



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 80

2 AMENDMENT NO. _____. Amend Senate Bill 80 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 7-41, 17-29, 19-2.2, and 19A-70 as follows:

6 (10 ILCS 5/7-41) (from Ch. 46, par. 7-41)

7 Sec. 7-41. (a) All officers upon whom is imposed by law the
8 duty of designating and providing polling places for general
9 elections, shall provide in each such polling place so
10 designated and provided, a sufficient number of booths for such
11 primary election, which booths shall be provided with shelves,
12 such supplies and pencils as will enable the voter to prepare
13 his ballot for voting and in which voters may prepare their
14 ballots screened from all observation as to the manner in which
15 they do so. Such booths shall be within plain view of the
16 election officers and both they and the ballot boxes shall be

1 within plain view of those within the proximity of the voting
2 booths. No person other than election officers and the
3 challengers allowed by law and those admitted for the purpose
4 of voting, as hereinafter provided, shall be permitted within
5 the proximity of the voting booths, except by authority of the
6 primary officers to keep order and enforce the law.

7 (b) The number of such voting booths shall not be less than
8 one to every seventy-five voters or fraction thereof, who voted
9 at the last preceding election in the precinct or election
10 district.

11 (c) No person shall do any electioneering or soliciting of
12 votes on primary day within any polling place or within one
13 hundred feet of any polling place, ~~or, at the option of a~~
14 ~~church or private school, on any of the property of that church~~
15 ~~or private school that is a polling place.~~ Election officers
16 shall place 2 or more cones, small United States national
17 flags, or some other marker a distance of 100 horizontal feet
18 from each entrance to the room used by voters to engage in
19 voting, which shall be known as the polling room. If the
20 polling room is located within a building that is a private
21 business, a public or private school, or a church or other
22 organization founded for the purpose of religious worship and
23 the distance of 100 horizontal feet ends within the interior of
24 the building, then the markers shall be placed outside of the
25 building at each entrance used by voters to enter that building
26 on the grounds adjacent to the thoroughfare or walkway. If the

1 polling room is located within a public or private building
2 with 2 or more floors and the polling room is located on the
3 ground floor, then the markers shall be placed 100 horizontal
4 feet from each entrance to the polling room used by voters to
5 engage in voting. If the polling room is located in a public or
6 private building with 2 or more floors and the polling room is
7 located on a floor above or below the ground floor, then the
8 markers shall be placed a distance of 100 feet from the nearest
9 elevator or staircase used by voters on the ground floor to
10 access the floor where the polling room is located. The area
11 within where the markers are placed shall be known as a
12 campaign free zone, and electioneering is prohibited pursuant
13 to this subsection. ~~Notwithstanding any other provision of this~~
14 ~~Section, a church or private school may choose to apply the~~
15 ~~campaign free zone to its entire property, and, if so, the~~
16 ~~markers shall be placed near the boundaries on the grounds~~
17 ~~adjacent to the thoroughfares or walkways leading to the~~
18 ~~entrances used by the voters.~~ At or near the door of each
19 polling place, the election judges shall place signage
20 indicating the proper entrance to the polling place. In
21 addition, the election judges shall ensure that a sign
22 identifying the location of the polling place is placed on a
23 nearby public roadway. The State Board of Elections shall
24 establish guidelines for the placement of polling place
25 signage.

26 The area on polling place property beyond the campaign free

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

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

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

21 (10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

22 Sec. 17-29. (a) No judge of election, pollwatcher, or other
23 person shall, at any primary or election, do any electioneering
24 or soliciting of votes or engage in any political discussion
25 within any polling place, within 100 feet of any polling place.

1 ~~or, at the option of a church or private school, on any of the~~
2 ~~property of that church or private school that is a polling~~
3 ~~place;~~ no person shall interrupt, hinder or oppose any voter
4 while approaching within those areas for the purpose of voting.
5 Judges of election shall enforce the provisions of this
6 Section.

