsequent year. The elections taking place in the subsequent year shall be governed by the re-adoption of this resolution or subsequent resolution that may be adopted by the board and delegates.

b. Trustee Eligibility

Employer trustees shall be elected or appointed officials of employers and shall not be members of the retirement system; provided, that not more than one employer trustee shall be from any one employer.

Member trustees shall be members of the retirement system; provided, that not more than one member trustee shall be employed by any one employer, and not more than



one member trustee shall be a policeman, and not more than one member trustee shall be a fireman.

c. Delegate Eligibility

The governing body of each employer shall certify to the board the name of one delegate who shall be an officer of the employer, and the members of the employer shall certify to the board a member of the employer to represent such employer at LAGERS Annual Meeting. The delegate certified as the member delegate shall be elected by secret ballot by the members of such employer, and the clerk or secretary of each employer shall be charged with the duty of conducting such election in a manner which will permit each member to vote in such election.

d. Timing

LAGERS staff shall establish an appropriate date for the conduct of elections and shall establish the release date and due date of applications for nomination.

2. Nominations

a. Nominations, how made

LAGERS staff shall produce and distribute a form for the collection of nominations. Such form may be made available and submitted in print or other electronic form(s). Nominations shall be made by a member of the system in the case of member trustees and an employer of the system in the case of employer trustees. In any event, a person other than the nominee must make the nomination.

b. Nominations, requirements

An application for nomination must be completed in its entirety and contain all required information and any optional information at the time of filing. Additionally,



each application must be for a specific trustee seat. Each person may only submit one application for nomination.

c. Nominations, certification

For member trustees, LAGERS shall verify their eligibility by confirming that they are an active member of the system.

For employer trustees, an applicant must obtain a certification in a form prescribed by LAGERS staff that they are eligible to hold the position of trustee in whichever class they have applied for by the highest-ranking elected or appointed official of their political subdivision. For the purpose of clarity, the highest-ranking elected official may be the mayor of a city, while the highest-appointed official may be the city administrator having been appointed by the city council. In the event that a political subdivision possesses multiple individuals who satisfy this definition, any of those officials may subscribe to such certificate.

d. Nominations, acceptance

LAGERS staff may reject any application failing to comply with this resolution, any promulgated administrative rule, or the Revised Statutes of Missouri. Such decision shall be made by the executive director and state the specific reason(s) for such rejection. Should the rejection be for a defect in the application and time has not yet expired for filing the same, a corrected application may be submitted. Rejections for other reasons are final.

e. Nominations, challenges thereto

At the annual meeting, the collectively assembled delegates shall be asked if anyone has an objection to the consideration of any of the nominees. If a delegate has an objection, they shall state the clear reason why they are objecting and present any evidence necessary to establish the ineligibility of such candidate. The delegates, collectively, shall vote on the eligibility of a nominee so objected to.

3. Conduct of Elections



a. Method of election

At the annual meeting, elections shall be conducted by a secret ballot in print or electronic form at the discretion of the executive director. In the event of an uncontested election, the presiding officer of the election may declare the seat filled by acclamation. Each delegate will be given the opportunity to vote for each seat for which they are authorized to vote.

b. Timing of election

Elections shall be open for a period set by the executive director. The delegates shall cast their votes or report any technical difficulties and receive assistance within that timeframe. Those failing to cast a vote or request technical assistance will be deemed to have abstained from voting.

c. Requirements for winning an election

The candidate with the most votes of those cast shall be the winner of the seat. For the purposes of clarity, this does not mean a majority of the votes cast but more votes than any other candidate.

d. Ties, how handled

In the event that a tie exists among two or more nominees, a runoff election shall be conducted in the same manner as the original election consisting of only those individuals receiving the highest number of votes. Subsequent runoff elections shall be conducted until one of the nominees achieves a plurality of the votes.

4. Special Considerations

a. Methods of addressing the delegates

Nominees will be given several opportunities to address the delegates including publication of their name and LAGERS staff-curated biographical information in the program guide and airing of a video submitted by the nominee during or just before the



elections. Such video shall be submitted with a due date, length, and format consisting with instructions from LAGERS.

5. Campaigning

a. Prohibition on Campaigning

Campaigning within meeting space is strictly prohibited. Campaigning consists of, but is not limited to, soliciting votes, distributing pamphlets, endorsing candidates, and other acts that appear to have an intent of influencing the outcome of the election.

Campaigning is permitted in halls, exhibition areas, and other common spaces so long as it is not disruptive and all such activities are removed, cleaned up, or otherwise not present immediately preceding or during the elections.

b. Prohibition on otherwise unethical behavior

6. Contests

a. Contests, how made

In the event that a delegate or board member wishes to challenge the results of the election, they may do so immediately following the proclamation of election winners. If, for good cause shown, they are unable to do so, they shall file a petition with the board to challenge the election results.

b. Contests, judge thereof

The delegates, along with the board of trustees, shall judge any election contest if such contest is made during the annual meeting. An election contest made after the conclusion of the annual meeting shall be judged by the board provided that they first determine the sufficiency of the alleged good cause for failing to contest the election during the meeting.

c. Contests, limitations thereto



Election contests, in any case, must be filed within five (5) business days from the election.

7. Remedies

In the event of an election contest or other violation of these rules, the following remedies are possible:

a. Removal

The executive director, board of trustees, or delegates may remove any person violating these rules from the annual meeting and bar their entry for the duration of that meeting.

b. Banning

The board of trustees or delegates may ban any person from future annual meetings.

c. Disqualification

The board of trustees or delegates may disqualify any candidate who fails to comply with the rules contained in this resolution or any person who benefited from the violation of these rules.

d. Permanent disqualification

In egregious circumstances, the board of trustees or delegates may permanently disqualify a candidate from consideration as a trustee.

e. Voided Election

In the event that an election is contested after the annual meeting has closed, if such a contest is substantiated by the board, the board may declare the result of the election void.

f. Restoration



In the event that a person is removed, banned, disqualified, or permanently disqualified, such impediment may be removed upon a two-thirds vote of the board or delegates.

8. Amendments

Amendments to this procedure shall be adopted by the board and then presented to the delegates for ratification at the beginning of the annual meeting. Any amendment so ratified will be effective for the current year's election and subsequent year's nomination process unless otherwise specified.