

**SB0067**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB0067**

Introduced 1/23/2019, by Sen. Julie A. Morrison

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/11-4.1  
105 ILCS 5/22-21

from Ch. 46, par. 11-4.1  
from Ch. 122, par. 22-21

Amends the Election Code. Provides that a school building may not be used as a polling place if such a use is impossible or inconvenient as determined by a vote of the school board controlling the school building (rather than requiring a school district to make a school available as a polling place if the county board or board of election commissioners chooses a school to be a polling place). Amends the School Code. Provides that every school board may (rather than shall) offer to the appropriate officer or board having responsibility for providing polling places for elections the use of any and all buildings under its jurisdiction for any and all elections to be held, if so requested by such appropriate officer or board.

LRB101 04607 SMS 49615 b

**A BILL FOR**

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section  
5 11-4.1 as follows:

6 (10 ILCS 5/11-4.1) (from Ch. 46, par. 11-4.1)

7 Sec. 11-4.1. (a) In appointing polling places under this  
8 Article, the county board or board of election commissioners  
9 shall, insofar as they are convenient and available, use  
10 schools and other public buildings as polling places.

11 (b) Upon request of the county board or board of election  
12 commissioners, the proper agency of government (including  
13 school districts and units of local government) shall make a  
14 public building under its control available for use as a  
15 polling place on an election day and for a reasonably necessary  
16 time before and after election day, without charge, unless such  
17 use is impossible or inconvenient as determined by a vote of  
18 the school board controlling the school building. ~~If the county~~  
19 ~~board or board of election commissioners chooses a school to be~~  
20 ~~a polling place, then the school district must make the school~~  
21 ~~available for use as a polling place. However, for the day of~~  
22 ~~the election, a school district is encouraged to (i) close the~~  
23 ~~school or (ii) hold a teachers institute on that day with~~

1 ~~students not in attendance.~~

2 (c) A government agency which makes a public building under  
3 its control available for use as a polling place shall (i)  
4 ensure the portion of the building to be used as the polling  
5 place is accessible to voters with disabilities and elderly  
6 voters and (ii) allow the election authority to administer the  
7 election as authorized under this Code.

8 (d) If a qualified elector's precinct polling place is a  
9 school and the elector will be unable to enter that polling  
10 place without violating Section 11-9.3 of the Criminal Code of  
11 2012 because the elector is a child sex offender as defined in  
12 Section 11-9.3 of the Criminal Code of 2012, that elector may  
13 vote by a vote by mail ballot in accordance with Article 19 of  
14 this Code or may vote early in accordance with Article 19A of  
15 this Code.

16 (Source: P.A. 98-773, eff. 7-18-14; 98-1171, eff. 6-1-15;  
17 99-143, eff. 7-27-15.)

18 Section 10. The School Code is amended by changing Section  
19 22-21 as follows:

20 (105 ILCS 5/22-21) (from Ch. 122, par. 22-21)

21 Sec. 22-21. Elections-Use of school buildings.

22 (a) Every school board may ~~shall~~ offer to the appropriate  
23 officer or board having responsibility for providing polling  
24 places for elections the use of any and all buildings under its

1 jurisdiction for any and all elections to be held, if so  
2 requested by such appropriate officer or board.

3 (b) Election officers shall place 2 or more cones, small  
4 United States national flags, or some other marker a distance  
5 of 100 horizontal feet from each entrance to the room used by  
6 voters to engage in voting, which shall be known as the polling  
7 room. If the polling room is located within a building that is  
8 a public or private school and the distance of 100 horizontal  
9 feet ends within the interior of the building, then the markers  
10 shall be placed outside of the building at each entrance used  
11 by voters to enter that building on the grounds adjacent to the  
12 thoroughfare or walkway. If the polling room is located within  
13 a public or private school building with 2 or more floors and  
14 the polling room is located on the ground floor, then the  
15 markers shall be placed 100 horizontal feet from each entrance  
16 to the polling room used by voters to engage in voting. If the  
17 polling room is located in a public or private school building  
18 with 2 or more floors and the polling room is located on a  
19 floor above or below the ground floor, then the markers shall  
20 be placed a distance of 100 feet from the nearest elevator or  
21 staircase used by voters on the ground floor to access the  
22 floor where the polling room is located. The area within where  
23 the markers are placed shall be known as a campaign free zone,  
24 and electioneering is prohibited pursuant to this subsection.

25 Notwithstanding any other provision of this Code, the area  
26 on polling place property beyond the campaign free zone,

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

12 (Source: P.A. 93-574, eff. 8-21-03.)