



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2397

Introduced 1/18/2006, by Sen. Debbie DeFrancesco Halvorson

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-34
10 ILCS 5/17-23

from Ch. 46, par. 7-34
from Ch. 46, par. 17-23

Amends the Election Code. Permits the appointment of one pollwatcher per precinct by each State non-partisan civic organization within a county or political subdivision that has among its written purposes certain voter and election goals. Effective immediately.

LRB094 18555 JAM 53887 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 7-34 and 17-23 as follows:

6 (10 ILCS 5/7-34) (from Ch. 46, par. 7-34)

7 Sec. 7-34. Pollwatchers in a primary election shall be
8 authorized in the following manner:

9 (1) Each established political party shall be entitled to
10 appoint one pollwatcher per precinct. Such pollwatchers must be
11 affiliated with the political party for which they are
12 pollwatching and must be a registered voter in Illinois.

13 (2) Each candidate shall be entitled to appoint two
14 pollwatchers per precinct. For Federal, State, county,
15 township, and municipal primary elections, the pollwatchers
16 must be registered to vote in Illinois.

17 (3) Each organization of citizens within the county or
18 political subdivision, which has among its purposes or
19 interests the investigation or prosecution of election frauds,
20 and which shall have registered its name and address and the
21 names and addresses of its principal officers with the proper
22 election authority at least 40 days before the primary
23 election, shall be entitled to appoint one pollwatcher per
24 precinct. For all primary elections, the pollwatcher must be
25 registered to vote in Illinois.

26 (3.5) Each State non-partisan civic organization within
27 the county or political subdivision, that has among its written
28 purposes the provision of voter information and education, the
29 protection of individual voters' rights, and the provision of
30 free and equal elections, shall be entitled to appoint one
31 pollwatcher per precinct. Each organization shall have
32 registered the names and addresses of its principal officers

1 with the proper election authority at least 40 days before the
2 primary election. The pollwatchers must be registered to vote
3 in Illinois.

4 (4) Each organized group of proponents or opponents of a
5 ballot proposition, which shall have registered the name and
6 address of its organization or committee and the name and
7 address of its chairman with the proper election authority at
8 least 40 days before the primary election, shall be entitled to
9 appoint one pollwatcher per precinct. The pollwatcher must be
10 registered to vote in Illinois.

11 (5) In any primary election held to nominate candidates for
12 the offices of a municipality of less than 3,000,000 population
13 that is situated in 2 or more counties, a pollwatcher who is a
14 resident of a county in which any part of the municipality is
15 situated shall be eligible to serve as a pollwatcher in any
16 polling place located within such municipality, provided that
17 such pollwatcher otherwise complies with the respective
18 requirements of subsections (1) through (4) of this Section and
19 is a registered voter whose residence is within Illinois.

20 All pollwatchers shall be required to have proper
21 credentials. Such credentials shall be printed in sufficient
22 quantities, shall be issued by and under the facsimile
23 signature(s) of the election authority and shall be available
24 for distribution at least 2 weeks prior to the election. Such
25 credentials shall be authorized by the real or facsimile
26 signature of the State or local party official or the candidate
27 or the presiding officer of the civic organization or the
28 chairman of the proponent or opponent group, as the case may
29 be.

30 Pollwatcher credentials shall be in substantially the
31 following form:

32 POLLWATCHER CREDENTIALS

33 TO THE JUDGES OF ELECTION:

34 In accordance with the provisions of the Election Code, the
35 undersigned hereby appoints (name of pollwatcher)

1 at (address) in the county of,
 2 (township or municipality) of (name),
 3 State of Illinois and who is duly registered to vote from this
 4 address, to act as a pollwatcher in the precinct of
 5 the ward (if applicable) of the
 6 (township or municipality) of at the
 7 election to be held on (insert date).

8 (Signature of Appointing Authority)
 9 TITLE (party official, candidate,
 10 civic organization president,
 11 proponent or opponent group chairman)

12 Under penalties provided by law pursuant to Section 29-10
 13 of the Election Code, the undersigned pollwatcher certifies
 14 that he or she resides at (address) in the
 15 county of, (township or municipality) of
 16 (name), State of Illinois, and is duly registered to
 17 vote in Illinois.

