

# **Procedural Rules for Trustee Elections**

## **The Retirement Board of the Firemen's Annuity and Benefit Fund of Chicago**

20 South Clark Street – Suite 1400  
Chicago, Illinois 60603

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Adopted

July 23, 2018

**Overview of Election**

Each year as required by the Illinois Pension Code, 40 ILCS Act 5 Article 6, The Firemen's Annuity and Benefit Fund of Chicago (the "Fund") conducts elections for the offices of Active Firefighter Member Trustee and bi-annually for the Annuitant Member Trustee. These elections are held in anticipation of the December 1 expiration of trustee terms indicated in 40 ILCS Act 5 Article 6-175. Special Elections will also be conducted if necessary because of a vacancy in any Member Trustee position.

The following framework of Procedural Rules, including the timetable of significant dates established for each individual election to be conducted are reviewed and revised annually by the Retirement Board of the Firemen's Annuity and Benefit Fund of Chicago (the "Retirement Board") for each Trustee election held due to the expiration of term for Active Firefighter Member and Annuitant Member and as required for any election attributable to any Trustee position that is vacant for any reason.

**The Independent External Election Administrator**

The responsibility for the conduct of the election process rests with the Retirement Board. The Retirement Board has determined that it shall retain an Independent External Election Administrator, (hereinafter referred to as "External Administrator") for the purpose of attesting to the validity of all activities, undertaken by the Retirement Board and Fund Staff in the conduct of the election. The External Administrator shall also certify the results of the election to the Retirement Board. The firm may be an auditing firm, a law firm, or a specific election monitoring firm that has proven expertise and experience in the supervision of similar elections.

For purposes of the Trustee election to be held for the position of Active Firefighter Member Trustee, becoming vacant on December 1, 2018 because of the expiration of the term of the present incumbent the Retirement Board has retained the following as External Administrator

Bansley and Kiener; LLP  
Ms. Danielle Tyler, CPA, Partner  
8745 W. Higgins Road Suite 200  
Chicago, Illinois 60631

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**The Independent Printer and Blind Mailing House**

The following Procedural Rules also refer to the independent printing and mailing of all Notices of Election and balloting materials to Fund participants as indicated. An independent printer selected by a candidate may also be utilized to conduct any approved "Blind Mailings" to eligible voting participants on behalf of any candidates in the Election pursuant to the Fund's Blind Mailing Policy;

provided, however, that the selected independent printer must comply with the Fund's confidentiality and legal requirements in accordance with the Fund's Blind Mailing Policy.

Together with the Fund staff and External Administrator, the independent printer, retained by the Retirement Board, shall be responsible for the accuracy and security of all printed balloting materials and for the integrity and security of any participant data delivered to them for utilization in the conduct of any Trustee Election.

With respect to an independent printer selected by a candidate for candidate mailings, the independent printer shall be responsible for the integrity and security of any participant data delivered to them for utilization in any approved candidate mailings in accordance with the Fund's Blind Mailing Policy. Costs associated with any mailings initiated by a candidate via the "Blind Mailing" procedures established with the independent printer will be the responsibility of the candidate.

Questions concerning any aspect of the Fund's Active Firefighter Member Trustee election shall be in writing to:

Steven Swanson, Executive Director  
The Firemen's Annuity and Benefit Fund of Chicago  
20 South Clark Street, suite 1400  
Chicago, Illinois 60603  
(312) 726-5823

[steveswanson@fabf.org](mailto:steveswanson@fabf.org)

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

Under the provisions of Section 6-175 of Act 5 of Chapter 40 of the Illinois Compiled Statutes, an election will be held to fill the office of Active Firefighter Member of the Retirement Board which becomes vacant **December 1, 2018**, by reason of the expiration of the term of a present incumbent. Ballots will be mailed to all persons eligible to vote no later than **September 19, 2018**. Persons voting must return their ballots to the Retirement Board of the Firemen's Annuity and Benefit Fund of Chicago (the "Board") c/o The "Independent External Election Administrator" (hereinafter referred to as "External Administrator") by mail. Ballots returned in envelopes postmarked after **October 22, 2018** or received by the Fund after 8:00 a.m. on **October 23, 2018** will not be counted. The ballots will be counted beginning on **October 23, 2018**.

