



# **Firefighters' Pension Investment Fund**

## **2021 Executive Trustee Special Election Rules**

### **Part I. Definitions**

"Board" means the Board of Trustees created by Section 22C-115(b) of the Code.

"Code" means the Illinois Pension Code, 40 ILCS 5.

"Election Date" means September 24, 2021.

"Election Panel" has the meaning given to it in Part XIII.

"Employer Executive" means a person who is a mayor, president, chief executive officer, chief financial officer, or other officer, executive, or department head of a municipality or fire protection district that has a Pension Fund.

"Executive Trustee" means a trustee who is to be elected by the mayors and presidents of municipalities or fire protection districts that have a Pension Fund.

"Fund" means the Firefighters' Pension Investment Fund.

"Illinois Municipal League" means the unincorporated, nonprofit, nonpolitical association of Illinois cities, villages, and incorporated towns described in Section 1-8-1 of the Illinois Municipal Code.

"Pension Fund" means any pension fund established pursuant to Article 4 of the Code.

### **Part II. Trustee Positions and Terms of Office**

These rules shall apply to and govern the election of the following trustee position of the Fund, pursuant to Section 22C-116 of the Code (each, a "Trustee Position"):

- A) One Executive Trustee shall be elected to serve an unexpired term that ends on January 2, 2025.

The term for the trustee position described herein shall commence on the date that the Election Panel certifies the election result pursuant to paragraph (G) of Part XI.

### **Part III. Candidate Eligibility**

A candidate for a Trustee Position described in Part II shall be a person who is:

An Employer Executive in continuing service as an Employer Executive from the date the candidate application is submitted to the Fund through the Election Date. A candidate for Executive Trustee shall be nominated by a petition, conforming to the requirements of Part IV, signed by no fewer than 20 individuals who, as of the date of signing, were mayors or presidents of municipalities or fire protection districts that have a Pension Fund.



- A) All candidates must complete an application in the form adopted by the Fund in order to qualify their eligibility. Candidate application forms shall be obtained from the Fund website beginning June 10, 2021.
- B) The Election Panel shall review candidate applications and determine the eligibility of candidates. If a candidate should become ineligible for the Board position after submission of the candidate application form, but before the election, the Election Panel shall declare the candidate ineligible and remove that candidate from the ballot. If a candidate should become ineligible for the Board position after the printing of the ballots, the ineligible candidate's votes shall not be counted.

#### **Part IV. Nominating Petitions**

All petitions for Trustee Positions prescribed in Part II shall be printed in the form adopted by the Fund. Petition forms shall be provided to candidates within 1 business day of receipt of their candidate application. The petition forms may be photocopied for use by the candidates.

A valid petition nominating a candidate for an elected Trustee Position prescribed in Part II shall meet the following requirements:

- 1) The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate, as established by Part III. A valid petition may consist of multiple pages and may contain blank signature lines.
- 2) Each signature of an eligible voter must be accompanied by the signing person's name (printed), public title, public office address (street and city), name of Municipality or Fire Protection District, and the date of signature. Signatures that are not accompanied by at least a partial address will not be accepted.
- 3) Petitions may be circulated for signatures beginning June 11, 2021. Original petitions must be received by the Fund on or before 4:30 pm on July 23, 2021. Petitions filed after the prescribed petition filing period are invalid and will not be counted.
- 4) An individual eligible to sign a petition nominating a candidate for a trustee position on the Board may sign petitions for as many candidates as desired.
- 5) The petition shall bear the notarized signature of the individual who circulated the petition for signatures, verifying that the signatures contained on the petition were signed in that individual's presence and are genuine, and that, to the best of the circulating individual's knowledge, the persons who signed the petition were eligible to do so under Part III.

#### **Part V. Determination of Candidates**

The Election Panel shall determine the validity of petitions and notify all candidates on or before July 30, 2021 whether their petitions met all petition requirements. Candidates filing conforming petitions will be added to the slate of candidates on the respective ballot. Candidates and eligible voters shall be given notice of the slate of candidates on the Fund's website on or before July 30, 2021.



A candidate may withdraw his or her candidacy by notifying the Election Panel in writing, in the manner prescribed by the Election Panel. The Election Panel shall remove any withdrawn candidate from the ballot. If a candidate withdraws his or her candidacy after the printing of the ballots, any votes cast in favor of such withdrawn candidate shall not be counted.

For the trustee positions prescribed in Part II, if only one candidate files conforming nominating petitions the Election Panel shall deem that candidate elected. If a candidate is deemed elected under this paragraph of Part V, the Election Panel shall certify the result and no further election for that trustee position shall be administered.

## **Part VI. Challenge of Nominating Petitions**

- A) Any individual may, upon reasonable notice and during normal business hours on or after August 2, 2021 and until August 6, 2021, examine petitions that have been filed; provided, however, that in order to protect the signing participants' and annuitants' privacy and confidentiality, the examination shall be subject to the following limitations:
- 1) Petitions that are examined will be duplicate copies of the original petitions filed, with any confidential information redacted.
  - 2) Petitions may only be examined at the Fund's office.
  - 3) Petitions may not be removed from the Fund's office, copied, or duplicated by any means.
- B) A prospective candidate or eligible voter may challenge the petition validation process for a nominating petition. A challenge shall be submitted in a written statement identifying the specific aspects of the petition validation process that is being challenged.
- C) All challenges shall be submitted to the Election Panel no later than 4:30 pm on August 6, 2021. Any challenge submitted after such time shall not be considered.
- D) The Election Panel shall consider the written statement and proceed to make a final determination with respect to the challenge on or before August 13, 2021.
- E) The Election Panel shall send a written notice of the final determination to the challenger and all candidates.
- F) The Election Panel shall, if necessary, update the slate of candidates on the Fund's website.
- G) The determination of the Election Panel shall constitute a final administrative decision for purposes of the Administrative Review Law, 735 ILCS 5/Art. III.



