

ADOPTED

Amendment to Trustee Election Rules

Chapters 2 and 3 of FPIF Rules

December 1, 2023

## Chapter 2. Board Governance and Procedures

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### **2-1. MEETINGS**

#### **2-1.1. Schedule**

The Chair, in consultation with other members of the Board, shall determine a schedule of dates for regular meeting of the Board for each upcoming calendar year. At least one regular meeting shall be scheduled each calendar quarter. The schedule shall be published as required by Section 2.02 of the Open Meetings Act.

The annual meeting of the Board shall be the first regular meeting held in the calendar year, unless otherwise agreed upon by the Board. Special or emergency meetings may be called by the Chair or by written request of any three members of the Board submitted to the Secretary. The Board will conduct its meetings in accordance with the Open Meetings Act.

#### **2-1.2. Procedure for Meetings**

Robert's Rules of Order shall govern the procedure for all meetings of the Board and its Committees, except to the extent otherwise provided in these Rules or applicable law.

#### **2-1.3. Quorum and Voting**

The presence of six members of the Board shall constitute a quorum for the transaction of business at any properly noticed meeting of the Board. A majority of the members of a duly authorized Committee of the Board shall constitute a quorum for the transaction of business at any meeting of that Committee. A smaller number of members of the Board or of a Committee may meet and adjourn to some other time or until a quorum is obtained; provided, however, that no motion, resolution or other action shall be effective unless a quorum is present.

For purpose of determining quorum, a member of the Board or a Committee of the Board is considered to be present if physically present at a public meeting location of the Board, unless Section 7(e) of the Open Meetings Act (or any successor provision) applies, in which case a member participating by audio or video conference may be considered to be present as and to the extent so permitted by the Open Meetings Act.

Assuming a quorum is present, all actions taken by the Board shall require the affirmative vote of at least five members of the Board, except that the following actions shall require the affirmative vote of at least six trustees: the adoption of actuarial assumptions; the selection of a chief investment officer, fiduciary counsel, or a consultant as defined under Section 1-101.5 of the Pension Code; the adoption of rules for the conduct of election of trustees; and the adoption of asset allocation policies and investment policies. Assuming a quorum is present, all actions taken by a Committee shall require the affirmative vote of a majority of members of that Committee. No final action for which the affirmative vote of at least six Trustees is required may be taken by a Committee.

Votes may be taken by voice vote, except that a vote to close a meeting to the public must be taken by recorded roll call (as required by Section 2(a) of the Open Meetings Act) and except when a recorded roll call vote is otherwise required by law or requested by the Chair or any

other member of the Board or Committee. In the case of a recorded roll call vote, the vote of each member in attendance shall then be recorded in the minutes of the meeting.

#### **2-1.4. Attendance at Meeting by Audio or Video Conference**

Any member of the Board or a Committee may attend any meeting of the Board or a Committee, respectively, whether opened or closed, by video or audio conference if (a) the member is prevented from physically attending the meeting because of (i) personal illness or disability, (ii) employment purposes or the business of FPIF, or (iii) a family or other emergency or (b) otherwise permitted by the Open Meetings Act; provided, however, that such attendance by video or audio conference is permitted by and in compliance with this Chapter and any applicable laws, including the Section 7 of the Open Meetings Act.

A member desiring to attend a meeting of the Board or a Committee by video or audio conference must notify the Secretary prior to the meeting. Such notice should state why the member is unable to attend the meeting in-person. Such notice should be given at least 24 hours before the meeting if possible. The member's request to participate by video or audio conference may be denied.

The Secretary shall notify the Board or Committee of any request received to participate in a meeting by video or audio conference at the start of the meeting. After first establishing that a quorum is physically present at the meeting, the Chair or Secretary shall state the request to the Board or Committee. The request shall be granted if approved by a majority of those members of the Board or Committee who are physically present at the meeting.

A member attending the meeting by video or audio conference must be able to communicate effectively with other members of the Board or Committee who are present. All members attending the meeting must be able to hear all communications at the meeting site. The Secretary and FPIF staff will be responsible for providing equipment adequate to facilitate proper communications at the meeting site.

A member attending the meeting by video or audio conference will be counted as "present" for that meeting, permitted to participate in discussion, and permitted to vote on matters considered during the meeting, as and to the extent that the member could so participate and vote if the member were physically present. The minutes of the meeting shall state that the member participated through video or audio conference.

