

February 2011 Elections

# POLLWATCHER'S TOOLKIT

Version 3.4 1/31/11

Chicago Edition



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<b>Phones</b>	
312/269-7900	Chicago Board of Elections ( <b>Feb. 22:</b> 312/269-7870)
312/603-7960	Cook County State's Attorney (Chicago and Cook)
866/687-8683	Election Protection Coalition (Info and legal help)
773/338-3564	Illinois Ballot Integrity Project

Caution: Don't use cell phone or A/V equipment without judges' permission.



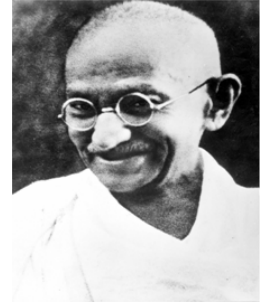
## ILLINOIS BALLOT INTEGRITY PROJECT

*Make Every Vote Count . . . Count Every Vote*



## Pollwatcher Etiquette

**MANTRA:**  
"Less Storm Trooper,  
More Gandhi"



Generally, election judges conduct the election to the best of their abilities, given the extent of their training. Since experience may vary with each judge, it is best to give them the benefit of the doubt. A judge may have forgotten a particular procedure, may not know election law or may just be inexperienced.

Please be respectful. The election judges are appointees of the circuit court and as such *are the highest authorities in the poll*. The election code even gives the judges the power to, by consensus, eject a pollwatcher from the poll for interfering with the election.

The election code does **not** require a pollwatcher to **mutely observe** the election. You may talk to the judges as so long as you do NOT interfere with the election or touch election materials. If you notice a procedure that affects the voter, please **talk to the judge rather than to the voter**.

### ATTITUDE IS EVERYTHING:

- **DO NOT** immediately ask questions when you arrive, or ambush the judge in what appears to be an Inquisition. Otherwise, the good will or comfortable dialogue you later try to cultivate will be strained. ("Less Storm Trooper, More Gandhi.") Imagine yourself in the same situation. Try to empathize with the judge's long, busy, complicated day.
- **DO engage in easy conversation when you arrive, if the poll is not busy.** When there's a break in the action, ask them how they're doing. Afterwards you can begin asking questions.
- **Consider bringing food for the judges! It's a long day.**

**BEFORE THE POLLS OPEN, AND DURING EARLY MORNING:** (May be useful later in the day, too)

#### Some conversation openers:

1. "In some jurisdictions, the judge sets up the election machines the day before. Is that the case here?"
2. "You can set them up *that early* the day before?"
3. "Did the janitor/secretary/owner help you lock up the room after all that setting up?"
4. "That was a flurry of activity—I wonder if it'll be like this all day long!"
5. "Did you ever run out of ballots? Or get some wrong ones?"
6. "It's such long day...how do you ever do it? Can I get you a cup of coffee?"

**DURING THE DAY:** (note that some questions are repeated for the sake of documentation)

1. "Did the janitor/secretary/owner help you lock up the room after all that work, setting up?"
2. "Have the touch-screen and op-scan machines been behaving for you today?"
3. "When did the problem occur? They seem to be pretty complicated." (Follow up later—if a technician made repairs or changes to the machines or memory cards, document his or her name. Check whether a judge's report sheet with the problem written up may be available.)
4. "I'm surprised so many people are coming to the wrong poll—did the location change?"
5. "I'm wondering if it would be easier to post a sign so voters can go over to the other precinct?"
6. "Now that it isn't busy, could you please print your name here on this Wrapup Report? " (Check spelling)
7. "May I check the voter turnout? " (Ballot-application book should have consecutive numbers of voters)
8. "Were more ballots spoiled during this election than the last?"
9. "May I see the count of federal, provisional, and spoiled ballots?"

**DO NOT ASK** the judge their political affiliation. Some may take offense and say it is electioneering.

**DO ASK** the judges to write their names under the appropriate affiliation heading on the Wrapup Report form.

### **DURING THE CLOSE:**

1. "Was it busier than you expected? "
2. "I know you're busy, but I just need to see a few papers before you put them away."  
(Provisional affidavits, change of address, federal ballots issued, spoiled ballots.)
3. "You know, I'm not permitted to touch materials, so if you could turn this page for me, that would be great."
4. "I don't want to be in your way, so if you can show me the Judge Suggestion Sheet, thanks. "
5. "I'd like to see the tallies of federal ballots, provisional ballots, and changes of address. I'll write them down as fast as I can!"
6. "I'd like to have a copy of the poll tapes from the machines."
7. "May I take a picture of the sealed ballot box?" (Taking pictures, video, audio in the poll is at the judges' discretion)

### **JUDGES' ATTITUDE TOWARD THE POLLWATCHER**

Most judges are friendly and receptive to pollwatchers. However, some judges may be grouchy or may resent the presence of the pollwatcher. Some may be in a bad mood before you even engage them. It happens. Try to realize that other factors may have contributed to their mood—fatigue, frustration, or sickness.

*Please be understanding!*

The judge may just be unaware of a particular procedure or law. Politely suggest the correct one, showing the judge the citation in the pollwatcher toolkit. Let's face it—no one likes to be told they are doing something wrong!

### **WHAT TO SAY IF A JUDGE IS NOT COMPLYING WITH A PROCEDURE OR LAW**

1. "I'm sorry, I see that the election code here says that...." (Point to and read the correct law). **In particular: Judges must never ask for a voter's Social Security number, not even when a photo ID is required.**
2. "I know that it may be confusing to determine the correct ballot, but this sheet from the State Board of Elections states that the correct ballot is...." Point out the correct ballot—full, federal, or provisional—**ONLY** if you are sure that it **IS** the correct ballot.
3. "I don't mean to interfere, but the voter has two forms of ID and doesn't need to show a photo ID."
4. "I know that you were busy, but that ballot didn't get initialed. I would hate to see the ballot get disqualified."
5. "I notice that you're pushing the touchscreens over the optical scan machines. Judges aren't permitted to promote one type of voting machine over another."
6. "I see that the count of ballot applications does not match the machine counts plus the paper ballot counts."
7. "I see that a voter is talking on a cellphone while voting. Please tell the voter to cease, the voter seems to be receiving assistance on how to vote without his aide having signed an affidavit."