## Part VII. Eligible Voters

Individuals eligible to vote for Executive Trustees shall be mayors and presidents of municipalities or fire protection districts that have a Pension Fund.

For the avoidance of doubt, no voter shall be entitled to cast more than one ballot for any trustee position.

## Part VIII. Election Materials

- A) On or before August 20, 2021 the following election materials shall be mailed to the eligible voters' address on file:
- 1) Candidate Biographies in the format and length specified and approved by the Election Panel.
  - 2) Instructions on how to vote by mail ballot.
  - 3) The mail ballot shall contain the names of all candidates in alphabetical order.
  - 4) A secrecy envelope.
  - 5) A pre-printed return envelope.
  - 6) Instructions on how to receive an appropriate mail ballot if an eligible voter did not receive a mail ballot, if an eligible voter received an incorrect mail ballot, or if an eligible voter incorrectly marks or spoils his or her paper ballot prior to returning it.
- B) An eligible voter who has not received any or all of the election materials must contact the Election Panel at least 10 days prior to the Election Date to request that the Election Panel send election materials to him or her.

## Part IX. Casting of Ballots

A valid ballot must conform to the following requirements:

- 1) The choice of candidates must be clearly indicated as directed on the voting instructions. If ballots are not marked as directed, the marks are invalid and the associated votes will not be counted.
- 2) Each eligible voter is entitled to only one vote for any candidate.
- 3) If more candidates are selected than the number of positions to be elected, the ballot is invalid and will not be counted.
- 4) Only official paper ballots will be counted. Write-in candidates are invalid and will not be counted.



## Part X. Return of Ballots

Upon receipt of the election materials, the eligible voter shall:

- 1) Mark his or her ballot in accordance with Part IX.
- 2) Place the completed ballot into the secrecy envelope and seal the envelope.
- 3) Place the sealed secrecy envelope ballot into the return envelope provided and seal the envelope.
- 4) Mail, via U.S. mail only, the return envelope to the address on the envelope.
- 5) Ballots must be received by 4:30 pm on September 24, 2021. Ballots received after 4:30 pm on September 24, 2021 are invalid and will not be counted. A record of the receipt date of each ballot will be maintained.

## Part XI. Ballot Counting and Certification of Results

- A) The Fund will develop minimum standards to ensure ballots are properly recorded, secured, tabulated and retained.
- B) Ballots delivered to the Fund in bulk, via hand delivery, or any delivery method other than U.S. Mail are invalid and will not be counted.
- C) If multiple ballots are received from an eligible voter, the first ballot received will be counted as the official ballot and any subsequent votes will not be counted. The Fund will develop procedures to ensure that only one ballot may be received from each eligible voter.
- D) Votes received in favor of any candidate who has withdrawn his or her candidacy or is otherwise ineligible will not be counted.
- E) When all eligible ballots have been counted and tabulated, the candidates who have received the greatest number of votes in each Trustee Position will be elected trustees.
- F) In the case of a tie vote, the winner shall be determined in accordance with procedures developed by the Department of Insurance.
- G) The results of the election process shall be certified by the Election Panel, posted on the Fund website, and reported to the Board. The Election Panel will certify the election results by 4:30 pm on October 1, 2021.
- H) The Board shall read the election results into the minutes of the first meeting of the Board following the declaration of election results.



## **Part XII. Challenge of Election Results**

Any challenge to the certified election results shall be made in the following manner:

- 1) The challenger shall submit a written statement to the Board Secretary identifying the specific aspects of the election results that are being challenged.
- 2) All challenges shall be submitted to the Board Secretary no later than 7 days after the election results have been certified. Any challenge submitted more than 7 days after the election results have been certified shall not be considered.
- 3) The written statement timely submitted in accordance with item (2) shall be presented to and considered by the Board at the next regularly scheduled meeting of the Board. The challenger shall have no right to make a presentation at the Board meeting. The Board shall, in its sole discretion, determine what steps, if any, need to be taken in response to the challenge, including, but not limited to, modifying the election results declared.
- 4) The election results shall remain valid pending determination of any challenge.
- 5) A written notice of the final determination shall be sent to the challenger and all candidates within 7 days after making the determination. This notice shall constitute a final administrative decision of the Board for purposes of the Administrative Review Law.

## **Part XIII. Election Panel**

An Election Panel shall be appointed by the Board on or before June 18, 2021. The Election Panel shall consist of 3 individuals who shall not be individuals running for any Trustee Position. The Election Panel shall include 1 Participant recommended by a Firefighter Labor Organization and appointed by the Board, 1 Beneficiary recommended by a Firefighter Labor Organization and appointed by the Board, and 1 Employer Executive representative recommended by the Illinois Municipal League and appointed by the Board. A member of the Election Panel who submits a candidate application to run for a trustee position shall immediately be disqualified from serving on the Election Panel. Any vacancy of the Election Panel shall be replaced by Board appointment in a like manner.

The Election Panel shall serve as the election judges and be responsible for ballot tabulation and other responsibilities prescribed by Board rule. The Election Panel shall appoint a clerk for the purposes of taking records of the Election Panel. The clerk shall report the actions taken by the Election Panel at regularly scheduled meetings of the Board.