

Election of Members to the Board of Trustees

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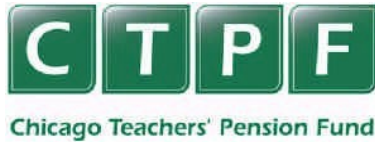
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Proposed new Title, Chapter, and Section of Administrative Rule: **To be determined by Board Counsel.**



Election of Members to the Board of Trustees

Title II, Chapter B of the CTPF Administrative Rules and Regulations shall be amended as follows:

Chapter B Election of Members to the Board of Trustees

Article 1

- II.B/101 Board Control.** The election of Trustees shall be under the control and supervision of the Board of Trustees assisted by Fund staff and in accordance with this Chapter.
- II.B/102 Election Agent.** Elections will be administered by an independent service provider (“Election Agent”) retained by the Board.
- II.B/103 Election Coordinator.** The Executive Director shall appoint an Election Coordinator from the Fund’s staff who shall be responsible for reporting to the Board, or its designated committee, and for coordinating the efforts of the Election Committee, the Election Agent, Canvassing Board members, and Fund staff.
- II.B/104 Election Committee.** The Board shall appoint an Election Committee consisting of three Trustees who shall not be candidates in the same Fiscal Year in which the election occurs. The Board delegates to the Election Committee, *inter alia*, the authority to determine a candidate’s eligibility to be on the ballot and whether to count challenged ballots.
- II.B/105 Date of Elections.** The online election of Teacher Trustees shall occur during the first week of November (November 1st through 7th; the “Election Period”) and shall end at 5:00 p.m. Central Time on November 7th, or at 5:00 p.m. Central Time on the Friday preceding November 7th if November 7th is a Saturday or Sunday. At the discretion of the Board, the election may be held over consecutive, multiple days. Election materials, if any, for the election of Pensioner Trustees shall be mailed no earlier than October 17th and votes shall be accepted so long as they are received by mail by the Election Agent by 5:00 p.m. Central Time on November 7th, or at 5:00 p.m. Central Time on the Friday preceding November 7th

if November 7th is a Saturday or Sunday. The online election of Principal/Administrator Trustees shall commence no earlier than the date that the unique voter identification/access is mailed to eligible voters and shall end at 5:00 p.m. Central Time on November 7th, or at 5:00 p.m. Central Time on the Friday preceding November 7th if November 7th is a Saturday or Sunday.

II.B/106 Eligibility Criteria for Candidates. A candidate for an elected Trustee position must meet the following criteria as of October 1 in the election year:

(a) **Teacher Trustees (6)** Candidates for Teacher Trustee must:

- (1) be a Member, other than a Principal/Administrator, as defined in 40 ILCS 5/17-106;
- (2) have been assigned on a regular certificate for at least 10 years in the Chicago Public Schools or charter schools within District 299;
- (3) be nominated by a petition signed by at least 200 contributors who are not Principals/Administrators, as provided in 40 ILCS 5/17-139(1).

(b) **Principal/Administrator Trustee (1)** A candidate for Principal/Administrator Trustee must:

- (1) be a Principal/Administrator as defined in 40 ILCS 5/17-106.1;
- (2) be nominated by a petition signed by at least 25 contributors who are Principals/Administrators, as provided in 40 ILCS 5/17-139(3).

(c) **Pensioner Trustees (3)** A candidate for Pensioner Trustee must:

- (1) be a service, reciprocal, or disability pensioner receiving monthly payments from the Fund;
- (2) be nominated by a petition signed by not less than 100 pensioners, as provided in 40 ILCS 5/17-139(2).

II.B/107 Notice of Election. The Fund's Notice of Election shall contain the date(s) of each election, eligibility criteria for candidates and voters, information on how to obtain a candidate nomination packet, instructions on the nomination process, election guidelines, and the schedule of election events. The Election Coordinator shall post the Notice of Election on the Fund's website no later than February 15th in each calendar year.

II.B/108 Pension Representatives. Pension Representatives, who attest that they have completed all election training assigned by the Election Coordinator, shall receive a \$50 stipend. Such Pension Representatives, who attest that they distributed election materials and performed other tasks as assigned by the Election Coordinator, shall receive an additional \$50 stipend.

