



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1814

Introduced 2/9/2011, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-41	from Ch. 46, par. 7-41
10 ILCS 5/17-29	from Ch. 46, par. 17-29
10 ILCS 5/19-2.2	from Ch. 46, par. 19-2.2
10 ILCS 5/19A-70	

Amends the Election Code. With respect to campaign free zones, removes the authority of a church or private school to designate its entire property where a polling place is located as a campaign free zone. Provides that nothing prohibits the placement of temporary signs in a private dwelling in a public or private building containing a polling room. Provides that nothing prohibits the placement of temporary signs on windows or doors of a private dwelling in a public or private building containing a polling room if the dwelling and polling room are on different floors or, if not on different floors, the private dwelling is at least 100 horizontal feet from each entrance to the polling room. Preempts home rule powers. Effective immediately.

LRB097 10045 HLH 50221 b

HOME RULE NOTE  
ACT MAY APPLY

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  
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  
17 within plain view of those within the proximity of the voting  
18 booths. No person other than election officers and the  
19 challengers allowed by law and those admitted for the purpose  
20 of voting, as hereinafter provided, shall be permitted within  
21 the proximity of the voting booths, except by authority of the  
22 primary officers to keep order and enforce the law.

23 (b) The number of such voting booths shall not be less than

1 one to every seventy-five voters or fraction thereof, who voted  
2 at the last preceding election in the precinct or election  
3 district.

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

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

19 The area on polling place property beyond the campaign free  
20 zone, whether publicly or privately owned, is a public forum  
21 for the time that the polls are open on an election day. At the  
22 request of election officers any publicly owned building must  
23 be made available for use as a polling place. A person shall  
24 have the right to congregate and engage in electioneering on  
25 any polling place property while the polls are open beyond the  
26 campaign free zone, except for ~~including but not limited to,~~

1 the placement of temporary signs. This subsection shall be  
2 construed liberally in favor of persons engaging in  
3 electioneering on all polling place property beyond the  
4 campaign free zone for the time that the polls are open on an  
5 election day. Nothing in this Section shall prohibit the  
6 placement of temporary signs within a private dwelling in a  
7 public or private building where a polling place is located.  
8 Nothing in this Section shall prohibit the placement of  
9 temporary signs on the doors or windows of a private dwelling  
10 in a public or private building where a polling place is  
11 located so long as that private dwelling is located on a  
12 different floor than the polling room or that private dwelling  
13 is located a distance of at least 100 horizontal feet from each  
14 entrance to the polling room if the private dwelling and  
15 polling room are located on the same floor.

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

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

1           Sec. 17-29. (a) No judge of election, pollwatcher, or other  
2 person shall, at any primary or election, do any electioneering  
3 or soliciting of votes or engage in any political discussion  
4 within any polling place, within 100 feet of any polling place,  
5 ~~or, at the option of a church or private school, on any of the~~  
6 ~~property of that church or private school that is a polling~~  
7 ~~place;~~ no person shall interrupt, hinder or oppose any voter  
8 while approaching within those areas for the purpose of voting.  
9 Judges of election shall enforce the provisions of this  
10 Section.

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

1 in a public or private building with 2 or more floors and the  
2 polling room is located on a floor above or below the ground  
3 floor, then the markers shall be placed a distance of 100 feet  
4 from the nearest elevator or staircase used by voters on the  
5 ground floor to access the floor where the polling room is  
6 located. The area within where the markers are placed shall be  
7 known as a campaign free zone, and electioneering is prohibited  
8 pursuant to this subsection. ~~Notwithstanding any other~~  
9 ~~provision of this Section, a church or private school may~~  
10 ~~choose to apply the campaign free zone to its entire property,~~  
11 ~~and, if so, the markers shall be placed near the boundaries on~~  
12 ~~the grounds adjacent to the thoroughfares or walkways leading~~  
13 ~~to the entrances used by the voters.~~

14 The area on polling place property beyond the campaign free  
15 zone, whether publicly or privately owned, is a public forum  
16 for the time that the polls are open on an election day. At the  
17 request of election officers any publicly owned building must  
18 be made available for use as a polling place. A person shall  
19 have the right to congregate and engage in electioneering on  
20 any polling place property while the polls are open beyond the  
21 campaign free zone, except for ~~including but not limited to,~~  
22 the placement of temporary signs. Nothing in this Section shall  
23 prohibit the placement of temporary signs within a private  
24 dwelling in a public or private building where a polling place  
25 is located. Nothing in this Section shall prohibit the  
26 placement of temporary signs on the doors or windows of a

1 private dwelling in a public or private building where a  
2 polling place is located so long as that private dwelling is  
3 located on a different floor than the polling room or that  
4 private dwelling is located a distance of at least 100  
5 horizontal feet from each entrance to the polling room if the  
6 private dwelling and polling room are located on the same  
7 floor. This subsection shall be construed liberally in favor of  
8 persons engaging in electioneering on all polling place  
9 property beyond the campaign free zone for the time that the  
10 polls are open on an election day. At or near the door of each  
11 polling place, the election judges shall place signage  
12 indicating the proper entrance to the polling place. In  
13 addition, the election judges shall ensure that a sign  
14 identifying the location of the polling place is placed on a  
15 nearby public roadway. The State Board of Elections shall  
16 establish guidelines for the placement of polling place  
17 signage.

