

2020 ANNUITANT MEMBER ELECTION RULES

FOR A TRUSTEE TERM OF DECEMBER 2, 2020 – DECEMBER 1, 2023

1. **Election Committee.** Trustees Victor Roa, Michael LoVerde, and Stephen Skardon of the Retirement Board of the Laborers' and Retirement Board Employees' Annuity and Benefit Fund of Chicago ("LABF"), shall constitute the Election Committee for the 2020 Annuitant Trustee Election. All actions taken by the Election Committee require a majority vote of its members.
2. **Election Judges.** At least three (3) staff members of the LABF shall be selected by the Election Committee to be Election Judges in order to assist with the administration of the election.
3. **Power to Adopt Procedures and Set Rules.** The LABF Board of Trustees delegates to the Election Committee the power to adopt procedures and/or make and enforce such further rule or rules as the Election Committee may deem advisable for the proper and orderly administration of the election, including, but not limited to, rules regarding the determination of candidate eligibility and the validity of ballots.
4. **Dispute Resolution.** All disputes shall be referred to the Election Committee and the findings of the Election Committee shall be final and conclusive.
5. **Notice of Election.** Notices of election shall be disseminated as follows:
 - a. **Newspaper Publication.** Notice of this election shall be published in the legal notice section of the Chicago Sun Times and/or such other newspaper(s) of general publication published in Chicago, once during the week of August 9, 2020, and once during the week of August 16, 2020.
 - b. **Online.** A notice of the election shall be posted on the LABF's website, LABFChicago.org, no later than August 9, 2020.
 - c. **U.S. Mail.** A notice of election postcard shall be mailed to all annuitants who are eligible to vote in this election no later than August 7, 2020. Postcards will be mailed to the correspondence address on file with LABF and every reasonable measure will be taken to reroute returned mail to a proper address in a timely manner.
6. **Candidate Eligibility.** Per 40 ILCS 11-182(b), any annuitant member who is a former employee receiving a retirement annuity (age and service or prior service) from the LABF is eligible to become a candidate for this trustee position.
7. **Request for Nominating Petition.** Eligible annuitant members who desire to become candidates in this election **must** submit to the LABF a Request for Nominating Petition no later than 3:00 p.m. on Friday, August 21, 2020. Potential candidates may obtain the Request for Nominating Petition by: (1) downloading it from the LABF website at LABFChicago.org; (2) requesting it via email at Election@LABFChicago.org; or (3) phoning the LABF at (312) 236-2065 during regular office hours to request that it be emailed or mailed via USPS to them. The Request for Nominating Petition will be available from 8:30 a.m. on Monday, August 3, 2020, until 3:00 p.m. on Friday, August 21, 2020.

Potential candidates must also submit a readable image of their valid driver's license, state ID or passport which bears their photo when submitting Requests for Nominating Petitions. A Request for Nominating Petition is deemed invalid if it is not accompanied by the appropriate identification at the time of submission.

After a Request for Petition form has been submitted and eligibility for candidacy has been verified by the Election Committee/Election Judges, potential candidates will receive a "Nominating Petition" by their preference of email or US mail.
8. **Nominating Petition Submission.** Annuitant members who are eligible for candidacy and desire to become candidates in this election must submit Nominating Petitions to the LABF no later than 3:00 p.m. on Monday, August 24, 2020. Potential candidates may submit the Nominating Petition by: (1) faxing it to (312) 236-0574; (2) emailing it to Election@LABFChicago.org, or (3) mailing it to the LABF office. Potential candidates should call the LABF to confirm receipt of their Nominating Petition.

The Nominating Petition must contain a signed statement by the annuitant member that he/she desires to be a candidate for trustee in the election to be held on **Thursday, October 15, 2020**. The Nominating Petition in support of candidacy must also contain the signatures of at least ten (10) other annuitant members receiving retirement annuities, along with their addresses and dates of birth.

