

## Missouri Majority Vote Referendum Process for Social Security and Medicare Coverage for Political Subdivisions and/or Instrumentalities of the State

*The procedures described herein are primarily based on RSMo 105.300-353 and Section 218 of the Social Security Act.*

- A political subdivision's governing body of the State may request a majority vote referendum be conducted to determine if those employees performing services in positions covered by a retirement system desire social security and/or medicare coverage. The referendum may be requested for social security and medicare (Full FICA) coverage or for Medicare-only coverage.
- Authorization for the conduct of a referendum for social security and/or medicare purposes shall be requested by a resolution adopted by the governing body of the political subdivision. The resolution shall be provided by the Office of Administration/Division of Accounting (OA) (see **Exhibit A**). The originally signed and properly certified resolution shall be filed with OA. Upon receipt of the executed resolution, OA shall establish the date on which the referendum will be held. The referendum must be held no less than 90 days (or more for military, see below) after the Notice of Referendum is distributed to eligible employees.
- OA shall, upon receipt of the resolution, prepare the Notice of Referendum that shall contain the date(s), time(s) and location(s) of the referendum (see **Exhibit B**). The notice shall be given by the political subdivision, not less than 90 days prior to the date set for the referendum (plus 60 more days if they have employees on military leave), to all employees who are eligible members of the system, including those on leave of absence. Such notice shall be given to each current employee who is in a position under the retirement system on the date the notice is given. Notice should be given by personal delivery, first-class mail or e-mail. A hard copy of the notice must be posted on applicable bulletin boards of the political subdivision. The notice may be posted on the web site or Intranet of the political subdivision. Have the entity confirm to OA that the Notice was distributed.
- The political subdivision shall prepare a listing, in a paper or electronic format designed by the OA, of the eligible members of the retirement system as of the date of Notice of Referendum (see **Exhibit C**). This listing shall be furnished to the OA no later than fifteen (15) business days after the date of *Notice of Referendum* and will establish the initial pool of members eligible to vote in the referendum and that a simple majority will determine passage or failure. The political subdivision shall provide periodic updates to the listing based on applicable resignations and terminations, up to and including the date of the referendum.
- OA, in conjunction with the Social Security Administration, the political subdivision and any employee groups, will organize and conduct educational workshops for the eligible employees during the 90 day notice period. The educational workshops will

be offered for each eligible employee to inform them of the rights and benefits that may accrue to them, their dependents and survivors if their services are covered under social security and/or medicare. Additionally, the educational workshops shall include an explanation of the tax liabilities to which they will be subject if coverage is chosen and also an explanation of the referendum process. Depending on the entity's preference, these Educational Sessions can be conducted via a webinar or in person. (It is recommended to schedule educational meetings nearer the date of the Notice so individuals can utilize the Notice Period to research individual impact and be well informed at the date of the vote.)

- Each eligible employee member of the retirement system, on or before the referendum date, shall be supplied with a referendum election ballot devised by the OA. The ballot will contain provisions for an election by the member whether he/she desires to be covered for social security and/or medicare. The balloting process may be conducted in two separate ways:
  - If the ballots are to be supplied to a contact at the entity, the ballot shall be sent by a trackable means (UPS or FedEx) to that single contact. Each ballot must be accompanied with instructions as to the date it must be returned to the contact person in sealed double envelope process. A listing should be provided for each eligible voter to sign as having received their ballot. Failure by the eligible voter to properly execute and return a ballot on the referendum date shall be deemed a non-returned ballot and does not count as a "Yes" vote favoring social security and/or medicare coverage.
  - If an in-person vote is scheduled, the ballots will be distributed on-site by an OA representative. Each ballot is secured with assurance that only ONE ballot is distributed to each eligible voter. Voters will be issued a single ballot, cast a vote, and deposit the ballot into a secured ballot box for counting at the end of the allotted voting period. Because of the nature of a limited time on-site vote, there may be a need for Absentee Ballots for individual eligible voters who cannot attend the on-site voting period. In this case ADVANCE Absentee Ballots must be requested by those eligible voters.
    - i. Employees who will not be present or who otherwise will be unable to cast a ballot on the referendum date may request an absentee ballot from the political subdivision. This request shall be made in advance with a deadline agreed upon with the entity, on an absentee ballot request form supplied by the OA.
    - ii. The request must include the member's name, home address and reason for being absent from the referendum. OA will send the absentee ballot request forms and absentee ballots to the political subdivision prior to the referendum date to ensure distribution to the requesting eligible voters.
    - iii. The absentee ballot shall be completed during the days prior to the referendum date. The member will place the completed absentee ballot in a sealed inner envelope, then a sealed outer envelope with their name, and return to the political subdivision's designated

