



Sen. Michael W. Frerichs

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09500SB1587sam001

LRB095 11140 AMC 31806 a

1 AMENDMENT TO SENATE BILL 1587

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1587 by replacing  
3 everything after the enacting clause with the following:

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 beginning  
10 July 15 next following their election, in the manner provided  
11 under this Section. An elected teacher member of the board who  
12 ceases to be a teacher as defined in Section 16-106 may  
13 continue to serve on the board for the remainder of the term to  
14 which he or she was elected.

15 (b) One elected annuitant trustee shall first be elected in  
16 1987, and in every fourth year thereafter, for a term of 4

1 years beginning July 15 next following his or her election.

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

9 (d) Elections shall be held on May 1, unless May 1 falls on  
10 a Saturday or Sunday, in which event the election shall be  
11 conducted on the following Monday. Candidates shall be  
12 nominated by petitions in writing, signed by not less than 500  
13 teachers or annuitants, as the case may be, with their  
14 addresses shown opposite their names. The petitions shall be  
15 filed with the board's Secretary not less than 90 nor more than  
16 120 days prior to May 1. The Secretary shall determine their  
17 validity not less than 75 days before the election.

18 (d-5) Beginning July 15, 2009, not more than 3 of the 4  
19 active teachers elected to the Board of Trustees may be active  
20 members of the same statewide teacher organization. For the  
21 purposes of this Section, "statewide teacher organization"  
22 means a teacher organization (1) in which membership is not  
23 restricted to persons living or teaching within a limited  
24 geographical area of this State and (2) that has among its  
25 membership at least 10,000 persons who participate in this  
26 System.

1       Candidates for the active teacher positions on the Board  
2 shall indicate, in their nomination petitions and campaign  
3 materials, which (if any) statewide teacher organizations they  
4 have belonged to during the 5 years preceding the election.

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

24       Upon receipt of the return envelopes, the system shall open  
25 them and set aside unopened the envelopes marked "For Ballot  
26 Only". On election day ballots shall be publicly opened and

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

5 (e-3) The 2 teacher candidates and the annuitant candidate  
6 receiving the highest number of votes shall be declared  
7 elected, except that beginning with the election in 2009, if  
8 the teacher candidate who receives the highest number of votes  
9 and the 2 incumbent teacher members who are not up for election  
10 belong to the same statewide teacher organization, then the  
11 second teacher candidate to be declared elected shall be the  
12 candidate not a member of that statewide teacher organization  
13 who receives the highest number of votes, unless there is no  
14 such candidate. The board shall declare the results of the  
15 election, keep a record thereof, and notify the candidates of  
16 the results thereof within 30 days after the election.

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

22 (f) A vacancy occurring in the elective membership of the  
23 board shall be filled for the unexpired term by a person  
24 qualified for the vacant position, selected by the remaining  
25 elected members of the board, if there are no more than 6  
26 months remaining on the term. For a term with more than 6

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

4 (Source: P.A. 94-423, eff. 8-2-05; 94-710, eff. 12-5-05;  
5 revised 12-8-05.)

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