



Sen. Don Harmon

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LRB097 19253 PJG 67667 a

1 AMENDMENT TO SENATE BILL 3338

2 AMENDMENT NO. _____. Amend Senate Bill 3338 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, and 19-2.2 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, including
2 immediately adjacent sidewalks and parkways, 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 or, 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, including
13 immediately adjacent sidewalks and parkways, is a public forum
14 for the time that the polls are open on an election day. At the
15 request of election officers any publicly owned building must
16 be made available for use as a polling place. A person shall
17 have the right to congregate and engage in electioneering on
18 any polling place property while the polls are open beyond the
19 campaign free zone, including but not limited to, the placement
20 of temporary signs. This subsection shall be construed
21 liberally in favor of persons engaging in electioneering on all
22 polling place property beyond the campaign free zone for the
23 time that the polls are open on an election day. At or near the
24 door of each polling place, the election judges shall place
25 signage indicating the proper entrance to the polling place. In
26 addition, the election judges shall ensure that a sign

1 identifying the location of the polling place is placed on a
2 nearby public roadway. The State Board of Elections shall
3 establish guidelines for the placement of polling place
4 signage.

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

14 (10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

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

1 violates this Section may be punished as for contempt of court.

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

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

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

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

1 limitation of home rule powers and functions under subsection
2 (h) of Section 6 of Article VII of the Illinois Constitution.
3 (Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."