

Laborers' and Retirement Board Employees' Annuity and Benefit Fund of Chicago

2022 ACTIVE EMPLOYEE BOARD MEMBER ELECTION RULES

ELECTION OFFICIALS

1. **Election Committee.** Victor Roa, Stephen Skardon, and Thomas Crivellone, Trustees of the Laborers' and Retirement Board Employees' Annuity and Benefit Fund of Chicago ("LABF"), shall constitute the Election Committee for the 2022 Active Employee Trustee Election ("Election"). All actions taken by the Election Committee require a majority vote of its members.
2. **Election Judges.** At least six (6) 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 Retirement Board of the LABF ("Board") delegates to the Election Committee the power to adopt additional 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 such committee shall be final and conclusive.

ELECTION PROCESS

5. **Notice of Election.**
 - 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 July 31, 2022 and once during the week of August 7, 2022.
 - b. **Online.** A notice of the Election shall be posted on the LABF's website, LABFChicago.org, no later than July 31, 2022.
 - c. **U.S Mail or Email.** The LABF shall make every reasonable effort to deliver a Notice of Election via United States Postal Service or e-mail to each City of Chicago Department which employs active employee participants who are eligible to run and/or vote in this Election no later than August 1, 2022.
6. **Candidacy Eligibility.** Per 40 ILCS 5/11-182, any active employee participant of the LABF "who holds a position by certification and appointment as a result of a competitive civil service examination as distinguished from temporary appointment, or so holds a position which is not exempt from the classified service or the personnel ordinance of a city that has adopted a career service ordinance, for a period of not less than 5 years prior to the date of election" is eligible to become a candidate for this trustee position.

In general, an active employee participant is an employee whose pension contributions are being made to the LABF. However, in the following situations, employee participants will be allowed to become candidates despite the LABF not receiving pension deductions on the last available payroll:

- a. The participant is not working due to a seasonal termination but is eligible to be recalled;
 - b. The participant is on an approved leave of absence from active service (e.g., disability leave, FMLA leave, etc.);
 - c. Participant's deductions erroneously went to another City of Chicago pension fund; or
 - d. Participant's deductions appear on a later eligible payroll than the one available to LABF.
7. **Petition Application.** Active employee participants who desire to become candidates in this Election must request a Nominating Petition by submitting a Petition Application to the LABF. Potential candidates may obtain the Petition Application by (1) downloading it from the LABF website at LABFChicago.org, (2) phoning the LABF at (312) 236-2065 to request that it be emailed to them, or (3) picking it up in person from the LABF office during regular business hours (8:30 a.m. to 4:30 p.m.) beginning on August 1, 2022 through 3:00 p.m. on August 12, 2022. Potential candidates may submit Petition Applications by (1) hand-delivering it to the LABF office at 321 North Clark Street, Suite 1300, Chicago, IL during regular office hours (Monday-Friday 8:30 a.m. and 4:30 p.m.); (2) faxing it to (312) 236-0574; or (3) emailing it to Election@LABFChicago.org no later than 3:00 p.m. on August 12, 2022.

After a Petition Application has been submitted and eligibility for candidacy has been determined by Election Judges, potential candidates will receive a Nominating Petition.

8. **Nominating Petition Submission.** Active employee participants who are eligible for candidacy and desire to become candidates in this Election must hand-deliver completed Nominating Petitions to the LABF office no later than 3:00 p.m. on August 15, 2022. Candidates must bring their valid driver's license, state ID or passport which bears the active employee participant's photo when filing Nominating Petitions. The Nominating Petition must contain a signed statement by the active employee that he/she desires to be a candidate for trustee in the Election. The Nominating Petition in support of candidacy must also contain the signatures of at least ten (10) other active employee participants who qualify to vote in this Election, along with their addresses and dates of birth.
9. **Withdrawal of Candidacy.** Any candidate, who has filed a Nominating Petition, may withdraw their candidacy by filing a written notice of withdrawal with the Executive Director of the LABF before 4:00 p.m. on August 26, 2022.
10. **Revocation of Candidacy.** At any point during the Election process, the Election Committee may revoke 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 in the LABF offices or within 300 feet of any of the election sites during the Election. This includes the wearing of any badge or other insignia in support of, or in opposition to, 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 appear on the ballot.
13. **Determination of Candidate Order on Ballot.** The names of the candidates shall appear on the ballot in the order corresponding to the order in which the candidates filed valid Nominating Petitions in the office of 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 August 29, 2022. Those individuals who have filed said Nominating Petitions are entitled to observe the lottery in person at the LABF office. The final ballot order will be determined no later than August 29, 2022.
14. **Voter Eligibility.** Only LABF participants who are active employee participants in the LABF at the time this election is held are eligible to vote. In general, an active employee participant is an employee whose pension deductions are going to the LABF. However, in the following situations, participants will be allowed to vote despite the LABF not receiving pension deductions on the last available payroll if:
- a. Participant is not working due to a seasonal termination, but is eligible to be recalled;
 - b. Participant is on an approved leave of absence from active service (e.g. disability leave, FMLA leave, etc.);
 - c. Participant's deductions erroneously went to another City of Chicago pension fund; or
 - d. Participant's deductions appear on a later eligible payroll than the one available to LABF.