18
 19 (Precinct and/or Ward in (Signature of Pollwatcher)
 20 Which Pollwatcher Resides)

21 Pollwatchers must present their credentials to the Judges
 22 of Election upon entering the polling place. Pollwatcher
 23 credentials properly executed and signed shall be proof of the
 24 qualifications of the pollwatcher authorized thereby. Such
 25 credentials are retained by the Judges and returned to the
 26 Election Authority at the end of the day of election with the
 27 other election materials. Once a pollwatcher has surrendered a
 28 valid credential, he may leave and reenter the polling place
 29 provided that such continuing action does not disrupt the
 30 conduct of the election. Pollwatchers may be substituted during
 31 the course of the day, but established political parties,
 32 candidates, qualified civic organizations and proponents and
 33 opponents of a ballot proposition can have only as many
 34 pollwatchers at any given time as are authorized in this
 35 Article. A substitute must present his signed credential to the

1 judges of election upon entering the polling place. Election
 2 authorities must provide a sufficient number of credentials to
 3 allow for substitution of pollwatchers. After the polls have
 4 closed, pollwatchers shall be allowed to remain until the
 5 canvass of votes is completed; but may leave and reenter only
 6 in cases of necessity, provided that such action is not so
 7 continuous as to disrupt the canvass of votes.

8 Candidates seeking office in a district or municipality
 9 encompassing 2 or more counties shall be admitted to any and
 10 all polling places throughout such district or municipality
 11 without regard to the counties in which such candidates are
 12 registered to vote. Actions of such candidates shall be
 13 governed in each polling place by the same privileges and
 14 limitations that apply to pollwatchers as provided in this
 15 Section. Any such candidate who engages in an activity in a
 16 polling place which could reasonably be construed by a majority
 17 of the judges of election as campaign activity shall be removed
 18 forthwith from such polling place.

19 Candidates seeking office in a district or municipality
 20 encompassing 2 or more counties who desire to be admitted to
 21 polling places on election day in such district or municipality
 22 shall be required to have proper credentials. Such credentials
 23 shall be printed in sufficient quantities, shall be issued by
 24 and under the facsimile signature of the election authority of
 25 the election jurisdiction where the polling place in which the
 26 candidate seeks admittance is located, and shall be available
 27 for distribution at least 2 weeks prior to the election. Such
 28 credentials shall be signed by the candidate.

29 Candidate credentials shall be in substantially the
 30 following form:

31 CANDIDATE CREDENTIALS

32 TO THE JUDGES OF ELECTION:

33 In accordance with the provisions of the Election Code, I
 34 (name of candidate) hereby certify that I am a candidate
 35 for (name of office) and seek admittance to

1 precinct of the ward (if applicable) of the
 2 (township or municipality) of at the election
 3 to be held on (insert date).

4
5 (Signature of Candidate)	OFFICE FOR WHICH
6	CANDIDATE SEEKS
7	NOMINATION OR
8	ELECTION

9 Pollwatchers shall be permitted to observe all proceedings
 10 and view all reasonably requested records relating to the
 11 conduct of the election, provided the secrecy of the ballot is
 12 not impinged, and to station themselves in a position in the
 13 voting room as will enable them to observe the judges making
 14 the signature comparison between the voter application and the
 15 voter registration record card; provided, however, that such
 16 pollwatchers shall not be permitted to station themselves in
 17 such close proximity to the judges of election so as to
 18 interfere with the orderly conduct of the election and shall
 19 not, in any event, be permitted to handle election materials.
 20 Pollwatchers may challenge for cause the voting qualifications
 21 of a person offering to vote and may call to the attention of
 22 the judges of election any incorrect procedure or apparent
 23 violations of this Code.

24 If a majority of the judges of election determine that the
 25 polling place has become too overcrowded with pollwatchers so
 26 as to interfere with the orderly conduct of the election, the
 27 judges shall, by lot, limit such pollwatchers to a reasonable
 28 number, except that each candidate and each established or new
 29 political party shall be permitted to have at least one
 30 pollwatcher present.

31 Representatives of an election authority, with regard to an
 32 election under its jurisdiction, the State Board of Elections,
 33 and law enforcement agencies, including but not limited to a
 34 United States Attorney, a State's attorney, the Attorney
 35 General, and a State, county, or local police department, in

1 the performance of their official election duties, shall be
2 permitted at all times to enter and remain in the polling
3 place. Upon entering the polling place, such representatives
4 shall display their official credentials or other
5 identification to the judges of election.

6 Uniformed police officers assigned to polling place duty
7 shall follow all lawful instructions of the judges of election.

8 The provisions of this Section shall also apply to
9 supervised casting of absentee ballots as provided in Section
10 19-12.2 of this Act.

11 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

12 (10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

13 Sec. 17-23. Pollwatchers in a general election shall be
14 authorized in the following manner:

15 (1) Each established political party shall be entitled to
16 appoint two pollwatchers per precinct. Such pollwatchers must
17 be affiliated with the political party for which they are
18 pollwatching. For all elections, the pollwatchers must be
19 registered to vote in Illinois.

