



Sen. Terry Link

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09700SB3669sam001

LRB097 18256 PJG 67776 a

1 AMENDMENT TO SENATE BILL 3669

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3669 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, except for ~~including but not limited to,~~  
8 the placement of temporary signs. This subsection shall be  
9 construed liberally in favor of persons engaging in  
10 electioneering on all polling place property beyond the  
11 campaign free zone for the time that the polls are open on an  
12 election day. Nothing in this Section shall prohibit the  
13 placement of temporary signs within a private dwelling in a  
14 public or private building where a polling place is located.  
15 Nothing in this Section shall prohibit the placement of  
16 temporary signs on the doors or windows of a private dwelling  
17 in a public or private building where a polling place is  
18 located so long as that private dwelling is located on a  
19 different floor than the polling room or that private dwelling  
20 is located a distance of at least 100 horizontal feet from each  
21 entrance to the polling room if the private dwelling and  
22 polling room are located on the same floor.

23 (d) The regulation of electioneering on polling place  
24 property on an election day, including but not limited to the  
25 placement of temporary signs, is an exclusive power and  
26 function of the State. A home rule unit may not regulate

1 electioneering and any ordinance or local law contrary to  
2 subsection (c) is declared void. This is a denial and  
3 limitation of home rule powers and functions under subsection  
4 (h) of Section 6 of Article VII of the Illinois Constitution.

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

6 (10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

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

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

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

25 (c) The regulation of electioneering on polling place  
26 property on an election day, including but not limited to the

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

8 (10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

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

21 (b) Election officers shall place 2 or more cones, small  
22 United States national flags, or some other marker a distance  
23 of 100 horizontal feet from each entrance to the room used by  
24 voters to engage in voting, ~~or, at the option of a church or~~  
25 ~~private school, on any of the property of that church or~~



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

1 ~~voters.~~

2       The area on polling place property beyond the campaign free  
3 zone, whether publicly or privately owned, is a public forum  
4 for the time that the polls are open on an election day. At the  
5 request of election officers any publicly owned building must  
6 be made available for use as a polling place. A person shall  
7 have the right to congregate and engage in electioneering on  
8 any polling place property while the polls are open beyond the  
9 campaign free zone, except for ~~including but not limited to,~~  
10 the placement of temporary signs. Nothing in this Section shall  
11 prohibit the placement of temporary signs within a private  
12 dwelling in a public or private building where a polling place  
13 is located. Nothing in this Section shall prohibit the  
14 placement of temporary signs on the doors or windows of a  
15 private dwelling in a public or private building where a  
16 polling place is located so long as that private dwelling is  
17 located on a different floor than the polling room or that  
18 private dwelling is located a distance of at least 100  
19 horizontal feet from each entrance to the polling room if the  
20 private dwelling and polling room are located on the same  
21 floor. This subsection shall be construed liberally in favor of  
22 persons engaging in electioneering on all polling place  
23 property beyond the campaign free zone for the time that the  
24 polls are open on an election day.

25       (c) The regulation of electioneering on polling place  
26 property on an election day, including but not limited to the

1 placement of temporary signs, is an exclusive power and  
2 function of the State. A home rule unit may not regulate  
3 electioneering and any ordinance or local law contrary to  
4 subsection (b) is declared void. This is a denial and  
5 limitation of home rule powers and functions under subsection  
6 (h) of Section 6 of Article VII of the Illinois Constitution.  
7 (Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

8 (10 ILCS 5/19A-70)

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

25 Any person who violates this Section may be punished for

1 contempt of court.

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

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