contact person. The sealed ballot will be given to OA representative on the day of the on-site referendum. Failure to properly execute and return an absentee ballot within the established absentee period shall be deemed a non-returned ballot and cannot be counted as a favorable vote for social security and/or medicare coverage.

- The OA will count the ballots and summarize the election of the eligible members, in a paper or electronic format designed by the OA (see **Exhibit E**). OA and any witnesses will sign the attestation to confirm the integrity of the count. OA will forward to the political subdivision a signed copy of the referendum results.
- **Certification of the Referendum.** Under federal law, the following conditions shall be followed when conducting the referendum:
  - 1) The referendum will be held by secret, written ballot on the question of whether members of a retirement system wish coverage under the Agreement of January 1, 1951;
  - 2) The opportunity to vote will be given and limited to eligible employees identified below:
    - Those eligible employees who are members of the retirement system on the date the referendum is held, **AND**
    - Those employees in a position under the retirement system both at the time the referendum notice is given and on the date the referendum is held.
  - 3) All members of the system will be given at least 90 days' notice regarding the referendum;
  - 4) The referendum will be conducted under the supervision of the Governor, agency or person designated by the Governor; and
  - 5) A majority of the eligible employees of the retirement system must vote in favor of coverage before coverage can be extended.

This requirement is satisfied by the Certification of Referendum signed by the State Administrator **if the vote is in favor of coverage** (see **Exhibit F**).

- The OA, after the conduct of a successful referendum, shall furnish, pursuant to RSMo 150.350, the political subdivision two, partially completed, Plan and Agreement document. The Plan and Agreement, and its associated Resolution, shall be executed by the governing body of the political subdivision **no later than sixty (60) days after the date of the referendum**.
- Upon receipt of the executed Plan and Agreement or Amendment from the political subdivision, OA will countersign all originals and return one original to the entity. An original must be retained by OA in the entity file.
- OA shall execute a modification to the Agreement of January 1, 1951 and submit such modification to the Social Security Administration. Such modification must

provide language to include coverage to those services performed by individuals in positions covered by the retirement system. Any excluded positions covered by the retirement system must also be noted on the modification.

- Upon receipt of an executed (signed) modification from the Social Security Administration, the OA shall notify the political subdivision that coverage has been accepted and provide a copy of the Mod. The political subdivision will initiate payment of the applicable taxes, **if such payment has not already been made**, to the IRS based on the appropriate IRS instructions.
- If the majority of the eligible voters do NOT favor social security &/or medicare coverage, the count must be documented as noted above with Exhibit E. If the retirement system group is in a FICA Replacement Plan, then OA will provide SSA Form 1945 for use by the entity in explaining to each retirement system eligible new hire of being in a position not covered by social security. No Modification to the State's Agreement is executed.

**RESOLUTION TO REQUEST AUTHORIZATION OF REFERENDUM**

**WHEREAS**, Section 105.353 RSMo establishes procedures whereby members of retirement systems in political subdivisions may obtain social security coverage; and

**WHEREAS**, it is deemed to be desirable that the **[entity name]**, a political subdivision of the State of Missouri, obtain said social security coverage for certain coverage groups of its employees; and

**WHEREAS**, the **[entity name]** desires to establish social security coverage pursuant to Section 218 [42 U.S.C. 418] of the Social Security Act and Section 105.350 RSMo for those positions of members of the **[retirement system]** to include services performed by such individuals employed in positions covered by said retirement system as members of a coverage group established by Section 218(d) of said Act.