II. B/109 Canvassing Board. The Executive Director shall appoint by September 1st each

year a minimum of six members of the Canvassing Board to monitor a Teacher Trustee election. A member of the Canvassing Board may not be a candidate for Teacher Trustee, and at least four of such members shall be Pension Representatives. The other members of the Canvassing Board shall be members of CTPF staff. A member of the Canvassing Board, other than CTPF staff, will be paid a stipend of \$100 for participating in the review of challenged ballots and certification of election results and shall be reimbursed for parking and transportation expenses actually incurred.

Article 2 Nomination Process

- II.B/201** **Distribution of Nomination Packet.** Beginning February 15th through September 15th, the Election Coordinator shall provide candidate nomination packets to Members and Pensioners who request a packet.
- II.B/202** **Content of Nomination Packet.** The nomination packet shall include: a copy of the Notice of Election, a pre-printed nominating petition, a candidate resume form, a copy of the applicable Rules, and such other documents as the Board or the Election Coordinator may determine are appropriate.
- II.B/203** **Nominating Petition.**
- (a) A candidate shall not be permitted to submit a nominating petition for more than one Trustee position during any particular election.
 - (b) No nominating petition shall be circulated without the name of the candidate and the specific position sought appearing on the nominating petition.
 - (c) Members may sign more than one nominating petition, but may only sign the nominating petitions of those candidates for whom the Member is eligible to vote.
 - (d) The Pension Code does not prohibit a candidate from signing his or her own nominating petition.
- II.B/204** **Number of Signatures and Information Required.** The minimum number of nominating petition signatures required for each election is as follows:
- (a) Teacher Trustee candidates must have 200 or more legible nomination signatures from Members who would be eligible to vote in the election being conducted had the election occurred at the time the Member signs the nominating petition. The Member signing a nominating petition must:
 - (1) print and sign his/her name,
 - (2) provide the date of his/her signature,
 - (3) provide his /her month and date of birth, and
 - (4) provide the last 4-digits of his/her Social Security number, or, if available, his/her “employee identification number.”
 - (b) Principal/Administrator Trustee candidates must have 25 or more legible

nomination signatures from Principals/Administrators who would be eligible to vote in the election being conducted had the election occurred at the time the Principal/Administrator signs the nominating petition. The Principal/Administrator signing a nominating petition must:

- (1) print and sign his/her name,
- (2) provide the date of his/her signature,
- (3) provide his/her month and date of birth, and
- (4) provide the last 4-digits of his/her Social Security number, or, if available, his/her "employee identification number."

(c) Pensioner Trustee candidates must have 100 or more legible nomination signatures from CTPF Pensioners who would be eligible to vote in the election being conducted had the election occurred at the time the Pensioner signs the nominating petition. The Pensioner signing a nominating position must:

- (1) print and sign his/her name,
- (2) provide the date of his/her signature,
- (3) provide his/her month and date of birth, and
- (4) provide the last 4-digits of his/her Social Security number.

II.B/205

Physical Inability to Sign. Any individual who is physically unable to sign his/her name on any Election-related document may sign his/her name with a mark of "x" or with the assistance of his/her agent pursuant to a power of attorney for property.

If a potential candidate obtains or provides a signature on any Election-related document, including a nominating petition, from a Member or Pensioner who is physically unable to sign his/her name, the Fund shall notify all candidates that such a mark may be challenged by the Fund's Election Agent or by another candidate if other provided information does not establish or corroborate the identity of the signer. With regard to a Petition, if the potential candidate so chooses, the candidate may have another person, other than the potential candidate or a person circulating a petition, who was present when that person signed the petition with an "x" or when the signer has affirmed to the affiant that the mark is his/her own, attest in writing before a notary public that:

- (1) the affiant knows the Petition signer, or at least became aware of the person's identity by having inspected a photo ID of the Petition signer;
- (2) the affiant found the Petition signer to be the same person as the one the affiant has known or who is named on the ID;
- (3) the Petition signer voluntarily made the "x" on the Petition; and
- (4) the signing of the Petition occurred in the affiant's presence or that the mark was affirmed by the Petition signer to the affiant.

The affidavit may contain any other facts that are deemed necessary to establish

that the Member or Pensioner is eligible to sign the Petition. This affidavit may be obtained at the time the person signs the Petition with an “x”, or at a later date, once a challenge or objection is presented to the potential candidate. The affidavit shall be submitted by the deadline set by the Election Committee.

