

State of Illinois

POLLWATCHERS GUIDE

Issued by the
Illinois State Board of Elections



PREFACE

This *Guide for Pollwatchers* has been prepared to provide information for pollwatchers and other individuals who want to become more familiar with the role pollwatchers have in the election process. This guide also includes information concerning authorized individuals in the polling place, differences between voter assistance and instruction, challenging a person's right to vote, and illegal Election Day activities. Although pollwatchers may represent particular candidates, political parties, or qualified organizations of citizens, their principal interest is in the conduct of a fair and honest election.

The term election authority is used throughout this guide and refers to the county clerk or board of election commissioners. The county clerk is responsible for conducting the election, except in those jurisdictions where a board of election commissioners exists. Additional information may be obtained by contacting your election authority or calling the Illinois State Board of Elections in Springfield (217) 782-4141 or Chicago (312) 814-6440.

All citations contained herein refer to the Illinois Election Code (10 ILCS 5/1-1 *et seq*) or otherwise indicated. This guide may be amended to include new legislation and court decisions. Please visit the Illinois State Board of Elections' website (www.elections.il.gov) for any updates.

This booklet is not intended to be used as a substitute for relevant statutes, the Illinois Constitution, or applicable case law. Whenever there is a question regarding the interpretation of information contained in this booklet, or of a particular section of the Election Code or any other statute, the individual should contact legal counsel.

Table of Contents

Election Judges.....	1
Authorized Individuals in the Polling Place	1
Pollwatchers	1
Pollwatcher Qualifications.....	1
Candidate Qualifications.....	2
Precinct Committeepersons and Local Election Officials	2
Pollwatchers for Lottery Procedures	2
Pollwatchers for Precinct Registration	2
Pollwatchers for All Early and Grace Period Voting Locations	2
Pollwatchers for Early and Grace Period Ballot Processing	2
Pollwatchers for Nursing Home Voting	2
Pollwatchers for Provisional Ballot Processing	3
Pollwatcher Credentials.....	3
Limiting the Number of Pollwatchers	4
State Nonpartisan Civic Organizations	4
The Pollwatchers Role on Election Day.....	5
Voter Instruction and Assistance	5
Assisting Voters.....	6
Challenging a Person’s Right to Vote.....	6
Possible Illegal Election Day Activities to Look For	6
Pollwatcher credential	SBE Form M-2
Candidate credential	SBE Form M-2A

ELECTION JUDGES

Election judges are officers of the circuit court and are responsible for the proper conduct of the election in the polling place that they are assigned. All judges have equal responsibility and authority. In the performance of their duties, election judges manage the voting process in the polling place, determine whether or not a voter meets the qualifications to vote according to Illinois statutes and help to maintain the decorum of the polling place. By a majority decision of the judges, they have the sole power to allow or overrule a challenge to a voter, remove unauthorized pollwatchers from the polling place, and to limit the number of pollwatchers in the polling place. Election judges are the sole authority in the polling place and the campaign free zone, and only the election judges may handle election supplies and materials in the polling place. (10 ILCS 5/13, 5/14)

AUTHORIZED INDIVIDUALS IN THE POLLING PLACE

Only certain authorized individuals are to be in the polling places and it is the responsibility of election judges to oversee them. These individuals include:

- Voters while voting;
- Minor children accompanying their parent or guardian while voting (10 ILCS 5/17-8);
- Representatives of the election authority's office;
- Representatives of the State Board of Elections (10 ILCS 5/7-34, 17-23, 18-6);
- Representatives of the offices of the State's Attorney and Attorney General (10 ILCS 5/7-34, 17-23, 18-6);
- Law enforcement officers acting in their official capacity (10 ILCS 5/7-34, 17-23, 18-6); and
- Authorized pollwatchers.

POLLWATCHERS

Candidates, political parties, qualified organizations of citizens, organized proponents and opponents of a ballot proposition, and State nonpartisan civic organizations may appoint pollwatchers. Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station themselves in a position in the voting room that will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. (10 ILCS 5/7-34, 17-23, 18-6)

Pollwatcher Qualifications

All pollwatchers must be registered voters in the State of Illinois and must be affiliated with the party or organization they are representing. All pollwatchers must have valid pollwatcher credentials issued by the election authority or the Illinois State Board of Elections. Each pollwatcher must have separate pollwatcher credentials for each precinct that they enter. (10 ILCS 5/7-34, 17-23, 18-6)

Candidate Qualifications

Candidates are allowed to be pollwatchers in the polling place. The actions of candidates in the polling place are governed by the same privileges and limitations that apply to pollwatchers. All candidates must also have proper candidate **or** pollwatcher credentials. If a candidate is using the "candidate" credential, they are not required to have an appointing authority. (10 ILCS 5/7-34, 17-23, 18-6)

Precinct Committeepersons and Local Election Officials

Precinct committeepersons are political party officials and they must have proper pollwatcher credentials in order to remain in the polling place. Local election officials (municipal clerks, township clerks, school board secretaries, etc.) must also have valid pollwatcher credentials to remain in the polling place.

