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DuPage County Election Commission

Pollwatcher Guide

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INTRODUCTION

The Pollwatcher Guide is designed to familiarize pollwatchers with relevant election laws and define their responsibilities and limitations. On occasion, pollwatchers untrained in election laws and procedures misinterpret perfectly legal activities or procedures as apparent irregularities. This situation frequently leads to unnecessary confrontations between pollwatchers and election judges, unfounded complaints directed to election or law enforcement officials, and temporary disruption of the voting process. At the same time, untrained pollwatchers are often unaware that an activity or procedure they are observing is an election law violation.

The integrity of elections is a concern of all citizens. Although pollwatchers may represent particular candidates, political parties or civic organizations, their principal interest is in the conduct of a fair and honest election. This guide is a general overview intended to help understand their basic responsibilities. For authoritative guidance, refer to the Election Code and the uniform instructional manual for judges of election, issued by the State Board of Elections. It is hoped that this instructional guide will inform and assist pollwatchers.

The Pollwatcher is not permitted to wear or display campaign information, or distribute political material or discuss political/referenda views within the 100 foot Campaign Free Zone.

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AUTHORIZED PERSONS

PERSONS AUTHORIZED IN THE POLLING PLACE

Judges of Election

The judges of election 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. They conduct the election, 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 judges of election. Only the judges of election may handle election supplies and materials.

Police Officers

In some jurisdictions, local uniformed police officers are assigned to the polling places for the purpose of maintaining order. They have no authority over the conduct of the election except in the case of on-view 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 pollwatcher's 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.

AUTHORIZED PERSONS

All pollwatchers must be registered to vote from a residence within the State of Illinois and must possess valid credentials.

In elections to nominate or elect municipal officers in municipalities that are situated in two or more counties, a pollwatcher who is a resident of Illinois shall be eligible to serve as a pollwatcher in any polling place located within the municipality. Credentials must be obtained from **All** Election Authorities that serve the election jurisdiction. The pollwatcher must comply with the respective requirements and be a registered voter in Illinois.

Pollwatchers must surrender their credentials to the judges when they enter the polling place. If they refuse, or if the credentials are not valid, they must leave. All pollwatcher credentials are to remain in the possession of the judges and be returned to the election authority after the polls close.

To be valid, pollwatcher credentials must contain:

- 1) The real or facsimile signature of appropriate election authority
- 2) 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
- 3) The signature and address of the pollwatcher and a statement that the pollwatcher is, in fact, registered to vote from that address
- 4) The county and the precinct or ward in which the pollwatcher is registered

The number of pollwatchers allowed to be in the polling place at any one time is limited by law, as shown in the chart on the following page.

NUMBER ALLOWED IN POLLING PLACE AT A GIVEN TIME		
Appointing Authority	Cons. Primary/ General Primary	Cons. General/ General Election
CANDIDATE	<i>Two</i>	<i>Two</i>
POLITICAL PARTY	<i>One</i>	<i>Two</i>
* QUALIFIED ORGANIZATION OF CITIZENS	<i>One</i>	<i>One</i>
PROponents AND OPponents OF A BALLOT PROPOSITION	<i>One</i>	<i>One</i>
** STATE NONPARTISAN CIVIC ORGANIZATION	<i>One</i>	<i>One</i>

- * 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: (i) 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; (ii) is organized or primarily conducts its activities within the State of Illinois; and (iii) 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).

LIMITING THE NUMBER OF POLLWATCHERS

If the polling place becomes overcrowded with pollwatchers, and the orderly conduct of the election is disrupted, a majority of the judges may determine to limit the number of pollwatchers by drawing lots. At least one pollwatcher for each candidate, each political party, nonpartisan civic organization and organized groups of proponents for and opponents to a proposition must be allowed to remain in the polling place.

OTHER AUTHORIZED PERSONS

Other persons allowed to remain in the polling place include:

- 1) Voters while voting
- 2) Representatives of the election authority
- 3) Representatives of the State Board of Elections
- 4) Representatives of the Illinois State's Attorney office and the office of the Attorney General acting in their official capacity
- 5) Law enforcement officers acting in their official capacities
- 6) Minor children accompany their parent or guardian into the voting booth.

NOTE:

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

Candidates *must have proper pollwatcher credentials* to remain in the polling place and 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 authority in **each** jurisdiction.

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

THE POLLWATCHER'S ROLE

Before the Polls Open

Before the polls open, pollwatchers may observe the set up procedures and may observe the printing of the Zero Tape Reports.

During Voting Hours

During the day, pollwatchers have the right to be near enough to the judges to visually examine the voter's signed Application to Vote, compare voter's signature with the signature preprinted on the Application to Vote, and observe the general conduct of the election.

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

At no time may pollwatchers be so close to the voting booth that the secrecy of the voter's ballot is in jeopardy.

After the Polls Close

Pollwatchers **present at the close of the polls** may observe the counting and tallying procedures. They may remain until all procedures are completed. Pollwatchers are also entitled 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 determination of whether or not to count such provisional voter's ballot. While they may not interfere in any way with such procedures, they may call to the attention of the election authority any violations of election laws.