THE ELECTION COMMITTEE OF THE

LABORERS' AND RETIREMENT BOARD EMPLOYEES' ANNUITY AND BENEFIT FUND OF CHICAGO

321 North Clark Street, Suite 1300 | Chicago, Illinois 60654-4739 | Phone: 312.236.2065 | Fax: 312.236.0574 | Elections@LABFChicago.org | LABFChicago.org

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9. **Withdrawal of Candidacy.** Any candidate who has filed a Nominating Petition may withdraw their candidacy by filing written notice of withdrawal with the Executive Director of the LABF before 3:00 p.m. on Friday, October 2, 2020.
10. **Termination of Candidacy.** At any point during the election process the Election Committee may prohibit the candidacy of any individual who does not meet the eligibility requirements. The Election Committee may also revoke the candidacy of any candidate who does not adhere to the rules, regulations and code of conduct established for this election.
11. **Code of Conduct.** Candidates and their campaigners must remain respectful of their opponents, the LABF, the Election Committee and everyone associated with this election. This includes but is not limited to, refraining from personal attacks and bullying, whether physical, written, verbal and/or cyber.

No electioneering shall be allowed at the within 300 feet of the polling place on the day of the election. This includes the wearing of any badge or other insignia in support, or in opposition, of any candidate.
12. **Sole Candidate.** If only one qualified candidate submits a valid Nominating Petition by the due date, he/she shall automatically be declared the winner and the election process shall end. Otherwise, the names of all qualified candidates who have filed valid Nominating Petitions shall be printed on the ballot.
13. **Determination of Candidate Order on Ballot.** The names of the candidates shall be printed on the ballot in the order corresponding to the order in which the candidates filed valid Nominating Petitions with the LABF. If Nominating Petitions for two (2) or more qualified candidates are received by the LABF at the same time, the order of the candidates' names on the ballot shall be determined by lottery. The lottery shall take place as soon as conveniently possible after the simultaneous filing of said Nominating Petitions but no later than Friday, September 4, 2020. Those individuals who have filed said Nominating Petitions are entitled to observe the lottery via video conference. The final ballot order will be determined no later than Friday, September 11, 2020.
14. **Voter Eligibility.** Per 40 ILCS 11-182(b), all persons who are receiving a retirement annuity (age and service or prior service) from the LABF at the time the election is held are eligible to vote. This includes Employee Annuitants and Widow Annuitants.
15. **Polling Place and Hours.** All voting shall take place in the designated area of the parking lot of **LIUNA Local 1092** located at **3841 S Halsted St, Chicago, Illinois 60609** on **Thursday, October 15, 2020** between the hours of 9:00 a.m. and 4:00 p.m. The polls shall close for the receipt of such ballots promptly at 4:00 p.m., except for the receipt of ballots cast by eligible voters who are in the parking lot at such hour for the purpose of casting a ballot.
16. **Voting Procedure.** Participants requesting a ballot must identify themselves at the voter identification check-in station at LiUNA Local 1092's parking lot by means of a valid driver's license, a valid state ID, or a valid passport which bears the voting member's photo.
 - a. Upon verification of voter eligibility, each ballot shall be initialed by an Election Judge before such ballot is given to the voter and no ballot shall be counted which has not been so initialed.
 - b. A ballot shall be handed to the eligible voter to complete in their vehicle. **Voters shall not leave their vehicles.**
 - c. Eligible voters may cast one vote in the following manner: (1) select only one candidate on the ballot and (2) make the appropriate mark on the ballot.
 - d. Eligible voter shall move forward to another election judge to drop the ballot in the secured ballot box.
17. **Spoiled Ballot.** If a ballot is damaged by a voter, a replacement ballot may be requested from an Election Judge. The original ballot will be deemed spoiled and invalidated. It will not be counted.
18. **Provisional Ballots.** At times, questions may arise regarding who is or is not eligible to vote in an Annuitant Member Trustee Election at the LABF. When voter eligibility is unclear, individuals may receive a "Provisional Ballot." The following are the rules and procedures established for individuals who will be casting votes via a Provisional Ballot:
 - a. To cast a Provisional Ballot, a valid driver's license, state ID, or passport, which bears the voter's photo must be presented to an Election Judge.

