



CITIZEN ADVOCACY CENTER

Illinois Election Law

LESSON PLAN AND ACTIVITIES

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Illinois Election Law Lesson Plan and Activities

Grade Level: 9, 10, 11, 12

Subject(s):

- Social Studies: United States, State and Local Government; Civics; and
- Language Arts: Reading.

Duration: 1-2 class sessions

Description: This lesson provides an overview of how elections work in Illinois, discussing who is eligible to vote. Through a mock election, students will investigate state election law and understand the processes and practices of voter registration and poll officiating.

Goals:

ISBE Standards

A. Social Science: 14A, 14B, 14C, 14D; 16B; 18B; and.

B. English/Language Arts: 1A, 1B, 1C; 4A, 4B.

CCR Anchor Standards

Objectives:

1. Investigate and understand election laws in Illinois.
2. Evaluate voter registration requirements in Illinois.
3. Understand the roles and duties of pollwatchers and other election officials.
4. Use a mock election to synthesize understanding of the processes and practices involved in voter registration and poll officiating.

Materials:

1. Voter Registration Forms - one copy per student
2. Available on-line at: <https://www.elections.il.gov/Downloads/VotingInformation/PDF/R-19.pdf>
3. Mock election kit, including ballots (Scantron forms may be used, if desired), pens/pencils, ballot box, desks, and folders for “election booths”

Instruction and Activity

Day 1

Citizen participation is a fundamental principle of American democracy. Voting gives each citizen the opportunity to voice his or her opinion. Thomas Jefferson said: “It is by their votes the people exercise their sovereignty.” This form of civic engagement is crucial to the success of our nation.

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Lecture: Background Information

A. Bureaucratic Background

In 1970, Illinois adopted a new constitution that, among other important actions, diffused power from the state Board of Elections (BOE) to local governing bodies. There are 110 election jurisdictions in the state of Illinois. Of these 110 jurisdictions, 102 are counties, such as Cook, Lake, Kane, with each county having a county clerk to govern elections. DuPage County is unique in that it is the only county in the state to govern elections through a bipartisan county election board. The remaining eight election jurisdictions are independent cities, including Chicago, which each have a three-member board of elections, appointed by the county clerk. Jurisdictions vary greatly in size: Cook County and Chicago are two of the largest jurisdictions, between them accounting for 37% of registered voters in the entire state. Smaller jurisdictions, including counties of less than 300,000 residents, also exist in the state; among these jurisdictions, there is a large variation of election practices and control is decentralized.

B. Political Parties and the Ballot

Candidates on the ballot must be associated with a political party. These parties include Democratic, Republican, Green, or others. The Green party became an established third party in Illinois during the 2006 gubernatorial election, when its candidate, Rich Whitney, received 10% of the popular vote. Candidates must receive at least 5% of the number of votes cast in a gubernatorial election in order to become an established third party and earn a place on the ballot.

Registering Voters

A. Basic Voter Registration

Students should be able to answer most of the questions in this section from reading the Illinois Voter Registration form. Pass out copies of the registration form, one per student, and allow them a few minutes to read the first half of the page. Ask the students what the basic requirements for voting are.

Answer:

- Must be a U.S. Citizen;
- Must be at least 18 years old on election day; and
- Must have been a resident of their precinct at least thirty days prior to the election.

Additionally, students should be able to determine that Illinois law requires people to register before being allowed to vote and that they may only be registered in one place at any given time. Registration can occur up until 28 days before the election, provided that the voter has the proper forms of identification. If registering in person, voters must present two forms of ID, with at least one showing the voter's current address; if registering by mail, only a driver's license or state ID is needed. If voters do not have a driver's license or state ID, they may provide the last four digits of their social security number along with a current photo ID and a copy of proof of address, such as a current utility bill, bank statement, or government check, among others. One thing not immediately evident on the registration form is the existence of a "grace period" for registration, which allows for registration up to fourteen days before an election, provided that the voter registers in person with the necessary identification.

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B. Challenges to Eligibility

Now that we have discussed who can register to vote, let's turn to which registered voters are actually eligible to vote. Election commissions maintain databases of registered and eligible voters. Some registered voters might not be eligible to vote. For example, felons are not eligible to vote while incarcerated. Individuals who have recently moved can usually vote after they have signed an affidavit, but they are prohibited from voting if the move occurred more than 30 days before the election and no transfer of registration was made. Illinois law addresses the special circumstances of disabled and non-English-speaking voters: these individuals are eligible to vote, but must either designate a helper/assistant or accept aid from two election judges, one from each party. Voters who are disabled to the point that they are unable to communicate their intention of who to vote for, for example, individuals suffering from advanced Alzheimer's disease, are not eligible to vote.

C. Provisional, Early and Absentee Voting

There are a variety of options available to those who cannot vote under the normal circumstances. Early and absentee voting may be helpful for disabled voters, college students, members of the armed services, and others who are unable to go to the polls on Election Day. Early and absentee voting may increase voter participation, but may also pose dangers to the integrity of the vote, so voting by early or absentee ballot requires additional registration steps. For more information on early and absentee voting, please see the lesson plan entitled "Early and Absentee Voting in Illinois."

