

**SB0299**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB0299**

Introduced 2/7/2007, 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 State non-partisan civic organizations that meet certain criteria to appoint precinct pollwatchers. Effective immediately.

LRB095 10800 JAM 31048 b

**A BILL FOR**

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

1 precinct. For all primary elections, the pollwatcher must be  
2 registered to vote in Illinois.

3 (3.5) Each State nonpartisan civic organization within the  
4 county or political subdivision shall be entitled to appoint  
5 one pollwatcher per precinct, provided that no more than 2  
6 pollwatchers appointed by State nonpartisan civic  
7 organizations shall be present in a precinct polling place at  
8 the same time. Each organization shall have registered the  
9 names and addresses of its principal officers with the proper  
10 election authority at least 40 days before the primary  
11 election. The pollwatchers must be registered to vote in  
12 Illinois. For the purpose of this paragraph, a "State  
13 nonpartisan civic organization" means any corporation,  
14 unincorporated association, or organization that:

15 (i) as part of its written articles of incorporation,  
16 bylaws, or charter or by separate written declaration, has  
17 among its stated purposes the provision of voter  
18 information and education, the protection of individual  
19 voters' rights, and the promotion of free and equal  
20 elections;

21 (ii) is organized or primarily conducts its activities  
22 within the State of Illinois; and

23 (iii) continuously maintains an office or business  
24 location within the State of Illinois, together with a  
25 current listed telephone number (a post office box number  
26 without a current listed telephone number is not

1           sufficient).

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

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

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

1 be.

2 Pollwatcher credentials shall be in substantially the  
3 following form:

4 POLLWATCHER CREDENTIALS

5 TO THE JUDGES OF ELECTION:

6 In accordance with the provisions of the Election Code, the  
7 undersigned hereby appoints ..... (name of pollwatcher)  
8 at ..... (address) in the county of .....,  
9 ..... (township or municipality) of ..... (name),  
10 State of Illinois and who is duly registered to vote from this  
11 address, to act as a pollwatcher in the ..... precinct of  
12 the ..... ward (if applicable) of the .....  
13 (township or municipality) of ..... at the .....  
14 election to be held on (insert date).

15 ..... (Signature of Appointing Authority)  
16 ..... TITLE (party official, candidate,  
17 civic organization president,  
18 proponent or opponent group chairman)

19 Under penalties provided by law pursuant to Section 29-10  
20 of the Election Code, the undersigned pollwatcher certifies  
21 that he or she resides at ..... (address) in the  
22 county of ....., ..... (township or municipality) of  
23 ..... (name), State of Illinois, and is duly registered to  
24 vote in Illinois.

25 ..... .....

1 (Precinct and/or Ward in (Signature of Pollwatcher)  
2 Which Pollwatcher Resides)

3 Pollwatchers must present their credentials to the Judges  
4 of Election upon entering the polling place. Pollwatcher  
5 credentials properly executed and signed shall be proof of the  
6 qualifications of the pollwatcher authorized thereby. Such  
7 credentials are retained by the Judges and returned to the  
8 Election Authority at the end of the day of election with the  
9 other election materials. Once a pollwatcher has surrendered a  
10 valid credential, he may leave and reenter the polling place  
11 provided that such continuing action does not disrupt the  
12 conduct of the election. Pollwatchers may be substituted during  
13 the course of the day, but established political parties,  
14 candidates, qualified civic organizations and proponents and  
15 opponents of a ballot proposition can have only as many  
16 pollwatchers at any given time as are authorized in this  
17 Article. A substitute must present his signed credential to the  
18 judges of election upon entering the polling place. Election  
19 authorities must provide a sufficient number of credentials to  
20 allow for substitution of pollwatchers. After the polls have  
21 closed, pollwatchers shall be allowed to remain until the  
22 canvass of votes is completed; but may leave and reenter only  
23 in cases of necessity, provided that such action is not so  
24 continuous as to disrupt the canvass of votes.

25 Candidates seeking office in a district or municipality

1 encompassing 2 or more counties shall be admitted to any and  
2 all polling places throughout such district or municipality  
3 without regard to the counties in which such candidates are  
4 registered to vote. Actions of such candidates shall be  
5 governed in each polling place by the same privileges and  
6 limitations that apply to pollwatchers as provided in this  
7 Section. Any such candidate who engages in an activity in a  
8 polling place which could reasonably be construed by a majority  
9 of the judges of election as campaign activity shall be removed  
10 forthwith from such polling place.

11 Candidates seeking office in a district or municipality  
12 encompassing 2 or more counties who desire to be admitted to  
13 polling places on election day in such district or municipality  
14 shall be required to have proper credentials. Such credentials  
15 shall be printed in sufficient quantities, shall be issued by  
16 and under the facsimile signature of the election authority of  
17 the election jurisdiction where the polling place in which the  
18 candidate seeks admittance is located, and shall be available  
19 for distribution at least 2 weeks prior to the election. Such  
20 credentials shall be signed by the candidate.

