

A Guide for Pollwatchers

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STATE BOARD OF ELECTIONS

INTRODUCTION

This Guide for Pollwatchers is designed for pollwatchers and others who want to become more familiar with the basic responsibilities of pollwatchers and the role they play in the election process. It also includes information concerning authorized individuals in the polling place, the differences between voter assistance and instruction, challenging a person's right to vote, illegal election day activities, precinct registration, and absentee voting in nursing homes. Although pollwatchers may represent particular candidates, political parties or civic organizations, 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 either the county clerk, county board of election commissioners or city board of election commissioners. The county clerk is responsible for conducting the election except in those jurisdictions where a board of election commissioners exists.

AUTHORIZED INDIVIDUALS IN THE POLLING PLACE

Election Judges

Election judges are officers of the Circuit Court and have legal authority to conduct the election in the polling place. All judges have equal responsibility and authority. In the performance of their duties, election judges administer the voting procedures, determine voter qualifications and maintain the decorum of the polling place. By majority decision, the judges have the sole power to allow or disallow a challenge to a voter, to cause removal of unauthorized pollwatchers and to limit the number of pollwatchers in the polling place. All persons present in the polling place, or within 100 feet of the entrance, must obey a lawful order of the election judges. Only the election judges may handle election supplies and materials.

Police Officers

In some jurisdictions, local uniformed police officers are assigned to the polling places for the purposes of maintaining order. They have no authority over the conduct of the election except in the case of on-site criminal violations. Police officers function at the discretion of the election judges.

Pollwatchers

Candidates, political parties, civic organizations, and organized proponents and opponents of a ballot proposition may appoint pollwatchers. The pollwatchers' role is established by law. They may be present to observe the conduct of the election before the polls open, during the day and after the polls close.

All pollwatchers must be registered to vote from a residence within the county in which they are acting as pollwatchers and must possess valid credentials. If two pollwatchers are appointed by a candidate or political party to serve in the same polling place at the same time, one must be a registered voter of that precinct. In elections to nominate or elect municipal officers in municipalities that are situated in two or more counties, a pollwatcher who is a registered voter in the municipality is eligible to serve as a pollwatcher in any polling place located within the municipality, regardless of his county of residence.

Every pollwatcher must surrender his credentials to the judges when he enters the polling place. If he refuses, or if the credentials are not valid, he must leave. All pollwatcher credentials are to remain in the possession of the judges and returned to the election authority after the polls close.

To be valid, pollwatcher credentials must contain the following:

- a. The real or facsimile signature of the appropriate election authority.
- b. The real or facsimile signature of the state or local party chairman, or of the presiding officer of the civic organization, or of the chairman of the opponent or proponent proposition group, or of the candidate, whichever is appropriate.
- c. The signature and address of the pollwatcher and a statement that the pollwatcher is, in fact, registered to vote from that address.
- d. The name of the county and the precinct or ward in which the pollwatcher is registered.

The number of pollwatchers allowed in the polling place at any one time is limited by law.

NUMBER ALLOWED IN POLLING PLACE AT A GIVEN TIME			
Appointing Authority	Cons/ Primary/ General Primary	Cons. Election/ General Election	Nonpartisan Election
CANDIDATE	Two*	Two*	Two*
POLITICAL PARTY	One	Two*	None
QUALIFIED CIVIC ORGANIZATION	One	One	One
PROponents AND OPponents OF A BALLOT PROPOSITION	One	One	One

*If two pollwatchers are present in the polling place at the same time, one must be a registered voter in that specific precinct.

If the polling place becomes overcrowded with pollwatchers, and the orderly conduct of the election is disrupted, a majority of judges may decide to limit the number of pollwatchers by drawing lots. However, at least one pollwatcher from each established and new political party must be allowed to remain in the polling place.

Others

Other individuals allowed to remain in the polling place include the following:

- a. Voters while voting.
- b. Representatives of the election authority.
- c. Representatives of the State Board of Elections.
- d. Representatives of the office of the State’s Attorney and the office of the Attorney General acting in their official capacities.

NOTE:

Precinct committeemen or captains are political party officials and **they must have proper pollwatcher credentials** in order to remain in the polling place. While they have the same rights and limitations as other pollwatchers, they have no duties whatsoever in the conduct of the election.

Candidates must have candidate credentials in order to remain in the polling place. They have

the same rights and limitations as other pollwatchers. A candidate seeking office in a district or municipality encompassing two or more counties may act as his own pollwatcher in any polling place within the district or municipality, regardless of the county in which the candidate is registered and **must obtain credentials** issued by the election authorities of the jurisdictions in which the polling places are located.