### **IF A JUDGE CONTINUES TO VIOLATE A LAW OR PROCEDURE AFTER THE POLLWATCHER HAS POINTED OUT THE CORRECT ONE—**

**DO NOT ARGUE WITH THE JUDGE. FILL OUT AN AFFIDAVIT and AN INCIDENT REPORT.**

Tell the judge:

1. "I've pointed out to you the election-code section that covers this procedure. Now I'm filling out an affidavit to document the violation. I have your name as.... I have the violation as.... I have the time of the violation as...."
2. "I am sorry, but I have no choice but to call the election authority [or 'the States Attorney office', etc]."

Most often the judge will relent rather than get reported.

### **CHALLENGING A VOTER OR OTHER PERSON IN THE POLL**

Rarely, you may need to challenge a voter or other person in the poll. Challenge anyone who is--

- misrepresenting their eligibility to vote.
- attempting to persuade others how to vote.
- unauthorized to be in the poll.
- voting for a disabled person without their permission.
- tampering or interfering with the election.

On the other hand, you can dispute an invalid challenge made by a judge, a pollwatcher or a voter.

Note: According to the Brennan Center for Justice, VOTER FRAUD IS EXTREMELY RARE.

## POLLWATCHER CHECKLIST (Partial)

**BE RESPECTFUL OF THE JUDGES AND KNOW ELECTION LAWS!**

### Preparation: Bring--

- Pollwatcher credentials.**
- Folder of pollwatching materials;** pens; one set of report forms for each precinct.
- Phone numbers** of co-workers.
- Map** of route to your polling station(s).
- Food/snacks** for self, judges, others.
- Cell phone**, fully charged.
- Audio/video equipment;** extra storage media; extra batteries, fully charged.

### Before Polls Open

- Arrive** at poll as early as judges if possible.
- Give your Credentials** to the judges.
- Observe** the zero tape, serial numbers of machines and memory cards, and all seals.
- Record** machine & memory-card serial #'s.
- Verify** that early-voter application blanks get stamped as "Already voted."

### During Voting Hours

- Sign in** upon entering or leaving the poll.
- Record** the names and affiliation of judges, and of *all technicians and couriers*.
- Jot down** the names of other pollwatchers.
- Check the color code** on the voter's ballot application: White = Regular, Grey = Mail-in Registration, Pink = Challenged.
- Fill out** Incident Report forms as needed.
- Don't touch ANY poll materials!** No papers, machines, books, pencils--nothing!

### Judges Actions

- Judges must clearly **announce the name and address** of each voter.
- Judges must **allow you to observe** ballot-applications, voter signatures, and all other materials. (Stand behind judges' table?)
- A judge must **initialize the paper ballot** right before handing it to the voter.
- If a voter is **not in the poll book**, the judge must check the regular and the supplemental registration list, then call the Board of Elections, if necessary.
- In **multi-precinct** polling places, judges must direct voters to the correct precinct.
- In **split precincts** (those straddling two legislative districts), judges must give the voter the ballot for the right district.
- Judges must **not promote** one type of voting machine as better than the other.
- Judges must not permit **unauthorized persons** to linger in the poll. Ask judges whether suspicious persons have credentials. Authorized personnel---

pollwatchers, election authorities, states attorneys, reps of the attorney general.

- If the voter is in the **wrong precinct**, the judge must direct them to the right precinct.

### Voter Assistance

- Make every effort to enfranchise voters if they are eligible to vote.**
- Watch that the **provisional ID number** gets put onto provisional voter's affidavit.
- Don't initiate** talking with a voter; instead, direct your remarks to a judge.
- Help** a voter only if they ask you.
- Verify that voters who get help voting, and their aides, sign **affidavits**.
- Help given in the polling both** must be monitored by a judge from each party.
- Politely alert judges** if they are not following the law.
- Call authorities** if judges don't correct a problem they have been alerted to.
- Record names of voters** who were harassed, disenfranchised, not informed of their poll location, had other problems.
- Allow such voter to fill out** an Incident Report Affidavit, if they desire.

### Voter Challenges

**Contest a voter** if they--

- Have already voted.
- Are otherwise not eligible.
- Appear to be tampering with equipment.
- Are getting assisted without an affidavit.
- Are taking a **VERY LONG** time to vote. (If they are using a cell phone, they may be getting assisted without an affidavit!) Every effort must be made to allow enough time to vote, though Illinois law states that four minutes is max.

### **In the Polls, After Closing**

- Watch for **any irregularities**.
- Ask for a **printout of all poll tapes**.
- If poll tapes are not issued to you, try to take **photos** of posted poll-tape results.
- Note names** of the bipartisan judges who will transfer ballots to tabulation location.
- Fill out the **Wrapup Report**.

### **Tabulation of votes at Election Central**

- Illinois law states that a reasonable number of pollwatchers may observe at the central office--
  - All vote tabulations.
  - All verification of provisional ballots.
  - All processing of ballots.

## Voter's Ballot Entitlements February 22, 2011 elections

\*\*\* A Guide for Illinois Election Judges \*\*\*

*Last Day for Regular Registration is January 25, 2011  
Last Day for Grace-Period Registration is February 15, 2011*