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 **October 23, 2018**, 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 **September 13, 2018** and every fireman who is in receipt of Duty Disability, Occupational Disease Disability or Ordinary Disability benefits as of **September 13, 2018**, 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).

**PROCEDURAL RULES GOVERNING ELECTION**

1. There shall be an Election Committee as determined by the Retirement Board. 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 External Administrator, having been previously retained by the Retirement Board for the purposes of this Election.
  
2. 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 between the hours of 8:00 a.m. and 4:30 p.m., **Tuesday, September 4, 2018** through **Friday, September 7, 2018** or by delivering a properly completed original statement of candidacy (attached as 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 office prior to 8:00 a.m. **Tuesday, September 4, 2018** or after 4:30 p.m., **Friday, September 7, 2018**. Each statement of Candidacy form will be dated and time stamped by the Election Committee Chairman, a member of the Committee, the Executive Director or member of Fund staff. The Election Committee Chairman, a member of the Election Committee, or in their absence the Executive Director, will certify the eligibility of each individual participant that submits a valid statement of Candidacy. In the event that only one eligible participant declares their candidacy in the election for Active Firefighter Member Trustee, the Election Committee shall advise the Retirement Board who shall declare that candidate the winner at the next regularly scheduled meeting of the Retirement Board and no election will be held. All participants will be notified of the decision. All candidates will receive a printed and/or email copy of these rules at the time their valid candidacy statement is received by the Fund.

In the event that no eligible participants declare their candidacy within the aforementioned time frame, all participants will be notified of a new election timetable, including the time frames for candidate registration as established by the Election Committee.

2. On **Monday, September 10, 2018**, at 11:00 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 Retirement Board's Election Committee, shall appear on the ballot. The lottery shall be conducted under the supervision of the External Administrator and either the Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund. 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.

Valid candidates may provide written materials concerning their candidacy in this election to those participants eligible to vote in this Election, through the Fund's Blind Mailing Policy, incorporated as Exhibit "D" to these Procedural Rules. Candidates may utilize the services of the Fund's Independent Printer or may select a printer of their own choice. The Fund will not release any data pertaining to eligible voters without a signed confidentiality agreement from any such printer. The Retirement Board reserves the right to approve the contents of any such mailing. The timetable for its distribution and all costs associated with the printing and mailing of such "approved" communications shall be agreed to between the candidate and the Independent Printer and shall be the responsibility of the candidate.

On **September 14, 2018**, 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. A proof of the proposed ballot, including the names of all valid candidates in the order selected by the aforementioned lottery, shall be reviewed and approved by the Chairman of the Election Committee, a member of the Committee, or per their direction, the Executive Director of the Fund and by a representative of the External Administrator prior to the authorization for printing. A candidate may withdraw his or her candidacy at any time prior to the authorization of the ballots on **September 14, 2018** by submitting a written statement to the Retirement Board. Candidates will be listed on the ballots by their formal names and no nicknames will be allowed.

4. No later than **September 14, 2018**, the Retirement Board shall deliver to the External 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 External Administrator, and shall then be placed by the External 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 External Administrator whom 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.
5. All balloting materials shall be mailed to participants by the Independent Printer. All unused balloting materials will be sent directly to the External Administrator. For

purposes of ballot control, the External Administrator shall assign a numeric sequence corresponding to each eligible voter that will be printed by the Independent Printer on the return mailing envelopes used in the election. This numeric sequence shall be used by the External Administrator in verifying the returns when ballots are returned and counted.

(a). On or before **September 19, 2018**, the External Administrator shall direct the Independent Printer to cause a ballot to be mailed to each person whose name appears on the eligible to vote list and those names on the aforementioned supplemental list at the address stated thereon along with the assigned corresponding numeric control.