Pollwatchers for Lottery Procedures

Pollwatchers are allowed to observe the lottery procedures for all party placement and simultaneous candidate filings for the same office. (10 ILCS 5/7-12(6), 7-60.1)

Pollwatchers for Precinct Registration

If precinct registration is conducted, the election authority must publish a notice indicating the dates, hours, and places of the precinct registration. The election authority issues credentials to precinct registration day pollwatchers in the same manner as in regular elections. Pollwatchers are allowed to see the names and addresses of the people who have registered during the course of the day. (10 ILCS 5/4-7, 5-17, 6-31)

Note: No person shall, at any precinct registration or reregistration, engage in any electioneering or soliciting of votes or engage in any political discussion at or within 30 feet of any precinct registration. (10 ILCS 5/4-7, 5-17, 6-31)

Pollwatchers for All Early and Grace Period Voting Locations

Pollwatchers may be appointed to observe early and grace period voting procedures and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged where such voting is conducted. Only one pollwatcher per group (as are authorized in the chart on page 4 may be appointed for each location where early and grace period voting is conducted. These locations include the offices of the election authority, municipal, township, and road district clerks, universities, and all other sites designated by the election authority. (10 ILCS 5/19-8(h), 19-10, 19A-60)

Pollwatchers for Early and Grace Period Ballot Processing

Where certain vote by mail voters' ballots are processed either prior to Election Day, on the day of the election, or before the close of the period for counting provisional ballots, each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23, and shall be permitted to observe the election judges making the signature comparison between that which is on the ballot envelope and that which is on the permanent voter registration record card taken from the master file. (10 ILCS 5/7-34, 17-23, 18-6, 19-8(h), 19-10)

Note: Ballot Counting Information Dissemination (10 ILCS 5/1-9.1): Each election authority maintaining a website must provide 24 hour notice on its website of the date, time, and location of the analysis, processing, and counting of all ballot forms. Each election authority must notify any political party or pollwatcher of the same information 24 hours before the count begins if such political party or pollwatcher has requested to be notified. Notification may be by electronic mail at the address provided by the requester.

Pollwatchers for Nursing Home Voting

Voting may be conducted on the premises of any federally operated veterans' home, hospital, or facility located in Illinois or a facility licensed or certified pursuant to the Nursing Home Care Act, the

Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act or the MC/DD Act. An application for ballot is required and must be made to the election authority no later than five days before the election.

Voting may be conducted on the Friday, Saturday, Sunday, or Monday immediately preceding the regular election (one of these days is designated by the election authority). The voting is supervised by a panel of two election judges, one from each political party. Not less than 30 days prior to the regular election, the election authority arranges with the chief administrative officer of each facility a mutually convenient day for the conducting of voting on the premises of the facility. The election authority is required to post a notice in a prominent place in their office of the day and time period for conducting voting at each facility. Pollwatchers are allowed to be present in each facility during voting and until its completion. All precautions should be made to ensure the secrecy of the ballot during this voting process. Pollwatcher credentials are the same as those issued for Election Day. (10 ILCS 5/19-12.2)

Pollwatchers for Provisional Ballot Processing

Pollwatchers are allowed to observe the verification of the registration status of provisional voters during the two-week period following an election, and may be present when the election authority makes the decision of whether or not to count such provisional voter's ballot. Pollwatchers are also allowed to observe the provisional ballot remaking process for ballots cast in an incorrect precinct. (10 ILCS 5/18A-15(g), 18A-218.20(d))

Pollwatcher Credentials

Each pollwatcher must surrender their credentials to the election judges when they enter the precinct/polling place. If an individual refuses to surrender their credentials, or if the credentials are not valid, the individual is not permitted to be in the polling place/precinct as a qualified pollwatcher. All credentials remain in the possession of the judges and are returned to the election authority after the polls close. (10 ILCS 5/7-34, 17-23, 18-6)

To be valid, pollwatcher credentials must contain the following information:

- a. The facsimile signature of the appropriate election authority or the Illinois State Board of Elections. The election authority may not require any political party, candidate, the presiding officer of a civic organization or the chair of the proponent or opponent group to submit the names or other information concerning pollwatchers before making credentials available to such persons or organizations.
- b. The real or facsimile signature of the appointing authority. The appointing authority can be the state or local party chair, the presiding officer of a qualified organization of citizens, the presiding officer of a State nonpartisan civic organization, the chair of an opponent or proponent to a proposition or a candidate, whichever is appropriate.
- c. The signature and address of the pollwatcher and a statement that the pollwatcher is registered to vote from that address.
- d. The name of the county and the precinct or ward in which the pollwatcher is registered.

