

**ILLINOIS POLICE OFFICERS' PENSION INVESTMENT FUND
POLICY AND PROCEDURES**

POLICY NUMBER: PP-2020-03
SUBJECT: TRANSITION BOARD OF TRUSTEES
ELECTION POLICY
EFFECTIVE DATE: JULY 10, 2020
AMENDED: N/A

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A. INTRODUCTION

1. For the election of the permanent trustees, the Transition board shall administer the initial elections and the Permanent board shall administer all subsequent elections.
(40 ILCS5/22B-116)
2. The initial election for the permanent trustees shall be held and the Permanent board shall be seated no later than 12 months after the effective date of the amendatory Act of the 101st General Assembly.
3. Nothing in this Section prohibits the Fund from contracting with a third party to administer the election in accordance with this Section.
4. For the purposes of obtaining information necessary to conduct elections under this Section, participating pension funds shall cooperate with the Fund. [40 ILCS5/22B-116(a)].

B. DEFINITIONS

5. The terms “Fund,” “Board,” “Transition Board,” or “Pension Board” shall refer to the Board of Trustees of the Illinois Police Officers’ Pension Investment Fund (ILPOPIF) created by 40 ILCS 5/22B-101 et seq.
6. The term "Participating pension fund" means any pension fund established pursuant to 40 ILCS 5/3 that will or has transferred securities, funds, assets, and moneys, and responsibility for custody and control of those securities, funds, assets, and moneys, to the Fund.
7. The term “participant(s)” shall refer to an active police officer participating in an Article 3 Pension Fund.
8. The term “beneficiary(ies)” shall refer to a retired pensioner, disabled pensioner, surviving spouse, minor children, disabled children, and dependent parents receiving benefits from an Article 3 Pension Fund. If a special needs trust as described in Section 1396p(d)(4) of Title 42 of the United States Code, as amended from time to time, has been established for a disabled adult child, then the special needs trust may stand in lieu of the disabled adult child as a beneficiary for the purposes of this article.

9. The term “municipal representative” shall refer to any mayor, president, chief executive officer, chief financial officer, or other officer, executive, or department head that has a participating pension fund.
10. The term “Illinois Municipal League” refers to the unincorporated, nonprofit, nonpolitical association of Illinois cities, villages, and incorporated towns described in Section 1-8-1 of the Illinois Municipal Code.
11. The term “authorized agent” means a firm or individual hired by the Transition Board of Trustees or the Fund to conduct specified roles and responsibilities associated with the election of the Board of Trustees.
12. The term “Conflict Counsel” means a firm or individual hired by the Transition Board of Trustees of the Fund.
13. For language throughout this document not exclusively defined within this section, refer to the definitions under Article 1 (and Article 3) of the Illinois Pension Code, 40 ILCS 5.

C. COMPOSITION OF THE BOARD OF TRUSTEES OF THE FUND (40 ILCS5/22B-115(b))

14. The Permanent board of trustees shall consist of 9 members as follows:
 - a. Three members who are mayors, town or village presidents, chief executive officers, chief financial officers, or other officers, executives, or department heads of municipalities that have participating pension funds and are elected by the mayors or town or village presidents of municipalities that have participating pension funds.
 - b. Three members who are participants of participating pension funds and are elected by the participants of participating pension funds.
 - c. Two members who are beneficiaries of participating pension funds and are elected by the beneficiaries of participating pension funds.
 - d. One member recommended by the Illinois Municipal League who shall be appointed by the Governor with the advice and consent of the Senate.