Notwithstanding the foregoing, if the requirement of the Open Meetings Act that a quorum of members be physically present is waived pursuant to Section 7(e) of the Open Meetings Act, a member may attend a meeting of the Board or a Committee by video or audio conference for reasons other than those enumerated in clauses (i)-(iii) of the first paragraph of Section 2-1.4, no prior notice to the Secretary is required to be given, and no approval by the Board shall be required to permit such attendance. The Board or Committee shall ensure that the meeting otherwise complies with applicable law.

#### **2-2. OFFICERS**

The elective officers of the Board shall comprise a Chair, a Vice-Chair, a Treasurer, a Secretary, and an Ethics Officer. The elective officers shall be elected by the Board biennially at the annual meeting in each odd-numbered year. The Chair, Vice-Chair, Treasurer, and Secretary shall be

elected from among the members of the Board; the Ethics Officer shall be elected from among the members of the Board or the staff of FPIF. The same person may not hold two or more elective offices of the Board, except that the Treasurer or Secretary may also serve as the Ethics Officer if the Board so desires. Each elective officer shall hold office until the election and qualification of his or her successor, unless he or she earlier resigns, is removed from that office by the Board, or ceases to be a member of the Board for any reason. Any vacancy occurring during a biennial period shall be filled in like manner for the unexpired term of office.

**2-2.1. The Chair**

The Chair shall preside at all meetings, announce the business before the Board, announce the question under consideration and the result of the vote taken, recognize members of the Board and others to speak, and ensure an orderly meeting. He or she shall appoint members of the Board to all Standing Committees (as provided in Section 2-5) and see that Committee members perform their assigned duties.

**2-2.2. The Vice-Chair**

The Vice-Chair shall preside at all meetings of the Board in the absence of the Chair. The Vice-Chair shall assume all of the duties of the Chair if the Chair becomes statutorily ineligible to serve in that capacity or is legally incapacitated or in the event of a vacancy in the Chair position. The Vice-Chair shall relinquish those duties when a new Chair is properly qualified.

**2-2.3. The Treasurer**

The Treasurer shall have custody of funds of FPIF. The Treasurer shall have the authority to open, maintain, and close bank, depository, brokerage, and other accounts for depositing, keeping, expending, and investing funds of FPIF in accordance with policies adopted by the Board. The Treasurer shall maintain financial accounts and records of FPIF and report financial information to the Board regularly.

**2-2.4. The Secretary**

The Secretary shall authenticate with his or her signature any resolutions of the Board, shall record minutes of meetings of the Board, and shall perform such other duties as may be prescribed by the Board.

**2-2.5. The Ethics Officer**

The Ethics Officer shall perform duties set out in the Illinois State Officials and Employees Ethics Act and other applicable law, shall review statements of economic interest and disclosure forms of Board members upon request, shall provide requested guidance to Board members and employees of FPIF in the interpretation and implementation of the FPIF ethics policy, and shall perform such other duties as may be prescribed by the Board.

**2-3. EXECUTIVE PERSONNEL**

**2-3.1. The Executive Director**

The Executive Director shall act as Chief Executive Officer of FPIF. The Executive Director may act as the Chief Investment Officer of FPIF, as described in Section 2-3.2. He or she shall

administer the affairs of FPIF pursuant to the provisions of Article 22C of the Pension Code and other applicable law, subject to and under supervision of the Board. Consistent with the budget approved by the Board, the Executive Director may employ such personnel, professional or clerical, as may be desirable and necessary, and fix their compensation. The Executive Director shall assign a member of FPIF staff to act as Governmental Liaison. The Executive Director shall be responsible for all records, books, files, papers and documents belonging to the Board. The Executive Director shall present to the Board reports summarizing expenses paid against budgeted amounts; shall request any information and reports that may be required during the course of operations to effectuate the objectives of the Board and shall prepare periodic statements and reports to fully carry out the expressed and implied requirements of applicable law. He or she shall perform such other duties that are called for by the rules, orders, directives and resolutions of the Board. The Executive Director shall prepare a budget for the fiscal year commencing July 1 and ending the following June 30 and present such budget to the Board for approval prior to the beginning of the upcoming fiscal year. The Director shall submit a monthly report to the Board setting forth by designated categories the cumulative amount of expenditure for the fiscal year to date and the total amount budgeted for each such category.

#### **2-3.2. The Chief Investment Officer**

The Executive Director may act as the Chief Investment Officer or the Board may appoint a separate Chief Investment Officer. The Chief Investment Officer shall report to the Board. The Chief Investment Officer is responsible for leading the management and operations of the Board's investment program. The Chief Investment Officer will work closely with the Board and the Executive Director to ensure the operations, management, and strategies of the Board are carried out in accordance with the Investment Policy and other relevant policies and procedures.

