



Sen. Julie A. Morrison

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LRB104 16040 SPS 35891 a

1 AMENDMENT TO SENATE BILL 2726

2 AMENDMENT NO. _____. Amend Senate Bill 2726 by replacing
3 everything after the enacting clause with the following:

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.

1 (3) Each organization of citizens within the county or
2 political subdivision, which has among its purposes or
3 interests the investigation or prosecution of election frauds,
4 and which shall have registered its name and address and the
5 name and addresses of its principal officers with the proper
6 election authority at least 40 days before the election, shall
7 be entitled to appoint one pollwatcher per precinct. For all
8 elections, the pollwatcher must be registered to vote in
9 Illinois.

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

22 (i) as part of its written articles of incorporation,
23 bylaws, or charter or by separate written declaration, has
24 among its stated purposes the provision of voter
25 information and education, the protection of individual
26 voters' rights, and the promotion of free and equal

1 elections;

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

4 (iii) continuously maintains an office or business
5 location within the State of Illinois, together with a
6 current listed telephone number (a post office box number
7 without a current listed telephone number is not
8 sufficient).

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

18 (5) Each organized group of proponents or opponents of a
19 ballot proposition, which shall have registered the name and
20 address of its organization or committee and the name and
21 address of its chair with the proper election authority at
22 least 40 days before the election, shall be entitled to
23 appoint one pollwatcher per precinct. The pollwatcher must be
24 registered to vote in Illinois.

25 All pollwatchers shall be required to have proper
26 credentials. Such credentials shall be printed in sufficient

1 quantities, shall be issued by and under the facsimile
2 signature(s) of the election authority or the State Board of
3 Elections and shall be available for distribution by the
4 election authority and State Board of Elections at least 2
5 weeks prior to the election. Such credentials shall be
6 authorized by the real or facsimile signature of the State or
7 local party official or the candidate or the presiding officer
8 of the civic organization or the chair of the proponent or
9 opponent group, as the case may be. Neither the election
10 authority nor the State Board of Elections may require any
11 such party official or the candidate or the presiding officer
12 of the civic organization or the chair of the proponent or
13 opponent group to submit the names or other information
14 concerning pollwatchers before making credentials available to
15 such persons or organizations.

16 Pollwatcher credentials shall be in substantially the
17 following form:

18 POLLWATCHER CREDENTIALS

19 TO THE JUDGES OF ELECTION:

20 In accordance with the provisions of the Election Code,
21 the undersigned hereby appoints (name of
22 pollwatcher) who resides at (address) in the
23 county of, (township or municipality)
24 of (name), State of Illinois and who is duly
25 registered to vote from this address, to act as a pollwatcher

1 in the precinct of the ward (if
2 applicable) of the (township or municipality) of
3 at the election to be held on (insert
4 date).

5 (Signature of Appointing Authority)
6 TITLE (party official, candidate,
7 civic organization president,
8 proponent or opponent group chair)

9 Under penalties provided by law pursuant to Section 29-10
10 of the Election Code, the undersigned pollwatcher certifies
11 that he or she resides at (address) in the
12 county of, (township or municipality)
13 of (name), State of Illinois, and is duly
14 registered to vote in Illinois.

15
16 (Precinct and/or Ward in (Signature of Pollwatcher)
17 Which Pollwatcher Resides)

18 Pollwatchers must present their credentials to the Judges
19 of Election upon entering the polling place. Pollwatcher
20 credentials properly executed and signed shall be proof of the
21 qualifications of the pollwatcher authorized thereby. Such
22 credentials are retained by the Judges and returned to the
23 Election Authority at the end of the day of election with the
24 other election materials. Once a pollwatcher has surrendered a

1 valid credential, he may leave and reenter the polling place
2 provided that such continuing action does not disrupt the
3 conduct of the election. Pollwatchers may be substituted
4 during the course of the day, but established political
5 parties, candidates and qualified civic organizations can have
6 only as many pollwatchers at any given time as are authorized
7 in this Article. A substitute must present his signed
8 credential to the judges of election upon entering the polling
9 place. Election authorities must provide a sufficient number
10 of credentials to allow for substitution of pollwatchers.
11 After the polls have closed pollwatchers shall be allowed to
12 remain until the canvass of votes is completed; but may leave
13 and reenter only in cases of necessity, provided that such
14 action is not so continuous as to disrupt the canvass of votes.

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

26 Candidates seeking office in a district or municipality

1 encompassing 2 or more counties who desire to be admitted to
 2 polling places on election day in such district or
 3 municipality shall be required to have proper credentials.
 4 Such credentials shall be printed in sufficient quantities,
 5 shall be issued by and under the facsimile signature of the
 6 State Board of Elections or the election authority of the
 7 election jurisdiction where the polling place in which the
 8 candidate seeks admittance is located, and shall be available
 9 for distribution at least 2 weeks prior to the election. Such
 10 credentials shall be signed by the candidate.

11 Candidate credentials shall be in substantially the
 12 following form:

13 CANDIDATE CREDENTIALS

14 TO THE JUDGES OF ELECTION:

15 In accordance with the provisions of the Election Code, I
 16 (name of candidate) hereby certify that I am a
 17 candidate for (name of office) and seek admittance to
 18 precinct of the ward (if applicable) of the
 19 (township or municipality) of at the
 20 election to be held on (insert date).