Local election officials (municipal clerks, township clerks, school board secretaries, etc.) also must have valid pollwatcher credentials to remain in the polling place.

THE POLLWATCHERS' ROLE

Before the Polls Open

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

During Voting Hours

During the day pollwatchers have a right to be near enough to the judges to visually examine the voter's ballot application to compare the signature on the application with that on the binder card and to observe the judge initialing the ballots. They may also watch the judge deposit the ballots into the ballot box and observe the general conduct of the election.

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

After the Polls Close

Pollwatchers **present at the close of the polls** may observe the counting and tallying procedures and remain in the polling place until all procedures are completed. They are not allowed to leave and re-enter the polling place.

VOTER ASSISTANCE AND INSTRUCTION

Instruction

Instruction means demonstrating to the voter, in full view of everyone in the polling place, how to properly cast a ballot or write-in vote. Where voting machines are used, a voter must request instruction to receive it. Where punch card voting devices are used, the election judges must offer instruction on the voting device to each voter.

Instruction is given before the voter enters the booth. However, if a voter requests instruction after entering the booth, two judges of opposite 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.

Assistance

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 giving assistance completes the appropriate affidavit. In absentee voting any person giving assistance must write his/her name and address on the ballot envelope certification statement.

Only two groups of voters may be given assistance: 1) the disabled or blind voter and 2) the illiterate voter. Before assistance is given, the appropriate square is marked on the voter's application. **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.**

Assisting the Illiterate and Physically Disabled Voter

Any voter who requires assistance to vote by reason of blindness or disability, or the inability to read or write may be given 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 him in voting, he must be assisted by two judges, one from each political party.

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.

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 he is 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.

Absentee ballots may also be challenged by an election judge or a pollwatcher for any of the following reasons:

- a. The certificate on the ballot envelope is incomplete.
- b. The signatures do not correspond.
- c. The person is not a qualified voter.
- d. The voter has already voted in person.
- e. The ballot envelope has been opened and resealed.

A voter cannot be denied a ballot solely for refusing to provide a social security number on the application.

In those precincts where punch card and paper ballots are used, a pollwatcher observing the vote tabulation after the polls close may object to a ballot for an apparent irregularity. Examples of irregularities include the following:

- a. Improperly marked ballots (see example below).
- b. Identifying marks on the ballot.
- c. Ballot has not been initialed by an election judge.
- d. Ballot contains an invalid vote. (For a write-in to be valid, the voter must: (1) write the name of the candidate; (2) make a box to the left of the name; (3) mark a cross in the box; and (4) write the office name above the candidate's name, if the write-in is not directly below the title of the office.)

**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 - active campaigning and solicitation of votes by a candidate, candidates or party workers in the polling place or within 100 feet of the entrance to the polling place.
- 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.

PRECINCT REGISTRATION POLLWATCHERS.

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.

All individuals who register to vote at any precinct registration place must be residents of that precinct. Pollwatchers are allowed to see the names and addresses of the people who have registered during the course of the day.

Electioneering - No person is allowed to engage in any electioneering or soliciting of votes or engage in any political discussion at or within 30 feet of any precinct registration.

OTHER POLLWATCHERS

Pollwatchers are allowed to observe in-person absentee voting procedures in the office of municipal, township and road district clerks. Pollwatchers are also allowed to observe the signature check and other absentee ballot counting procedures performed at the counting center.

NURSING HOME ABSENTEE VOTING POLLWATCHERS

Absentee voting may be conducted on the premises of facilities licensed or certified pursuant to the Illinois Nursing Homes, Sheltered Care Homes and Homes for the Aged Acts or the Nursing Home Care Reform Act of 1979, for physically incapacitated electors who have made proper application to the election authority not later than 5 days prior to a regular election.

Continuous absentee voting may be conducted on either Friday, Saturday, Sunday, or Monday immediately preceding the regular election (one of these days is designated by the election authority). The absentee 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 the facility a mutually convenient day for conducting voting on the premises of the facility. The election authority is required to post a notice in a prominent place in his office of the day and time period for conducting absentee voting at the facility.

Pollwatchers are allowed to be present in the nursing home 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.

CONCLUSION

The right to vote is the cornerstone of our democracy. It is the duty of all election judges and pollwatchers collectively to protect this voting right.

When a pollwatcher observes an administrative error or irregularity by the judges, he should courteously call it to their attention. If the judges fail to correct the error or refuse to follow legal procedures, then the pollwatcher should record his observations and contact the election authority. Judges may be removed from office for misbehavior or neglect of duty, and may also be cited for contempt of court.

A pollwatcher should establish a cooperative relationship with the 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 manuals of instruction for election judges 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.