#### **2-4. COMMUNICATIONS**

The Executive Director shall generally serve as the spokesperson for FPIF.

#### **2-5. STANDING COMMITTEES**

The Board shall have the following Standing Committees: the Audit and Compliance Committee, the Elections Committee, the Investments and Operations Committee, and the Legislative Committee.

At the annual meeting of the Board each year, the Chair shall recommend to the Board, subject to approval by the Board, the appointment of Board members to the Audit and Compliance Committee, the Elections Committee, and the Investments & Operations Committee. Each Standing Committee shall comprise not less than three members of the Board.

The Legislative Committee shall comprise four members of the Board. The Chair and Vice Chair of the Board shall each serve on the Legislative Committee. At the annual meeting of the Board each year, the Chair and Vice Chair shall each recommend to the Board, subject to the approval of the Board, the appointment of one member to the Legislative Committee. Membership of the Legislative Committee shall consist of two members appointed or elected to represent participants or beneficiaries and two members appointed or elected to represent municipalities and fire protection districts.

Any member of a Standing Committee may resign at any time by giving written notice to the Chair and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. A vacancy on any Standing Committee may be filled at the next meeting of the Board in the same manner as the Standing Committee members are appointed at the annual meeting of the Board.

Each Board member may attend any meeting of any Standing Committee and participate in discussions during any such meeting, even if he or she is not a member of that Standing Committee, but only members of the Standing Committee may vote on matters before the Standing Committee.

Each Standing Committee may fix its own rules and procedures, which shall not be inconsistent with these by-laws or applicable law, including the Open Meetings Act. Each Standing Committee shall keep regular minutes of its proceedings and shall report to the Board at the meeting of the Board following the Standing Committee's meeting of all actions taken by or recommended by the Standing Committee. The chair of each Standing Committee shall be appointed by a majority of the members of the Standing Committee at the first meeting of the Standing Committee after the annual meeting of the Board each year.

A majority of the members of the Standing Committee shall constitute a quorum. The act of a majority of the Standing Committee members in attendance at a meeting at which a quorum is present shall be the act of the Standing Committee.

The Standing Committees shall meet when necessary. The chair of the Standing Committee may call meetings of the Standing Committee consistent with the requirements of the Open Meetings Act. Each Standing Committee will have those purposes and responsibilities that are set out in, and otherwise be constituted in accordance with the following subsections of this Section 2-5.

#### **2-5.1. Audit and Compliance Committee**

In general, the Audit and Compliance Committee shall assist the Board in providing oversight with respect its statutory responsibilities to audit constituent pension funds, and prepare actuarial statements for constituent pension funds. The Audit Committee shall also monitor the financial reporting process, the system of risk management, the system of internal controls, internal and external audit functions and ensure compliance with applicable laws, rules, regulations and policies.

The Audit and Compliance Committee shall undertake the following responsibilities, which are set forth as a guide. The Audit and Compliance Committee is authorized to carry out these activities and other actions reasonably related to its purposes or assigned by the Board from time to time. To fulfill its purposes, the Audit and Compliance Committee shall:

- (a) Monitor the work of retained audit and actuarial firms, as well as FPIF staff, in meeting statutory obligations related to audits of constituent pension funds, and the preparation of actuarial statements for constituent pension funds;
- (b) Oversee processes to identify and retain audit and actuarial firms. Work with staff to evaluate the services provided by such firms;

- (c) Review and oversee the work of the audit, including review of all audit reports and management's follow-up activities, approval and completion of the annual audit plan, ensure compliance with professional standards and ensure that the audit unit's independence and objectivity are maintained;
- (d) Review audit findings and recommendations, management's responses and actions taken to implement the audit recommendations;
- (e) Review audit work completed by the auditors, including audit scope and approach, annual audit reports, accounting, compliance and financial reporting issues, difficulties encountered during the audit and all matters required to be communicated to the Board under generally accepted audited standards;
- (f) Review the effectiveness of FPIF's system for monitoring compliance with laws, regulations, rules, policies and procedures and the results of management's investigation and follow-up of any instances of noncompliance;
- (g) Oversee responsibility for all matters relating to the FPIF's Ethics Policy;
- (h) Work with FPIF's legal counsel and the Executive Director to ensure all required FPIF reporting has been completed in compliance with relevant laws, regulations, rules, policies and procedures;
- (i) Provide oversight of FPIF fiscal operations; and
- (j) Conduct any other duties as assigned by the Board.