ASSISTANCE AND INSTRUCTION

Instruction

“Instruction” is explaining to the voter, in full view of everyone in the polling place, how to properly cast a vote or write-in. Where voting machines are used, a voter must request instruction to receive it.

Any instruction that might be required should be given before the voter enters the booth. However, if a voter requests instruction after entering the booth, two judges, one from each political party, should 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 a vote for the voter by specified persons in the privacy of the voting booth. Assistance is given only upon the voter’s request and after the voter completes the appropriate affidavit. **In every instance of assistance**, both the voter receiving the assistance and the person(s) giving the assistance, must sign the appropriate affidavit.

Only two groups of voters may be given assistance: 1) a person with disabilities or a visually impaired voter and 2) the illiterate voter. If assistance is given the voter’s application should be marked and the voter and person giving assistance must complete the appropriate affidavit.

ASSISTANCE AND INSTRUCTION

Assistance is always given in the secrecy of the voting booth. Anyone giving assistance must cast the vote 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.

A physically disabled voter is a registered, qualified voter who is physically unable to cast their ballot or is blind. A person who is intoxicated does not qualify as physically disabled and may not receive assistance.

CHALLENGES

CHALLENGING A PERSON'S RIGHT TO VOTE

Election judges, pollwatchers or a voter may challenge, with cause, a person applying 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 allow or disallow a challenge to a voter.

Some reasons for a challenge include:

- 1) The voter no longer resides at the registered address
- 2) The person attempting to vote is not the same person registered
- 3) The person attempting to vote has already voted
- 4) The person attempting to vote is not registered to vote

Vote by Mail Ballots

The provisions of the Statutes shall also apply to supervised casting of vote by mail ballots.

Examples of cause or reasons for challenge of vote by mail voting include:

- 1) The certificate on the ballot envelope is incomplete
- 2) The signatures do not correspond
- 3) The person is not a qualified voter
- 4) The voter has already voted in person
- 5) The ballot envelope has been opened and resealed

CHALLENGES

After the polls close a pollwatcher may object to a ballot for an apparent irregularity.

For a write-in to be valid:

- 1) The candidate's name must be listed on the write-in report
- 2) Name of the candidate must be written on the line for the proper office
- 3) The oval next to the write-in candidate's name must be darkened

ILLEGAL ACTIVITIES

POSSIBLE ILLEGAL ELECTION DAY ACTIVITIES TO LOOK FOR

The judges of election should be notified of any activity that appears to be prohibited by law (which may or may not be illegal). If any of the following activities occur, note the individual(s) involved, including time and place of occurrence:

- 1) Electioneering - active campaigning and solicitation of votes by a candidate, candidates or party workers in the polling place or within the 100 foot Campaign Free Zone of the polling place
- 2) Registered voter is impersonated in the polling place
- 3) Voters who try to leave the polling place with a ballot
- 4) Payment for a vote
- 5) Tampering with voting equipment
- 6) Illegal casting of votes
- 7) Interfering with the voting process
- 8) Harassing the election judges
- 9) Harassing the voters
- 10) Illegal voter assistance or instruction
- 11) Disregard of Illinois election laws

NURSING HOME/EARLY VOTING POLLWATCHERS

NURSING HOME VOTING POLLWATCHERS

Nursing home voting is 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 Nursing Home Care Reform Act of 1979, for physically incapacitated electors who have made proper application to the election authority not later than five (5) days prior to the regular Primary and/or General Election.

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.

The election authority must issue credentials to pollwatchers in the same manner as for general Election Day.

EARLY VOTING POLLWATCHERS

Pollwatchers may be appointed to observe Early Voting by personal appearance at each permanent and temporary polling place where Early Voting is conducted. The pollwatchers shall qualify and be appointed in the same manner as Election Day pollwatchers. Each Candidate, political party, or organization of citizens may appoint only one pollwatcher for each location where Early Voting is conducted.

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 pollwatchers observe an administrative error or irregularity by the judges, it should courteously be called to their attention. If the judges fail to correct the error or refuse to follow legal procedures, then the pollwatchers should contact the Election Authority and keep a detailed record of their observations (see sample complaint form at end of booklet). Judges may be removed from office for misbehavior or neglect of duty, and also be cited for contempt of court.

Pollwatchers should establish a cooperative relationship with the judges, to best facilitate the voting process. Also, pollwatchers should become 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 uniform manuals of instruction for judges of election, 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 help guarantee that election day procedures are administered fairly and that the rights of voters are protected.

COMPLAINT FORM

Name of Pollwatcher: _____

Representative of: _____

Party _____

Candidate _____

Civic Organization _____

Ballot Proposition _____

_____ Proponent _____ Opponent

Precinct No.: _____ County: _____

City: _____ Time: _____

Nature of Complaint: _____

Disposition of Complaint (if unresolved by election judges)

Referred to Election Authority

Referred to State Board of Elections

Referred to State's Attorney

Names of Election Judges:

Name of Police Officer (if any): _____

Star No.: _____

Name, Address and Phone Number of Witness (if any)

**FOR FURTHER INFORMATION
CONTACT THE:**

**DU PAGE COUNTY
ELECTION COMMISSION
421 NORTH COUNTY FARM ROAD
WHEATON, ILLINOIS 60189**

**PHONE: (630) 407-5600
FAX: (630) 407-5630
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