7 (b) Election officers shall place 2 or more cones, small
8 United States national flags, or some other marker a distance
9 of 100 horizontal feet from each entrance to the room used by
10 voters to engage in voting, which shall be known as the polling
11 room. If the polling room is located within a building that is
12 a private business, a public or private school, or a church or
13 other organization founded for the purpose of religious worship
14 and the distance of 100 horizontal feet ends within the
15 interior of the building, then the markers shall be placed
16 outside of the building at each entrance used by voters to
17 enter that building on the grounds adjacent to the thoroughfare
18 or walkway. If the polling room is located within a public or
19 private building with 2 or more floors and the polling room is
20 located on the ground floor, then the markers shall be placed
21 100 horizontal feet from each entrance to the polling room used
22 by voters to engage in voting. If the polling room is located
23 in a public or private building with 2 or more floors and the
24 polling room is located on a floor above or below the ground
25 floor, then the markers shall be placed a distance of 100 feet
26 from the nearest elevator or staircase used by voters on the

1 ground floor to access the floor where the polling room is
2 located. The area within where the markers are placed shall be
3 known as a campaign free zone, and electioneering is prohibited
4 pursuant to this subsection. ~~Notwithstanding any other~~
5 ~~provision of this Section, a church or private school may~~
6 ~~choose to apply the campaign free zone to its entire property,~~
7 ~~and, if so, the markers shall be placed near the boundaries on~~
8 ~~the grounds adjacent to the thoroughfares or walkways leading~~
9 ~~to the entrances used by the voters.~~

10 The area on polling place property beyond the campaign free
11 zone, whether publicly or privately owned, is a public forum
12 for the time that the polls are open on an election day. At the
13 request of election officers any publicly owned building must
14 be made available for use as a polling place. A person shall
15 have the right to congregate and engage in electioneering on
16 any polling place property while the polls are open beyond the
17 campaign free zone, including but not limited to, the placement
18 of temporary signs. This subsection shall be construed
19 liberally in favor of persons engaging in electioneering on all
20 polling place property beyond the campaign free zone for the
21 time that the polls are open on an election day. At or near the
22 door of each polling place, the election judges shall place
23 signage indicating the proper entrance to the polling place. In
24 addition, the election judges shall ensure that a sign
25 identifying the location of the polling place is placed on a
26 nearby public roadway. The State Board of Elections shall

1 establish guidelines for the placement of polling place
2 signage.

3 (c) The regulation of electioneering on polling place
4 property on an election day, including but not limited to the
5 placement of temporary signs, is an exclusive power and
6 function of the State. A home rule unit may not regulate
7 electioneering and any ordinance or local law contrary to
8 subsection (c) is declared void. This is a denial and
9 limitation of home rule powers and functions under subsection
10 (h) of Section 6 of Article VII of the Illinois Constitution.
11 (Source: P.A. 95-699, eff. 11-9-07.)

12 (10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

13 Sec. 19-2.2. (a) During the period beginning on the 40th
14 day preceding an election and continuing through the day
15 preceding such election, no advertising pertaining to any
16 candidate or proposition to be voted upon shall be displayed in
17 or within 100 feet of any room used by voters pursuant to this
18 Article, ~~or, at the option of a church or private school, on~~
19 ~~any of the property of that church or private school that is a~~
20 ~~polling place;~~ nor shall any person engage in electioneering in
21 or within 100 feet of any such room, or, at the option of a
22 church or private school, on any of the property of that church
23 or private school that is a polling place. Any person who
24 violates this Section may be punished as for contempt of court.

25 (b) Election officers shall place 2 or more cones, small

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

1 ~~or private school may choose to apply the campaign free zone to~~
2 ~~its entire property, and, if so, the markers shall be placed~~
3 ~~near the boundaries on the grounds adjacent to the~~
4 ~~thoroughfares or walkways leading to the entrances used by the~~
5 ~~voters.~~

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

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

26 (Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

1 (10 ILCS 5/19A-70)

2 Sec. 19A-70. Advertising or campaigning in proximity of
3 polling place; penalty. During the period prescribed in Section
4 19A-15 for early voting by personal appearance, the provisions
5 of Sections 7-41, 17-29, and 19-22 shall apply; except that a
6 person is prohibited from placing temporary signs on any part
7 of the property of the building beyond the campaign free zone
8 where the polling place is located. This provision is a denial
9 and limitation of home rule powers and functions in accordance
10 with subsection (i) of Section 6 of Article VII of the Illinois
11 Constitution. ~~no advertising pertaining to any candidate or~~
12 ~~proposition to be voted on may be displayed in or within 100~~
13 ~~feet of any polling place used by voters under this Article. No~~
14 ~~person may engage in electioneering in or within 100 feet of~~
15 ~~any polling place used by voters under this Article. The~~
16 ~~provisions of Section 17-29 with respect to establishment of a~~
17 ~~campaign free zone apply to polling places under this Article.~~

18 Any person who violates this Section may be punished for
19 contempt of court.

20 (Source: P.A. 94-645, eff. 8-22-05.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."