

THE RETIREMENT BOARD
of the
FIREMEN'S ANNUITY AND BENEFIT FUND
OF CHICAGO

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ELECTED TRUSTEES

TIMOTHY J. MCPHILLIPS, Secretary
PETER O'SULLIVAN, Active Trustee
DANIEL A. FORTUNA, Vice President

EX-OFFICIO TRUSTEES

First Deputy Fire Commissioner, RICHARD FORD II
City Treasurer, KURT A. SUMMERS JR.
City Comptroller, ERIN KEANE
City Clerk, ANNA VALENCIA

November 20, 2017

**RULES OF SPECIAL ELECTION FOR THE OFFICE OF ACTIVE FIREFIGHTER
MEMBER OF THE RETIREMENT BOARD OF THE FIREMEN'S ANNUITY AND BENEFIT
FUND OF CHICAGO ("FUND")**

Under provision of Section 6-175 of Act 5 of Chapter 40 of the Illinois Compiled Statutes, a special election will be held to fill the office of Active Firefighter Member of the Retirement Board which becomes available as of **November 16, 2017**, by reason of the resignation of the present incumbent. The remaining term for the vacant trustee position will be from the date the election results are certified by the Retirement Board until December 1, 2018. Ballots will be mailed to all persons eligible to vote no later than **December 4, 2017**. Persons voting must return their ballots to the Retirement Board of the Firemen's Annuity and Benefit Fund of Chicago (the "Retirement Board" or "Board") c/o The Firemen's Annuity and Benefit Fund of Chicago (hereinafter the "Fund") by mail. Ballots returned in envelopes postmarked after **December 14, 2017** or received by the Fund after 8:00 a.m. on **December 15, 2017** will not be counted. The ballots will be counted beginning on **December 15, 2017**. **The Fund intends to retain an Independent Election Administrator to supervise and conduct the election process.**

Every fireman, as defined by the Illinois Pension Code, Chapter 40, Act 5, Section 6-175, who is employed by the City of Chicago at the time this election is held, is eligible to be a candidate in this election. Candidates whose employment is terminated for any reason prior to **December 15, 2017**, however, shall no longer be deemed to be eligible candidates. Any votes cast for any such terminated candidate shall be voided.

Every fireman who is employed by the City of Chicago as of **November 30, 2017** and every fireman who is in receipt of Duty Disability, Occupational Disease Disability or Ordinary Disability benefits as of **November 30, 2017**, is eligible to vote in this election.

(As provided by Section 6-106 of the Illinois Pension Code, the word fireman is defined to include any person who is employed by the City in its fire service as a fireman, fire paramedic, fire engineer, marine engineer, or fire pilot, and whose duty to participate in the work of controlling and extinguishing fire at the location of any such fire, whether or not he is assigned to fire service other than the actual extinguishing of fire).

RULES GOVERNING ELECTION

1. Persons who desire to run as a candidate for the office to be filled in this election may register in person at the office of the Fund during normal business hours between **Monday, November 27, 2017** through **Wednesday, November 29, 2017** or by delivering a properly completed original statement of candidacy (Exhibit "A") to the office of the Fund within the aforementioned timeframe. Statement of candidacy forms received either by delivery or by mail will not be accepted if they arrive at the Fund prior to 8:00 a.m. **Monday, November 27, 2017** or after 4:30 p.m., **Wednesday, November 29, 2017**. In the event that only one eligible participant declares their candidacy in the election for Active Firefighter Member Trustee, the Election Committee shall declare that candidate the winner and no election will be held. All participants will be notified of the decision.

In the event that no eligible participants properly declare their candidacy within the aforementioned time frame, all participants will be notified and a new election timetable will be established, including an extended time for candidate registration to be determined by the Election Committee.

2. On **Thursday, November 30, 2017**, at 9:00 a.m., a lottery will be held to determine the order in which the names of the candidates, whose eligibility to run has been confirmed by the Board's Election Committee, shall appear on the ballot. The lottery shall be conducted under the supervision of the Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund, who shall, at the time each candidate registers, provide each with notice of the date and time of the lottery. All candidates shall be entitled to be present himself, herself, or through a representative designated by the candidate to the Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund, to observe the conduct of the lottery.
3. On **November 30, 2017**, the Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund, shall cause official ballots to be printed listing the candidates' names in the order determined by the aforementioned lottery. This responsibility may be delegated by the Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund, to the Independent Election Administrator. A candidate may withdraw his or her candidacy at any time prior to the printing of the ballots on **November 30, 2017** by submitting a written statement to the Board. Candidates will be listed on the ballots by their formal names and no nicknames will be allowed.
4. No later than **December 1, 2017**, the Board shall deliver to the Independent Election Administrator, an alphabetical data listing and a corresponding print out containing the names and addresses of all persons eligible to vote in the election based on the most current records available to the Board as of such date, including the records of the City of Chicago and its Fire Department. Any person eligible to participate in the election may request in writing that a particular name or particular names be added to or deleted from the list. The Election Committee shall determine from all information available, the eligibility of such persons to vote. If the Election Committee determines that a person whose name does not appear on the list previously prepared is eligible to vote, that name shall be given to the Independent Election Administrator, and shall then be placed by the Independent Election Administrator on a supplemental list of persons entitled to vote. If the Election Committee determines that a person whose name appears on the list previously prepared is not eligible to vote, that name shall be given to the Independent Election Administrator which shall include that name on a list entitled