II.B/206 **Deadline for Submission.** For a Teacher Trustee candidate, a candidate’s signed nomination petition and the candidate resume, if any, must be received by the Fund’s Recording Secretary on or after September 15th, but no later than October 1st at 5:00 p.m. CDT in the election year or by 5:00 p.m. CDT on the Friday preceding October 1st if October 1st falls on a Saturday or Sunday. For a Principal/Administrator Trustee or Pensioner Trustee candidate, a candidate’s nomination petition and the candidate resume, if any, must be received by the Fund’s Recording Secretary no later than October 1st at 5:00 p.m. CDT or by 5:00 p.m. CDT on the Friday preceding October 1st if October 1st falls on a Saturday or Sunday. Nominating petitions received after the deadline will not be accepted.

II.B/207 **Candidate Resume.** A candidate resume shall contain the information listed below and may be submitted to the Election Coordinator via email, (elections@ctpf.org), fax, or in writing.

- (a) The Fund will not censor any material submitted, but candidates are strongly encouraged not to include defamatory statements.
- (b) All materials distributed through the Fund will contain a disclaimer that the Fund is not responsible for the content of the material and that the Fund has not verified any of the content.
- (c) The Fund’s logo shall not be used on any candidate election materials.
- (d) A candidate resume should include the following information:
 - (1) Name,
 - (2) Member status (i.e., Teacher, Principal/Administrator, Pensioner),
 - (3) Education,
 - (4) Work experience,
 - (5) Other memberships and experience,
 - (6) [Optional] Recent color photo in .jpeg, .pdf, or .tif format; a head shot with a plain background is best.
- (e) The candidate resumes and photos will be made available via printed material, posted on the CTPF website, and will be available through social media outlets. By submitting a resume or photo, and in consideration for the publishing of the material, a candidate consents to the distribution of the material and agrees to indemnify and hold the Fund harmless from any liability for the published content.

II. B/208 **Certification of Candidates.** The Election Agent, with the assistance of the Election Coordinator, shall review the eligibility of candidates and shall recommend to the Election Committee the eligible candidates for each election(s).

- (a) The recommendation of certified candidates shall be submitted to the Election Committee no later than October 15th.
- (b) Upon certification of eligible candidates by the Election Committee, the Election Coordinator shall notify qualified candidates of their certification.
- (c) After the certified candidates have been notified, the Election Coordinator shall make public on the Fund's website the names of the qualified candidates for the Trustee Election.

II.B/209 **Placement or Order of Candidates.** The placement or order of the candidate resumes on election materials shall either be electronically randomized or determined by lot conducted by the Election Coordinator. Names of the candidates for each election shall be rotated on the ballots so that each candidate's name appears to the extent possible at the top of the list an equal number of times.

II.B/210 **"Uncontested Ballot."** When the number of certified candidates does not exceed the number of positions in that election, the Election Coordinator shall, upon every candidate in that election accepting his or her nomination, notify the Election Committee. Upon approval by the Election Committee, the Election Coordinator shall cancel the remaining election procedures for that election.

Article 3 Campaign Process

II. B/301 **Request for Member Mailing Lists**

- (a) The Fund shall designate pre-approved mailing services which candidates or their sponsoring organizations may use to distribute campaign materials. Such mailing service companies must satisfy the Fund's requirements for data security, insurance, and other internal controls.
- (b) Upon receipt of a signed request at least 30 days prior to any proposed mailing date from a mailing service company not on the pre-approved list, the Fund will add this company to the pre-approved list, provided the company satisfies the Fund's requirements for data security, insurance, and other internal controls.
- (c) The Fund will provide only the full list of all eligible voters who are expected at the time of the request to receive a unique voter identification number in a category (Teachers, Principal/Administrators, or Pensioners) to a mailing services company; the Fund will not segregate eligible voters by any other attribute.
- (d) The Fund shall not provide the list of eligible voters to any mailing service company until the company signs a Confidentiality Agreement and/or contract agreeing to use the list for the sole purpose of sending campaign materials and agreeing to maintain confidentiality and operational

safeguards.

- (e) Candidates or their sponsoring organizations must pay the Fund the invoiced cost of the project prior to the Fund providing the names and addresses or the production and distribution of the materials. Multiple mailings are permissible.
- (f) Printing and mailing of campaign materials will be invoiced to CTPF as the approved credit account.
- (g) The Fund will not provide email addresses to any person or organization.