D. TERMS OF OFFICE (40 ILCS5/22B-116(f))

15. The elected trustees shall each serve for terms of 4 years commencing on the first business day of the first month after election; except that the terms of office of the initially elected trustees shall be as follows:
 - a. One trustee elected pursuant to item (1) of subsection (b) of Section 22B-115 shall serve for a term of 2 years and 2 trustees elected pursuant to item (1) of subsection (b) of Section 22B-115 shall serve for a term of 4 years;
 - b. Two trustees elected pursuant to item (2) of subsection (b) of Section 22B-115 shall serve for a term of 2 years and one trustee elected pursuant to item (2) of subsection (b) of Section 22B-115 shall serve for a term of 4 years; and
 - c. One trustee elected pursuant to item (3) of subsection (b) of Section 22B-115 shall serve for a term of 2 years and one trustee elected pursuant to item (3) of subsection (b) of Section 22B-115 shall serve for a term of 4 years.
16. The trustee appointed pursuant to item (4) of subsection (b) of Section 22B-115 shall serve for a term of 2 years commencing on the first business day of the first month after the election of the elected trustees.
17. The Permanent Board of Trustees will determine those trustees who will serve a two-year term of office and a four-year term of office at the first meeting of the Permanent Board. The selection will take place as a random drawing of names and terms of office,

E. NOMINATION OF CANDIDATES OF THE BOARD OF TRUSTEES

18. At the first quarterly meeting of the Transition Pension Board in **July 2020**, the Executive Director shall advise the Transition Board of Trustees of the members and the categories of the nomination process and seats for whom the election is required.
 - a. The advice to the Transition Board of Trustees shall include the process for the nomination and election of the trustees.
 - b. The Transition Board of Trustees shall vote to affirm the advice received and authorize the opening of the nomination process for the Board election.
 - c. The Transition Board of Trustees shall set a closing date of 4:30 p.m. Central Daylight Time on **August 28, 2020** for when the completed nomination petitions shall be physically received by the Executive Director or authorized agent.

19. All nominations for election shall be by petition. Each petition for an elected trustee shall be executed as follows:
- a. for municipal representative trustees to be elected, by at least 20 such mayors and presidents;
 - i. Municipal representative trustee nomination petitions will be available in paper form and on-line in a downloadable format.
 - b. for trustees to be elected by active participants, by at least 400 participants; and
 - i. Active participant representative trustee nomination petitions will be available in paper form and on-line in a downloadable format.
 - c. for trustees to be elected by beneficiaries, by at least 100 beneficiaries.
 - i. Active participant representative trustee nomination petitions will be available in paper form and on-line in a downloadable format.
20. Following the authorization of the nomination process for the election of the members of the Board of Trustees, the Executive Director or authorized agent shall notify all qualified electors in the participating pension funds of the election.
- a. Notification of the qualified electors shall take place as soon as practical following the Transition Board's authorization of the election process.
 - b. The notification shall include the class of the seat to be elected and information about the candidate application and nomination petition process.
 - c. Any qualified candidate that is interested in participating in the election for a Board Trustee seat will be required to obtain a nominating petition from the IPOPIF website, the Fund's Executive Director, or an authorized agent.
 - i. Nomination petitions may be requested at any time during the nomination process but completed nominating petitions must be physically received by 4:30 p.m. Central Daylight Time on **August 28, 2020**, in order for a candidate to be considered for the election. Electronic filings will not be accepted.
 - ii. The interested candidate may be required to provide appropriate contact information to the Executive Director, or authorized agent. This contact information will be confidential and will be used solely to assist in the conduct of the nomination and election process.

21. The nomination petition filing period will close at 4:30 p.m. Central Daylight Time on **August 28, 2020**. All petitions must be physically received in the Fund's Office or Office of Authorized Agent. Electronic filings will not be accepted. At this time, the Fund's authorized agent will examine the nomination petitions from each class for accuracy and verify that each nominating petition contains the required number of respective electoral signatures.
- a. Candidates who fail to furnish the required number of eligible signatures will be disqualified.
 - b. Only electors of the specific class of trustee are qualified to sign the nominating petition(s) candidates within their respective class. The individuals signing the nominating petition must be members of the eligible electing class at the time they sign the petition.
 - c. Qualified electors may sign a nominating petition for more than one candidate in each election but may not sign any nominating petition more than once.