Voters that are prevented from voting on Election Day due to problems with their voter registration may cast a provisional ballot. The voter will be asked to sign an affidavit stating that they are authorized to vote. The provisional ballot is then cast, but not counted until later, after a determination is made as to legitimacy.

Please note that voters are required to re-register to vote any time they move or change their names.

Activity 1: Preparing and Registering to Vote

Students will now participate in a mock election. First, decide what the election will be about: will it be a mock presidential election, between, say, the current President and a contender? Or will it be an election to choose a school mascot? Or to vote on the best dessert? Prepare ballots based on the topic of the election. Set the date of the mock election within a reasonable time to follow the registration period. (For a real election, registration must be completed 28 days before the election, although registration during a grace period is allowed up until 14 days before the election.) For the voter registration activity, have students bring in various forms of identification, such as school IDs or swim passes, along with pieces of mail with the students' names and addresses, such as letters from relatives or magazines to which they subscribe.

Roles:

During this voter registration phase of the election, the teacher will be the registrar of voters, acting as a member of a labor group, civic group, corporation, or as staff of one of the following:

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County Clerk's office, Board of Election Commissioner's office, city or village offices, township offices, precinct committees, schools, public libraries, or military recruitment offices. For this portion of the activity, students will simply role play citizens registering to vote.

Procedure:

Assure that students have their copies of the Illinois Voter Registration form. Instruct students to fill out the second half of the form, disregarding the obvious issue of age requirement and any other discrepancies which may arise.

Students register to vote by presenting their completed forms along with a valid form of identification and proof of their address to the teacher/registrar. Students should be given a stamp or sticker upon completion of their registration, which will take the place of the registration confirmation card which would normally arrive in the mail about two weeks after submission of voter registration materials.

Preparing for Election Day

A. Voting Technology and Equipment

There are a variety of different voting methods and ballots, some more controversial than others. In the past, punch-card ballots were popular. After the presidential election of 2000 and the controversy over "hanging chads" and whether ballot holes were really punched or not, the number of jurisdictions using this form of ballot decreased. Alternatives to punch-card ballots have included line-draw ballots where voters literally draw a line connecting an arrow to indicate their choice. Computerized voting is an option, though concerns about viruses and loss of votes exist. Today, many jurisdictions use optical scan voting, in which votes made on paper are counted as the ballots are passed through a reading machine. Another increasingly common method is direct-recording electronic voting (DRE), in which the voter pushes buttons or uses a touch screen to make selections.

For this mock election, if Scantron resources are available, an optical scan type voting system can be simulated. If this resource is not available, then have students cast their votes on paper ballots, checking off boxes or filling in circles. In this case, the ballots will be counted by "election judges" to determine the winner.

B. People at the Polls: Pollwatchers

There are many people who help enforce state election law on Election Day. One group of people who participate in this activity is pollwatchers. Pollwatchers are individuals who are appointed by candidates, civic organizations, political parties, or proponents/opponents of a referendum, and whose primary focus is on the integrity and fairness of the election.

Pollwatchers are permitted to be in the polling place before the polls open, during voting hours, and after the polls close. Their duties include observing the election process and raising complaints or questions. Some examples of what pollwatchers do include:

- Observing the process by
 - Checking that the ballot box is empty before the first ballot is cast

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- Comparing signatures
- Watching voters placing their ballots into the ballot box
- Watching counting procedures after the polls close
- Raising complaints or questions by
 - Challenging a person's right to vote if, for example, the same individual has voted earlier that day or if the voter does not live in the particular jurisdiction -- such challenges are heard by election judges who then determine whether the challenge will be upheld or not
 - Following proper procedure for filing a complaint by
 - Informing an election judge of the observed error
 - Recording observations
 - Contacting election authorities

Pollwatchers are not permitted to handle election materials or to interfere with the activities of election judges. Also, pollwatchers must have appropriate credentials, issued by the election authority and signed by the appointing officer or candidate, to present to the election judges at a particular polling location in order to be permitted to engage in pollwatching. There are some legal limitations in the number of pollwatchers allowed. For each precinct, the number of pollwatchers allowed if the pollwatcher is nominated by a candidate is two; if nominated by a political party, the limit is two for general elections and one for other elections; if nominated by a referenda committee, the limit is one; and if nominated by civic organizations registered with the State Board of Elections, the limit is one.

C. Election Judges and Authorities

Election judges are also important players on Election Day. Their goal is to ensure that all voters freely cast their ballots. Election judges are required by state law to undergo training, which is conducted by each local election authority. Among the duties of election judges are to: make signature comparisons as voters receive their ballots, to initial election materials, to maintain order in the polling place, and to help count ballots and prepare transmission of the counts to the local election authority. At each polling place, state statute calls for at least five election workers, with no more than three from each major political party.

The main responsibility of election authorities during Election Day is to maintain telephone hotlines used by citizens for questions and/or complaints. These hotlines are generally the only source of problem resolution during the course of Election Day. Other duties of election authorities include: investigating and supplying personnel to staff polling places, seeking judicial intervention if necessary to resolve an issue, and overseeing ballot counting.