“Not Eligible to Vote”. However, no person whose name appears on the list of eligible voters may be placed on the “Not Eligible to Vote” list unless that person is given notice that his/her right to vote is being challenged and is given an opportunity to respond. Such notice shall be provided in writing and mailed to such person's last known address.

Candidates shall be entitled to communicate with participants eligible to vote in the applicable election, at no additional cost to the Fund, in accordance with the Fund's blind mailing policy, as same may be amended from time to time. Written procedures covering the “Blind Mailing” process have been adopted by the Board and are attached as Exhibit “D” to these rules. These mailing procedures also shall be provided to all candidates at the time of their candidacy.

- 5(a). On or before **December 4, 2017**, the Independent Election Administrator shall cause a ballot to be mailed to each person whose name appears on the eligible to vote list or on the aforementioned supplemental list at the address stated thereon.
- (b). If a person eligible to vote who desires to vote does not receive a ballot, he/she must deliver to the office of the Retirement Board, a written request for ballot materials no later than **December 11, 2017** (Exhibit “B”). The Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund shall authorize the Independent Election Administrator to mail election materials to eligible voters submitting such a written request. A copy of each individual request and a record of all materials mailed in response to these requests shall be maintained and made available to the Independent Election Administrator for comparison purposes at the time the ballots are received and counted. These records shall be deposited with the City Clerk together with all materials required to be deposited with the City Clerk pursuant to Section 6-175 of the Illinois Pension Code.
6. Each ballot mailed to an eligible voter shall be accompanied by a return envelope addressed to the Board c/o the Independent Election Administrator at a post office box to be obtained by the Independent Election Administrator which is to be used exclusively for the receipt of the ballots, and an envelope marked “for ballot only”. The return envelope shall have a line printed thereon for the name of the person voting and lines for the voter's return address.
7. Voters shall vote for one candidate only, by clearly marking the square opposite the name of one candidate for whom he or she desires to vote, enclose the ballot in the envelope marked “for ballot only”, seal that envelope, enclose the sealed envelope in the return envelope addressed to the Board, print their name and address on the return envelope where indicated prior to mailing. Ballots received without the return name and address information will not be counted.
8. Not earlier than 8:00 a.m. on **December 15, 2017**, the ballots shall be retrieved from the aforementioned post office box by two or more persons designated by the Independent Election Administrator and the Chairman of the Election Committee, a member of the Committee, or per their direction the Executive Director of the Fund. However, before the ballots are retrieved, an announcement shall be made in the conference room of the Board's office that the aforementioned designees are about to retrieve the ballots. Each candidate personally, or through a representative designated in writing by the candidate to the Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund and the Independent Election Administrator, may accompany the aforementioned designees to the Post Office and back to the office of the Fund where the ballots shall be counted, except that if more

than five candidates desire personally, or through a representative, to accompany the aforementioned designees, the names of five candidates or their representative who may accompany the designees of the Independent Election Administrator to the post office will be selected by a lottery to be conducted by the Independent Election Administrator in the Board's conference room.

