

Election Policy



Lufkin Firemen's Relief & Retirement Fund

10/21/2010 – Adopted by Board

12/29/2011 – Revised by Board of Trustees (Section 10-1 added)

09/30/2013 – Revised by Board of Trustees (Section 10-1 revised)

Election Policy

The following section of TLFFRA addresses the election process for boards of trustees:

Section 19. Board of Trustees for Paid or Part-Paid Fire Department. (b), (c), (d).

The following Fire Fighters Pension Commissioner Opinion addresses the question regarding eligibility for election to the Board of Trustees for local boards:

If an active fire fighter sitting on the pension board is terminated by the City, what is the position of the board?

FFPC Opinion 1/15/2002: "If a person is no longer a member of the fire department, then they no longer qualify as a member of the retirement system, thus they can no longer continue on the board."

Boards of Trustees should establish guidelines, procedures, or resolutions as an action item at a board meeting regarding how local board elections shall be held.

LUFKIN FIREMEN'S RELIEF and RETIREMENT FUND
POLICY REGARDING ELECTION OF
TRUSTEES BY FIRE FIGHTERS

Date: 10/21/2010

1-1 Call of Election.

The Board of Trustees of the Lufkin Relief and Retirement Fund (referred to as the "Board") shall call an election by participating members of the Retirement System to fill each position on the Board under Section 19(a)(3) of the Texas Local Fire Fighters Retirement Act (Vernon's Ann. Civ. Stat., Art. 6243e) (referred to as the "Act"). The election shall be held during the period specified in Section 19(b) of the Act, or as necessary in the event such a position becomes vacant during the term due to resignation, death, etc. of such a Board member. If such election becomes necessary, it shall be called at the next regularly scheduled Board Meeting.

- a. The three (3) Trustee positions on the Board provided by Section 19(a)(3) of the Act are presently, and shall continue to be, each elected for a three (3) year term, with one such term expiring each year during a three year period.
- b. The elections to be called by the Board shall continue to follow this three (3) year rotation pattern.

1-2 Dates of Election.

The Board shall set the date(s) on which such an election shall be conducted.

2-1 Solicitation of Nominations.

The Board shall ask for nominations prior to the election by using the following procedure:

- a. The Board shall set a filing deadline by which all nominations must be submitted.

3-1 Review of Nominations.

The Board shall review the nominations to determine:

- a. That each nomination was submitted properly;
- b. That each nominee is eligible to be elected to this position under the terms of the Act;
- c. That each nominee consents to being nominated.

Nominees determined to be ineligible shall be notified of this determination by the Board in writing.

4-1 Appointment of Election Manager.

The Board shall appoint an election manager to assist the Board to conduct the election. The election manager shall not be a nominee or a relative of a nominee for a position under Section 19 of the Act in the election. The Board shall instruct the election manager concerning his or her duties in assisting to conduct an election under Section 19 of the Act, including the responsibility for assuring that the election is conducted by secret ballot. The election manager shall establish, and report to the Board concerning, the procedures used in handling the ballots and other records used in the election.

5-1 Duties of Election Manager or Chairperson.

The election manager's duties shall be as follows:

- a. Pass out nomination slips to participating members.
- b. Collect all nomination slips and return them to the Board.
- c. Provide election box at the voting location(s) as designated by the election manager.
- d. Pass out ballots to participating members upon providing signature to cast a vote.
- e. Designate firefighter personnel to supervise the voting, determine that all ballots are accounted for, and maintain records of the participating members who voted in the election. Firefighter personnel will be responsible for the accountability of all ballots and report any missing ballots immediately to the election manager.
- f. Pick up all ballots and boxes after all membership has voted and utilize firefighter(s) to assist with counting of ballots.
- g. Provide assistance to count all votes.
- h. Maintain and return to the Retirement System staff records of participating members who voted in the election, ballots cast in the election, lists of persons to whom election duties were delegated, and tally sheets used in counting ballots.

5-1 Counting of Votes.

The election manager shall set a time and date to count all votes as soon as practical after the completion of the voting.

- a. All votes shall be counted by the election manager and or the designated personnel and at least one current trustee who is not on the ballot or the Retirement System Plan Administrator.
- b. In the event a written request for a recount is presented to the Board by a nominee, the election manager shall set a time and date to recount the votes as soon as practical after the recount is requested. The recount shall be conducted by the election manager and at least three (3) current trustees who are not on the ballot.

5-2 Notification of Results.

The election manager shall notify the Board, by email, of the results as soon as the votes have been counted.

6-1 Canvass of Results.

As soon as practical after receiving notice of the results of the election from the election manager, the Board shall meet to canvass the results of the election, determine the official results, and certify the winner of the election. The Board shall determine whether fifty percent (50%) of the participating members voted in the election.

6-2 Contested Election.

If an election is contested before the canvass is completed, the canvassing process will continue and the results of the election will be determined and certified as if the contest had not been brought. The person certified by the Board as the winner on the basis of the official canvass shall be entitled to occupy the elected office pending the determination of the contest to the results of the election.

7-1 Runoff Election.

If no nominee receives a majority of the votes cast in the election, a run-off election shall be held between the two (2) nominees who received the highest number of votes in the election.

- a. The run-off election shall be held as soon as practical. Election Manager will coordinate the runoff election.
- b. The run-off election shall be conducted using the same procedures as in the general election.

8-1 Appeals.

Any individual who feels he or she has been unjustly denied a position as a nominee or as a trustee shall use any applicable appeal process provided by the Act to determine otherwise.

9-1 Retention of Records.

The Plan Administrator for the Board shall retain the records of the election, including lists of participating members who voted, ballots cast, tally sheets used in counting ballots, official certification of results, and list of persons to whom election duties were delegated by the Board or the election manager.

10-1 Election of Unopposed Nominee.

TLFFRA Act, revised in the 83rd Legislature, 2013, Section 19 (b) ...if only a single person is nominated for the board of trustees position, that person may be elected by acclamation by those participating members present for the election meeting, without the necessity of a secret ballot.