



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4025

Introduced 2/28/2005, by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-165

from Ch. 108 1/2, par. 16-165

Amends the Downstate Teachers Article of the Illinois Pension Code. Provides that if a vacancy occurs in the elective membership of the Board for a term that has more than 6 months remaining, that vacancy shall be filled by a person elected pursuant to an election instituted by the Director of the Teachers' Retirement System of the State of Illinois. Effective immediately.

LRB094 05813 AMC 35867 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

1 AN ACT in relation to 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 changing
5 Section 16-165 as follows:

6 (40 ILCS 5/16-165) (from Ch. 108 1/2, par. 16-165)

7 Sec. 16-165. Board; elected members; vacancies.

8 (a) In each odd-numbered year, there shall be elected 2
9 teachers who shall hold office for a term of 4 years beginning
10 July 15 next following their election, in the manner provided
11 under this Section.

12 (b) One elected annuitant trustee shall first be elected in
13 1987, and in every fourth year thereafter, for a term of 4
14 years beginning July 15 next following his or her election.

15 (c) The elected annuitant position created by this
16 amendatory Act of the 91st General Assembly shall be filled as
17 soon as possible in the manner provided for vacancies, for an
18 initial term ending July 15, 2001. One elected annuitant
19 trustee shall be elected in 2001, and in every fourth year
20 thereafter, for a term of 4 years beginning July 15 next
21 following his or her election.

22 (d) Elections shall be held on May 1, unless May 1 falls on
23 a Saturday or Sunday, in which event the election shall be
24 conducted on the following Monday. Candidates shall be
25 nominated by petitions in writing, signed by not less than 500
26 teachers or annuitants, as the case may be, with their
27 addresses shown opposite their names. The petitions shall be
28 filed with the board's Secretary not less than 90 nor more than
29 120 days prior to May 1. The Secretary shall determine their
30 validity not less than 75 days before the election.

31 (e) If, for either teacher or annuitant members, the number
32 of qualified nominees exceeds the number of available

1 positions, the system shall prepare an appropriate ballot with
2 the names of the candidates in alphabetical order and shall
3 mail one copy thereof, at least 10 days prior to the election
4 day, to each teacher or annuitant of this system as of the
5 latest date practicable, at the latest known address, together
6 with a return envelope addressed to the board and also a
7 smaller envelope marked "For Ballot Only", and a slip for
8 signature. Each voter, upon marking his ballot with a cross
9 mark in the square before the name of the person voted for,
10 shall place the ballot in the envelope marked "For Ballot
11 Only", seal the envelope, write on the slip provided therefor
12 his signature and address, enclose both the slip and sealed
13 envelope containing the marked ballot in the return envelope
14 addressed to the board, and mail it. Whether a person is
15 eligible to vote for the teacher nominees or the annuitant
16 nominees shall be determined from system payroll records as of
17 March 1.

18 Upon receipt of the return envelopes, the system shall open
19 them and set aside unopened the envelopes marked "For Ballot
20 Only". On election day ballots shall be publicly opened and
21 counted by the trustees or canvassers appointed therefor. Each
22 vote cast for a candidate represents one vote only. No ballot
23 arriving after 10 o'clock a.m. on election day shall be
24 counted. The 2 teacher candidates and the annuitant candidate
25 receiving the highest number of votes shall be elected. The
26 board shall declare the results of the election, keep a record
27 thereof, and notify the candidates of the results thereof
28 within 30 days after the election.

29 If, for either class of members, there are only as many
30 qualified nominees as there are positions available, the
31 balloting as described in this Section shall not be conducted
32 for those nominees, and the board shall declare them duly
33 elected.

34 (f) A vacancy occurring in the elective membership on the
35 board shall be filled for the unexpired term by the board with
36 a person qualified for the vacant position if there are no more

1 than 6 months remaining on the term. For a term with more than
2 6 months remaining, the Director of the Teachers' Retirement
3 System of the State of Illinois shall institute an election in
4 accordance with this Act to fill the unexpired term.

5 (Source: P.A. 91-941, eff. 2-6-01.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.