SPECIAL CIRCUMSTANCES	ACTION	SPECIAL FORMS
<b>None.</b>	Can vote Full Ballot.	<ul style="list-style-type: none"> <li>• None.</li> </ul>
<b>Moved</b> during the 30 days before the election within the same precinct. (Oct. 2 - Nov. 1)	Can vote Full Ballot.	<ul style="list-style-type: none"> <li>• Voter Affidavit</li> </ul>
<b>Moved</b> <u>within</u> 30 days to elsewhere in Chicago. and did not re-register (Oct. 2 - Nov. 1)	Can vote Full Ballot, but only in old polling place.	<ul style="list-style-type: none"> <li>• Voter Affidavit</li> </ul>
<b>Moved</b> <u>more</u> than 30 days <i>within</i> Chicago and did not re-register (before Oct. 2).	Can vote Federal Ballot, but only in old polling place.	<ul style="list-style-type: none"> <li>• Address Correction Form</li> </ul>
<b>Moved</b> <u>more</u> than 30 days <i>out of or into</i> Chicago and did not re-register (before Oct. 2).	Cannot vote.	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Changed name</b> before the election and did not re-register.	Can vote Full Ballot.	<ul style="list-style-type: none"> <li>• Voter Affidavit</li> </ul>
<b>Has eligibility challenged, and the challenge is sustained</b> by a majority of the judges. or <b>Fails to present proper identification</b> if needed. or <b>Votes during federally extended voting hours</b> (unless already waiting in line at 7 pm).	Entitled to vote on a <b>provisional</b> ballot.  <i>(Should be exercised only as a last resort!)</i>  (See notes on next page.)	<ul style="list-style-type: none"> <li>• Provisional Voter Affidavit</li> <li>• Provisional Ballot Envelope</li> <li>• Written instructions</li> </ul>

## PROVISIONAL VOTING: When is it appropriate?

There are four separate circumstances in which a provisional ballot is appropriate:

- The person's registration cannot be verified: Their name does not appear in any of the following:
  - o The ballot-application book.
  - o The regular or supplemental voter-registration sheets.
  - o The Board of Elections's master list of registered voters. (This latter list must be checked by a phone call from a judge to the Board of Elections.)
- The person's voting status has been challenged by an election judge, a poll watcher, or any legal voter; and the challenge has been sustained by a majority of the election judges
- A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period;

or

- The voter registered to vote by mail and is required by law to present ID when voting either in person or by absentee ballot, but fails to do so.

### IMPORTANT:

- Unless they're voting during specially extended poll hours, provisional voters will need to provide proof of eligibility *within the next two days after the election*. (See bottom of this page.)  
\*\*\* Caution: Most voters don't! \*\*\*
- In a recent election in Cook County, most provisional ballots were invalidated and not counted!
- Do everything possible to help an eligible voter to get a regular ballot.

## Excerpts from the Illinois Election Code regarding Provisional Ballots

### Provisional ballots shall be stored separately

(10 ILCS 5/18A-5)

Ballots that are provisional because they are cast after 7:00 p.m. by court order shall be kept separate from other provisional ballots. Upon the closing of the polls, the securable container shall be sealed with filament tape provided for that purpose, which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and each of the election judges shall sign the seal.

### Provisional voter must prove eligibility either in the poll or within two days at central office

(10 ILCS 5/18A-15)

Sec. 18A-15. Validating and counting provisional ballots. (d) In validating the registration status of a person casting a provisional ballot, the county clerk or board of election commissioners shall not require a provisional voter to complete any form other than the affidavit executed by the provisional voter under subsection (b)(2) of Section 18A-5. In addition, the county clerk or board of election commissioners shall not require all provisional voters or any particular class or group of provisional voters to appear personally before the county clerk or board of election commissioners or as a matter of policy require provisional voters to submit additional information to verify or otherwise support the information already submitted by the provisional voter. The provisional voter may, within 2 calendar days after the election, submit additional information to the county clerk or board of election commissioners. This information must be received by the county clerk or board of election commissioners within the 2-calendar-day period.

## Incident Report: General

**Completed Reports:** Fax to 630/357-0744 or call 773/338-3564 for pickup or blog content to <http://ballot-integrity.org/hotsheet>

<b>Pollwatcher</b>	<b>Date</b>
<b>Phone Number</b>	<b>Time Slots</b>
<b>Email</b>	<b>Ward/Precinct</b>

**Supply/Transport Problems**

- GA** Machine/materials held in unsecured overnight location.
- GB** Insufficient memory cards or ballots.
- GC** Wrong ballots received.
- GD** Insufficient pens for marking ballots.
- GE** Paperwork missing.
- GF** Ballot boxes not sealed properly when received.
- GG** No bipartisan oversight during breakdown/transport.
- GH** Other.

**General**

- GI** No signs or flags to identify poll.
- GJ** Disruptive behavior by voter or pollwatcher.
- GK** Other.

**Personnel Problem**

- GL** Judge--Failed to loudly announce voter name and address.
- GM** Judge--Promoting use of touchscreens.
- GN** Judge--Intimidating voter or hampering pollwatcher.
- GO** Judge--Requiring voter to tender a photo ID.
- GP** Judge--Failed to put initials on ballot.
- GQ** Judge--Provisional voter not informed of two-day window.
- GR** Other.

**Electioneering**

- HA** Political signage too close to poll.
- HB** Other.

**Registration Problem**

- HC** Voter not on voting list.
- HD** No notice mailed for new poll location.
- HE** Absentee / Provisional/ Federal (Enter on Wrapup Report!)
- HF** Other.

**Electronic Registration Problem**

- HG** Electronic pollbook-- Failure, or displays wrong date or time.
- HH** Asked device / laptop at poll.
- HI** Other.

**Returning the Cast Ballots / Tabulation of the Vote**

- HJ** Memory card / ballots boxes not secured, or sealed properly.
- HK** No bipartisan oversight of materials / memory cards / ballots.
- HL** Pollwatcher not allowed to stay in polling place after closing.
- HM** Judges do not permit pollwatcher to observe needed info.
- HN** Tabulating area not accessible for viewing/listening.
- HO** Problem uploading/transmitting the votes.
- HP** Memory card left behind at poll.
- HQ** Other.