20 (2) Each candidate shall be entitled to appoint two
21 pollwatchers per precinct. For all elections, the pollwatchers
22 must be registered to vote in Illinois.

23 (3) Each organization of citizens within the county or
24 political subdivision, which has among its purposes or
25 interests the investigation or prosecution of election frauds,
26 and which shall have registered its name and address and the
27 name and addresses of its principal officers with the proper
28 election authority at least 40 days before the election, shall
29 be entitled to appoint one pollwatcher per precinct. For all
30 elections, the pollwatcher must be registered to vote in
31 Illinois.

32 (3.5) Each State non-partisan civic organization within
33 the county or political subdivision, that has among its written
34 purposes the provision of voter information and education, the
35 protection of individual voters' rights, and the provision of

1 free and equal elections, shall be entitled to appoint one
2 pollwatcher per precinct. Each organization shall have
3 registered the names and addresses of its principal officers
4 with the proper election authority at least 40 days before the
5 election. The pollwatchers must be registered to vote in
6 Illinois.

7 (4) In any general election held to elect candidates for
8 the offices of a municipality of less than 3,000,000 population
9 that is situated in 2 or more counties, a pollwatcher who is a
10 resident of Illinois shall be eligible to serve as a
11 pollwatcher in any poll located within such municipality,
12 provided that such pollwatcher otherwise complies with the
13 respective requirements of subsections (1) through (3) of this
14 Section and is a registered voter in Illinois.

15 (5) Each organized group of proponents or opponents of a
16 ballot proposition, which shall have registered the name and
17 address of its organization or committee and the name and
18 address of its chairman with the proper election authority at
19 least 40 days before the election, shall be entitled to appoint
20 one pollwatcher per precinct. The pollwatcher must be
21 registered to vote in Illinois.

22 All pollwatchers shall be required to have proper
23 credentials. Such credentials shall be printed in sufficient
24 quantities, shall be issued by and under the facsimile
25 signature(s) of the election authority and shall be available
26 for distribution at least 2 weeks prior to the election. Such
27 credentials shall be authorized by the real or facsimile
28 signature of the State or local party official or the candidate
29 or the presiding officer of the civic organization or the
30 chairman of the proponent or opponent group, as the case may
31 be.

32 Pollwatcher credentials shall be in substantially the
33 following form:

34 POLLWATCHER CREDENTIALS

35 TO THE JUDGES OF ELECTION:

1 candidates and qualified civic organizations can have only as
2 many pollwatchers at any given time as are authorized in this
3 Article. A substitute must present his signed credential to the
4 judges of election upon entering the polling place. Election
5 authorities must provide a sufficient number of credentials to
6 allow for substitution of pollwatchers. After the polls have
7 closed pollwatchers shall be allowed to remain until the
8 canvass of votes is completed; but may leave and reenter only
9 in cases of necessity, provided that such action is not so
10 continuous as to disrupt the canvass of votes.

11 Candidates seeking office in a district or municipality
12 encompassing 2 or more counties shall be admitted to any and
13 all polling places throughout such district or municipality
14 without regard to the counties in which such candidates are
15 registered to vote. Actions of such candidates shall be
16 governed in each polling place by the same privileges and
17 limitations that apply to pollwatchers as provided in this
18 Section. Any such candidate who engages in an activity in a
19 polling place which could reasonably be construed by a majority
20 of the judges of election as campaign activity shall be removed
21 forthwith from such polling place.

22 Candidates seeking office in a district or municipality
23 encompassing 2 or more counties who desire to be admitted to
24 polling places on election day in such district or municipality
25 shall be required to have proper credentials. Such credentials
26 shall be printed in sufficient quantities, shall be issued by
27 and under the facsimile signature of the election authority of
28 the election jurisdiction where the polling place in which the
29 candidate seeks admittance is located, and shall be available
30 for distribution at least 2 weeks prior to the election. Such
31 credentials shall be signed by the candidate.

32 Candidate credentials shall be in substantially the
33 following form:

34 CANDIDATE CREDENTIALS

35 TO THE JUDGES OF ELECTION:

1 United States Attorney, a State's attorney, the Attorney
2 General, and a State, county, or local police department, in
3 the performance of their official election duties, shall be
4 permitted at all times to enter and remain in the polling
5 place. Upon entering the polling place, such representatives
6 shall display their official credentials or other
7 identification to the judges of election.

8 Uniformed police officers assigned to polling place duty
9 shall follow all lawful instructions of the judges of election.

10 The provisions of this Section shall also apply to
11 supervised casting of absentee ballots as provided in Section
12 19-12.2 of this Act.

13 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.