Limiting the Number of Pollwatchers

The number of pollwatchers allowed in the precinct/polling place at any given time is limited by law. Individuals acting as pollwatchers may come and go throughout the day as long as they do not interfere with the election process. In addition, pollwatchers may be substituted for during the course of the day as long as the number of pollwatchers in the polling place (at one time) does not exceed the number allowed by law.

If the polling place becomes overcrowded with pollwatchers and the situation interferes with the conduct of the election, a majority of the judges may decide to limit the number of pollwatchers by drawing lots; however, at least one pollwatcher for each candidate, political party, qualified organization of citizens, State nonpartisan civic organization, and each organized group of proponents for and opponents to a proposition must be allowed to remain in the polling place. (10 ILCS 5/7-34, 17-23, 18-6)

**NUMBER OF POLLWATCHERS ALLOWED IN EACH
PRECINCT/POLLING PLACE/EA OFFICE AT ANY GIVEN TIME**
10 ILCS 5/7-34, 17-23, 18-6, 19-10, 19A-60, 20-10

APPOINTING AUTHORITY	CONSOLIDATED PRIMARY ELECTION	CONSOLIDATED ELECTION	EARLY VOTING SITES	ELECTION DAY at EA OFFICE
CANDIDATE	TWO	TWO	ONE	ONE
ESTABLISHED OR NEW POLITICAL PARTY	ONE	TWO	ONE	ONE
QUALIFIED ORGANIZATION OF CITIZENS*	ONE	ONE	ONE	ONE
PROponents AND OPPONENTS OF A BALLOT PROPOSITION	ONE	ONE	ONE	ONE
**STATE NONPARTISAN CIVIC ORGANIZATIONS	ONE	ONE	ONE	ONE

** Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election fraud and which shall have registered its name and address, and the name and address of its principal officers, with the proper election authority at least 40 days before the election.*

*** Each State nonpartisan civic organization within the county or political subdivision shall be entitled to appoint one pollwatcher per precinct, provided that no more than 2 pollwatchers appointed by State nonpartisan civic organizations shall be present in a polling place at the same time. Each organization shall have registered the names and addresses of its principal officers with the proper election authority at least 40 days before the election.*

State Nonpartisan Civic Organization

"State nonpartisan civic organization" means any corporation, unincorporated association or organization that:

- a. As part of its written articles of incorporation, bylaws, or charter or by separate written declaration, has among its stated purposes the provision of voter information and education, the protection of individual voters' rights, and the promotion of free and equal elections;
- b. Is organized or primarily conducts its activities within the State of Illinois; and
- c. Continuously maintains an office or business location within the State of Illinois together with a current listed telephone number (a post office box number without a current listed telephone number is not sufficient).

(10 ILCS 5/7-34(3.5), 17-23(3.5), 18-6)

The Pollwatchers' Role on Election Day

Pollwatchers must present their credentials to the election judges upon entering the polling place. The credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. (10 ILCS 5/7-34, 17-23, 18-6)

Before the polls open, pollwatchers may observe the set-up procedures and check that the ballot box is empty. They may observe the election judges as they compare the official ballot with the specimen ballot for that precinct.

During voting hours pollwatchers have a right to be near enough to the election judges to visually examine the voter's ballot application to compare the signature on the application with that on the signature verification record, and to observe the judge initialing the ballots. They may also watch the ballots being deposited into the ballot box and observe the general conduct of the election.

Pollwatchers are not allowed to touch any supplies or materials. At no time may pollwatchers be so close to the election judges that they interfere with the orderly conduct of the election.

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged.

Once a pollwatcher has surrendered a valid credential, they may leave and re-enter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates, qualified civic organizations, and proponents and opponents of a ballot proposition can have only as many pollwatchers at a given time as are authorized in the chart on page 4.

After the polls close, pollwatchers present may observe the counting and tallying procedures and remain in the polling place until all procedures are completed. After the polls close, pollwatchers may leave and re-enter only in case of necessity. While they may not interfere in any way with such procedures, they may call to the attention of the election judges any violations of election laws.