**Time** *Incident details and remedies. (Specify one or more of the above codes for each incident.)*

	<i>(Continue on back)</i>



## Wrapup Report

Chicago Edition

**Completed Reports:** Fax to 630/357-0744 or call 773/338-3564 or pickup or blog content to <http://ballot-integrity.org/hotsheet>

Pollwatcher			Date				
Phone Number			Time Slots				
Email			Ward/Precinct				
Democrat Judges		Republican Judges					
<b>Field Reps</b> (From election authority? Or from vendor?)		<b>Technicians, Couriers</b> (From election authority? Or from vendor?)					
<b>Irregular ballots issued (Give the letter-code(s), and copy down the voter's name and address. Continue on back if needed.)</b>							
P	F	W	N	M			
Provisional	Federal	Wrong Precinct	Name mismatch	Missing from voter rolls			
				C			
				Challenged			
<b>Tallies (Transcribe as many as possible.)</b>							
<b>Machine type</b>	<b>Machine readout</b>	<b>Poll tape</b>	<b>Ballot Applications, Total #</b>	<b>Ballot dispositions:</b>	<b>Handcount or machine display</b>	<b>Poll tapes</b>	<b>Invoiced</b>
# Ballots on opscan (if 2 per voter)	( ) ( )		( ) ( )	(a) # Cast (b) # Spoiled			
# Voters on opscan			<b>Provisional Affidavits, Total #</b>	(c) # Used (a+b) (d) # Unused (e) # All (c+d)			
# Voters on T-S 1			<b>Federal Ballots, Total #</b>	<b>Provisional affidavits</b>			
# Voters on T-S 2							
# Voters on T-S 3				# "Challenged" appl.			
# Voters on T-S 4				# Wrong precinct			
# Voters on T-S 5				# Change of address			
# Voters on T-S 6				# Not on voter rolls			
<b>Total voters</b>				# Total provisionals			



## Appendices

### **Pollwatcher Legal Rights and Responsibilities** *Show citations to judges who question your rights as a pollwatcher.*

**\*\*\* Numbers indicate boxes on the following pages\*\*\***

#### **Pollwatcher Rights**

- 1 Can remain in poll after election.
- 4 View Machines / ID Card / Zero of Machine.
- 5 View election machines throughout the day.
- 6 View poll books (paper and electronic).
- 7 View signatures.
- 7 Challenge a voter's qualifications; point out incorrect procedures.
- 9 Observe the judges' addressing of challenges to a voter's qualifications.
- 12 Serve as representative of a candidate or proposal on the ballot.
- 14 Assist disabled voters if asked to or watch judges give assistance.

Also discussed in—

- *The Chicago Judge of Elections Handbook*, pgs 8-9.

#### **Pollwatcher Responsibilities**

- 2 Must give their credentials to the election judge. (Note: Candidates are permitted to have two pollwatchers at a time in each poll. All other groups are permitted to have only one at a time.)
- 3 Must not electioneer.

*Other responsibilities, not cited in the following pages.*

Pollwatchers must not--

- Interfere with the election.
- Touch any election materials or supplies.
- Take video or pictures unless allowed by the jurisdiction.
- Remain at poll when asked to leave by a judge.

#### **Other useful citations**

- 8 Voter cannot be challenged to provide social security number.
- 10 No one is permitted to check vote totals while the polls are open.
- 15 Paper ballots shall be used if the touch-screen voting machine malfunctions.
- 16 Optical-scan ballots in the precinct shall be properly processed.
  - A. The number of ballots shall agree with number of voters.
  - B. Ballots shall contain the initials of a precinct judge.
  - C. Ballots not initialed by judges will be rejected.
  - D. Write-in votes shall be tallied.
  - E. Duplicates of damaged paper ballot shall be created and processed.
  - F. Poll tapes shall be posted in the precinct and copies shall be provided to pollwatchers
  - G. Tallies of spoiled, defective, duplicated ballots shall be created and recorded.
  - H. Ballots boxes shall be sealed and signed by the judges as specified.
  - I. Election materials shall be returned by a bipartisan team of judges.
  - J. The judges who return the election materials will receive a time-stamped receipt.

1. (10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

After the polls have closed, pollwatchers shall be allowed to remain until the canvass of votes is completed.

2. (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.

3. (10 ILCS 5/7-41) (from Ch. 46, par. 7-41)  
NO ELECTIONEERING WITHIN 100 FEET OF THE POLL

No person shall do any electioneering or soliciting of votes on primary day within any polling place or within one hundred feet of any polling place, or, at the option of a church or private school, on any of the property of that church or private school that is a polling place. Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a building that is a private business, a public or private school, or a church or other organization founded for the purpose of religious worship and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. **If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located.** The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection. Notwithstanding any other provision of this Section, a church or private school may choose to apply the campaign free zone to its entire property, and, if so, the markers shall be placed near the boundaries on the grounds adjacent to the thoroughfares or walkways leading to the entrances used by the voters. At or near the door of each polling place, the election judges shall place signage indicating the proper entrance to the polling place. In addition, the election judges shall ensure that a sign identifying the location of the polling place is placed on a nearby public roadway. The State Board of Elections shall establish guidelines for the placement of polling place signage.

**The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day.** At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(d) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (c) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 95-699, eff. 11-9-07.)

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)  
VIEW ELECTION MACHINES THROUGHOUT THE DAY

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 5/17-9) (from Ch. 46, par. 17-9)  
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.*

7. (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.

8. (10 ILCS 5/4-22) (from Ch. 46, par. 4-22)  
**VOTER CANNOT BE CHALLENGED FOR REFUSAL TO PROVIDE SOCIAL SECURITY NUMBER**

"An individual shall not be required to provide his social security number when applying for a ballot. He shall not be denied a ballot, nor shall his ballot be challenged, solely because of his refusal to provide his social security number."