F. CANDIDATE BALLOT AND BIOGRAPHICAL STATEMENTS

22. The candidate may submit a *short ballot designation* that will be printed on the official ballot along with the candidate's name.
- a. Such designation shall be limited to the candidate's title, office, employment classification or similar position held by the candidate.
 - b. This designation shall not be more than forty (40) characters in length, including spaces. If the ballot designation submitted by the candidate exceeds the foregoing space limitation, no ballot designation shall be printed for that candidate.
23. The candidate may submit a *biographical candidate statement* that will be separate from the official ballot. The biographical candidate statement shall be no more than four hundred (400) words in length and must be contained on a single sheet of 8 ½ by 11-inch paper and shall be of camera-ready quality. Candidates may submit an electronic version of the statement to the Executive director or authorized agent.
- a. The Executive Director shall not edit a biographical candidate statement and will have sole authority to exclude a candidate statement provided the Executive Director can articulate the reasons for taking this action.

- b. The Executive Director shall notify the candidate of the decision to exclude the candidate statement and shall provide the reason(s) for the decision.
 - c. A candidate shall be permitted to re-submit a candidate statement during the nomination process but in no case will a statement be accepted after the close of the nomination period.
24. The candidates' biographical statement will be available for viewing on IPOPIF website, social media page or electronically from the Fund's Executive Director or authorized agent. The Fund will not respond to requests for biographical candidate statements to be mailed to requesting parties.

G. ADDITIONAL CAMPAIGN MATERIALS

25. The distribution of any information, publications, fliers and similar materials used by a qualified candidate or interested third party shall be considered additional campaign materials.
26. There shall be no provision for the Fund and any authorized agent of the Fund to support a qualified candidate or interested third party in the distribution of additional campaign materials related to the election of the Board of Trustees.
27. In the event a qualified candidate or third party distributes additional campaign materials for the election of the Board of Trustees, such materials should disclose that they are not endorsed by the Fund or the Board of Trustees.

H. CHALLENGE OF NOMINATION PETITIONS AND ELECTION RESULTS

28. For purposes of this section, the filing of a written request must be made simultaneously to the Executive Director and the Conflict Counsel via certified mail and email at the following addresses:
- a. Illinois Police Officers' Police Investment Fund
Attention: Executive Director Richard White
184 Shuman Boulevard, Suite 305
Naperville, IL 60563
Email: ilpopif@gmail.com

- b. Jerry J. Marzullo, Esq.
Puchalski Goodloe Marzullo, LLP
2100 Sanders Road, Suite 110
Northbrook, IL 60062
Email: jmarzullo@pgm-law.com

29. Any person may request to examine filed nominating petitions following the submission deadline date of **August 28, 2020** by filing a written request with the Executive Director. Within a reasonable time, and during normal business hours, an appointment will be made to accommodate the request for examination, provided the following limitations are met:

- a. Petitions to be examined will be duplicate copies of the original petitions filed, with any personal identifying information redacted.
- b. Petitions will only be examined at a location determined by the Executive Director.
- c. Petitions may not be removed, photocopied, or duplicated by any means, from the designated viewing location, except as required under the Illinois Freedom of Information Act.

30. Any prospective candidate or eligible voter may challenge the *nomination petition validation process* by submitting a written statement to the Executive Director and Conflict Counsel identifying the specific aspects of the nomination petition process that is being challenged.

- a. **A written challenge to the nomination process may be submitted beginning on August 31, 2020 but must be physically received by the Executive Director and Conflict Counsel, as required under Section H-28 of this policy, by 4:30 p.m. Central Daylight Time on September 4, 2020 to be considered**
- b. The Conflict Counsel shall consider the challenges between **September 8 and September 15, 2020**. A written notice of the final determination shall be mailed to the challenger by 4:30 p.m. Central Daylight Time on **September 18, 2020**.