There are five election monitoring agencies available to help enforce the authority of election officials on Election Day: the State Board of Elections, the State's Attorney, the State Attorney General and U.S. Attorney, and local police departments.

Vote! Election Day

A. Ballot Security and Voter Identification

On Election Day, election judges compare the signature of the present voter with the signature used on voter registration forms prior to issuing a ballot. Once the ballot is issued to the voter, that individual votes privately in an election booth and then returns the ballot to the ballot box. (In the case of electronic voting, the voter will be issued a card to access the voting machine in the booth and will return this card to the election judges after voting.)

In 2008, the U.S. Supreme Court ruled that states are allowed to require photo identification for ballot issuance, a ruling which is highly controversial as some claim that it disenfranchises elderly, poor, and minority voters who may not possess a state-issued identification card. Others claim that the requirement for presenting photo ID protects the vote from voter fraud. Some states offer free Voter ID cards at their Departments of Motor Vehicles, but the process to obtain these cards is tedious. At the current time (March 2017), Illinois law does NOT require voters voting at the polls on Election Day to present a valid photo ID. On the other hand, Illinois voters participating in early voting *are* required to present identification.

B. What's Not Okay on Election Day: Electioneering and Other Violations

Illinois law has very specific requirements related to electioneering (encouraging voters to vote for a certain candidate or cause). For instances, any signs promoting a particular candidate or issue must be placed at least 100 feet from the entrance to any polling place. The 100-foot space is declared a "campaign-free zone" in which no literature is to be passed out and no campaigning is allowed. If this aspect of election law is violated on Election Day, election judges, election authorities, and/or law enforcement agencies have the power to raise a complaint and discipline accordingly.

Other violations which may occur on Election Day include:

Class A misdemeanors:

- disregard of the election code
- failure to comply with an election authority
- anonymous publication of literature (without attribution clause)

Class B misdemeanors:

- use of public funds to sway voting

Class 3 felonies:

- voting more than once
- perjury, e.g. falsely signing an affidavit

Class 4 felonies:

- vote buying and selling
- making and accepting promises in exchange for votes (e.g. promising a job)
- mutilating election materials or tampering with election equipment
- observing ballot casting
- introducing unauthorized materials into the ballot box (i.e. ballot stuffing)
- influencing or tampering with absentee voting

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After the Vote

A. Vote Counting and Recounting

As ballots are cast and votes counted, a strict chain of custody is enforced. Once the polls have closed, election judges and election authorities gather the vote tallies from the machines. Pollwatchers may observe this process, but may not interfere with it. After the tallies are submitted by each precinct, an elected county clerk compiles all the vote totals. In Illinois, the candidate in each district who receives the most votes wins the election, even if that candidate does not receive a majority of all votes cast in the district. This is called a single member plurality system.

If the difference in the total vote between two candidates is 5% or less in a post-election audit, a recount can be requested. A candidate can choose to pay for a recount, or, if there is a reasonable likelihood that the outcome of the election will change, a court can order a recount.

Day 2

Activity 2: Conduct a Mock Election

Inform the students that they will be directly taking part in the election, either as a voter or as an election official. Assign students to one of the following roles, adjusting numbers and roles as desired depending on preferred emphasis:

To emphasize the choice between a designated helper vs. election judges:

- Blind or disabled voter
- ESL voter

To emphasize the importance and duties of election officials:

- Election judge
- Election authority
- Pollwatcher

To emphasize the importance of following the election code:

- Voter who tries to vote twice
- Voter who tries to stuff the ballot box and/or to buy votes
- Someone who campaigns within the “campaign-free zone”

To emphasize the existence of a chain of custody and command (and to announce the winner of the mock election):

- County clerk

Students not assigned to one of the roles above will be regular voters.

Instruct students role-playing pollwatchers and election judges and authorities to review their duties as part of their training. Set up election “booths” with the help of election officials. “Booths” can be created by placing two folders upright and open on a desk, creating a small private area for ballot casting. Inform students that today is Election Day and that the polls will open at 6 am and remain open until 7 pm. Pollwatchers should present and surrender their credentials to election judges before the polls open. As voters come into the polling place to vote, have them follow the proper procedures, e.g. election judge compares signatures before issuing a ballot. Each student should vote according to his or her role, privately casting a ballot

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inside the voting “booth” and placing the completed ballot in the ballot box. Once all voters have cast ballots, close the polls and have the election officials continue with the counting procedures. The County Clerk should add up the total tallies and announce the winner to the class.

Activity 3: Closing Discussion

After the winner of the election is announced, have students discuss what they have learned about Election Law in Illinois, using the following questions to stimulate discussion:

- Is there anything you found surprising?
- Is there anything you think the general public doesn't know and should know?
- What, if anything, about Illinois Election Law should be changed?

Resource

Illinois State Board of Elections: “Registering to Vote” pamphlet --

<http://www.elections.il.gov/downloads/electioninformation/pdf/registervote.pdf>

Illinois State Board of Elections: “Guide for Pollwatchers” --

<http://www.elections.il.gov/downloads/electioninformation/pdf/pollguide.pdf>