



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4301

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-41	from Ch. 46, par. 7-41
10 ILCS 5/11-4.1	from Ch. 46, par. 11-4.1
10 ILCS 5/17-29	from Ch. 46, par. 17-29
10 ILCS 5/19-2.2	from Ch. 46, par. 19-2.2
105 ILCS 5/22-21	from Ch. 122, par. 22-21

Amends the School Code. Provides that if a school board determines that it is infeasible for a school to act as a polling place while enforcing its written and standard policies regarding persons who are not students of nor employed by the school entering the school, the school board shall notify the appropriate officer or board having responsibility for providing polling places for elections that the school may not be used as a polling place. Amends the Election Code. Provides that schools that have asserted the right to not be used as a polling place under the School Code shall not be required to make the school available as a polling place. Effective immediately.

LRB098 17809 MGM 52932 b

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, 11-4.1, 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
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, other
23 than schools that have asserted the rights granted by
24 subsection (a-5) of Section 22-21 of the School Code, must be
25 made available for use as a polling place. A person shall have
26 the right to congregate and engage in electioneering on any

1 polling place property while the polls are open beyond the
2 campaign free zone, including but not limited to, the placement
3 of temporary signs. This subsection shall be construed
4 liberally in favor of persons engaging in electioneering on all
5 polling place property beyond the campaign free zone for the
6 time that the polls are open on an election day.

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

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

16 (10 ILCS 5/11-4.1) (from Ch. 46, par. 11-4.1)

17 Sec. 11-4.1. (a) In appointing polling places under this
18 Article, the county board or board of election commissioners
19 shall, insofar as they are convenient and available, use
20 schools and other public buildings (other than schools that
21 have asserted the rights granted by subsection (a-5) of Section
22 22-21 of the School Code) as polling places.

23 (b) Upon request of the county board or board of election
24 commissioners, the proper agency of government (including
25 school districts and units of local government) shall make a

1 public building under its control (other than schools that have
2 asserted the rights granted by subsection (a-5) of Section
3 22-21 of the School Code) available for use as a polling place
4 on an election day and for a reasonably necessary time before
5 and after election day, without charge. If the county board or
6 board of election commissioners chooses a school to be a
7 polling place, then the school district must make the school
8 available for use as a polling place, except as provided by
9 subsection (a-5) of Section 22-21 of the School Code. However,
10 if a school has not asserted its rights granted by subsection
11 (a-5) of Section 22-21 of the School Code or has been ordered
12 by a circuit court to make the building available, ~~for the day~~
13 ~~of the election,~~ a school district may choose to (i) keep the
14 school open or (ii) hold a teachers institute on the day of the
15 election ~~that day.~~

16 (c) A government agency which makes a public building under
17 its control available for use as a polling place shall ensure
18 the portion of the building to be used as the polling place is
19 accessible to handicapped and elderly voters.

20 (d) If a qualified elector's precinct polling place is a
21 school and the elector will be unable to enter that polling
22 place without violating Section 11-9.3 of the Criminal Code of
23 2012 because the elector is a child sex offender as defined in
24 Section 11-9.3 of the Criminal Code of 2012, that elector may
25 vote by absentee ballot in accordance with Article 19 of this
26 Code or may vote early in accordance with Article 19A of this

1 Code.

2 (Source: P.A. 97-1150, eff. 1-25-13.)

3 (10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

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

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, which shall be known as the polling
18 room. If the polling room is located within a building that is
19 a private business, a public or private school, or a church or
20 other organization founded for the purpose of religious worship
21 and the distance of 100 horizontal feet ends within the
22 interior of the building, then the markers shall be placed
23 outside of the building at each entrance used by voters to
24 enter that building on the grounds adjacent to the thoroughfare
25 or walkway. If the polling room is located within a public or

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

18 The area on polling place property beyond the campaign free
19 zone, whether publicly or privately owned, is a public forum
20 for the time that the polls are open on an election day. At the
21 request of election officers any publicly owned building, other
22 than schools that have asserted the rights granted by
23 subsection (a-5) of Section 22-21 of the School Code, must be
24 made available for use as a polling place. A person shall have
25 the right to congregate and engage in electioneering on any
26 polling place property while the polls are open beyond the

1 campaign free zone, including but not limited to, the placement
2 of temporary signs. This subsection shall be construed
3 liberally in favor of persons engaging in electioneering on all
4 polling place property beyond the campaign free zone for the
5 time that the polls are open on an election day. At or near the
6 door of each polling place, the election judges shall place
7 signage indicating the proper entrance to the polling place. In
8 addition, the election judges shall ensure that a sign
9 identifying the location of the polling place is placed on a
10 nearby public roadway. The State Board of Elections shall
11 establish guidelines for the placement of polling place
12 signage.