9. (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)  
CHALLENGING A VOTER

Sec. 18-5. Any person desiring to vote and whose name is found upon the register of voters by the person having charge thereof, shall then be questioned by one of the judges as to his nativity, his term of residence at present address, precinct, State and United States, his age, whether naturalized and if so the date of naturalization papers and

court from which secured, and he shall be asked to state his residence when last previously registered and the date of the election for which he then registered. The judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom grace period, absentee, and 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. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued a grace period, absentee, or early ballot shall not be permitted to vote in the precinct, except that a voter to whom an absentee ballot was issued may vote in the precinct if the voter submits to the election judges that absentee ballot for cancellation. If the voter is unable to submit the absentee ballot, it shall be sufficient for the voter to submit to the election judges (i) a portion of the absentee ballot if the absentee ballot was torn or mutilated or (ii) an affidavit executed before the election judges specifying that (A) the voter never received an absentee ballot or (B) the voter completed and returned an absentee ballot and was informed that the election authority did not receive that absentee ballot. If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of the judges shall administer to him an oath to answer questions, and if he shall take the oath he shall then be questioned by the judge or judges touching such cause of challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of the judges, in which it shall be stated how long he has resided in such precinct, and state; that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered. In addition to such an affidavit, the person so challenged shall provide to the judges of election proof of residence by producing 2 forms of identification showing the person's current residence address, provided that such identification to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

**I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election.**

The oath in each case may be administered by one of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths. Also supported by an affidavit by a registered voter residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, and entered as other votes. But such judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to the judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received.

10.

(10 ILCS 5/24B-10.1)

**NO PERSON MAY CHECK VOTE TOTALS THROUGHOUT ELECTION DAY**

Before the opening of the polls, and before the ballots are entered into the automatic tabulating equipment, the judges of election shall be sure that the totals are all zeros in the counting column. Ballots may then be counted by entering or scanning each ballot into the automatic tabulating equipment. ***Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or proposition on the automatic tabulating equipment.*** 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.

11. (10 ILCS 5/24-8) (from Ch. 46, par. 24-8)  
VIEW 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.

12. (10 ILCS 5/7-34) (from Ch. 46, par. 7-34)  
PROPOSERS AND OPPOSERS

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

13. 15.(10 ILCS 5/24B-6)  
CONSTITUTIONAL CONVENTION PROPOSITIONS;  
PUBLIC MEASURES JUDICIAL RETENTION

All propositions, including but not limited to propositions calling for a constitutional convention, constitutional amendment, judicial retention, and public measures to be voted upon shall be placed on separate portions of the ballot sheet or marking device by utilizing borders or grey screens. Candidates shall be listed on a separate portion of the ballot sheet or marking device by utilizing borders or grey screens.

14. (10 ILCS 5/7-47.1) (from Ch. 46, par. 7-47.1)  
POLLWATCHERS CAN ASSIST DISABLED VOTER IF ASKED,  
OBSERVE JUDGES HELP DISABLED VOTERS

Any temporarily or permanently physically disabled voter who, because of structural features of the building in which the polling place is located, is unable to access or enter the polling place, may request that 2 judges of election of opposite party affiliation deliver a ballot to him or her at the point where he or she is unable to continue forward motion toward the polling place; but, in no case, shall a ballot be delivered to the voter beyond 50 feet of the entrance to the building in which the polling place is located. Such request shall be made to the election authority not later than the close of business at the election authority's office on the day before the election and on a form prescribed by the State Board of Elections. The election authority shall notify the judges of election for the appropriate precinct polling places of such requests.

Weather permitting, 2 judges of election shall deliver to the disabled voter the ballot which he or she is entitled to vote, a portable voting booth or other enclosure that will allow such voter to mark his or her ballot in secrecy, and a marking device.

(c) The voter must complete the entire voting process, including the application for ballot from which the judges of election shall compare the voter's signature with the signature on his or her registration record card in the precinct binder.

After the voter has marked his or her ballot and placed it in the ballot envelope (or folded it in the manner prescribed for paper ballots), the 2 judges of election shall return the ballot to the polling place and give it to the judge in charge of the ballot box who shall deposit it therein.

**Pollwatchers as provided in Sections 7-34 and 17-23 of this Code shall be permitted to accompany the judges and observe the above procedure.**

**No assistance may be given to such voter in marking his or her ballot, unless the voter requests assistance and completes the affidavit required by Section 17-14 of this Code. (Source: P.A. 84-808.)**

15.

**10 ILCS 5/24-11) (from Ch. 46, par. 24-11  
PAPER BALLOT ISSUED IN CASE OF VOTING MACHINE MALFUNCTION**

If any voting machine being used in an election or primary shall become out of order during such election or primary, it shall, if possible, be repaired or another machine substituted by the custodian or election authority, for which purpose the proper authorities may purchase as many extra voting machines as they may deem necessary, but in case such necessary repairs or substitution cannot be made immediately, paper ballots, printed or written and of suitable form, shall be used for the taking of votes. The paper ballots to be used in such event shall be prepared and distributed to the various precincts in the manner provided for in Sections 16-3 and 16-4 of this Election Code; except that the election authority shall supply a number of ballots to each precinct equal to at least 20% of the number of voters registered to vote in that precinct. If a method of election for any candidates is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any election the number of candidates nominated or seeking nomination for any office renders the use of the voting machine for such office at such election impracticable, or if for any reason, at any election the use of voting machines is not practicable or possible, the proper officer or officers having charge of the preparation of the ballot labels for the machines may arrange to have the voting for such or all candidates for officers conducted by paper ballots. In such cases ballots shall be printed for such or all candidates, and the election conducted by the election officers herein provided for, and the ballots counted and return thereof made in the manner required by law for such candidate or candidates or offices, insofar as paper ballots are used.

(Source: P.A. 80-1469.)

16.

**(10 ILCS 5/24B-10.1)  
OPTICAL SCAN BALLOTS IN THE PRECINCT SHALL BE PROPERLY PROCESSED**

- A. The number of ballots shall agree with number of voters.
- B. Ballots shall contain the initials of a precinct judge.
- C. Ballots not initialed by judges will be rejected.
- D. Write-in votes shall be tallied.
- E. Duplicates of damaged paper ballot shall be created and processed.
- F. Poll tapes shall be posted in the precinct and copies shall be provided to pollwatchers
- G. Tallies of spoiled, defective, duplicated ballots shall be created and recorded.
- H. Ballots boxes shall be sealed and signed by the judges as specified.
- I. Election materials shall be returned by a bipartisan team of judges.
- J. The judges who return the election materials will receive a time-stamped receipt.

**Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures for Counting and Tallying Ballots. In an election jurisdiction where Precinct Tabulation Optical Scan Technology counting equipment is used, the following procedures for counting and tallying the ballots shall apply:**

Before the opening of the polls, and before the ballots are entered into the automatic tabulating equipment, the judges of election shall be sure that the totals are all zeros in the counting column. Ballots may then be counted by entering or scanning each ballot into the automatic tabulating equipment. Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or proposition on the automatic tabulating equipment. 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.

**A. COUNT NUMBER OF BALLOTS TO DETERMINE IF THE NUMBER AGREES WITH NUMBER OF VOTERS**

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.

## **B. BALLOTS CONTAIN THE INITIALS OF THE PRECINCT JUDGES / DEFECTIVE BALLOT**

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.

## **C. DEFECTIVE BALLOTS**

If the judges of election have removed a ballot pursuant to Section 17-18, have labeled "**Defective**" a ballot which is not initialed, or have otherwise determined under this Code to not count a ballot originally deposited into a ballot box, the judges of election shall be sure that the totals on the automatic tabulating equipment are reset to all zeros in the counting column. Thereafter the judges of election shall enter or otherwise scan each ballot to be counted in the automatic tabulating equipment. Resetting the automatic tabulating equipment to all zeros and re-entering of ballots to be counted may occur at the precinct polling place, the office of the election authority, or any receiving station designated by the election authority. The election authority shall designate the place for resetting and re-entering or re-scanning.

## **D. WRITE IN VOTES**

When a Precinct Tabulation Optical Scan Technology electronic voting system is used which uses a paper ballot, the **judges of election shall examine the ballot for write-in votes**. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot to determine whether the write-in results in an overvote for any office, unless the Precinct Tabulation Optical Scan Technology equipment has already done so. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate ballot. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such "Overvoted Ballot" as well as its "Replacement" 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 "Overvoted Ballot" shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope, and the judges of election shall initial the "Replacement" ballots and shall place them with the other ballots to be counted on the automatic tabulating equipment.

## **E. DEFECTIVE BALLOT**

If any ballot is damaged or defective, or if any ballot contains a Voting Defect, so that it cannot properly be counted by the automatic tabulating equipment, the voter or the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices of the precinct, or equivalent. If a damaged ballot, the original ballot shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall enter or otherwise scan the duplicate damaged ballot into the automatic tabulating equipment. The "Damaged Ballots" shall be placed in the "Duplicated Ballots" envelope; after all ballots have been successfully read, the judges of election shall check to make certain that the Precinct Tabulation Optical Scan Technology equipment readout agrees with the number of voters making application for ballot in that precinct. The number shall be listed on the "Statement of Ballots" form provided by the election authority.

## **F. IN PRECINCT TOTAL REPORT (COPY OF POLL TAPE FOR POLLWATCHER / POSTING OF POLL TAPE**

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 copy 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.

**G. STATEMENT OF BALLOTS—SPOILED, DEFECTIVE, DUPLICATED**

The judges of election shall count all unused ballots and enter the number on the "Statement of Ballots". All "Spoiled", "Defective" and "Duplicated" ballots shall be counted and the number entered on the "Statement of Ballots".

**H. SEALED BALLOT BOXES—LENGTHWISE AND CROSSWISE WITH FILAMENT TAPE****JUDGES SIGNATURES ON SEALS  
BIPARTISAN TEAM OF JUDGES TO RETURN BALLOTS**

The precinct judges of election shall select a **bi-partisan team of 2 judges**, who shall immediately **return the ballots in a sealed container, along with all other election materials as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose which shall be wrapped around the container lengthwise and crosswise, at least twice each way, in a manner that the ballots cannot be removed from the container without breaking the seal and filament tape and disturbing any signatures affixed by the election judges to the container, or which other approved sealing devices are affixed in a manner approved by the election authority.** The election authority shall keep the office of the election authority or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots from all precincts with in-precinct counting equipment within the jurisdiction of the election authority have been returned to the election authority.

**I. BALLOTS CANNOT BE ACCEPTED UNLESS SIGNED AND SEALED**

Ballots returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections.

**J. TIME STAMPED RECEIPT OF BOXES**

Upon acceptance of the ballots by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots as provided shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. The precinct judges of election shall also deliver the Precinct Tabulation Optical Scan Technology equipment to the election authority. (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

17.

**(10 ILCS 5/7-34) (Excerpt from Ch. 46, par. 7-34)****Dismissal of some Pollwatchers if poll becomes overcrowded**

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 candidate and each established or new political party shall be permitted to have at least one pollwatcher present.

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

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

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

(Source: P.A. 94-645, eff. 8-22-05; 95-267, eff. 8-17-07.)

[end of legislative citations]



## ILLINOIS VOTER INFORMATION

### *Polling Place Hours - 6 a.m. to 7 p.m.*

#### Instructions for First Time Voters Who Registered by Mail

If you register by mail, you must vote in person the first time, either at the polling place, in-person absentee or early voting, unless you submit with your mail-in registration form your driver license number or state ID number, the last four digits of your social security number, or one of the forms of ID listed below. Voters voting under the provisions of UOCAVA and the Voting Accessibility for the Elderly and Handicapped Act do not have to vote in person for the first time after having registered by mail. (HAVA 303[b][2][c]).

- A current and valid photo identification
- Utility bill
- Bank statement
- Government check
- Paycheck
- Government document

The above listed forms of ID must show your name and address and must be presented to the election officials before being permitted to vote. If you do not present a required form of identification either at the time of submitting your mail-in registration or at the time of voting, you may vote a Provisional Ballot.

