

SB2726



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2726

Introduced 10/28/2025, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-23
10 ILCS 5/17-29

from Ch. 46, par. 17-23
from Ch. 46, par. 17-29

Amends the Election Code. Provides that an election authority shall not permit a law enforcement agent to enter and remain in a polling place, unless the law enforcement agent is called upon by the election authority or judges of election or required by court order. Provides that an election authority shall ensure that any law enforcement agent who is permitted to enter and remain in a polling place has provided the election authority with a valid pollwatcher credential. Provides that no judge of election, pollwatcher, or other person shall engage in any practice that is intended to intimidate a voter within any polling place, within 100 feet of any polling place, or on any of the property of that church or private school that is a polling place. Provides that nothing in the provisions shall (i) prohibit a law enforcement agent from serving as a pollwatcher when the law enforcement agent is not performing law enforcement duties or (ii) apply to other spaces within a municipal building that are not specifically being used as polls.

LRB104 16040 SPS 29302 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 5. The Election Code is amended by changing
5 Sections 17-23 and 17-29 as follows:

6 (10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

7 Sec. 17-23. Pollwatchers in a general election shall be
8 authorized in the following manner:

9 (1) Each established political party shall be entitled to
10 appoint two pollwatchers per precinct. Such pollwatchers must
11 be affiliated with the political party for which they are
12 pollwatching. For all elections, the pollwatchers must be
13 registered to vote in Illinois.

14 (2) Each candidate shall be entitled to appoint two
15 pollwatchers per precinct. For all elections, the pollwatchers
16 must be registered to vote in Illinois.

17 (3) Each organization of citizens within the county or
18 political subdivision, which has among its purposes or
19 interests the investigation or prosecution of election frauds,
20 and which shall have registered its name and address and the
21 name and addresses of its principal officers with the proper
22 election authority at least 40 days before the election, shall
23 be entitled to appoint one pollwatcher per precinct. For all

1 elections, the pollwatcher must be registered to vote in
2 Illinois.

3 (3.5) Each State nonpartisan civic organization within the
4 county or political subdivision shall be entitled to appoint
5 one pollwatcher per precinct, provided that no more than 2
6 pollwatchers appointed by State nonpartisan civic
7 organizations shall be present in a precinct polling place at
8 the same time. Each organization shall have registered the
9 names and addresses of its principal officers with the proper
10 election authority at least 40 days before the election. The
11 pollwatchers must be registered to vote in Illinois. For the
12 purpose of this paragraph, a "State nonpartisan civic
13 organization" means any corporation, unincorporated
14 association, or organization that:

15 (i) as part of its written articles of incorporation,
16 bylaws, or charter or by separate written declaration, has
17 among its stated purposes the provision of voter
18 information and education, the protection of individual
19 voters' rights, and the promotion of free and equal
20 elections;

21 (ii) is organized or primarily conducts its activities
22 within the State of Illinois; and

23 (iii) continuously maintains an office or business
24 location within the State of Illinois, together with a
25 current listed telephone number (a post office box number
26 without a current listed telephone number is not

1 sufficient).

2 (4) In any general election held to elect candidates for
3 the offices of a municipality of less than 3,000,000
4 population that is situated in 2 or more counties, a
5 pollwatcher who is a resident of Illinois shall be eligible to
6 serve as a pollwatcher in any poll located within such
7 municipality, provided that such pollwatcher otherwise
8 complies with the respective requirements of subsections (1)
9 through (3) of this Section and is a registered voter in
10 Illinois.

11 (5) Each organized group of proponents or opponents of a
12 ballot proposition, which shall have registered the name and
13 address of its organization or committee and the name and
14 address of its chair with the proper election authority at
15 least 40 days before the election, shall be entitled to
16 appoint one pollwatcher per precinct. The pollwatcher must be
17 registered to vote in Illinois.

18 All pollwatchers shall be required to have proper
19 credentials. Such credentials shall be printed in sufficient
20 quantities, shall be issued by and under the facsimile
21 signature(s) of the election authority or the State Board of
22 Elections and shall be available for distribution by the
23 election authority and State Board of Elections at least 2
24 weeks prior to the election. Such credentials shall be
25 authorized by the real or facsimile signature of the State or
26 local party official or the candidate or the presiding officer

of the civic organization or the chair of the proponent or opponent group, as the case may be. Neither the election authority nor the State Board of Elections may require any such party official or the candidate or the presiding officer of the civic organization or the chair of the proponent or opponent group to submit the names or other information concerning pollwatchers before making credentials available to such persons or organizations.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code,
the undersigned hereby appoints (name of
pollwatcher) who resides at (address) in the
county of, (township or municipality)
of (name), State of Illinois and who is duly
registered to vote from this address, to act as a pollwatcher
in the precinct of the ward (if
applicable) of the (township or municipality) of
..... at the election to be held on (insert
date).

..... (Signature of Appointing Authority)

..... TITLE (party official, candidate,
civic organization president,

1 proponent or opponent group chair)

2 Under penalties provided by law pursuant to Section 29-10
3 of the Election Code, the undersigned pollwatcher certifies
4 that he or she resides at (address) in the
5 county of , (township or municipality)
6 of (name), State of Illinois, and is duly
7 registered to vote in Illinois.

