

SB3338



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3338

Introduced 2/7/2012, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-41

from Ch. 46, par. 7-41

Amends the Election Code. Specifies that the area on polling place property beyond the campaign free zone that qualifies as a public forum includes immediately adjacent sidewalks and parkways.

LRB097 19253 PJG 64496 b

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 3. The Election Code is amended by changing Section
5 7-41 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, including
21 immediately adjacent sidewalks and parkways, is a public forum
22 for the time that the polls are open on an election day. At the
23 request of election officers any publicly owned building must
24 be made available for use as a polling place. A person shall
25 have the right to congregate and engage in electioneering on
26 any 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.

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