#### Voting Rights

- ✓ Voters whose names do not appear on the poll list, or are unable to comply with the identification requirements for mail-in registrants, are entitled to vote by provisional ballot if they declare they are registered to vote in the jurisdiction and eligible to vote in the election.
- ✓ Voters who vote by provisional ballot are entitled to written information describing how they may learn, through a free access system, whether their provisional ballot was counted by election officials, and if it was not counted, why not.
- ✓ Voters who vote after the established time for polls to close due to a court order requiring the polls to remain open for extended hours will have to vote by provisional ballot (unless those voters were in line at the time polls closed).
- ✓ Voters whose voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges may vote provisionally.
- ✓ Voters who are registered to vote and who have moved within their election authority's jurisdiction more than 30 days before an election for federal office may vote in that election (for federal offices) under the failsafe procedures set forth in NVRA. Such voters must vote in the polling place for the residence from which the voter most recently registered even if they did not advise the election authority of the move.
- ✓ Voters who have submitted to the appropriate election authority (either in-person or by mail) their completed registration application by the close of registration as permitted by state law, and such registration application has been determined to be valid by the election authority, are entitled to be registered and vote in that election.
- ✓ Voters are entitled to notice of the disposition of their voter registration application.
- ✓ Voters who are otherwise qualified to vote may be entitled to register and vote absentee in an election for if they are in the military or are residing overseas.
- ✓ Voters in jurisdictions with a statutorily-specified minimum number of voters who speak a primary language other than English may be entitled to receive a written ballot or other election materials or assistance in a language other than English.
- ✓ Voters who require assistance in voting due to blindness, disability or inability to read or write may receive assistance from a person of the voter's choice other than the voter's employer or union (or agent thereof).

- ✓ Voters who are confined or detained in a jail or prison pending a trial are not disqualified from voting. Such confinement or detention is a specified reason for absentee voting.
- ✓ Jurisdictions must not apply standards or practices which deny or abridge the right to vote in violation of the U.S. or Illinois Constitution (denial on the bases of race, religion, gender, etc.).
- ✓ Jurisdictions must take steps to make the registration and voting process accessible to the elderly and to individuals with disabilities.
- ✓ Persons must not intimidate, threaten or coerce any other person for registering or voting; for urging or aiding persons in registering or voting; for purposes of interfering or influencing how a person chooses to vote; or for purposes of preventing a person from voting.
- ✓ Election officials must not unlawfully fail or refuse to permit a person to vote who is entitled to vote and must not refuse to tabulate, count and report such person's vote.
- ✓ Election officials must retain and preserve for 22 months after any election that includes a federal candidate all records and papers relating to registration and voting in that election.

#### Prohibited Acts of Fraud and Misrepresentation

- ✓ Persons must not make any false statement or falsely claim that they are citizens of the United States in order to register or vote in any Federal, State, or local election.
- ✓ Persons must not vote more than once in any election (note: this does not include voting a replacement ballot after a spoiled ballot was invalidated).
- ✓ Persons must not procure or submit materially false, fraudulent or fictitious voter registration applications in any election.
- ✓ Persons must not submit false information as to name, address or period of residence in a voting district for the purpose of establishing eligibility to register or vote in any election.
- ✓ Persons must not procure, cast or tabulate materially false, fraudulent or fictitious ballots in any election.
- ✓ Persons must not pay, offer to pay or accept payment for voting, registering to vote, withholding their vote, or voting for or against any candidate in any election.

#### Violation of Voting Rights

- ✓ If you have witnessed efforts to commit any kind of fraud or corruption in the voting process, you may report this to your local United States Attorney's Office, the nearest office of the Federal Bureau of Investigation, the Illinois State Board of Elections complaint hotline at 1-866-513-1121, the Illinois Attorney General's office or the office of your election authority.
- ✓ The administrative complaint procedure applies to alleged violations of Title III of the Help America Vote Act of 2002. Any alleged violation(s) of Title III that have occurred, is occurring, or is about to occur may be reported to the IL State Board of Elections. Alleged violations under Title III include, but are not limited to, voting systems standards, accessibility for those persons with disabilities, and voter registration.
- ✓ If you have witnessed actual or attempted acts of discrimination or intimidation in the voting process, you may report this to the Civil Rights Division of the United States Department of Justice at 1-800-253-3931.

## WHAT ABOUT INACCESSIBLE POLLING PLACES?

Any handicapped or elderly voter who cannot enter a polling place due to the structural features of the building, may request to vote outside (near the entrance) of his/her polling place. Such requests must be made with the election authority (County Clerk or Board of Election Commissioners) **by the close of business** on the day **before** the election. The election authority will then notify the appropriate election judges of the names of those persons making such a request.

If notification is received by the election judges the voter completes the entire voting process (weather permitting) outside the polling place as follows: Two judges of opposite party affiliation deliver an application to the voter. The completed application is brought back into the polling place to the verification judges. After the signature and address are checked and it is determined that the individual is qualified to vote, a ballot and a portable voting booth or enclosure is provided to allow the voter to mark his ballot in complete secrecy. In no case can a ballot be delivered to a voter beyond **50 feet** of the entrance to the building in which the polling place is located. After the voter completes voting, the two election judges take the ballot (keeping it inside its envelope) back into the polling place for deposit into the ballot box.

The State Board of Elections is to help bring about greater understanding and participation in the electoral process.

For more information on election laws and procedures, write or call the State Board of Elections



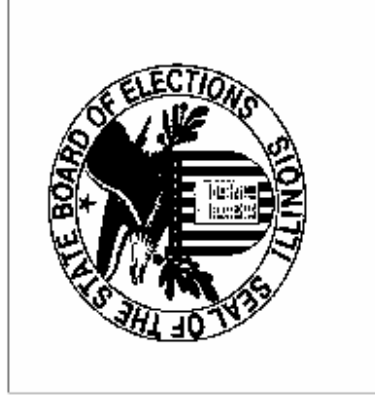
State Board of Elections  
1020 South Spring Street  
Springfield, Illinois 62704  
217/782-4141  
TDD 217/782-1518

100 West Randolph, Suite 14-100  
Chicago, Illinois 60601  
312/814-6431  
TDD 312/814-6431

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# Voter Assistance on Election Day...



This Brochure answers some of the more common questions regarding the requirements for giving proper assistance to those who genuinely need such help on Election Day.

## WHAT IS VOTER "ASSISTANCE"?

"Assistance" is the **actual casting of a vote** for a voter by a specified person in the **privacy** of the voting booth on Election Day. Those giving assistance must vote as directed by the voter.



