



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 80

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

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

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

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

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

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

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

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

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

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

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

22 (10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

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

1 within any polling place, within 100 feet of any polling place,
2 ~~er, at the option of a church or private school, on any of the~~
3 ~~property of that church or private school that is a polling~~
4 ~~place;~~ no person shall interrupt, hinder or oppose any voter
5 while approaching within those areas for the purpose of voting.
6 Judges of election shall enforce the provisions of this
7 Section.

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

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

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

1 nearby public roadway. The State Board of Elections shall
2 establish guidelines for the placement of polling place
3 signage.

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

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

13 (10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

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

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

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

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

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

1 (h) of Section 6 of Article VII of the Illinois Constitution.

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

3 (10 ILCS 5/19A-70)

4 Sec. 19A-70. Advertising or campaigning in proximity of
5 polling place; penalty. During the period prescribed in Section
6 19A-15 for early voting by personal appearance, the provisions
7 of Sections 7-41, 17-29, and 19-2.2 shall apply; including the
8 provision of Section 19-2.2 that a person is prohibited from
9 placing temporary signs on any part of the polling place
10 property beyond the campaign free zone. This provision is a
11 denial and limitation of home rule powers and functions in
12 accordance with subsection (h) of Section 6 of Article VII of
13 the Illinois Constitution. ~~no advertising pertaining to any~~
14 ~~candidate or proposition to be voted on may be displayed in or~~
15 ~~within 100 feet of any polling place used by voters under this~~
16 ~~Article. No person may engage in electioneering in or within~~
17 ~~100 feet of any polling place used by voters under this~~
18 ~~Article. The provisions of Section 17-29 with respect to~~
19 ~~establishment of a campaign free zone apply to polling places~~
20 ~~under this Article.~~

21 Any person who violates this Section may be punished for
22 contempt of court.

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

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".