

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  
5 changing 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  
10 beginning July 15 next following their election, in the  
11 manner provided under this Section.

12 (b) One elected annuitant trustee shall first be elected  
13 in 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  
17 as soon as possible in the manner provided for vacancies, for  
18 an 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  
23 on 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  
26 500 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  
29 than 120 days prior to May 1. The Secretary shall determine  
30 their validity not less than 75 days before the election.

31 (d-5) Beginning July 15, 2004, not more than 3 of the 4

1 active teachers elected to the Board of Trustees may be  
2 active members of the same statewide teacher organization.  
3 For the purposes of this Section, "statewide teacher  
4 organization" means a teacher organization (1) in which  
5 membership is not restricted to persons living or teaching  
6 within a limited geographical area of this State and (2) that  
7 has among its membership at least 10,000 persons who  
8 participate in this System.

9 Candidates for the active teacher positions on the Board  
10 shall indicate, in their nomination petitions and campaign  
11 materials, which (if any) statewide teacher organizations  
12 they have belonged to during the 5 years preceding the  
13 election.

14 (e) If, for either teacher or annuitant members, the  
15 number of qualified nominees exceeds the number of available  
16 positions, the System shall prepare an appropriate ballot  
17 with the names of the candidates in alphabetical order and  
18 shall mail one copy thereof, at least 10 days prior to the  
19 election day, to each teacher or annuitant of this System as  
20 of the latest date practicable, at the latest known address,  
21 together with a return envelope addressed to the board and  
22 also a smaller envelope marked "For Ballot Only", and a slip  
23 for signature. Each voter, upon marking his ballot with a  
24 cross mark in the square before the name of the person voted  
25 for, shall place the ballot in the envelope marked "For  
26 Ballot Only", seal the envelope, write on the slip provided  
27 therefor his signature and address, enclose both the slip and  
28 sealed envelope containing the marked ballot in the return  
29 envelope addressed to the board, and mail it. Whether a  
30 person is eligible to vote for the teacher nominees or the  
31 annuitant nominees shall be determined from System payroll  
32 records as of March 1.

33 Upon receipt of the return envelopes, the System shall  
34 open them and set aside unopened the envelopes marked "For

1 Ballot Only". On election day ballots shall be publicly  
2 opened and counted by the trustees or canvassers appointed  
3 therefor. Each vote cast for a candidate represents one vote  
4 only. No ballot arriving after 10 o'clock a.m. on election  
5 day shall be counted.

6 (e-3) The 2 teacher candidates and the annuitant  
7 candidate receiving the highest number of votes shall be  
8 declared elected, except that beginning with the election in  
9 2004, if the teacher candidate who receives the highest  
10 number of votes and the 2 incumbent teacher members who are  
11 not up for election belong to the same statewide teacher  
12 organization, then the second teacher candidate to be  
13 declared elected shall be the candidate not a member of that  
14 statewide teacher organization who receives the highest  
15 number of votes, unless there is no such candidate.

16 The board shall declare the results of the election, keep  
17 a record thereof, and notify the candidates of the results  
18 thereof within 30 days after the election.

19 (e-6) If, for either class of members, there are only as  
20 many qualified nominees as there are positions available, the  
21 balloting as described in this Section shall not be conducted  
22 for those nominees, and the board shall declare them duly  
23 elected.

24 (f) A vacancy occurring in the elective membership on  
25 the board shall be filled for the unexpired term by the board  
26 with a person qualified for the vacant position.

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

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law.