9. Upon being retrieved from the Post Office box, the ballots shall be immediately brought to the conference room of the office of the Fund where they shall be delivered to the Clerks of Election who shall be not less than two (2) individuals supervised by the Independent Election Administrator.
10. The Clerks shall be provided with tally sheets on which they shall record a true count of ballots cast for each candidate and the correct number of unused, spoiled and uncounted ballots; the aforementioned lists of eligible voters; the "Not Eligible to Vote" list; and a ballot box which shall be sealed prior to the deposit of any ballots therein and which shall remain sealed until the counting of the ballots is to begin.
11. Each candidate, upon request, will be provided with credentials for pollwatchers by the Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund. A Sample of pollwatcher's credentials to be provided is attached hereto as Exhibit "C". Pollwatchers shall be entitled to observe the performance of the Clerks of Election in their duties and shall present their credentials, upon request, to the Clerks of Election. However, no more than two pollwatchers may be present at the same time for any one candidate. If, in the opinion of the Clerks, the Fund's conference room becomes congested with pollwatchers in such numbers as to impede the Clerks' ability to perform their duties, the Clerks may limit all candidates to one pollwatcher at a time.
12. Upon receiving the ballots, the Clerks of Election shall examine each return envelope to determine whether the name of the person whose name and address printed thereon is contained on the aforementioned lists. If the name of the person appears on the list of eligible voters, that person's name shall be checked off the list and the enclosed envelope marked "for ballot only" shall be placed unopened in the sealed ballot box.
If no return name and address information is provided on the return envelope, if the name of the person indicated is contained on the "Not Eligible to Vote" list or is not otherwise entitled to vote, or if the return envelope is postmarked after **December 14, 2017**, the return envelope shall be marked uncounted and shall be set aside unopened to be retained with the election materials and the "for ballot only" envelope contained therein shall not be placed in the ballot box.
13. After the procedures set forth in Rule 12 have been completed, the Clerks of Election shall open the ballot box and shall count the votes cast, recording on the tally sheets provided a true count of the ballots cast for each candidate and the correct number of unused, spoiled and uncounted ballots as defined below, and shall certify the tally sheets by signing them immediately after all ballots are counted. No additional ballots shall be received by the Clerks of Election after the ballot box has been opened. If more than one marked ballot is contained in a "for ballot only" envelope, none of the ballots contained therein shall be counted and such ballots shall be marked "uncounted - multiple ballots enclosed" and shall be set aside to be retained with the other election materials. Immediately after the ballots are counted, the Clerks of Election shall seal the marked ballots and deliver them together with all materials used in the election to the Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund, who shall cause a detailed receipt to be issued to

each Clerk of Election upon receiving such material. The Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund, shall cause the records pertaining to the election to be deposited with the City Clerk as provided by Statute.

14. In the event that any of the procedures set forth in Rule 12 or Rule 13 have not been completed by a reasonable time of day, the Independent Election Administrator may call an overnight recess in these procedures provided, however, that the Independent Election Administrator shall take all reasonable steps necessary to ensure the security of the materials. Such steps shall be designed to prevent any materials from being added to or removed from the materials retrieved from the post office box and to prevent any tampering therewith.
15. As used in these rules, the following definitions apply:
 - a) **Uncounted Ballot** - shall mean a ballot returned by a voter which was not placed in the ballot box for failure to comply with these rules and ballots which were contained in "for ballots only" envelopes with one or more other ballots.
 - b) **Spoiled Ballot** - shall mean a ballot returned by a voter which has been marked not in accordance with these rules.
 - c) **Unused Ballot** - shall mean a ballot which has been returned by a voter which does not reflect any markings placed thereon by the voter.
16. There shall be an Election Committee which shall consist of Chairman, Kurt A. Summers Jr., Co-Chair Richard C. Ford II and Trustees: Peter O'Sullivan, Dan Fortuna and Anna Valencia. A majority of this Committee shall constitute a quorum. The Election Committee shall determine the eligibility of candidates, and shall certify the results of the election to the Retirement Board at the next regular meeting thereof following the counting of the vote based upon the tally sheets certified by the Clerks of Election.
17. In the event there is a tie vote for Active Firefighter Member Trustee, there shall be a runoff election conducted pursuant to these rules on or before **January 12, 2018**, and a winner thereof shall be declared the Active Firefighter Member Trustee.
18. Any candidate may request a recount or otherwise contest the results of the election, by filing a written petition with the Board within seven (7) days of the completion of the counting of the ballots by the Clerks of Election. Said petition must contain a statement that the petitioner believes that mistake or fraud has been committed in the casting, counting, return, or canvas of the votes or that there was some other irregularity in the conduct of the election, or both; a statement declaring with particularity the facts relied upon the petitioner to formulate their belief; a statement declaring that, as a consequence of the mistake, fraud or irregularity alleged, the result of the election, as certified by the Clerks of Election, was incorrect; and a request that the Board convene to hear all evidence and to decide the contest.
19. The Board shall review the petition filed and shall either find that the petition fails to state a prima facie case for a recount or election contest and dismiss the petition, or find that a prima facie case for a recount or election contest has been stated, in which case the Board may, in its discretion, conduct a recount of the ballots for the contested election,

and/or obtain and hear evidence from the petitioner, from any other candidates for the contested election, and from such other witnesses as it may choose to hear.

20. After hearing the evidence, the Board may then either dismiss the petition, declare the person determined to have received the highest number of valid votes to be the winner, or if the Board decides that the election was so affected by fraud or irregularity, that the true winner cannot be determined, the Board may order a special election to be conducted pursuant to these rules.