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 (c) 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. 95-699, eff. 11-9-07.)



1 (10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

2 Sec. 19-2.2. (a) During the period beginning on the 40th  
3 day preceding an election and continuing through the day  
4 preceding such election, no advertising pertaining to any  
5 candidate or proposition to be voted upon shall be displayed in  
6 or within 100 feet of any room used by voters pursuant to this  
7 Article, ~~or, at the option of a church or private school, on~~  
8 ~~any of the property of that church or private school that is a~~  
9 ~~polling place;~~ nor shall any person engage in electioneering in  
10 or within 100 feet of any such room, ~~or, at the option of a~~  
11 ~~church or private school, on any of the property of that church~~  
12 ~~or private school that is a polling place.~~ Any person who  
13 violates this Section may be punished as for contempt of court.

14 (b) Election officers shall place 2 or more cones, small  
15 United States national flags, or some other marker a distance  
16 of 100 horizontal feet from each entrance to the room used by  
17 voters to engage in voting, ~~or, at the option of a church or~~  
18 ~~private school, on any of the property of that church or~~  
19 ~~private school that is a polling place,~~ which shall be known as  
20 the polling room. If the polling room is located within a  
21 building that is a private business, a public or private  
22 school, or a church or other organization founded for the  
23 purpose of religious worship and the distance of 100 horizontal  
24 feet ends within the interior of the building, then the markers  
25 shall be placed outside of the building at each entrance used

1 by voters to enter that building on the grounds adjacent to the  
2 thoroughfare or walkway. If the polling room is located within  
3 a public or private building with 2 or more floors and the  
4 polling room is located on the ground floor, then the markers  
5 shall be placed 100 horizontal feet from each entrance to the  
6 polling room used by voters to engage in voting. If the polling  
7 room is located in a public or private building with 2 or more  
8 floors and the polling room is located on a floor above or  
9 below the ground floor, then the markers shall be placed a  
10 distance of 100 feet from the nearest elevator or staircase  
11 used by voters on the ground floor to access the floor where  
12 the polling room is located. The area within where the markers  
13 are placed shall be known as a campaign free zone, and  
14 electioneering is prohibited pursuant to this subsection.  
15 ~~Notwithstanding any other provision of this Section, a church~~  
16 ~~or private school may choose to apply the campaign free zone to~~  
17 ~~its entire property, and, if so, the markers shall be placed~~  
18 ~~near the boundaries on the grounds adjacent to the~~  
19 ~~thoroughfares or walkways leading to the entrances used by the~~  
20 ~~voters.~~

21 The area on polling place property beyond the campaign free  
22 zone, whether publicly or privately owned, is a public forum  
23 for the time that the polls are open on an election day. At the  
24 request of election officers any publicly owned building must  
25 be made available for use as a polling place. A person shall  
26 have the right to congregate and engage in electioneering on

1 any polling place property while the polls are open beyond the  
2 campaign free zone, except for including but not limited to,  
3 the placement of temporary signs. Nothing in this Section shall  
4 prohibit the placement of temporary signs within a private  
5 dwelling in a public or private building where a polling place  
6 is located. Nothing in this Section shall prohibit the  
7 placement of temporary signs on the doors or windows of a  
8 private dwelling in a public or private building where a  
9 polling place is located so long as that private dwelling is  
10 located on a different floor than the polling room or that  
11 private dwelling is located a distance of at least 100  
12 horizontal feet from each entrance to the polling room if the  
13 private dwelling and polling room are located on the same  
14 floor. This subsection shall be construed liberally in favor of  
15 persons engaging in electioneering on all polling place  
16 property beyond the campaign free zone for the time that the  
17 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 19-2.2 shall apply; including that  
6 a person is prohibited from placing temporary signs on any part  
7 of the polling place property beyond the campaign free zone.  
8 This provision is a denial and limitation of home rule powers  
9 and functions in accordance with subsection (h) of Section 6 of  
10 Article VII of the Illinois Constitution. ~~no advertising~~  
11 ~~pertaining to any candidate or proposition to be voted on may~~  
12 ~~be displayed in or within 100 feet of any polling place used by~~  
13 ~~voters under this Article. No person may engage in~~  
14 ~~electioneering in or within 100 feet of any polling place used~~  
15 ~~by voters under this Article. The provisions of Section 17-29~~  
16 ~~with respect to establishment of a campaign free zone apply to~~  
17 ~~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.