II.B/302 Use of Fund Vendors. Except as provided in Rule II.B/301, a candidate for Trustee shall not solicit or accept, directly or indirectly, the services or resources of Fund vendors, investment managers, or service providers for the purpose of printing, distributing, or mailing campaign materials, or any monetary or other assistance for the candidate's campaign. The Fund shall provide certified candidates with a list of CTPF vendors, investment managers, and service providers.

II.B/303 Use of Mail Run System Prohibited. Candidates are not permitted to use the Board of Education or a charter school mail run system for distribution of campaign materials.

II. B/304 Distribution of Campaign Materials.

- (a) CTPF Pension Representatives shall not distribute any campaign materials provided by candidates.
- (b) CTPF Pension Representatives are responsible for distributing materials provided by CTPF only.
- (c) It is the responsibility of the candidate and/or supporters to distribute materials to Members.

Article 4 The Election Process

II. B/401. Voter Eligibility

- (a) Teachers who are not administrators shall be eligible to vote for Teacher Trustees in accordance with Sections 17-138 and 139. Every Member must have obtained that voter eligibility status on or before October 1st of the election year.
- (b) Principals/Administrators shall be eligible to vote for Principals/Administrators in accordance with Sections 17-138 and 139. Every Member who is a Principal/Administrator must have obtained such voter eligibility status on or before October 1st of the election year.
- (c) Pensioners receiving a service, reciprocal, or disability pension from CTPF

as of October 1st of the election year shall be eligible to vote for Pensioner Trustee.

II. B/402 Form of Ballots

- (a) Voting for Teacher Trustees and Principal/Administrator Trustees shall be by secure electronic ballot.
- (b) Voting for Pensioner Trustees shall be by secret, paper ballot conducted by mail and/or by secure electronic ballot.
- (c) The ballot format shall be uniform in size and appearance.

II. B/403 Ballot Distribution

- (a) The Election Agent and Election Coordinator shall ensure that notice of the date of the Election and instructions for voting shall be posted prominently on the Fund's website, printed prominently in the Fund's newsletters, and distributed to schools.
- (b) The Fund shall direct the Election Agent to generate a unique voter identification number for every Member who is eligible to vote, pursuant to Section 401, above.
- (c) Unique voter identification numbers for voters in a Teacher Trustee Election shall be distributed as follows:
 - 1) The Election Agent shall mail the unique voter identification numbers of each voter in a Teacher Trustee Election known to be working in a school to the Pension Representative for that school, if any, and the Pension Representative shall distribute the unique voter identification numbers to each voter in the school on or before November 1st or, if November 1st falls on a non-school day, on or before the last school day prior to November 1st;
 - 2) If no Pension Representative has been identified for a school, the Election Agent shall mail the unique voter identification numbers of each voter in a Teacher Trustee Election known to be working in the school to the Principal of the school with a request for the Principal to appoint a teacher eligible to vote in the Election to distribute the unique voter identification numbers to each voter in the school on or before November 1st or, if November 1st falls on a non-school day, on or before the last school day prior to November 1st;
 - 3) Unique voter identification numbers shall be emailed or mailed to the

last known address or email address of every eligible Teacher Trustee Election voter who is to be issued a unique voter identification number in accordance with this Article who will not receive the unique voter identification number at a school pursuant to this subsection (f), including to teachers who are “city-wide” and/or not assigned to a school (e.g. substitute teachers, teachers working at more than one school, etc.)

- 4) A Teacher Trustee voter who will not be in school during the Election Period may also request that the unique voter identification number be sent by mail to his or her last known address or by email.
- (d) Unique voter identification numbers for voters in a Pensioner Election shall be mailed to the last known address of each Pensioner.
 - (e) Unique voter identification numbers for voters in a Principal/Administrator Election shall be mailed to the last known address of each Principal/Administrator.
 - (f) A Member may request a replacement voter identification number by calling the Fund office. Fund staff shall provide instructions for obtaining a replacement voter identification number from the Election Agent. The Election Agent shall ensure that only one vote shall be accepted per member.
 - (g) Regardless of whether an individual receives a unique voter identification number pursuant to subsection (b), Teachers other than Principals/Administrators, Principals/Administrators, and Pensioners may be eligible to vote in accordance with 40 ILCS 5/17-106, 40 ILCS 5/17-139, and Section 401, above.
 - (h) Any Member who does not receive a unique voter identification number, including, for the Teacher Trustee election, laid-off Members for whom the Fund received a contribution on or after the October 1st two years prior to the election, Members currently on a leave of absence authorized by the Pension Code, and Members who are currently on worker’s compensation leave, but who believes he or she is eligible to vote, may request a unique voter identification number by calling the Fund office. Upon receipt of a request at least 48 hours prior to the applicable deadline for voting, and subject to verifying the Member’s status with the Fund (i.e. confirming that the Member currently has contributions as a teacher, currently has contributions as a principal/administrator, or is currently receiving a pension through the

