

On June 21, 2018, MPERS' Board of Trustees adopted changes to the Board Rules (see below). By law, the public has 30 days to make comments before the changes become law. If you wish to comment, please send comments to [Greta Bassett-Seymour, General Counsel](#), by July 21, 2018.

The change to Board Rule 1-5(16) requires the board to call a special election in the event a vacancy occurs before the expiration of a regular term of an elected trustee where the remaining term is six months or longer.

The addition of Board Rule 1-5(17) gives the board discretion to call a special election in the event a vacancy occurs before the expiration of a regular term of an elected trustee where the remaining term is less than six months.

## 1-5 Board Election Procedures<sup>1</sup>

- (1) Four Elected Trustees. Under the provisions of Section 104.160, RSMo., four (4) members of the eleven-member MPERS' Board of Trustees are elected to four-year terms, in an election cycle that coincides with terms beginning on the July 1 following the election.
- (2) Election Administration. The Executive Director, or staff designee, shall administer the election process and oversee the preparation of all election materials and may direct the preparation of informational brochures, newsletters or news releases to provide information to members concerning the election process. No MPERS staff time or resources may be used to influence the outcome of an election.
- (3) If any nomination or filing date specified in this rule falls on a Saturday, Sunday or state or federal holiday, the nomination or filing date shall be the next business day.
- (4) Voting and Nominating Groups. One elected Trustee shall be an active employee of the Missouri Department of Transportation (MoDOT) and be nominated and elected by the active employees of MoDOT. One elected Trustee shall be an active employee (civilian or uniformed) of the Missouri State Highway Patrol (MSHP) and be nominated and elected by the active employees (civilian or uniformed) of the MSHP. One elected Trustee shall be a retired member of MoDOT and be nominated and elected by the retired employees of MoDOT. One elected Trustee shall be a retired employee (civilian or uniformed) of the MSHP and be nominated and elected by retired MSHP employees. Thus, there are four distinct voting and nominating groups. Eligibility for a voting or nominating group shall be based upon the employee or member's status as of March 1<sup>st</sup> prior to the election.<sup>2</sup>
- (5) Candidate Qualification. To be qualified and eligible for election to the office of Trustee, the candidate must be a member of the respective voting and nominating group, submit a *Trustee Candidate Declaration Form*, and properly completed *Trustee Nomination Form* to MPERS. If a candidate subsequently becomes ineligible, the candidate's name may be removed from the ballot with the approval of the Executive Director. See Rule 1-5(4). If the candidate becomes ineligible after ballots are made available and the candidate is elected, the candidate may not be seated and candidate with the next highest vote count will be considered to be the duly elected board member.
- (6) Election Date – Last Thursday in May. Regular elections will be held on the last Thursday of May of even numbered years in which there is no election for the Office of the United States President.
- (7) MPERS will prepare and make declaration and nomination forms as well as other relevant election materials available to interested candidates on or before March 1<sup>st</sup> prior to the election. MPERS will post notice of the availability of the declaration and nomination forms on its website and distribute notice via the most economical means per voting and nominated group. The *Trustee Nomination Form* must be signed by at least twenty-five (25) members of the voting and nominating group. All nominations must be received at MPERS' office no later than April 1<sup>st</sup> prior to the election. If, at the

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<sup>1</sup> Revised June 20, 2013 and November 17, 2016.

<sup>2</sup> Revised February 25, 2011.