- c. Within seventy-two (72) hours of the issuance of the written recommended decision and order of the Conflict Counsel, the Transition Board shall meet and either: 1) adopt the findings and recommendation of the Conflict Counsel, or 2) the Transition Board may adopt all, part or none of the recommended decision and order depending on the extent to which it is consistent with the record and applicable law. The Transition Board shall issue and serve on all parties its written decision and order.
31. Any challenge to the *certified election results* may be made by submitting a written statement to the Executive Director and Conflict Counsel identifying the specific aspects of the election process that is being challenged.
- a. **A written challenge to the election process or results may be submitted beginning on December 7, 2020 but must be physically received by the Executive Director and Conflict Counsel, as required under Section H-28 of this policy, by 4:30 p.m. Central Standard Time on December 9, 2020 to be considered.**
 - b. The Conflict Counsel shall consider the challenges between **December 9 and 11, 2020**. A written notice of the final determination shall be mailed to the challenger by 4:30 p.m. Central Standard Time on **December 11, 2020**.
 - c. Within seventy-two (72) hours of the issuance of the written recommended decision and order of the Conflict Counsel, the Transition Board shall meet and either: 1) adopt the findings and recommendation of the Conflict Counsel, or 2) the Transition Board may adopt all, part or none of the recommended decision and order depending on the extent to which it is consistent with the record and applicable law. The Transition Board shall issue and serve on all parties its written decision and order.

I. PROCEDURES FOR APPROVING CANDIDATES AND THE ELECTION PROCESS

32. At the first quarterly meeting of the Transition Pension Board in **October 2020**, the Executive Director of the Fund shall advise the Transition Board of Trustees of the results of the nomination process and identify the candidates that are qualified for the election. The Transition Board of Trustees shall vote to approve the candidates and authorize the initial election process for the Board election.
33. Following the authorization of the election process, the authorized agent shall notify all qualified electors on or before **November 2, 2020**.
34. There shall be no provision for write-in Candidates.

J. ADMINISTRATION OF ELECTIONS (40 ILCS5/22B-116)

35. The Executive Director or authorized agent shall cause the names of those persons nominated for the Board of Trustees to be printed upon ballots of such form as may be determined by the Fund.
 - a. A separate ballot shall be used for each class of trustee.
 - b. The board or authorized agent shall prepare and send ballots and ballot envelopes to the municipal representatives, participants and beneficiaries eligible to vote in accordance with these rules.
 - c. The ballots shall contain the names of all candidates in alphabetical order.
 - d. The ballot envelope shall have on the outside a form of certificate stating that the person voting the ballot is a municipal representative, participant or beneficiary entitled to vote.
 - e. Municipal representatives, participants and beneficiaries, upon receipt of the ballot, shall vote the ballot and place it in the ballot envelope, seal the envelope, execute the certificate thereon, and return the ballot to the Fund.
36. Election ballots shall be mailed to each qualified elector on or before **November 2, 2020** and must be returned and physically received by the Fund or authorized agent by 4:30 p.m. Central Standard Time on **December 1, 2020** to be considered valid. December 1, 2020 shall be designated the election date.
37. In lieu of conducting elections via mail balloting, as described in this Section, the Fund may instead adopt rules to provide for elections to be carried out in an electronic format.

K. COMPILATION OF ELECTOR DATABASE (40 ILCS 5/22B-116)

38. In order to conduct the trustee election, the Fund, Executive Director, or authorized agent shall compile a database of eligible electors for each class of trustee.
- a. For municipal representative(s), the Fund, or authorized agent, shall submit a request to each city, town or village with a participating pension fund requesting the name, title, email and mailing address for the eligible elector of that city, town or village.
 - b. For participants and beneficiaries, the Fund, or authorized agent, shall submit a request to each participating fund requesting:
 - i. Names, email and departmental mailing addresses for all eligible participant electors.
 - ii. Names, class or status (retired pensioner, disabled pensioner, surviving spouse, minor children, disabled children, and dependent parents), email and home mailing address for all eligible beneficiary electors.
39. Once compiled, the elector database will become sole property of the Fund, be kept confidential and will not be released to any requesting party, subject to the requirements of FOIA.
40. If the necessary information is not received by 4:30 p.m. Central Daylight Time on **August 28, 2020**, the Fund may consider the municipal representative, participants, and beneficiaries to be unable to participate in the initial trustee election.