VOTER INSTRUCTION AND ASSISTANCE

Instruction means demonstrating to the voter, in full view of everyone in the polling place, how to properly cast a ballot or a write-in vote, and if needed, demonstrating this on the demonstrator ballot sheet.

Assistance is the actual marking or casting of votes for the voter by specific individuals in the privacy of the voting booth. Assistance is given only upon the voter's request and after the voter and the person(s) giving assistance sign an oath, swearing not to influence the voter's choice of candidates, party, or votes in relation to any question on the ballot and to cast the ballot as directed by the voter.

Instructing Voters

Instruction is given before the voter enters the booth; however, if a voter requests instruction after entering the booth, two judges of opposite political parties may instruct the voter in full view of everyone in the polling place. A specimen ballot, not the voter's official ballot, should be used during the instruction.

Assisting Voters

Only two groups of voters may be given assistance: 1) any blind or physically disabled voter, and 2) any voter with an inability to read, write or speak the English language. Before assistance is given, the appropriate square is marked on the voter's application, and the voter and the person or persons giving assistance must complete the appropriate affidavit.

Anyone giving assistance must cast the vote exactly as directed by the voter and shall not provide anyone with information as to how the vote was cast. **Any person or persons providing assistance must not attempt to influence the voter.** (10 ILCS 5/17-13, 17-14, 24A-5.1, 24B-5.1, 24C-5.1)

Any voter who requires assistance to vote by reason of blindness, physical disability, or the inability to read or write or speak the English language may receive assistance by a person of the voter's choice, other than the voter's employer or agent of that employer, or officer or agent of the voter's union. This information is to be provided to all voters requesting assistance. Should the voter who needs assistance not specify an individual to assist them in voting, the voter must be assisted by two election judges, one from each political party.

Curbside Voting

In instances where a disabled or elderly voter has received prior approval to vote outside the polling place due to the structural features of the building, pollwatchers may observe the process. In such situations, two election judges, one from each political party, deliver an application to the voter. After it is determined that the voter is qualified to vote, the two judges deliver a ballot to the voter and allow the voter to vote in secrecy. In no case shall such voting take place more than 50 feet from the entrance to the polling place. Pollwatchers shall be permitted to accompany the judges and observe the entire procedure. (10 ILCS 5/7-34, 17-13, 17-13.5, 17-14, 17-23, 18-6)

CHALLENGING A PERSON'S RIGHT TO VOTE

An election judge, a pollwatcher, or a voter may challenge a person's right to vote. When a pollwatcher challenges the right of a person to vote, a specific reason for such challenge must be stated. The judges, by majority decision, have the sole power to sustain a challenge (agree with the challenger) or overrule a challenge (disagree with the challenger). Some reasons for challenging include the following:

- a. The voter no longer resides at the address at which they are registered.
- b. The person attempting to vote is not the same person registered.
- c. The person attempting to vote has already voted.
- d. The person attempting to vote is not registered to vote.

If a majority of the judges sustain the challenge, the voter must be informed of their right to receive a provisional ballot. If a majority of the judges overrules the challenge, the voter will continue to vote as if no challenge had been made. (10 ILCS 5/7-34, 17-9, 17-23, 18-6, 18A-5(2))

POSSIBLE ILLEGAL ELECTION DAY ACTIVITIES TO LOOK FOR

The election judges should be notified and be made aware of any irregular activity in the polling place. If any of the following activities occur, note the individual(s) involved including the time and place of occurrence:

- a. Electioneering, which is defined as, active campaigning and solicitation of votes by a candidate(s) or party workers in the polling place, or within the 100-foot campaign free zone of the polling place (10 ILCS 5/17-29);
- b. Voters who try to leave the polling place with a ballot;
- c. Impersonating a registered voter;
- d. Payment for a vote;
- e. Tampering with voting equipment;
- f. Illegal casting of votes;
- g. Interfering with the voting process;
- h. Harassing the election judges;
- i. Harassing the voters;
- j. Illegal voter assistance or instruction;
- k. Disregard of Illinois election laws; or
- l. Requesting a ballot after voting an early or grace period ballot.

CONCLUSION

A pollwatcher should establish a cooperative relationship with the election judges. Pollwatchers should be aware of possible election irregularities and the various methods of vote fraud to enable them to distinguish such activity from proper voting procedures. It is important that pollwatchers become familiar with the procedures outlined in the precinct election manual published by the State Board of Elections. Following the procedures in the manuals, the election judges along with the pollwatchers and the election authorities can ensure that elections are administered fairly and that the rights of voters are protected.

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