

HB5171



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5171

Introduced 1/27/2022, by Rep. Steven Reick

SYNOPSIS AS INTRODUCED:

40 ILCS 5/22C-116

Amends the Firefighters' Pension Investment Fund Article of the Illinois Pension Code. Provides that the candidate receiving the highest number of votes who is from a fire protection district shall be elected if the candidate or candidates who are mayors, presidents, chief executive officers, chief financial officers, or other officers, executives, or department heads of municipalities or fire protection districts receiving the highest number of votes would result in there being no trustee who is from a fire protection district. Effective immediately.

LRB102 22737 RPS 31883 b

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by
5 changing Section 22C-116 as follows:

6 (40 ILCS 5/22C-116)

7 Sec. 22C-116. Conduct and administration of elections;
8 terms of office.

9 (a) For the election of the permanent trustees, the
10 transition board shall administer the initial elections and
11 the permanent board shall administer all subsequent elections.
12 Each board shall develop and implement such procedures as it
13 determines to be appropriate for the conduct of such
14 elections. For the purposes of obtaining information necessary
15 to conduct elections under this Section, participating pension
16 funds shall cooperate with the Fund.

17 (b) All nominations for election shall be by petition.
18 Each petition for a trustee shall be executed as follows:

19 (1) for trustees to be elected by the mayors and
20 presidents of municipalities or fire protection districts
21 that have participating pension funds, by at least 20 such
22 mayors and presidents; except that this item (1) shall
23 apply only with respect to participating pension funds;

1 (2) for trustees to be elected by participants, by at
2 least 400 participants; and

3 (3) for trustees to be elected by beneficiaries, by at
4 least 100 beneficiaries.

5 (c) A separate ballot shall be used for each class of
6 trustee. The board shall prepare and send ballots and ballot
7 envelopes to the participants and beneficiaries eligible to
8 vote in accordance with rules adopted by the board. The
9 ballots shall contain the names of all candidates in
10 alphabetical order. The ballot envelope shall have on the
11 outside a form of certificate stating that the person voting
12 the ballot is a participant or beneficiary entitled to vote.

13 Participants and beneficiaries, upon receipt of the
14 ballot, shall vote the ballot and place it in the ballot
15 envelope, seal the envelope, execute the certificate thereon,
16 and return the ballot to the Fund.

17 The board shall set a final date for ballot return, and
18 ballots received prior to that date in a ballot envelope with a
19 properly executed certificate and properly voted shall be
20 valid ballots.

21 The board shall set a day for counting the ballots and name
22 judges and clerks of election to conduct the count of ballots
23 and shall make any rules necessary for the conduct of the
24 count.

25 The candidate or candidates receiving the highest number
26 of votes for each class of trustee shall be elected; except

1 that if the candidate or candidates under item (1) of
2 subsection (b) of Section 22C-115 receiving the highest number
3 of votes would result in there being no trustee who is from a
4 fire protection district, then the candidate receiving the
5 highest number of votes who is from a fire protection district
6 shall be elected. In the case of a tie vote, the winner shall
7 be determined in accordance with procedures developed by the
8 Department of Insurance.

9 In lieu of conducting elections via mail balloting as
10 described in this Section, the board may instead adopt rules
11 to provide for elections to be carried out solely via Internet
12 balloting or phone balloting. Nothing in this Section
13 prohibits the Fund from contracting with a third party to
14 administer the election in accordance with this Section.

15 (d) At any election, voting shall be as follows:

16 (1) Each person authorized to vote for an elected
17 trustee may cast one vote for each related position for
18 which such person is entitled to vote and may cast such
19 vote for any candidate or candidates on the ballot for
20 such trustee position.

21 (2) If only one candidate for each position is
22 properly nominated in petitions received, that candidate
23 shall be deemed the winner and no election under this
24 Section shall be required.

25 (3) The results shall be entered in the minutes of the
26 first meeting of the board following the tally of votes.

1 (e) The initial election for permanent trustees shall be
2 held and the permanent board shall be seated no later than 12
3 months after the effective date of this amendatory Act of the
4 101st General Assembly. Each subsequent election shall be held
5 no later than 30 days prior to the end of the term of the
6 incumbent trustees.

7 (f) The elected trustees shall each serve for terms of 4
8 years commencing on the first business day of the first month
9 after election; except that the terms of office of the
10 initially elected trustees shall be as follows:

11 (1) One trustee elected pursuant to item (1) of
12 subsection (b) of Section 22C-115 shall serve for a term
13 of 2 years and 2 trustees elected pursuant to item (1) of
14 subsection (b) of Section 22C-115 shall serve for a term
15 of 4 years;

16 (2) One trustee elected pursuant to item (2) of
17 subsection (b) of Section 22C-115 shall serve for a term
18 of 2 years and 2 trustees elected pursuant to item (2) of
19 subsection (b) of Section 22C-115 shall serve for a term
20 of 4 years; and

21 (3) The trustee elected pursuant to item (3) of
22 subsection (b) of Section 22C-115 shall serve for a term
23 of 2 years.

24 (g) The trustees appointed pursuant to items (4) and (5)
25 of subsection (b) of Section 22C-115 shall each serve for a
26 term of 4 years commencing on the first business day of the

1 first month after the election of the elected trustees.

2 (h) A member of the board who was elected pursuant to item
3 (1) of subsection (b) of Section 22C-115 who ceases to serve as
4 a mayor, president, chief executive officer, chief financial
5 officer, or other officer, executive, or department head of a
6 municipality or fire protection district that has a
7 participating pension fund shall not be eligible to serve as a
8 member of the board and his or her position shall be deemed
9 vacant. A member of the board who was elected by the
10 participants of participating pension funds who ceases to be a
11 participant may serve the remainder of his or her elected
12 term.

13 For a vacancy of an elected trustee occurring with an
14 unexpired term of 6 months or more, an election shall be
15 conducted for the vacancy in accordance with Section 22C-115
16 and this Section.

17 For a vacancy of an elected trustee occurring with an
18 unexpired term of less than 6 months, the vacancy shall be
19 filled by appointment by the board for the unexpired term as
20 follows: a vacancy of a member elected pursuant to item (1) of
21 subsection (b) of Section 22C-115 shall be filled by a mayor,
22 president, chief executive officer, chief financial officer,
23 or other officer, executive, or department head of a
24 municipality or fire protection district that has a
25 participating pension fund; a vacancy of a member elected
26 pursuant to item (2) of subsection (b) of Section 22C-115

1 shall be filled by a participant of a participating pension
2 fund; and a vacancy of a member elected under item (3) of
3 subsection (b) of Section 22C-115 shall be filled by a
4 beneficiary of a participating pension fund.

5 Vacancies among the appointed trustees shall be filled for
6 unexpired terms by appointment in like manner as for the
7 original appointments.

8 (Source: P.A. 101-610, eff. 1-1-20.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.