## **2-5.2. Elections Committee**

In general, the Elections Committee shall assist the Board in conducting and administering the trustee elections in a manner consistent with 40 ILCS 5/22C-116.

The Elections Committee shall undertake the following responsibilities, which are set forth as a guide. The Elections Committee is authorized to carry out these activities and other actions reasonably related to its purposes or assigned by the Board from time to time. To fulfill its purposes, the Elections Committee shall:

- (a) Assist the Board in reviewing and overseeing the construction and maintenance of a database of eligible voters;
- (b) Assist the Board in reviewing and overseeing the addition of eligible voters to the database;
- (c) Assist the Board in reviewing and overseeing the administration of trustee elections, including but not limited to the submission and counting of nominating petitions, the distribution of election materials to eligible voters, the election timeline, the acceptance and counting of ballots, and the selection and monitoring of any third party contracted to conduct the elections;
- (d) Make recommendations to the Board on appropriate election procedures, including but not limited to the submission of ballots; and

- (e) Conduct other duties as assigned by the Board.

### **2-5.3. Investments and Operations Committee**

In general, the Investments and Operations Committee shall assist the Board in overseeing the transfer of assets to, and the investment of assets held by, FPIF and in overseeing other operations of FPIF.

The Investments and Operations Committee shall undertake the following responsibilities, which are set forth as a guide. The Investments and Operations Committee is authorized to carry out these activities and other actions reasonably related to its purposes or assigned by the Board from time to time. To fulfill its purposes, the Investments and Operations Committee shall:

- (a) Assist the Board in reviewing and overseeing the transfer of assets from local firefighter pension systems (established under Article 4 of the Pension Code) to FPIF, including recommending policies and rules to facilitate the transfer and appraisal of those assets;
- (b) Assist the Board in reviewing and overseeing the retention of custodians, investment advisers, consultants, and other professionals to hold and manage assets in the custody of FPIF, in accordance with FPIF's procurement policy and other applicable rules;
- (c) Assist the Board in reviewing and overseeing the investment of assets, including recommending an investment policy for adoption by the Board and overseeing its proper implementation;
- (d) Assist the Board in reviewing and overseeing personnel matters, including as provided in FPIF's hiring policy and other applicable rules; and
- (e) Conduct other duties as assigned by the Board.

### **2-5.4. Legislative Committee**

In general, the Legislative Committee shall assist the Board in legislative matters relevant to Article 22C of the Pension Code.

The Legislative Committee shall undertake the following responsibilities, which are set forth as a guide. The Legislative Committee is authorized to carry out these activities and other actions reasonably related to its purposes or assigned by the Board from time to time. To fulfill its purposes, the committee shall:

- (a) Identify the ongoing needs of the FPIF for future legislative proposals;
- (b) Analyzing legislative proposals and determine appropriate action to be undertaken;
- (c) Make recommendations to the Board of Trustees on legislative matters and communications regarding legislative proposals or matters;
- (d) Be the primary point of contact for and oversee the activity of the Governmental Liaison;



- (e) Receive reports from the Governmental Liaison; and
- (f) Conduct other duties as assigned by the Board.

## **2-6. BOARD VACANCIES**

### **2-6.1. General**

A vacancy occurring in the elected membership of the Board shall be filled by the elected trustees as prescribed in Section 22C-116(h) of the Pension Code.

### **2-6.2. Unexpired Term ~~of Less Than 6 Months~~**

For a vacancy of an elected Trustee occurring with an unexpired term ~~of less than 6 months~~, the vacancy shall be filled by appointment by the Board, as follows:

- (a) The vacancy shall be announced via the FPIF newsletter and posted on the FPIF website.
- (b) Nominations shall be submitted in writing to the Secretary within 30 calendar days of the vacancy announcement in the form provided by FPIF. Once the nomination period has ended, the Secretary shall determine the eligibility of the candidates pursuant to Section 22C-115 of the Pension Code.
- (c) The list of eligible nominees shall be submitted to all members of the Board for consideration of which candidate would best represent the beneficiaries, participants, or municipalities and fire protection districts, as appropriate, as soon as practicable.
- (d) The appointee will be determined by majority vote of all Trustees.