**NOW, THEREFORE, BE IT RESOLVED**, that the **[entity name]**, desiring to offer social security coverage to services performed by its employees in positions covered by **[retirement system]**, respectfully requests the Governor of the State of Missouri to authorize the necessary majority vote referendum among the eligible employees of said deemed retirement system as to whether a majority of such employees favors social security coverage. If said majority favors coverage, an agreement will be entered into by this governing body; and

**BE IT FURTHER RESOLVED**, that notice of the majority vote referendum shall be given to eligible members of the **[retirement system]** not less than ninety days prior to the conduct of such referendum; and

**BE IT FURTHER RESOLVED**, that after the end of the ninety day notice period, a majority vote referendum shall be conducted in accordance with the requirements of Section 218(d) of the Social Security Act and applicable state and federal laws and regulations; that each eligible member of **[retirement system]**, who received the ninety day notice of the referendum, shall be furnished a ballot for the majority vote referendum to permit the member to elect whether or not services should be excluded from or included under the State of Missouri's Social Security Agreement as hereinbefore provided. Such coverage will be effective as to services performed on and after **[date of coverage]**, only if a majority of the **[entity name] [retirement system]** members who are eligible to vote in the referendum vote in favor of Social Security coverage for which will then require an agreement to be made with the State of Missouri.

**CERTIFICATION**

We do hereby certify that the foregoing is a true and original copy of a Resolution adopted by the governing body **[entity name]** on \_\_\_\_\_, 20\_\_\_\_.

Signed: \_\_\_\_\_  
(Board President)

Signed: \_\_\_\_\_  
(Board Secretary)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# NOTICE OF SOCIAL SECURITY REFERENDUM

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## NOTICE DATE

Notice is hereby given that a referendum will be conducted by the Missouri State Social Security Administrator to determine whether eligible employees of the [ENTITY NAME] members of [RETIREMENT SYSTEM NAME] favor the adoption of coverage under the Old Age, Survivors, and Disability Insurance (OASDI) programs (Social Security coverage).

The Social Security Act provides for benefits under the federal OASDI programs, if the eligibility criteria for the program are met. Benefits under these programs are monthly payments made to retired persons, families whose wage earner has died, and workers who are unable to work because of a physical or mental impairment. Workers qualify for such protection when they have been employed for the mandatory minimum amount of time and made contributions to Social Security through payroll taxes. There is no financial need requirement for OASDI programs. Once a worker qualifies for protection, his or her family may also be eligible for benefits. Detailed program information can be obtained at [www.ssa.gov](http://www.ssa.gov) or by visiting a local Social Security Administration office.

Each employee of the [ENTITY NAME] who is a member of [RETIREMENT SYSTEM NAME] on [NOTICE DATE], and who continues to be an employee member of said retirement system on the official day of the referendum, [VOTE DATE], will have the right to vote. If majority of those eligible to vote favor coverage, [ENTITY NAME]'s [RETIREMENT SYSTEM NAME] members will be entitled to benefits under the programs Social Security administers. In addition, each [ENTITY NAME]'s [RETIREMENT SYSTEM NAME] member will continue, or begin, contributing to Social Security through payroll taxes as required by the Federal Insurance Contributions Act.

**The referendum will be conducted for the eligible voters of:**

**[ENTITY NAME]**

**Ballots will be distributed in advance of the vote date. To be valid, a cast ballot must be *received* in a sealed envelope by [CONTACT PERSON] no later than:**

**[TIME am/pm]. [DAY OF WEEK], [FULL CALENDAR DATE]**

This notice is posted in accordance with the requirement under the Missouri Revised Statutes and the Social Security Act that all eligible employees be given at least 90-days' notice of such referendum.

An educational meeting has been scheduled with eligible employees of the [ENTITY NAME] on [DATES OF SESSIONS], at which time your individual questions will be answered concerning your rights and liabilities regarding the referendum.

**Questions regarding this referendum may be directed to:  
Vandee DeVore, Deputy State Social Security Administrator  
Office of Administration, Division of Accounting  
PO Box 809  
Jefferson City, MO 65102-0809  
(573)751-1987  
218agreements@oa.mo.gov**

**SOCIAL SECURITY COVERAGE REFERENDUM REGISTER**  
**Missouri State Social Security Administrator**  
**PO Box 809**  
**Jefferson City, MO 65102-0809**

<b>Social Security Number</b>	<b>Name</b>

I certify that this is a true and complete list of all employees of the [ENTITY NAME], who are members of {RETIREMENT SYSTEM NAME} as of {NOTICE DATE}, the date of the Notice of Referendum.