L. VOTING IN THE ELECTION (40 ILCS5/22B-116)

41. At any election, voting shall be as follows:
- a. Each person authorized to vote for a specific class of trustee may cast one vote for each related position for which such person is entitled to vote and may cast such vote for any candidate or candidates on the ballot for such trustee position.
 - i. There shall be no provision for cumulative voting of candidates.
 - ii. If more candidates are selected than the number of positions to be elected, the ballot is invalid and will not be counted.

- iii. If the number of candidates selected is fewer than the number of positions to be elected, the ballot is valid and will be counted.
 - b. If only one candidate for each position is properly nominated in petitions received, that candidate shall be deemed the winner and no election under this Section shall be required.
 - c. The individuals voting in the election must be members of the same candidate class they are voting for at the time they cast the vote.
- 42. The qualified electors shall receive an official ballot from the Fund or authorized agent which shall contain the name of the candidate and the ballot designation of the candidate.
- 43. The candidate statement will be separate from the official ballot and accessible on the Fund's website, social media page or electronically from the Fund's Executive Director.
- 44. Ballots must be physically received by the Fund or authorized agent by until 4:30 p.m. Central Standard Time on **December 1, 2020**. December 1, 2020 shall be designated the election date.
- 45. The authorized agent shall verify that each ballot is a qualified ballot for the election.
- 46. Only verified ballots will be tabulated.

M. TABULATION OF THE BALLOTS

- 47. The tabulation of the ballots will be conducted at the Fund or location approved by the Transition Board of Trustees.
- 48. The Transition Board of Trustees will set the tabulation date of **December 3, 2020**.
- 49. The Executive Director, the authorized agent, appropriate members of the staff of the Fund and each Candidate may be present at the tabulation of the ballots.
- 50. The candidate or candidates receiving the highest number of votes for each class of trustee shall be elected. In the case of a tie vote, the winner shall be determined in accordance with procedures developed by the Department of Insurance.
- 51. The results of the election will be posted on the Fund's website or social media page by 4:30 p.m. Central Standard Time on **December 4, 2020**.

N. CERTIFICATION OF ELECTION RESULTS (40 ILCS5/22B-116)

52. The results of the election will be submitted for certification to the Transition Board of Trustees at the Regular Meeting scheduled in **December 2020**, following the tabulation of the ballots.
53. The results shall be entered in the minutes of the first meeting of the board following the certification of the election results.

O. TENTATIVE SCHEDULE OF THE 2020 TRUSTEE ELECTION

- **July 10, 2020**
 - **Transition Board of Trustee Quarterly Meeting**
 - **Nomination Period for candidates open**
- **July 10 to August 28, 2020**
 - **Nomination Period for Candidates**
- **August 28, 2020**
 - **Nomination Period Closed**
 - **Deadline for municipalities, cities, towns, villages, and participating funds to provide elector information**
- **August 31 – September 4, 2020**
 - **Nomination Challenge Period for Candidates**
- **September 8 - 15, 2020**
 - **Nomination Challenge Determination Period**
- **September 18, 2020**
 - **Nomination Challenge Decision Date**
- **September 21, 2020**
 - **Transition Board of Trustee Special Meeting to review findings of Nomination Challenge Decision by Conflict Counsel**
- **October 9, 2020**
 - **Transition Board of Trustee Quarterly Meeting.**
 - **Approval of candidates and election process.**
- **November 2 – December 1, 2020**
 - **Election Period**
- **December 1, 2020**
 - **Election Date**
- **December 3, 2020**
 - **Tabulation of Election Ballots**
- **December 4, 2020**
 - **Certification of Election Tally, publication of election results.**
- **December 7-9, 2020**
 - **Election Result Challenge Determination Period**
- **December 9-11, 2020**
 - **Election Result Challenge Decision Date**
- **December 14, 2020**
 - **Transition Board of Trustee Special Meeting to review findings of Nomination Challenge Decision by Conflict Counsel**
 - **Certification of Election Results by Transition Board of Trustees**

P. POLICY REVIEW

54. The Policy is subject to change in the exercise of the Transition Board's judgement.

55. This Policy was adopted by the Transition Board on July 10, 2020.