### **2-6.3. Appointment Term ~~Unexpired Term of 6 Months or More~~**

A trustee appointed to fill the vacancy of an elected trustee shall serve until a successor is elected. ~~For a vacancy of an elected Trustee occurring with an unexpired term of 6 months or more, the vacancy shall be filled by election in a manner consistent with Chapter 3 of these Rules.~~

## Chapter 3. Elections

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### **3-1. ELECTION DATE**

#### **3-1.1. Election Date**

The Election Date shall be December 1 ~~except except (1) as provided in Section 3-1.2 and (2)~~ if the Election Date falls on a Saturday, Sunday or holiday, the election will be held the next business day after December 1.

#### **3-1.2. Special Election to Fill an Unexpired Term Date for Vacancies**

A special election to fill the remainder of an unexpired term vacated by an elected trustee shall be administered at a scheduled election if the trustee position was vacated at least 14 calendar days prior to the first date that candidate petitions may be circulated for that scheduled election. The special election shall be held concurrently with and in the same manner as the scheduled election. The Election Date to fill a vacancy on the Board shall be determined by the Elections Committee.

### **3-2. ELECTION SCHEDULE**

#### **3-2.1. Schedule**

The Elections Committee shall adopt an election schedule consistent with these rules no later than 14 calendar days prior to the first date that candidate petitions may be circulated.

#### **3-2.2. Release of Schedule**

The schedule shall be released via the Fund Newsletter and posted on the Fund website.

### **3-3. TRUSTEE POSITIONS AND TERMS OF OFFICE**

#### **3-3.1. Positions**

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

- (a) Three Executive Trustees shall be elected to serve a 4-year term each, of which (i) one Executive Trustee shall be elected in December 2022, for a four-year term beginning in January 2023, and in December every four years thereafter, and (ii) two Executive Trustees shall be elected in December 2024, for a four-year term beginning in January 2025, and in December every four years thereafter.
- (b) Three Participant Trustees shall be elected to serve a 4-year term each, of which (i) one Participant Trustee shall be elected in December 2022, for a four-year term beginning in January 2023, and in December every four years thereafter, and (ii) two Participant Trustees shall be elected in December 2024, for a four-year term beginning in January 2025, and in December every four years thereafter.

(c) One Beneficiary Trustee shall be elected to serve a 4-year term in December 2022 for a four-year term beginning in January 2023, and in December every four years thereafter.

A trustee elected to fill an unexpired term shall serve from election until the expiration of that unexpired term.

### **3-3.2. Commencement of Term**

A trustee's term shall commence on the first business day of the first month following the Election Date.

## **3-4. CANDIDATE ELIGIBILITY**

### **3-4.1. Qualifications**

A candidate for a Trustee Position described in Section 3-3 shall be a person who is:

- (a) For the Executive Trustee Positions, an Employer Executive in continuing service as an Employer Executive from the date the candidate application is submitted through the commencement of the term. A candidate for Executive Trustee shall be nominated by a petition, conforming to the requirements of Section 3-5, 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 Participating Pension Funds.
- (b) For the Participant Trustee Positions, a Participant in continuing service as a Participant from the date the candidate application is submitted through the Election Date. A candidate for Participant Trustee shall be nominated by a petition, conforming to the requirements of Section 3-5, signed by no fewer than 400 individuals who, as of the date of signing, were Participants.
- (c) For the Beneficiary Trustee Position, a Beneficiary who remains a Beneficiary from the date the candidate application is submitted through the Election Date. A candidate for Beneficiary Trustee shall be nominated by a petition, conforming to the requirements of Section 3-5, signed by no fewer than 100 individuals who, as of the date of signing, were Beneficiaries.

### **3-4.2. Application**

All candidates must complete and submit 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 the day prior to the first date that nominating petitions may be circulated. A candidate must notify the Fund of any change after the submission of his or her candidate application form in his or her employment or other circumstance that may affect his or her eligibility.

### **3-4.3. Selection of Trustee Position**

Candidates shall only be eligible for a single trustee position. A candidate may submit an application for a different trustee position by withdrawing their previous application. All

petition signatures collected for the previous trustee position will be considered invalid and shall not be counted toward the petition signature requirement for the subsequent trustee position. A candidate application that has been withdrawn may not be renewed.

#### **3-4.4. Determination of Eligibility**

The Fund 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.