## WHO CAN ACTUALLY GIVE THE ASSISTANCE?

Any voter who needs assistance in voting by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice. However, the person giving the assistance cannot be an officer or agent of the voter's employer or union.

If the voter who needs assistance does not specify a particular person to assist him in voting, then the voter can be assisted by two election judges, one from each political party.

## IS AN AFFIDAVIT REQUIRED?

Yes. Assistance can only be given upon **the voter's request** and only 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 affidavit. If disabled, the voter must complete the affidavit stating if the specific physical disability is temporary or permanent. Also, the voter's "Application for Ballot" must be marked by an Election Judge to show that the voter requested assistance.

## WHAT IF A VOTER NEEDS INSTRUCTION?

"Instruction" is explaining to the voter how to use the voting equipment. "Assistance," however, is actually casting a vote for a voter as directed by the voter.

Any instruction that might be required should be given before the voter enters the booth. A specimen ballot, not the voter's official ballot, must be used during instruction. An affidavit is required for "assistance" but it is not required for "instruction".

## HOW IS THE ASSISTANCE GIVEN?

Assistance is always given in the privacy of the voting booth. Anyone giving assistance **must** cast the vote as directed by the voter and **must** not give anyone information as to how the vote was cast. The person giving assistance must not attempt to influence the voter in any way.

**Anyone who knowingly threatens, forces, or pays a voter to vote a certain way is guilty of a Class 4 felony.**

## WHO MAY BE GIVEN ASSISTANCE?

Only those voters who **genuinely** need assistance may be given assistance.

Illinois law provides that the following persons may receive assistance:

- Physically **disabled** or blind voters;
- Those voters who cannot **read** or **write** the English language.

Of course, all voters needing assistance **must be registered to vote**. Intoxicated voters do not qualify as being disabled and may not be given assistance.

## VOTER HIGHLIGHTS:

- Always contact the office of the election authority PRIOR to Election Day to verify your correct voting status. This will hopefully eliminate the need for a "Provisional Ballot" on Election Day.
- Each "Provisional Voter" will be given a copy of their "Provisional Voter Affidavit".
- Each "Provisional Voter" will be given instructions on how and when to provide additional proof of registration to the election authority.
- Each "Provisional Voter" will be given instructions on how to determine (after the election) if their ballot was counted.
- If a "Provisional Ballot" is not counted, the envelope containing the ballot will NOT be opened.
- Each "Provisional Voter" will be able to find out WHY their rejected ballot was not counted.
- If a "Provisional Voter's Ballot" is NOT counted, the "Provisional Voter Affidavit" will be used as a registration for future elections.

The State Board of Elections is to help bring about greater understanding and participation in the electoral process.

For more information on election laws and procedures, write or call the State Board of Elections



State Board of Elections  
1020 South Spring Street  
Springfield, Illinois 62704  
217/782-4141  
TDD 217/782-1518

100 West Randolph, Suite 14-100  
Chicago, Illinois 60601  
312/814-6440  
TDD 312/814-6431

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# PROVISIONAL VOTING IN ILLINOIS

## Rights and Limitations



IN ORDER TO ENSURE VOTERS' RIGHTS, THE "HELP AMERICA VOTE ACT" AND THE ILLINOIS ELECTION CODE PROVIDE FOR PROVISIONAL VOTING.

### WHAT IS PROVISIONAL VOTING?

Provisional voting was created to allow a voter, whose eligibility has been questioned, to vote on Election Day. "Provisional Ballots" must be kept in a separate, securable container until voter eligibility to vote is determined, by the election authority, AFTER Election Day.

### WHEN DOES PROVISIONAL VOTING APPLY?

Provisional voting applies in four different circumstances:

- Election judges have NO record of the individual.
- A voter's voting status has been successfully challenged.
- A voter did not provide identification when registering by mail.
- A court order extends the time for closing the polls.

### WHY DO WE HAVE PROVISIONAL VOTING?

- To ensure that all qualified voters are allowed to vote.
- To get a complete review of the voter's information.
- To correct any error made during the registration process.
- To update voter records.
- To register voters for future elections.

### PROVISIONAL VOTING PROCEDURES:

- Voter fills out "Application to Vote."
- Voter fills out and signs the "Provisional Voter Affidavit."
- Election Judge signs the "Provisional Voter Affidavit" and marks the reason the voter is issued a provisional ballot. The original affidavit stays with the "Provisional Ballot Envelope," and the copy goes to the voter.
- The voter may present information that supports his/her claim to be a qualified voter. This information stays with the affidavit.
- The voter is issued a correct ballot and a "Provisional Ballot Envelope."
- If the ballot is spoiled, it must be surrendered to the judge, who will issue a new ballot.
- The voted ballot is sealed in the "Provisional Ballot Envelope."
- The "Provisional Ballot Envelope" is then returned to the election judges.
- The election judges will deposit it in a SEPARATE SECURABLE CONTAINER (other than the ballot box containing the regular ballots).
- After voting provisionally, the voter is told how to submit additional proof of registration to the election authority, and how, after the election, to determine if their ballot is counted. <sup>4c</sup>

### WHAT HAPPENS TO THE "PROVISIONAL BALLOTS?"

- The "Provisional Voter" may submit additional information to the election authority.
- The additional information must be received by the election authority no later than the close of business on the Thursday following the election.
- The election authority has 14 days (after the election) to determine voter eligibility, and thus if the ballot should be counted.
- The "Provisional Ballots" will then be counted, or left sealed in the "Provisional Ballot Envelopes."
- The election authority will add the number of approved "Provisional Ballots" to the Election Day results.
- The "Provisional Voter" may find out if his/her ballot was counted, or if it was NOT counted, the reason that it was not counted.
- If the ballot is not counted, the "Provisional Voter Affidavit" will be used as a registration application and the voter will be sent a voters registration ID card.

### HOW DOES A PERSON KNOW OF HIS/HER RIGHT TO VOTE PROVISIONALLY?

Every challenged voter must be informed of his/her right to vote provisionally. This notification must be provided by the election judges or by posted signs.