(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 Fund, a written request for ballot materials no later than **October 16, 2018** (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 External 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 External Administrator for comparison purposes at the time the ballots are received and counted. No less than three days after the conclusion and certification of this election, these records shall be deposited with the office of the City Clerk of Chicago 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 External Administrator at a post office box to be obtained by the External 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,
8. Not earlier than 8:00 a.m. on **October 23, 2018**, the ballots shall be retrieved from the aforementioned Post Office box by two or more persons designated by the External 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 office of the Fund 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 External 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 External Administrator to the post office will be selected by a lottery to be supervised by the External Administrator in the conference room in the office of the Fund.

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 provided by and supervised by the External Administrator.
10. The Clerks of Election 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 "Uncounted", "Spoiled", "Unused" and "Multiple ballots"; the aforementioned lists of eligible voters; the "Not Eligible to Vote" list (if one exists) 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. 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.
  - 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.
  - d.) **Multiple Ballot** - shall mean a "for ballot envelope" which contains more than one marked ballot. None of the ballots contained therein shall be counted and such ballots shall be marked "Multiple ballots enclosed" and shall be set aside to be retained with the other election materials.
12. 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, (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 External Administrator. However, no more than two pollwatchers

may be present at the same time for any one candidate. If, in the opinion of the External Administrator, the conference room at the office of the Fund becomes congested with pollwatchers in such numbers as to impede the Clerks of Election's ability to perform their duties, the External Administrator may limit all candidates to one pollwatcher at a time.

13. Upon receiving the ballots, the Clerks of Election shall examine each return envelope to determine that the previously assigned numeric control markings corresponding to the name on the External Administrator's listing of Eligible voters appears on the list of eligible voters, that person's name and corresponding numeric control number shall be checked off the list and the enclosed envelope marked "for ballot only" shall be placed unopened in the sealed ballot box. Any return envelope that has a numeric control number that is not on the External Administrators listing will be classified as a spoiled ballot and not counted. Any envelope that has a numeric number that has been previously checked off will be classified as a spoiled ballot and not counted. The External Administrator will also pull the previously checked duplicate item to verify the existence of a duplicate. Both items will be considered as Spoiled.

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 **October 22, 2018**, the return envelope shall be marked as "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.

14. After the procedures set forth in Rule 13 have been completed, the Clerks of Election shall open each "for ballot only" envelope in the ballot box and shall count the votes cast, and record those votes on the tally sheets providing a true count of the ballots cast for each candidate and the correct number of "Uncounted", "Spoiled", "Unused" and "Multiple Ballots" as defined-

The External Administrator 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.

15. Immediately after the ballots are counted, the External Administrator 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 keep all Election materials secure until such time that they are transmitted to the office of the City Clerk of Chicago as provided by the Pension Code.

16. In the event that any of the procedures set forth in Rule 11 - 15 have not been completed by a reasonable time of day, the External Administrator may call an overnight recess in

these procedures provided, however, the External 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.

17. In the event there is a tie vote for Active Firefighter Member Trustee, as certified by the External Administrator, the Retirement Board shall declare that a runoff election be conducted pursuant to an amended timetable in accordance with these rules on or before **November 27, 2018**.
18. At the conclusion of the foregoing procedures, the External Administrator shall certify the results of the Election to the Chairman of the Election Committee, who shall in turn, advise the Retirement Board. The Retirement Board shall declare the winner of the Election at the next regularly scheduled meeting.
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 Retirement Board's declaration of the winner of the 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 External Administrator, was incorrect; and a request that the Retirement Board convene to hear all evidence and to decide the matter.
19. The Retirement 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 Retirement 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 Retirement Board may then either dismiss the petition, declare the candidate determined to have received the highest number of valid votes to be the winner, or if the Retirement Board decides that the election was so affected by fraud or irregularity, that the true winner cannot be determined, the Retirement Board may order a special election to be conducted pursuant to these rules.