### **3-5. NOMINATING PETITIONS**

#### **3-5.1. Participant and Beneficiary Trustee Petitions**

All petitions for Participant and Beneficiary Trustee Positions shall be in the form approved by the Elections Committee. Petition forms shall be provided to candidates within one business day of receipt of their candidate application. A valid petition nominating a candidate for a Participant or Beneficiary Trustee Position shall meet the following requirements:

- (a) The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate, as established by Section 3-4. A valid petition may consist of multiple pages and may contain blank signature lines.
- (b) Each signature of an eligible voter must be accompanied by the signing person's name (printed), home address (street and city), Participating Pension Fund, and the date of signature. Signatures that are not accompanied by at least a partial address will not be accepted.
- (c) Petitions may be circulated for signatures beginning on a date no earlier than 175 calendar days before the Election Date. Petitions must be received by the Fund on or before a date no later than 75 calendar days before the Election Date. Petitions filed after the prescribed petition filing period are invalid and will not be counted.
- (d) An individual eligible to sign a petition nominating a candidate for a trustee position on the Board may sign petitions for as many position candidates as desired.
- (e) An individual submitting an electronic signature shall attest that the signature submitted is their own and that the information contained therein is correct.
- (f) A printed 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 Section 3-4.

#### **3-5.2. Executive Trustee Petitions**

All petitions for Executive Trustee Positions shall be printed in the form adopted by the Fund. Petition forms shall be provided to candidates within one business day after receipt of their candidate application. The petition forms may be photocopied for use by the candidates. A valid petition nominating a candidate for an Executive Trustee Position shall meet the following requirements:

- (a) The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate, as established by Section 3-4. A valid petition may consist of multiple pages and may contain blank signature lines.
- (b) Each signature of an eligible voter must be accompanied by the signing person's name (printed), public office address (street and city), title, 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.
- (c) Petitions may be circulated for signatures beginning on a date no earlier than 175 calendar days before the Elections Date. Original petitions must be received by the Fund on or before a date no later than 75 calendar days before the Election Date. Petitions filed after the prescribed petition filing period are invalid and will not be counted.
- (d) Notwithstanding the preceding paragraph, petitions for an election to fill a vacancy may be circulated for signatures beginning no earlier than 105 calendar days before the Election Date, and original petitions must be received by the Fund on or before a date no later than 60 calendar days before the Election Date. Petitions filed after the prescribed petition filing period are invalid and will not be counted.
- (e) An individual eligible to sign a petition nominating a candidate for a trustee position on the Board may sign petitions for as many position candidates as desired.
- (f) 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 Section 3-4.

### **3-6. DETERMINATION OF CANDIDATES**

#### **3-6.1. Initial Slate of Candidates**

The Election Panel shall determine the validity of petitions and notify all candidates whether their petitions met all petition requirements within seven calendar days after the deadline to submit nominating petitions. Candidates filing conforming petitions will be added to the initial slate of candidates on the respective ballot. Candidates and eligible voters shall be given notice of the initial slate of candidates on the Fund's website.

#### **3-6.2. Candidacy Challenges**

The Election Panel shall consider a written statement filed in accordance with Section 3-7 and proceed to make a final determination with respect to the challenge within 21 calendar days

after the deadline to submit nominating petitions. The Election Panel shall send a written notice of the final determination to the challenger and all candidates. The determination of the Election Panel shall constitute a final administrative decision for purposes of the Administrative Review Law, 735 ILCS 5/Art. III.

### **3-6.3. Final Slate of Candidates**

The Election Panel shall determine the final slate of candidates within 21 calendar days after the deadline to submit nominating petitions. Candidates and eligible voters shall be given notice of the final slate of candidates on the Fund's website.

### **3-6.4. Withdrawal of Candidacy**

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.

### **3-6.5. Absence of Challengers**

If the number of candidates filing conforming nominating petitions for a trustee position does not exceed the number of positions to be elected, the Election Panel shall deem the candidate or candidates elected. If a candidate is deemed elected under this paragraph, the Election Panel shall certify the result and no further election for that trustee position shall be administered.

## **3-7. CHALLENGE OF NOMINATING PETITIONS**

### **3-7.1. Examination of Petitions**

Any individual may, upon reasonable notice and during normal business hours on or after the first business day following the deadline for the Election Panel's determination of the initial slate of candidates and until 4:30 pm on the fifth business day following the deadline for the Election Panel's determination of the initial slate of candidates, 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:

- (a) Petitions that are examined will be duplicate copies of the original petitions filed, with any confidential information redacted.
- (b) Petitions may only be examined at the Fund's office.
- (c) Petitions may not be removed from the Fund's office, copied, or duplicated by any means.