Fund) and determining the election in which the Member will be eligible to vote, the Fund will direct the Election Agent to generate a unique voter identification number for each requesting Member for the appropriate election. Any vote cast by such a Member, who was not on the original list generated pursuant to subsection (b), above, shall be treated as a provisional ballot and shall be counted, subject to the Election Committee's verification of voter eligibility, only if the total of the provisional ballots is sufficient in number to materially affect the result of the election, as determined by the Election Committee in its sole discretion.

II.B/404 **Ballot Counting.** The Election Agent, with the assistance of the Election Coordinator and appropriate staff, shall use reasonable procedures to ensure ballots are secured and canvassed in a manner consistent with commonly accepted election practices.

- (a) The Election Agent shall canvass valid ballots by the date specified in the Notice of Election at the location designated in the annual election plan.
- (b) Regardless of the method of balloting chosen by a voter, the following are declared to be invalid ballots and shall not be counted in the election:
 - (1) Votes cast for individuals not listed as candidates on the official ballot.
 - (2) A ballot submitted by a person who is not an eligible voter.
 - (3) A duplicate ballot received from the same voter; only one ballot per voter shall be permitted.
 - (4) Votes cast in excess of the number allowed on the ballot.
 - (5) Ballots not received within the time period prescribed by the Notice of Election.

II.B/405 **Election Observer.** Every candidate shall be entitled to appoint an observer who, as applicable, must be a Contributor or a Pensioner, and shall not be an employee of the Fund. All expenses for an election observer appointed by a candidate shall be borne by the candidate.

- (a) Such observer shall have the right to be present at the opening of any post office box containing paper ballots, at the balloting as herein described, and at the tabulation of ballots.
- (b) Observers may challenge the eligibility of voters. If a challenge is filed, any challenged paper ballot shall be sealed in a blank envelope which shall be sealed in an envelope with the name of the voter and the basis for the challenge thereon. Any challenged electronic ballot shall be identified by voter in a manner that does not reveal the voter's preference and shall not be included in the tally except as provided in subsection (c), below.
- (c) If the challenged ballots are sufficient in number to materially affect the result of the election, as determined by the Election Committee in its sole

discretion, the Election Committee shall investigate challenges and determine whether to count such ballots, and any decision made thereon shall be final and binding. The Canvassing Board may assist in the review of challenged ballots in a Teacher Trustee election, but the Election Committee shall in all cases make the final determination whether to count such ballots.

- (d) The blank envelope containing the paper ballot shall not be opened, and a challenged ballot shall not be included in the tally, until such time as all challenges have been ruled upon and the name-bearing envelopes destroyed.

II.B/406 **Tie Breaker.** A tie in votes received shall be broken by a coin toss conducted by the Election Coordinator.

II.B/407 **Certification of Election.** For the Principal/Administrator Trustee and Pensioner Trustee elections, the Election Agent shall certify to the Election Committee, the Board of Trustees, and the Executive Director the vote totals for each candidate(s) and accordingly the candidate(s) with the highest number of votes. For the Teacher Trustee elections, the Election Agent shall certify to the Canvassing Board, which shall certify to the Election Committee, the Board of Trustees, and the Executive Director the vote totals for each candidate(s) and accordingly the candidate(s) with the highest number of votes. The Canvassing Board shall certify to the Election Committee, the Board of Trustees, and the Executive Director the results of any “uncontested ballot,” for a Teacher Trustee election, approved by the Election Committee pursuant to section II.B/210. The Election Coordinator shall certify to the Election Committee, the Board of Trustees, and the Executive Director the results of any “uncontested ballot,” for any other election, approved by the Election Committee pursuant to section II.B/210.

