

Illinois Election Law and Pollwatchers Rights

1. (10 ILCS 5/7-34) (from Ch. 46, par. 7-34) (CREDENTIALS)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, **he/she may leave and reenter 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 any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers.

After the polls have closed, pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

2. (10 ILCS 5/17-9) (from Ch. 46, par. 17-9) (CAN VIEW POLL BOOKS)

Sec. 17-9. Any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check **each application for ballot against the list of voters registered in that precinct to whom grace period, absentee, or early ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers.**

3. (10 ILCS 5/17-23) (from Ch. 46, par. 17-23) VIEW SIGNATURES / INCORRECT PROCEDURE)

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 as 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. **Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.**

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

4. 10 ILCS 5/24A-8) (from Ch. 46, par. 24A-8) (VIEW MACHINE ID CARD / ZEROING MACHINE)

A precinct identification card provided by the election authority shall be entered into the automatic tabulating equipment to ensure that the **totals are all zeroes in the count column on the printing unit.** **Pollwatchers as provided by law shall be permitted to closely observe the judges in these procedures and to periodically inspect the equipment when not in use by the voters to see that the ballot labels are in proper position and have not been marked upon or mutilated.**

5. (10 ILCS 5/24-8) (from Ch. 46, par. 24-8)
(VIEWING ELECTION MACHINES)

Pollwatchers as provided by law shall be permitted to **carefully check the voting machine and its protective devices, and ballot labels and registering counters**, before the polls may be declared open on election morning, and they shall be permitted to remain in the polling place at all times throughout the conduct of the election if desired, and after the close of the polls, to be present and check the protective devices and registering counters of each voting machine, and the official return sheets thereof.

6. (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1) (VIEW POLL TAPES)

The totals for all candidates and propositions shall be tabulated. One copy of an "In-Precinct Totals Report" shall be generated by the automatic tabulating equipment for return to the election authority. One copy of an "In-Precinct Totals Report" shall be generated and posted in a conspicuous place inside the polling place, **provided that any authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots is present.**

The judges of election shall provide, if requested, a set for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

7. (10 ILCS 5/24B-10.1) (RESET EQUIPMENT JUDGES SIGNATURES)

Such automatic tabulating equipment shall be programmed so that no person may reset the equipment for refeeding of ballots unless provided a code from an authorized representative of the election authority. At the option of the election authority, the ballots may be fed into the Precinct Tabulation Optical Scan Technology equipment by the voters under the direct supervision of the judges of elections.

Immediately after the closing of the polls, the precinct judges of election shall open the ballot box and count the number of ballots to **determine if the number agrees with the number of voters voting as shown on the Precinct Tabulation Optical Scan Technology equipment** and by the applications for ballot or, if the same do not agree, the judges of election shall make the ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code. ***The judges of election shall then examine all ballots which are in the ballot box to determine whether the ballots contain the initials of a precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately under the word "Defective" and not counted.*** The judges of election shall place an initialed blank official ballot in the place of the defective ballot, so that the count of the ballots to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" and "Replacement" ballot shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" ballot shall be placed in the "Defective Ballot Envelope" provided for that purpose.

8. (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1) (OBSERVE ABSENTEE VOTES)

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19. Pollwatchers may be appointed to observe in-person absentee voting procedures and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, at the office of the municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers must be registered to vote in Illinois and possess valid pollwatcher credentials. All requirements in this Article applicable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

9. (10 ILCS 5/19-10) (from Ch. 46, par. 19-10) (ABSENTEE VOTES)

Sec. 19-10. Pollwatchers may be appointed to observe **in-person absentee voting procedures and view all reasonably requested records relating to the conduct of the election**, provided the secrecy of the ballot is not impinged, at the office of the election authority as well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers must be registered to vote in Illinois and possess valid pollwatcher credentials.

In the polling place on election day, **pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter** may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where certain absent voters' ballots are counted **on the day of the election in the office of the election authority as provided in Section 19-8 of this Act, 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 of this Code, 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.

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

10. (10 ILCS 5/28-13) (from Ch. 46, par. 28-13) (PROPOSERS AND OPPOSERS)

The principal watcher for the proponents and opponents may make signed written objections to the Board relating to procedures observed during the conduct of the sample signature verification which could materially affect the results of the sample. Such written objections shall be presented to the election authority and a copy mailed to the Board and shall be attached to the certificate of sample results transmitted by the election authority to the Board.

(Source: P.A. 82-750.)