### **3-7.2. Challenges**

A prospective candidate or eligible voter may challenge the petition validation process for a nominating petition or candidacy only in the class within which that prospective candidate or voter is eligible. A challenge shall be submitted in a written statement identifying the specific aspects of the petition validation process that is being challenged.

### **3-7.3. Submission of Challenges**

All challenges shall be submitted to the Election Panel no later than 4:30 pm on the fifth business day following the deadline for the Election Panel's determination of the initial slate of candidates. Any challenge submitted after such time shall not be considered.

## **3-8. ELIGIBLE VOTERS**

### **3-8.1. Voters for Executive Trustees**

Individuals eligible to vote for Executive Trustees shall be mayors of municipalities and presidents of fire protection districts that have Participating Pension Funds as of 75 calendar days before the Election Date.

### **3-8.2. Voters for Participant Trustees**

Individuals eligible to vote for Participant Trustees shall be Participants as of 105 calendar days before the Election Date.

### **3-8.3. Voters for Beneficiary Trustees**

Individuals eligible to vote for Beneficiary Trustees shall be Beneficiaries as of 105 calendar days before the Election Date.

### **3-8.4. Single Ballot Allowed**

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

### **3-8.5. Beneficiaries also Participants**

An individual who is eligible to vote as a Participant who is also a Beneficiary due to prior participation in another Participating Pension Fund shall be eligible to vote for Participant Trustee candidates and shall not be eligible to vote for any Beneficiary Trustee candidate.

### **3-8.6. Participants in Multiple Funds**

An individual who is eligible to vote as a Participant who is a Participant in multiple Participating Pension Funds shall be eligible to vote for Participant Trustee candidates but shall not be eligible to cast multiple ballots for any trustee position.

### **3-8.7. Beneficiaries in Multiple Funds**

An individual who is eligible to vote as a Beneficiary who is a Beneficiary in multiple Participating Pension Funds shall be eligible to vote for a Beneficiary Trustee candidate but shall not be eligible to cast multiple ballots.

### **3-8.8. Beneficiaries and Participants also Executives**

A Participant or Beneficiary who is also a mayor or president of a municipality or fire protection district that has a Participating Pension Fund shall be eligible to vote for (i) Participant Trustees or the Beneficiary Trustee in accordance with this Section and (ii) Executive Trustees.

### **3-9. ELECTION MATERIALS**

#### **3-9.1. Contents for Executive Trustee Positions**

Elections for Executive Trustee Positions shall be conducted via mail balloting. On or before 35 calendar days before the Election Date of an Executive Trustee Position the following election materials shall be mailed to the eligible voters' address on file:

- (a) Candidate Biographies in the format and length specified and approved by the Election Panel.
- (b) Instructions on how to vote by mail ballot.
- (c) The mail ballot ~~for the applicable Trustee Position(s)~~ that shall contain the names of all candidates in alphabetical order.
- (d) A pre-printed return envelope ~~with a form of certificate stating that the person voting the ballot is an eligible voter for the specific Trustee Position(s).~~
- (e) Instructions on how to receive an appropriate 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.

#### **3-9.2. Contents for Beneficiary and Participant Trustee Positions**

Elections for Beneficiary and Participant Trustee Positions shall be conducted online through Internet balloting. On or before 35 calendar days before the Election Date of a Beneficiary or Participant Trustee Position the following election materials shall be mailed to the eligible voters' address on file:

- (a) Instructions for accessing Candidate Biographies in the format and length specified and approved by the Election Panel.
- (b) Instructions on how to vote online using an online ballot that shall contain the names of all candidates in alphabetical order.
- (c) Instructions on how to receive an appropriate online ballot, if an eligible voter received an incorrect online ballot.

#### **3-9.2.3-9.3. Request for Materials**

An eligible voter who has not received any or all of the election materials must contact the Election Panel Clerk at least two calendar days prior to the Election Date for online election materials and four calendar days prior to the Election Date to request that the Election Panel Clerk mail election materials to him or her. The Election Panel Clerk shall not mail election materials to an eligible voter who requested election materials after the calendar day deadlines provided, less than four calendar days in advance of the Election Date.

#### **3-9.3.3-9.4. Provisional Ballots**



An individual who believes they are an eligible voter but has not received election materials may vote using a provisional ballot approved by the Election Panel. Any such individual must contact the Election Panel at least 10 calendar days prior to the Election Date to request a provisional ballot. The Election Panel must confirm whether the individual is an eligible voter prior to the certification of election results otherwise the provisional ballot shall not be counted.