21 Candidate credentials shall be in substantially the  
22 following form:

23 CANDIDATE CREDENTIALS

24 TO THE JUDGES OF ELECTION:

25 In accordance with the provisions of the Election Code, I

1 ..... (name of candidate) hereby certify that I am a candidate  
 2 for ..... (name of office) and seek admittance to .....  
 3 precinct of the ..... ward (if applicable) of the .....  
 4 (township or municipality) of ..... at the ..... election  
 5 to be held on (insert date).

6 .....	.....
7 (Signature of Candidate)	OFFICE FOR WHICH
8	CANDIDATE SEEKS
9	NOMINATION OR
10	ELECTION

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



1           If a majority of the judges of election determine that the  
2 polling place has become too overcrowded with pollwatchers so  
3 as to interfere with the orderly conduct of the election, the  
4 judges shall, by lot, limit such pollwatchers to a reasonable  
5 number, except that each candidate and each established or new  
6 political party shall be permitted to have at least one  
7 pollwatcher present.

8           Representatives of an election authority, with regard to an  
9 election under its jurisdiction, the State Board of Elections,  
10 and law enforcement agencies, including but not limited to a  
11 United States Attorney, a State's attorney, the Attorney  
12 General, and a State, county, or local police department, in  
13 the performance of their official election duties, shall be  
14 permitted at all times to enter and remain in the polling  
15 place. Upon entering the polling place, such representatives  
16 shall display their official credentials or other  
17 identification to the judges of election.

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

20           The provisions of this Section shall also apply to  
21 supervised casting of absentee ballots as provided in Section  
22 19-12.2 of this Act.

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

24           (10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

25           Sec. 17-23. Pollwatchers in a general election shall be

1 authorized in the following manner:

2 (1) Each established political party shall be entitled to  
3 appoint two pollwatchers per precinct. Such pollwatchers must  
4 be affiliated with the political party for which they are  
5 pollwatching. For all elections, the pollwatchers must be  
6 registered to vote in Illinois.

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

10 (3) Each organization of citizens within the county or  
11 political subdivision, which has among its purposes or  
12 interests the investigation or prosecution of election frauds,  
13 and which shall have registered its name and address and the  
14 name and addresses of its principal officers with the proper  
15 election authority at least 40 days before the election, shall  
16 be entitled to appoint one pollwatcher per precinct. For all  
17 elections, the pollwatcher must be registered to vote in  
18 Illinois.

19 (3.5) Each State nonpartisan civic organization within the  
20 county or political subdivision shall be entitled to appoint  
21 one pollwatcher per precinct, provided that no more than 2  
22 pollwatchers appointed by State nonpartisan civic  
23 organizations shall be present in a precinct polling place at  
24 the same time. Each organization shall have registered the  
25 names and addresses of its principal officers with the proper  
26 election authority at least 40 days before the election. The

1 pollwatchers must be registered to vote in Illinois. For the  
2 purpose of this paragraph, a "State nonpartisan civic  
3 organization" means any corporation, unincorporated  
4 association, or organization that:

5 (i) as part of its written articles of incorporation,  
6 bylaws, or charter or by separate written declaration, has  
7 among its stated purposes the provision of voter  
8 information and education, the protection of individual  
9 voters' rights, and the promotion of free and equal  
10 elections;

11 (ii) is organized or primarily conducts its activities  
12 within the State of Illinois; and

13 (iii) continuously maintains an office or business  
14 location within the State of Illinois, together with a  
15 current listed telephone number (a post office box number  
16 without a current listed telephone number is not  
17 sufficient).

18 (4) In any general election held to elect candidates for  
19 the offices of a municipality of less than 3,000,000 population  
20 that is situated in 2 or more counties, a pollwatcher who is a  
21 resident of Illinois shall be eligible to serve as a  
22 pollwatcher in any poll located within such municipality,  
23 provided that such pollwatcher otherwise complies with the  
24 respective requirements of subsections (1) through (3) of this  
25 Section and is a registered voter in Illinois.

26 (5) Each organized group of proponents or opponents of a

1 ballot proposition, which shall have registered the name and  
 2 address of its organization or committee and the name and  
 3 address of its chairman with the proper election authority at  
 4 least 40 days before the election, shall be entitled to appoint  
 5 one pollwatcher per precinct. The pollwatcher must be  
 6 registered to vote in Illinois.

7 All pollwatchers shall be required to have proper  
 8 credentials. Such credentials shall be printed in sufficient  
 9 quantities, shall be issued by and under the facsimile  
 10 signature(s) of the election authority and shall be available  
 11 for distribution at least 2 weeks prior to the election. Such  
 12 credentials shall be authorized by the real or facsimile  
 13 signature of the State or local party official or the candidate  
 14 or the presiding officer of the civic organization or the  
 15 chairman of the proponent or opponent group, as the case may  
 16 be.