Note: Participants who are retired or in "Withdraw and Wait" status may not vote.

15. **Polling Sites and Hours.** Voting shall take place in person on October 4, 2022, between the hours of 9:00 a.m. and 5:00 p.m. The polls shall close for the receipt of such ballots promptly at 5:00 p.m., except for the receipt of ballots cast by active employee participants present at an election site at such hour for the purpose of casting a ballot. Voters may cast their ballot at one of three designated polling sites, which are:
- a. **Site One.** LABF's office, 321 North Clark Street, suite 1300, Chicago, Illinois 60654
 - b. **Site Two.** LiUNA Local 1092, 3841 South Halsted Street, Chicago, Illinois 60609
 - c. **Site Three.** Laborers' Local 1001, 323 South Ashland Avenue, Chicago, Illinois 60607

Two Election Judges shall be present at each Polling Site and the ballots shall remain secure and in the custody of an Election Judge at all times.

16. **Voting Procedure.** Employee participants requesting a ballot must identify themselves at the voter identification check-in station by means of a valid driver's license, a valid state ID, Chicago municipal ID (CityKey), a valid passport, or employee ID which bears the active employee participant's photo. Employee participants shall only be permitted to cast one vote at one of the designated polling sites.

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.

Eligible voters may cast one vote in the following manner: (1) select only one candidate on the ballot by marking the ballot as instructed, and (2) insert the completed ballot into the locked ballot box.

Only votes cast in person, at one of the three designated polling sites, on an official 2022 LABF Ballot will be counted.

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 eligible to vote in an Active Employee 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.
- To cast a Provisional Ballot, a valid driver's license, state ID, Chicago municipal ID (CityKey), passport, or employee ID which bears the active employee participant's photo must be presented to an Election Judge.
 - If a Provisional Ballot is damaged by a voter, a replacement Provisional Ballot may be requested from an Election Judge. The original Provisional Ballot will be deemed spoiled and invalidated. It will not be counted.
 - 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.
 - Provisional Ballot envelopes are deposited into the locked ballot box.
19. **Counting the Votes and Declaring a Winner.** Three Election Judges shall count the votes on October 4, 2022, at Site One.
- At the close of voting, ballot boxes from Site Two and Site Three shall be transported by an Election Judge to Site One. Ballot boxes shall remain locked, secured, and in the custody of an Election Judge and shall not be opened and counted until all three ballot boxes have been received at Site One. Ballots from Site One will be counted first, Site Two second and Site Three third.
 - Initially, only regular ballots will be counted. Provisional Ballots, if any, will be set aside.
 - In the event that 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.
 - 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 boxes and separated into the following three (3) categories by the Election Judges:
 - "Denied", defined as ballots cast by individuals confirmed to be ineligible to vote.
 - "Approved", defined as ballots cast by individuals confirmed to be eligible to vote.
 - "Undetermined", defined as ballots cast by individuals for whom eligibility could not be determined.
 - The Election Committee will verify that all Provisional Ballots are classified correctly.
 - Provisional Ballots deemed "Denied" will be set aside. They will not be opened.
 - In the event that 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.

- h. 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 participant) and deposited into the locked Site One ballot box.
 - i. 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.
 - j. Once all Approved Provisional Ballots have been separated from their envelopes and deposited into the Site One ballot box, the ballot counting process will proceed in the same manner as with the regular ballots.
 - k. In the event that 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.
 - l. 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, the vote-counting process 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 the vote-counting process, 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 three (3) persons, no more than one (1) person at each election site, to act as Watchers during the election process (“Election Watcher”). In order for a candidate to have one or more Election Watcher, the Election Watchers’ names must be submitted to the Executive Director of the LABF in writing no later than September 28, 2022. Election Watchers are required to conduct themselves in a professional manner.
22. **Candidate Election Observation.** On the day of the Election, each candidate and/or his/her designated Election Watcher(s) may be present in the designated areas of the voting sites beginning at 9:00 a.m. to observe the voting and ballot counting processes.
23. **Outside Election Observers.** If possible, LABF participants may be 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 Active Employee Trustee shall cover a three-year term of office from December 2, 2022 to December 1, 2025.
25. **Oath of Office.** Each person elected (“Trustee-Elect”) as a member of the 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 2022 LABF board meeting. A Trustee-Elect may not assume the duties of a Trustee until such oath of office has been sworn. A Trustee who is elected to a second or further consecutive term shall reaffirm the oath in writing at the beginning of each term but need not be personally sworn in by the City Clerk.
26. **No Compensation for Service.** Per 40 ILCS 11-224, no member of the Board shall receive any monies 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 (3) 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 include 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 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 (10) 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 Board's meeting room and 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 (1) 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 other materials will be preserved until such proceedings are fully and finally adjudicated.

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.