8

9 (Precinct and/or Ward in (Signature of Pollwatcher)

10 Which Pollwatcher Resides)

11 Pollwatchers must present their credentials to the Judges
12 of Election upon entering the polling place. Pollwatcher
13 credentials properly executed and signed shall be proof of the
14 qualifications of the pollwatcher authorized thereby. Such
15 credentials are retained by the Judges and returned to the
16 Election Authority at the end of the day of election with the
17 other election materials. Once a pollwatcher has surrendered a
18 valid credential, he may leave and reenter the polling place
19 provided that such continuing action does not disrupt the
20 conduct of the election. Pollwatchers may be substituted
21 during the course of the day, but established political
22 parties, candidates and qualified civic organizations can have
23 only as many pollwatchers at any given time as are authorized
24 in this Article. A substitute must present his signed

1 credential to the judges of election upon entering the polling
2 place. Election authorities must provide a sufficient number
3 of credentials to allow for substitution of pollwatchers.
4 After the polls have closed pollwatchers shall be allowed to
5 remain until the canvass of votes is completed; but may leave
6 and reenter only in cases of necessity, provided that such
7 action is not so continuous as to disrupt the canvass of votes.

8 Candidates seeking office in a district or municipality
9 encompassing 2 or more counties shall be admitted to any and
10 all polling places throughout such district or municipality
11 without regard to the counties in which such candidates are
12 registered to vote. Actions of such candidates shall be
13 governed in each polling place by the same privileges and
14 limitations that apply to pollwatchers as provided in this
15 Section. Any such candidate who engages in an activity in a
16 polling place which could reasonably be construed by a
17 majority of the judges of election as campaign activity shall
18 be removed forthwith from such polling place.

19 Candidates seeking office in a district or municipality
20 encompassing 2 or more counties who desire to be admitted to
21 polling places on election day in such district or
22 municipality shall be required to have proper credentials.
23 Such credentials shall be printed in sufficient quantities,
24 shall be issued by and under the facsimile signature of the
25 State Board of Elections or the election authority of the
26 election jurisdiction where the polling place in which the

candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

8 In accordance with the provisions of the Election Code, I
9 (name of candidate) hereby certify that I am a
10 candidate for (name of office) and seek admittance to
11 precinct of the ward (if applicable) of the
12 (township or municipality) of at the
13 election to be held on (insert date).

OFFICE FOR WHICH

16 CANDIDATE SEEKS

NOMINATION OR

18 ELECTION

19 Pollwatchers shall be permitted to observe all proceedings
20 and view all reasonably requested records relating to the
21 conduct of the election, provided the secrecy of the ballot is
22 not impinged, and to station themselves in a position in the
23 voting room as will enable them to observe the judges making
24 the signature comparison between the voter application and the

1 voter registration record card; provided, however, that such
2 pollwatchers shall not be permitted to station themselves in
3 such close proximity to the judges of election so as to
4 interfere with the orderly conduct of the election and shall
5 not, in any event, be permitted to handle election materials.
6 Pollwatchers may challenge for cause the voting qualifications
7 of a person offering to vote and may call to the attention of
8 the judges of election any incorrect procedure or apparent
9 violations of this Code.

10 If a majority of the judges of election determine that the
11 polling place has become too overcrowded with pollwatchers so
12 as to interfere with the orderly conduct of the election, the
13 judges shall, by lot, limit such pollwatchers to a reasonable
14 number, except that each established or new political party
15 shall be permitted to have at least one pollwatcher present.

16 Representatives of an election authority, with regard to
17 an election under its jurisdiction, the State Board of
18 Elections, and law enforcement agencies, including but not
19 limited to a United States Attorney, a State's attorney, the
20 Attorney General, and a State, county, or local police
21 department, in the performance of their official election
22 duties, shall be permitted at all times to enter and remain in
23 the polling place. Upon entering the polling place, such
24 representatives shall display their official credentials or
25 other identification to the judges of election.

26 Uniformed State and local police officers assigned to

1 polling place duty shall follow all lawful instructions of the
2 judges of election. An election authority shall not permit a
3 law enforcement agent to enter and remain in the polling
4 place, unless the law enforcement agent is called upon by the
5 election authority or judges of election or required by court
6 order. An election authority shall ensure that any law
7 enforcement agent who is permitted to enter and remain in the
8 polling place has provided the election authority with a valid
9 pollwatcher credential. As used in this Section, "law
10 enforcement agent" means an agent, subcontractor, or designee
11 of federal, State, or local law enforcement authorized with
12 the power to arrest or detain individuals, to manage the
13 custody of detained individuals, or to issue a subpoena for a
14 law enforcement purpose, including civil immigration
15 enforcement.

16 The provisions of this Section shall also apply to
17 supervised casting of vote by mail ballots as provided in
18 Section 19-12.2 of this Act.

19 Nothing in this Section shall be construed to (i) prohibit
20 a law enforcement agent from serving as a pollwatcher when the
21 law enforcement agent is not performing law enforcement duties
22 or (ii) apply to other spaces within a municipal building that
23 are not specifically being used as polls.

24 (Source: P.A. 100-1027, eff. 1-1-19.)

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

12 (b) Election officers shall place 2 or more cones, small
13 United States national flags, or some other marker a distance
14 of 100 horizontal feet from each entrance to the room used by
15 voters to engage in voting, which shall be known as the polling
16 room. If the polling room is located within a building that is
17 a private business, a public or private school, or a church or
18 other organization founded for the purpose of religious
19 worship and the distance of 100 horizontal feet ends within
20 the interior of the building, then the markers shall be placed
21 outside of the building at each entrance used by voters to
22 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. If an election authority maintains a website, no later
16 than 5 days before election day, each election authority shall
17 post on its website the name and address of every polling place
18 designated as a campaign free zone. This information shall be
19 immediately provided to any person upon request, and a
20 requester shall not be required to submit a request under the
21 Freedom of Information Act.

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

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

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

23 (Source: P.A. 98-1171, eff. 6-1-15.)