- close of the nomination period, there is only one valid nomination for a voting and nominating group, the Executive Director shall certify the nominating forms for that candidate and provide the certified nominating forms to the Board to declare the candidate to be elected, without balloting, on the basis of the sole nomination. If, at the close of the nomination period, a valid nomination is not received or the candidate becomes ineligible (see Paragraph 5) for a voting and nominating group, the Executive Director may reopen the nomination process and establish a nomination time frame consistent with a fair election process.<sup>3</sup>
- (8) Confirmation and Notification of Nominees. MPERS will confirm each nominee by verifying the eligibility of the nominee and the signers of the petition. The Executive Director will notify confirmed nominees that their names will appear on the appropriate ballot no later than April 5<sup>th</sup> prior to the election.<sup>4</sup>
- (9) Any candidate for election to the Board of Trustees will be permitted to have his or her name appear on the ballot as he or she is customarily known.
- (10) Candidate Statements. Each candidate for election to the Board of Trustees may prepare a brief statement for the purpose of identification and to show their employment or retirement status with MoDOT or MSHP as applicable. The statement should show the candidate name, and may state any nickname by which the candidate is known, length of service, position, location or last location of employment, and date of retirement, if applicable. The candidate may include additional biographical information, qualifications, or reasons for wanting to serve, etc., in the statement. The statement shall not exceed 300 words. If the statement exceeds 300 words, the Executive Director reserves the right to edit the statement. The statement shall be provided to the Executive Director no later than April 15<sup>th</sup> prior to the election. The Executive Director, or staff designee, shall format and produce the candidate statements in documents for each respective voting group, showing the candidates in each group in alphabetical order by last name, and distribute the statements with the ballots.
- (11) Ballots. Electronic ballots for each voting group will show the candidates in alphabetical order. The day the election is opened appropriate ballot and bios will be available to members of each voting group via a link to MPERS' secure site for electronic voting. Members of each voting group will be notified that voting is open.
- (12) Election ballots and bios will be available to members on MPERS' secure site for electronic voting. On MPERS' website ([www.mpers.org](http://www.mpers.org)) members shall choose the box entitled "myMPERS Login" and login to the secure website. The election title, summary and voting period will be displayed along with the list of candidates and their bios. Members shall select a candidate from the list provided and click "submit". Ballots may only be completed during the open election period and only one ballot per member may be cast. The ballot, once cast, cannot be modified.<sup>5</sup>
- (13) Election Process. The Executive Director shall ensure a fair and impartial election process by ensuring appropriate controls are in place at the third-party information technology provider. Such controls may include but not be necessarily limited to the following: a) only one ballot is cast per member, b) active members only vote for active board candidates and only retired members vote for retired board candidates, c) the process is finalized at the close of the election period and no further edits to the database of election ballots are possible after finalization, d) once the election process is open then no edits to names or candidate bios or positions on the ballot are possible, and e) any changes requested by or provided to the third party information technology provider must be approved in writing by the Executive Director and General Counsel.
- (14) Ballot Count. Following the close of the election period, the votes are automatically tallied via the secure website. A Summary Voting Report showing the voting group, candidate names and number of votes received shall be run following the close of the election period. The Executive Director shall make

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<sup>3</sup> Revised February 25, 2011 and June 21, 2012.

<sup>4</sup> Revised June 21, 2012.

<sup>5</sup> Revised June 20, 2013.

a preliminary announcement of the election results.

- (15) Election Certification. At the first meeting of the Board of Trustees following the electronic counting and tallying of ballots, the Executive Director after consultation with the System's third party information technology provider shall certify the election tally counts to the Board of Trustees. The Board shall declare the successful candidates based upon the electronic tally of votes cast. If two or more candidates for one voting and nominating group tie with the greatest number of votes, those candidates shall appear before the Executive Director and draw lots to determine the election outcome, in which case the Executive Director shall certify the election tally counts and the result of the draw to the Board of Trustees. The method of the draw (such as drawing of straws, coin flip, etc.) shall be determined by the Executive Director. The Board shall declare the successful candidate based upon the tie vote and the result of the draw.<sup>6</sup>
- (16) Vacancies in the Office of Elected Trustee Where the Remaining Term<sup>7</sup> is Six Months or Longer. In the event a vacancy occurs before the expiration of a regular term of an elected trustee, the Board of Trustees shall call a special election at its next regular or special meeting to fill the vacancy and set an election date if at the time of the meeting the remainder of the term is six months or more. The Executive Director shall set a special election calendar consistent with the procedures of this rule, but may condense the time frame consistent with a fair election process. An elected Trustee who no longer holds the status of the nominating and voting group from which he or she was elected, shall be considered to have resigned thus resulting in a vacancy.
- (17) Vacancies in the Office of Elected Trustee Where the Remaining Term<sup>8</sup> is Less Than Six Months. In the event a vacancy occurs before the expiration of the regular term of an elected trustee and the remainder of the term is less than six months (as of the next regular or special meeting) the vacancy may, at the discretion of the board, remain unfilled until the next election.

The addition of Board Rule 5-6 provides that in the event a 2011 Tier member terminates employment and requests a refund of contributions, if that member has previously purchased service under MPERS, the purchased service is also refunded.

#### **5-6 Refund of Contributions to Include Purchased Service<sup>9</sup>**

Pursuant to Section 104.1091.8(6), refund of contributions shall include any monies received from the member for purchased service in addition to the mandatory 4% employee contributions.

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<sup>6</sup> Revised February 25, 2011.

<sup>7</sup> Terms end on June 30.

<sup>8</sup> Terms end on June 30.

<sup>9</sup> Revised June 21, 2018