21
22	(Signature of Candidate)	OFFICE FOR WHICH
23		CANDIDATE SEEKS
24		NOMINATION OR
25		ELECTION

1 Pollwatchers shall be permitted to observe all proceedings
2 and view all reasonably requested records relating to the
3 conduct of the election, provided the secrecy of the ballot is
4 not impinged, and to station themselves in a position in the
5 voting room as will enable them to observe the judges making
6 the signature comparison between the voter application and the
7 voter registration record card; provided, however, that such
8 pollwatchers shall not be permitted to station themselves in
9 such close proximity to the judges of election so as to
10 interfere with the orderly conduct of the election and shall
11 not, in any event, be permitted to handle election materials.
12 Pollwatchers may challenge for cause the voting qualifications
13 of a person offering to vote and may call to the attention of
14 the judges of election any incorrect procedure or apparent
15 violations of this Code.

16 If a majority of the judges of election determine that the
17 polling place has become too overcrowded with pollwatchers so
18 as to interfere with the orderly conduct of the election, the
19 judges shall, by lot, limit such pollwatchers to a reasonable
20 number, except that each established or new political party
21 shall be permitted to have at least one pollwatcher present.

22 Representatives of an election authority, with regard to
23 an election under its jurisdiction, the State Board of
24 Elections, and law enforcement agencies, including but not
25 limited to a United States Attorney, a State's attorney, the

1 Attorney General, and a State, county, or local police
2 department, in the performance of their official election
3 duties, shall be permitted at all times to enter and remain in
4 the polling place. Upon entering the polling place, such
5 representatives shall display their official credentials or
6 other identification to the judges of election.

7 Uniformed State and local police officers assigned to
8 polling place duty shall follow all lawful instructions of the
9 judges of election and have valid pollwatcher credentials. An
10 election authority shall not permit a law enforcement agent to
11 enter and remain in the polling place, unless the law
12 enforcement agent is voting, is a candidate with valid
13 pollwatcher credentials and is not performing law enforcement
14 duties, is serving as a pollwatcher with valid pollwatcher
15 credentials, is called upon by the election authority or
16 judges of election, or is required by court order. If a public
17 school building is used as a polling place, students or staff
18 are present in the building, and a public school official has a
19 reasonable belief that there is an imminent threat to the
20 safety of students or staff in the building, then the
21 responding law enforcement agent may enter the polling place
22 to perform law enforcement duties. If a church or place of
23 worship is used as a polling place and an official of the
24 church or place of worship has a reasonable belief that there
25 is an imminent threat to the safety of individuals in the
26 church or place of worship, then the responding law

1 enforcement agent may enter the polling place to perform law
2 enforcement duties. An election authority shall ensure that
3 any law enforcement agent who is permitted to enter and remain
4 in the polling place has provided the election authority with
5 a valid pollwatcher credential. As used in this Section, "law
6 enforcement agent" means an agent, subcontractor, or designee
7 of federal, State, or local law enforcement authorized with
8 the power to arrest or detain individuals or manage the
9 custody of detained individuals for a law enforcement purpose,
10 including civil immigration enforcement. "Law enforcement
11 agent" does not include an on-duty school resource officer, as
12 defined in Section 10-20.68 of the School Code, assigned to
13 the school being used as a polling place when students or staff
14 are in the school building.

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

18 Nothing in this Section shall be construed to prohibit a
19 law enforcement agent or school resource officer from serving
20 as a pollwatcher when the law enforcement agent is not
21 performing law enforcement duties.

22 Nothing in this Section shall be construed to prohibit a
23 law enforcement agent from voting.

24 Nothing in this Section applies to other spaces within a
25 municipal building, public school building, or church or place
26 of worship that are not being used as polls.

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

2 (10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

3 Sec. 17-29. (a) No judge of election, pollwatcher, or
4 other person shall, at any primary or election, do any
5 electioneering or soliciting of votes or engage in any
6 political discussion or engage in any practice that is
7 intended to intimidate a voter within any polling place,
8 within 100 feet of any polling place, or, at the option of a
9 church or private school, on any of the property of that church
10 or private school that is a polling place; no person shall
11 interrupt, hinder or oppose any voter while approaching within
12 those areas for the purpose of voting. Judges of election
13 shall enforce the provisions of this 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
21 worship and the distance of 100 horizontal feet ends within
22 the 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
25 thoroughfare or walkway. If the polling room is located within

1 a public or private building with 2 or more floors and the
2 polling room is located on the ground floor, then the markers
3 shall be placed 100 horizontal feet from each entrance to the
4 polling room used by voters to engage in voting. If the polling
5 room is located in a public or private building with 2 or more
6 floors and the polling room is located on a floor above or
7 below the ground floor, then the markers shall be placed a
8 distance of 100 feet from the nearest elevator or staircase
9 used by voters on the ground floor to access the floor where
10 the polling room is located. The area within where the markers
11 are placed shall be known as a campaign free zone, and
12 electioneering is prohibited pursuant to this subsection.
13 Notwithstanding any other provision of this Section, a church
14 or private school may choose to apply the campaign free zone to
15 its entire property, and, if so, the markers shall be placed
16 near the boundaries on the grounds adjacent to the
17 thoroughfares or walkways leading to the entrances used by the
18 voters. If an election authority maintains a website, no later
19 than 5 days before election day, each election authority shall
20 post on its website the name and address of every polling place
21 designated as a campaign free zone. This information shall be
22 immediately provided to any person upon request, and a
23 requester shall not be required to submit a request under the
24 Freedom of Information Act.

25 The area on polling place property beyond the campaign
26 free zone, whether publicly or privately owned, is a public

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

18 (c) The regulation of electioneering on polling place
19 property on an election day, including but not limited to the
20 placement of temporary signs, is an exclusive power and
21 function of the State. A home rule unit may not regulate
22 electioneering and any ordinance or local law contrary to
23 subsection (c) is declared void. This is a denial and
24 limitation of home rule powers and functions under subsection
25 (h) of Section 6 of Article VII of the Illinois Constitution.
26 (Source: P.A. 98-1171, eff. 6-1-15.)".