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

23 Sec. 19-2.2. (a) During the period beginning on the 40th
24 day preceding an election and continuing through the day
25 preceding such election, no advertising pertaining to any

1 candidate or proposition to be voted upon shall be displayed in
2 or within 100 feet of any room used by voters pursuant to this
3 Article, or, at the option of a church or private school, on
4 any of the property of that church or private school that is a
5 polling place; nor shall any person engage in electioneering in
6 or within 100 feet of any such room, 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. Any person who
9 violates this Section may be punished as for contempt of court.

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

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

16 The area on polling place property beyond the campaign free
17 zone, whether publicly or privately owned, is a public forum
18 for the time that the polls are open on an election day. At the
19 request of election officers any publicly owned building, other
20 than schools that have asserted the rights granted by
21 subsection (a-5) of Section 22-21 of the School Code, must be
22 made available for use as a polling place. A person shall have
23 the right to congregate and engage in electioneering on any
24 polling place property while the polls are open beyond the
25 campaign free zone, including but not limited to, the placement
26 of temporary signs. This subsection shall be construed

1 liberally in favor of persons engaging in electioneering on all
2 polling place property beyond the campaign free zone for the
3 time that the polls are open on an election day.

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 (b) 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. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

13 Section 10. The School Code is amended by changing Section
14 22-21 as follows:

15 (105 ILCS 5/22-21) (from Ch. 122, par. 22-21)

16 Sec. 22-21. Elections-Use of school buildings.

17 (a) Unless a school board asserts the rights granted by
18 subsection (a-5) of this Section, every ~~Every~~ school board
19 shall offer to the appropriate officer or board having
20 responsibility for providing polling places for elections the
21 use of any and all buildings under its jurisdiction for any and
22 all elections to be held, if so requested by such appropriate
23 officer or board.

24 (a-5) If a school board determines that it is infeasible

1 for a school to act as a polling place while enforcing its
2 written and standard policies regarding persons who are not
3 students of nor employed by the school entering the school, the
4 school board shall notify the appropriate officer or board
5 having responsibility for providing polling places for
6 elections that the school may not be used as a polling place.
7 The notice shall be signed by the principal of any school named
8 in the notice. If an appropriate officer or board having
9 responsibility for providing polling places for elections
10 determines there is no reasonable alternative to using the
11 school as a polling place, the officer or board may seek relief
12 in the circuit court of the jurisdiction in which the principal
13 office of the school district lies.

14 (b) If any buildings under a school board's jurisdiction is
15 used for an election, election ~~Election~~ officers shall place 2
16 or more cones, small United States national flags, or some
17 other marker a distance of 100 horizontal feet from each
18 entrance to the room used by voters to engage in voting, which
19 shall be known as the polling room. If the polling room is
20 located within a building that is a public or private school
21 and the distance of 100 horizontal feet ends within the
22 interior of the building, then the markers shall be placed
23 outside of the building at each entrance used by voters to
24 enter that building on the grounds adjacent to the thoroughfare
25 or walkway. If the polling room is located within a public or
26 private school building with 2 or more floors and the polling

1 room is located on the ground floor, then the markers shall be
2 placed 100 horizontal feet from each entrance to the polling
3 room used by voters to engage in voting. If the polling room is
4 located in a public or private school building with 2 or more
5 floors and the polling room is located on a floor above or
6 below the ground floor, then the markers shall be placed a
7 distance of 100 feet from the nearest elevator or staircase
8 used by voters on the ground floor to access the floor where
9 the polling room is located. The area within where the markers
10 are placed shall be known as a campaign free zone, and
11 electioneering is prohibited pursuant to this subsection.

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

25 (Source: P.A. 93-574, eff. 8-21-03.)

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

1 becoming law.