Signed \_\_\_\_\_ Title \_\_\_\_\_  
Date \_\_\_\_\_

**Request for Absentee Ballot**

An employee may request an absentee ballot for the upcoming Social Security coverage referendum using this form. This request should be made in writing, when an employee may be absent on the day of the vote. The request must include the employee's name, **and address to mail the ballot.**

Return this completed request to **{your designated contact person no later than...}**. **This allows time for processing and mailing a ballot to you, and then you submitting your ballot to [the designated contact] by [vote date].** He/She will submit all Absentee Ballots to the State Social Security Administrator to be included in the final vote count.

**Request for Absentee Ballot**

The Missouri Revised Statutes provide the procedure whereby employees of a political subdivision who are covered by a retirement system may obtain social security coverage through a favorable vote of the majority of the eligible voting pool. As an eligible voter, I hereby request an absentee ballot from the Missouri State Social Security Administrator.

Entity: [ENTITY NAME]

Name: \_\_\_\_\_ (Please Print)

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Please provide the address to send the ballot:

\_[TYPICALLY PROVIDE THE ENTITY ADDRESS]\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please contact the Missouri State Social Security Administrator if you have any questions.

Vandee DeVore, Deputy State Social Security Administrator  
Missouri Office of Administration/Division of Accounting  
PO Box 809  
Jefferson City, MO 65102-0809  
E-mail: 218agreements@oa.mo.gov  
Voice: (573) 751-1987



**[ENTITY NAME]  
Social Security Coverage Referendum  
[REFERENDUM DATE]**

Number of Eligible Voters \_\_\_\_\_ Majority **YES** votes required to pass \_\_\_\_\_

**VOTE COUNT:**

\_\_\_\_\_ "Yes"

\_\_\_\_\_ "No"

\_\_\_\_\_ Ballots Deemed invalid

\_\_\_\_\_ Ballots Not Returned

\_\_\_\_\_ Number of Eligible Voters Not Voting

\_\_\_\_\_ Total of Vote Count Categories (should equal # of Eligible Voters)

**Did majority of eligible voters accept Social Security coverage under  
Section 218? : YES \_\_\_\_\_ NO \_\_\_\_\_**

By the delegated authority vested in the State Social Security Administrator, I attest the above information to be true and accurate.

\_\_\_\_\_  
Vandee DeVore, Deputy State Social Security Administrator

\_\_\_\_\_  
Date

**Witnesses: (optional)**

**Signature**

**Printed Name**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Certification of Referendum Section 218 (d)(3) of the Social Security Act

Pursuant to authority vested in me for this purpose by the Governor of the State of Missouri, this is to certify that:

- (a) A referendum by secret ballot was held on [REFERENDUM DATE] on the question of whether services of employees of the [ENTITY NAME], as members of the [RETIREMENT PLAN NAME] should be excluded from or included under the agreement entered into on July 13, 1951 by the State of Missouri and the Commissioner of Social Security pursuant to Section 218 of the Social Security Act;
- (b) An opportunity to vote in such referendum was given, and was limited to eligible employees (as defined in Section 218(d) of such Act) of such system;
- (c) Not less than ninety days' notice of such referendum was given to all such employees;
- (d) Such referendum was conducted under the supervision of [OA REPRESENTATIVE NAME], duly designated to conduct such referendum; and
- (e) A majority of the eligible employees voted in favor of including service of the members of the [RETIREMENT PLAN NAME] under the agreement entered into on July 13, 1951 by the State of Missouri and the Commissioner of Social Security pursuant to Section 218 of the Social Security Act.

No referendum has previously been held in the political subdivision on the question of whether members of the [RETIREMENT PLAN NAME] should be excluded or included under the agreement entered into on July 13, 1951 by the State of Missouri and the Commissioner of Social Security, pursuant to Section 218 of the Social Security Act.

Done this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Signature \_\_\_\_\_  
Designated Official—State Administrator