### **3-9.4.3-9.5. Delivery of Materials Near Election Date**

Election materials shall be delivered via overnight delivery service to individuals requesting election materials within 12 calendar days of the Election Date. Election materials shall not be delivered via overnight delivery service for a second time if the overnight delivery service confirms the initial overnight delivery of election materials to the individual.

## **3-10. CASTING OF BALLOTS**

### **3-10.1. Valid Ballot Requirements**

A valid ballot must conform to the following requirements:

- (a) 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. An invalid mark for one candidate will not negate other valid marks on the ballot.
- (b) Each eligible voter is entitled to only one vote for any candidate.
- (c) With respect to a ballot on which more than one trustee is to be elected, each eligible voter may vote for only one candidate for each position to be elected. If more candidates are selected than the number of positions to be elected, the ballot is invalid and will not be counted. If the number of candidates selected is fewer than the number of positions to be elected, the ballot is valid and will be counted.
- (d) With respect to any ballot casting a vote in favor of a candidate who has withdrawn his or her candidacy or is otherwise ineligible, any vote in favor of such withdrawn or ineligible candidate will not invalidate the ballot; rather, the vote in favor of such withdrawn or ineligible candidate will not be counted.
- (e) Only official ~~paper~~ ballots will be counted. Write-in candidates are invalid and will not be counted.
- (f) Votes cast online must be submitted in accordance with the online voting instructions provided.

## **3-11. RETURN OF BALLOTS**

### **3-11.1. Requirements for Mail Ballot Return**

Upon receipt of the election materials for elections for Executive Trustee Positions conducted by mail, the eligible voter shall:

- (a) Mark his or her ballot in accordance with Section 3-10.
- (b) Place the completed ballot into the return envelope provided and seal the envelope.
- (c) ~~Execute the certificate on the envelope and m~~Mail, via U.S. mail or other delivery service, the return envelope to the address on the envelope.

### **3-12. BALLOT COUNTING AND CERTIFICATION OF RESULTS**

#### **3-12.1. Standards for Handling of Ballots**

The Fund shall ensure that minimum standards are in place to ensure ballots are properly recorded, secured, tabulated and retained.

#### **3-12.2. Receipt Deadline**

Ballots must be received by 4:30 pm on the Election Date. Ballots received after 4:30 pm on the Election Date are invalid and will not be counted. A record of the receipt date of each ballot will be maintained.

#### **3-12.3. Invalid Delivery**

Ballots delivered to the Fund in bulk ~~or~~ via hand delivery ~~or any delivery method other than U.S. Mail are invalid and~~ will not be counted.

#### **3-12.4. Multiple Ballots from Single Voter**

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.

#### **3-12.5. Votes for Ineligible Candidates**

Votes received in favor of any candidate who has withdrawn his or her candidacy or is otherwise ineligible will not be counted.

#### **3-12.6. Determination of Elected Trustees**

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.

#### **3-12.7. Ties**

In the case of a tie vote, the winner shall be determined in accordance with procedures developed by the Department of Insurance.

#### **3-12.8. Certification of Results**

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 the fifth business day following the Election Date.

#### **3-12.9. Reading Results into Board Record**

The Board shall read the election results into the minutes of the first meeting of the Board following the declaration of election results.

### **3-13. CHALLENGE OF ELECTION RESULTS**

#### **3-13.1. Challenge Procedure**

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

- (a) The challenger shall submit a written statement to the Secretary identifying the specific aspects of the election results that are being challenged.
- (b) All challenges shall be submitted to the Secretary no later than seven calendar days after the election results have been certified. Any challenge submitted more than seven calendar days after the election results have been certified shall not be considered.
- (c) The written statement timely submitted in accordance with this Section 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.
- (d) The election results shall remain valid pending determination of any challenge.
- (e) A written notice of the final determination shall be sent to the challenger and all candidates within seven calendar days after making the determination. This notice shall constitute a final administrative decision of the Board for purposes of the Administrative Review Law.

### **3-14. ELECTION PANEL**

#### **3-14.1. Appointment of Panel**

An Election Panel shall be appointed by the Board. Each panel member shall be appointed to a term expiring immediately prior to the first business day of January of every odd-numbered year. The Election Panel shall comprise three individuals who shall not be individuals running for any Trustee Position. The Election Panel shall include one Participant recommended by a Firefighter Labor Organization and appointed by the Board, one Beneficiary recommended by a Firefighter Labor Organization and appointed by the Board, and one 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.

#### **3-14.2. Role of Panel**

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.