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- b. Provisional Ballots are sealed in an envelope bearing the voter's name, address, and the last 4 digits of the voter's Social Security Number as provided by the voter.
 - c. Provisional Ballot envelopes are deposited into the locked election box with all regular ballots.
 - d. Election Judges will determine voter eligibility prior to the counting of votes.
19. **Counting the Votes and Declaring a Winner.** The Election Judges shall count the votes on Thursday, October 15, 2020, starting shortly after 4:00 p.m. at the election site.
- a. Initially, only Regular Ballots will be counted. Provisional Ballots, if any, will be set aside.
 - b. If the number of votes separating the leading and second place candidate is greater than the number of total Provisional Ballots cast, no Provisional Ballots will be opened, and the candidate receiving the most votes will be declared the winner.
 - c. In the event that the number of votes separating the leading and second place candidate is less than or equal to the number of total Provisional Ballots cast, all Provisional Ballot envelopes will be removed from the ballot box and separated into the following three (3) categories by the Election Judges:
 - i. "Denied", defined as ballots cast by individuals confirmed to be ineligible to vote.
 - ii. "Approved", defined as ballots cast by individuals confirmed to be eligible to vote.
 - iii. "Undetermined", defined as ballots cast by individuals for whom eligibility could not be determined before closing of the polls.
 - d. The Election Committee will verify that all Provisional Ballots are classified correctly.
 - e. Provisional Ballots deemed "Denied" will be set aside. They will not be opened.
 - f. If the number of votes separating the leading and second place candidate is greater than the number of remaining Provisional Ballots ("Approved" and "Undetermined") cast, no remaining Provisional Ballots will be opened, and the candidate receiving the most votes will be declared the winner.
 - g. If the number of votes separating the leading and second place candidate is less than or equal to the number of remaining Provisional Ballots ("Approved" and "Undetermined") cast, the Approved Provisional Ballots will be separated from their envelopes (as to protect the anonymity of the voting member) and re-deposited into the locked ballot box.
 - h. Approved Provisional Ballots may only be opened by an Election Judge in the presence of at least one other Election Judge and at least one member of the Election Committee.
 - i. Once all Approved Provisional Ballots have been separated from their envelopes and returned to the ballot box, the ballot counting process will proceed in the same manner as with the regular ballots.
 - j. If the number of votes separating the leading and second place candidate is greater than the number of total "Undetermined" Provisional Ballots cast, no "Undetermined" Provisional Ballots will be opened, and the candidate receiving the most votes will be declared the winner.
 - k. If the number of votes separating the leading and second place candidate is less than or equal to the number of total "Undetermined" Provisional Ballots cast, counting of ballots will be suspended until eligibility is determined for the remaining voters in question. At such time, the Election Committee will establish a date to resume counting, if necessary, and declare a winner.
20. **Breaking a Tie Vote.** In the event of a tie, a coin toss administered by the Election Committee will determine the winner.
21. **Election Watchers.** Each candidate may appoint up to two (2) people to observe the election process ("Election Watcher") on the day of the election. The name(s) of the Election Watcher(s) must be submitted to the Executive Director of the LABF by no later than Monday, October 12, 2020. Election Watchers are required to conduct themselves in a professional manner.

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22. **Candidate Election Observation.** On the day of the election, each candidate and/or his/her designated Election Watcher(s) may be present in designated areas at the election site beginning at 9:00 a.m. to observe the voting and ballot counting processes.
23. **Outside Election Observers.** LABF members are permitted to observe the ballot counting process from special areas designated by the Election Committee. All observers are required to conduct themselves in a professional manner.
24. **Term of Office:** This election for an Annuitant Member Trustee shall cover a three-year term of office from December 2, 2020, to December 1, 2023.
25. **Oath of Office:** Each person elected (Trustee-Elect) as a member of the Retirement Board of the LABF ("Board") shall take an oath of office to be administered by the City Clerk or any other authorized person designated by the City Clerk prior to the start of the December 2020 LABF board meeting. A Trustee-Elect may not assume the duties of a Trustee until such oath of office has been sworn.