17 Pollwatcher credentials shall be in substantially the  
 18 following form:

19 POLLWATCHER CREDENTIALS

20 TO THE JUDGES OF ELECTION:

21 In accordance with the provisions of the Election Code, the  
 22 undersigned hereby appoints ..... (name of pollwatcher)  
 23 who resides at ..... (address) in the county of  
 24 ....., ..... (township or municipality) of  
 25 ..... (name), State of Illinois and who is duly

1 registered to vote from this address, to act as a pollwatcher  
 2 in the ..... precinct of the ..... ward (if  
 3 applicable) of the ..... (township or municipality) of  
 4 ..... at the ..... election to be held on (insert  
 5 date).

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

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

16 .....  
 17 (Precinct and/or Ward in ..... (Signature of Pollwatcher)  
 18 Which Pollwatcher Resides)

19 Pollwatchers must present their credentials to the Judges  
 20 of Election upon entering the polling place. Pollwatcher  
 21 credentials properly executed and signed shall be proof of the  
 22 qualifications of the pollwatcher authorized thereby. Such  
 23 credentials are retained by the Judges and returned to the  
 24 Election Authority at the end of the day of election with the

1 other election materials. Once a pollwatcher has surrendered a  
2 valid credential, he may leave and reenter the polling place  
3 provided that such continuing action does not disrupt the  
4 conduct of the election. Pollwatchers may be substituted during  
5 the course of the day, but established political parties,  
6 candidates and qualified civic organizations can have only as  
7 many pollwatchers at any given time as are authorized in this  
8 Article. A substitute must present his signed credential to the  
9 judges of election upon entering the polling place. Election  
10 authorities must provide a sufficient number of credentials to  
11 allow for substitution of pollwatchers. After the polls have  
12 closed pollwatchers shall be allowed to remain until the  
13 canvass of votes is completed; but may leave and reenter only  
14 in cases of necessity, provided that such action is not so  
15 continuous as to disrupt the canvass of votes.

16 Candidates seeking office in a district or municipality  
17 encompassing 2 or more counties shall be admitted to any and  
18 all polling places throughout such district or municipality  
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21 governed in each polling place by the same privileges and  
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23 Section. Any such candidate who engages in an activity in a  
24 polling place which could reasonably be construed by a majority  
25 of the judges of election as campaign activity shall be removed  
26 forthwith from such polling place.

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 2 encompassing 2 or more counties who desire to be admitted to  
 3 polling places on election day in such district or municipality  
 4 shall be required to have proper credentials. Such credentials  
 5 shall be printed in sufficient quantities, shall be issued by  
 6 and under the facsimile signature of the election authority of  
 7 the election jurisdiction where the polling place in which the  
 8 candidate seeks admittance is located, and shall be available  
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 12 following form:

13 CANDIDATE CREDENTIALS

14 TO THE JUDGES OF ELECTION:

15 In accordance with the provisions of the Election Code, I  
 16 ..... (name of candidate) hereby certify that I am a candidate  
 17 for ..... (name of office) and seek admittance to .....  
 18 precinct of the ..... ward (if applicable) of the .....  
 19 (township or municipality) of ..... at the ..... election  
 20 to be held on (insert date).

21 ..... ..

22 (Signature of Candidate)

OFFICE FOR WHICH  
 CANDIDATE SEEKS  
 NOMINATION OR  
 ELECTION

23  
 24  
 25

1           Pollwatchers shall be permitted to observe all proceedings  
2 and view all reasonably requested records relating to the  
3 conduct of the election, provided the secrecy of the ballot is  
4 not impinged, and to station themselves in a position in the  
5 voting room as will enable them to observe the judges making  
6 the signature comparison between the voter application and the  
7 voter registration record card; provided, however, that such  
8 pollwatchers shall not be permitted to station themselves in  
9 such close proximity to the judges of election so as to  
10 interfere with the orderly conduct of the election and shall  
11 not, in any event, be permitted to handle election materials.  
12 Pollwatchers may challenge for cause the voting qualifications  
13 of a person offering to vote and may call to the attention of  
14 the judges of election any incorrect procedure or apparent  
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16           If a majority of the judges of election determine that the  
17 polling place has become too overcrowded with pollwatchers so  
18 as to interfere with the orderly conduct of the election, the  
19 judges shall, by lot, limit such pollwatchers to a reasonable  
20 number, except that each established or new political party  
21 shall be permitted to have at least one pollwatcher present.

22           Representatives of an election authority, with regard to an  
23 election under its jurisdiction, the State Board of Elections,  
24 and law enforcement agencies, including but not limited to a  
25 United States Attorney, a State's attorney, the Attorney



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

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

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

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

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