

SB2240



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2240

Introduced 2/15/2013, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-23

from Ch. 46, par. 17-23

Amends the Election Code. Provides that the State Board of Elections (now only local election authorities) can issue pollwatcher credentials. Effective immediately.

LRB098 10547 HLH 40789 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 Section
5 17-23 as follows:

6 (10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

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

9 (1) Each established political party shall be entitled to
10 appoint two pollwatchers per precinct. Such pollwatchers must
11 be affiliated with the political party for which they are
12 pollwatching. For all elections, the pollwatchers must be
13 registered to vote in Illinois.

14 (2) Each candidate shall be entitled to appoint two
15 pollwatchers per precinct. For all 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 name and addresses of its principal officers with the proper
22 election authority at least 40 days before the election, shall
23 be entitled to appoint one pollwatcher per precinct. For all

1 elections, the pollwatcher must be registered to vote in
2 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 election. The
11 pollwatchers must be registered to vote in Illinois. For the
12 purpose of this paragraph, a "State nonpartisan civic
13 organization" means any corporation, unincorporated
14 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) In any general election held to elect candidates for
3 the offices of a municipality of less than 3,000,000 population
4 that is situated in 2 or more counties, a pollwatcher who is a
5 resident of Illinois shall be eligible to serve as a
6 pollwatcher in any poll located within such municipality,
7 provided that such pollwatcher otherwise complies with the
8 respective requirements of subsections (1) through (3) of this
9 Section and is a registered voter in Illinois.

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

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

1 opponent group, as the case may be. The election authority or
 2 the State Board of Elections may not require any such party
 3 official or the candidate or the presiding officer of the civic
 4 organization or the chairman of the proponent or opponent group
 5 to submit the names or other information concerning
 6 pollwatchers before making credentials available to such
 7 persons or organizations.

8 Pollwatcher credentials shall be in substantially the
 9 following form:

10 POLLWATCHER CREDENTIALS

11 TO THE JUDGES OF ELECTION:

12 In accordance with the provisions of the Election Code, the
 13 undersigned hereby appoints (name of pollwatcher)
 14 who resides at (address) in the county of
 15, (township or municipality) of
 16 (name), State of Illinois and who is duly
 17 registered to vote from this address, to act as a pollwatcher
 18 in the precinct of the ward (if
 19 applicable) of the (township or municipality) of
 20 at the election to be held on (insert
 21 date).

22 (Signature of Appointing Authority)
 23 TITLE (party official, candidate,
 24 civic organization president,
 25 proponent or opponent group chairman)

1 Under penalties provided by law pursuant to Section 29-10
 2 of the Election Code, the undersigned pollwatcher certifies
 3 that he or she resides at (address) in the
 4 county of, (township or municipality)
 5 of (name), State of Illinois, and is duly
 6 registered to vote in Illinois.

7
 8 (Precinct and/or Ward in (Signature of Pollwatcher)
 9 Which Pollwatcher Resides)

10 Pollwatchers must present their credentials to the Judges
 11 of Election upon entering the polling place. Pollwatcher
 12 credentials properly executed and signed shall be proof of the
 13 qualifications of the pollwatcher authorized thereby. Such
 14 credentials are retained by the Judges and returned to the
 15 Election Authority at the end of the day of election with the
 16 other election materials. Once a pollwatcher has surrendered a
 17 valid credential, he may leave and reenter the polling place
 18 provided that such continuing action does not disrupt the
 19 conduct of the election. Pollwatchers may be substituted during
 20 the course of the day, but established political parties,
 21 candidates and qualified civic organizations can have only as
 22 many pollwatchers at any given time as are authorized in this
 23 Article. A substitute must present his signed credential to the
 24 judges of election upon entering the polling place. Election

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

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

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

1 credentials shall be signed by the candidate.

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

4 CANDIDATE CREDENTIALS

5 TO THE JUDGES OF ELECTION:

6 In accordance with the provisions of the Election Code, I
7 (name of candidate) hereby certify that I am a candidate
8 for (name of office) and seek admittance to
9 precinct of the ward (if applicable) of the
10 (township or municipality) of at the election
11 to be held on (insert date).

12

13 (Signature of Candidate)

OFFICE FOR WHICH
CANDIDATE SEEKS
NOMINATION OR
ELECTION

17 Pollwatchers shall be permitted to observe all proceedings
18 and view all reasonably requested records relating to the
19 conduct of the election, provided the secrecy of the ballot is
20 not impinged, and to station themselves in a position in the
21 voting room as will enable them to observe the judges making
22 the signature comparison between the voter application and the
23 voter registration record card; provided, however, that such
24 pollwatchers shall not be permitted to station themselves in

1 such close proximity to the judges of election so as to
2 interfere with the orderly conduct of the election and shall
3 not, in any event, be permitted to handle election materials.
4 Pollwatchers may challenge for cause the voting qualifications
5 of a person offering to vote and may call to the attention of
6 the judges of election any incorrect procedure or apparent
7 violations of this Code.

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

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

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

26 The provisions of this Section shall also apply to

1 supervised casting of absentee ballots as provided in Section
2 19-12.2 of this Act.

3 (Source: P.A. 94-645, eff. 8-22-05; 95-267, eff. 8-17-07;
4 95-699, eff. 11-9-07; 95-876, eff. 8-21-08.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.