In the event the incumbent wins the election, in lieu of being sworn in, the incumbent Trustee may reaffirm their prior oath of office.

26. **No Compensation for Service:** Per 40 ILCS 11-224, no member of the Board shall receive any moneys from the LABF as salary for service performed as a member or as an employee of the Board.
27. **Election Protests.** A valid protest must be based on evidence that the election procedures were not substantially followed and that such errors could have materially affected the outcome of the Election, as determined by the Election Committee in its sole discretion.

A candidate may file a written protest with the Executive Director at any time, but under no circumstances later than three business days following the election results being posted on the LABF's website. The protest shall be identified using the word "protest" and shall state the specific grounds of the protest and provide any evidence (including expected witnesses and a summary of expected testimony) in support of the protest.

Upon receipt of a valid and timely protest, the Executive Director shall mail a copy of the protest to all candidates in the affected election and shall notify the Board that a protest has been filed. The Election Committee shall investigate the protest and, based on its investigation, shall make a final decision and determine what remedy, if any, shall be granted to the candidate filing the protest.

If the Election Committee concludes that additional arguments by the protester and other candidates would be helpful to the Election Committee in making its final decision, the Election Committee may consider written and/or oral arguments submitted by the candidate filing the protest and by any other candidate. The determination of the Election Committee shall be rendered within ten calendar days of the submission of the arguments.

The Election Committee has discretion to hold a hearing to assist it in reaching a decision. Such hearing shall be held in the LABF's Board Room, or via teleconference, and any such hearing shall be open to the public. The Election Committee shall determine the rules, regulations, and process by which this hearing shall gather and admit evidence. The determination of the Election Committee shall be rendered within ten (10) calendar days of the close of the hearing.

If the Election Committee sustains the protest, the Election shall be void for any affected Trustee vacancy and the Board shall schedule a special election to take place as soon as reasonably practical. If the Election Committee overrules a protest, then the certified results shall stand. The Election Committee's decision shall be a final administrative decision and the Board shall notify all candidates of their rights in accordance with the Administrative Review Law and applicable rules.

No candidate may resort to proceedings before any court until the candidate has exhausted the procedures provided for above.

28. **Ballot Retention.** For one year after the election, the Election Committee shall preserve the paper ballots and all other election materials. At or after the expiration of such one-year period, the Election Committee shall notify the Board and, subject to any applicable document retention or legal requirements, such materials shall be destroyed after a vote of the Board. If proceedings are pending in any court in which such ballots and/or other materials may be required as evidence, the ballots and/or other materials shall not be destroyed until such proceedings are finally adjudicated.

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29. **Prohibited Campaign Activities.** Candidates, Trustees and LABF employees shall not intentionally engage in “campaign activities” using LABF property or resources or during any compensated time (other than employee vacation, personal, or other compensatory time off). For purpose of this Rule, “campaign activity” includes any intentional effort, in violation of this Rule, to influence the selection, nomination, election, or appointment of any individual to a Trustee position, including but not limited to collecting Nominating Petition signatures, preparing, distributing, or mailing campaign materials, soliciting votes, or campaigning for office.

No intentional campaign activity by anyone, including but not limited to Trustees, LABF employees, Candidates, or sponsoring organizations is permitted on LABF property, including any space rented or leased.

No Trustee or LABF employee may intentionally misappropriate the services of an LABF employee by requiring an LABF employee to perform any campaign activities (i) as part of that employee’s unofficial LABF duties, (ii) as a condition of LABF employment, or (iii) during any time off that is compensated by the LABF (such as vacation, personal, or other compensatory time off).

Nothing in this Rule otherwise prohibits protected speech or prohibits activities that are otherwise appropriate for LABF employees or Trustees to engage in as a part of their official LABF duties (e.g. LABF employees and Trustees helping to administer the election, pursuant to Illinois law and to this Rule; Trustees carrying out their duties as members of the Election Committee; or otherwise prohibits activities that are undertaken by an LABF employee on a voluntary basis as permitted by law.



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