- (a) Following the certification of the winning candidate(s) by the Election Agent, the Canvassing Board and, if applicable, the Election Coordinator, the Executive Director shall notify all candidates of the certified results.
- (b) The results shall be posted on the Fund’s website no later than the next business day after the final results are certified.

II.B/408 **Seating of Elected Trustees**

- (a) Prior to the next regular meeting of the Board of Trustees, any newly-elected Board member(s) shall be provided with a copy of the Oath of Office, a copy of the Illinois Pension Code, the Fund’s Administrative Rules and Regulations, and other such materials as determined by the Board and/or the Executive Director.
- (b) The Board of Trustees, at its next regular meeting, shall enter in its proceedings the results of said election and the newly-elected Trustees shall subscribe to the following oath of office:

“I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of Trustee of the Public School Teachers’ Pension and Retirement Fund of Chicago according to the best of my ability.”

II.B/409 Retention and Destruction of Election Materials. For six months after the election, the Election Coordinator and Election Agent shall preserve the paper ballots, the electronic voting records, and all other election materials. At or after the expiration of such six-month period, the Election Coordinator shall notify the Board and, subject to any applicable document retention or legal requirements, such materials shall be destroyed after a vote of the Board. If proceedings are pending in any court in which such ballots and/or other materials may be required as evidence, the ballots and/or other materials shall not be destroyed until such proceedings are finally adjudicated.

II.B/410 Recount of an Election.

- (a) A candidate may request the recount of an election only if the difference in the number of votes cast for the candidate requesting the recount and the votes cast for the unofficial winner with the fewest number of votes amongst the winning candidates for the affected election is less than 3% of the votes cast for that unofficial winner. The candidate in the affected election must file a written request with the Executive Director for recount within three business days following the certification of the election results.
- (b) The written request shall specify the election to be recounted, shall be signed by the candidate requesting the recount, and shall specify any other relevant material to be examined.
- (c) The Executive Director shall notify the Board of the request for a recount and shall set a date for the recount upon receipt of the written request.
- (d) The Canvassing Board and the Election Committee shall certify the results of the recount of a Teacher Trustee election. The Election Committee shall certify the results of the recount of a Principal/Administrator or Pensioner Trustee election.
- (e) The Board may establish such additional rules and procedures relating to the recount as it deems appropriate.

II.B/411 Protest of an Election

- (a) A valid protest must be based on evidence that the Board’s election procedures were not substantially followed and that such errors could have materially affected the outcome of the Election, as determined by the Election Committee in its sole discretion.
- (b) A candidate in the affected election may file a written protest with the

Executive Director at any time, but under no circumstances later than three business days following the certification of the election results. The protest shall be identified using the word “protest” and shall state the specific grounds of the protest and provide any evidence (including witnesses and a summary of expected testimony) in support of the protest.

- (c) Upon receipt of a valid and timely protest, the Executive Director shall mail a copy of the protest to all candidates in the affected election and shall notify the Board that a protest has been filed. The Election Committee shall investigate the protest and determine what remedy, if any, shall be granted to the candidate filing the protest.
- (d) The Election Committee may consider written and/or oral arguments submitted by the candidate filing the protest and their designees, and by any other candidate and their designee, in making its determination. If the Election Committee determines that a hearing is necessary, such hearing shall be held in the Board’s meeting room and shall be open to the public. The Election Committee shall determine the rules, regulations, and process by which this hearing shall gather evidence. The Election Committee may retain experts as necessary. The determination of the Election Committee shall be rendered within ten calendar days of any hearing. If the Election Committee determines that no hearing is necessary, the determination of the Election Committee shall be rendered within ten calendar days of the last candidate/designee submission deadline set by the Election Committee.
- (e) If the Election Committee sustains the protest, the Election shall be void for any affected Trustee vacancy and the Board shall schedule a special election to take place as soon as reasonably practical in accordance with this Article, except that the Board shall adopt a revised election calendar. If the Election Committee rejects a protest, then the certified results stand. The Election Committee’s decision shall be a final administrative decision and the Board shall notify all candidates of their rights in accordance with the Administrative Review Law and applicable Rules.
- (f) No candidate may resort to proceedings before any court until the candidate has exhausted the procedures provided for above.