



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4311

Introduced 12/22/05, by Rep. Roger L. Eddy - Chapin Rose

SYNOPSIS AS INTRODUCED:

10 ILCS 5/11-4.1	from Ch. 46, par. 11-4.1
10 ILCS 5/19-1	from Ch. 46, par. 19-1
10 ILCS 5/19-2	from Ch. 46, par. 19-2
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-5	from Ch. 46, par. 19-5
10 ILCS 5/19A-10.5 new	
720 ILCS 5/11-9.3	

Amends the Election Code. Provides that when a qualified elector's precinct polling place is a school and the elector will be unable to enter the school to vote because the elector is a child sex offender, the elector may vote early or by absentee ballot. Requires that an election authority that designates permanent or temporary early voting polling places must designate at least one that a child sex offender may lawfully enter. Requires that an election authority provide election-day voting at its principal office for child sex offenders who cannot lawfully enter their assigned precinct polling place. Amends the Criminal Code of 1961. In the provision prohibiting a child sex offender from entering a school, removes language providing that a child sex offender has the right to be present in a school building to vote. Provides that it is a Class 4 felony for a child sex offender to knowingly be present within 100 feet of a site posted as a pick-up or discharge stop for a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when one or more persons under the age of 18 are present at the site. Effective immediately.

LRB094 13917 RLC 49376 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning sex offenders.

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 11-4.1, 19-1, 19-2, 19-3, and 19-5 and by adding
6 Section 19A-10.5 as follows:

7 (10 ILCS 5/11-4.1) (from Ch. 46, par. 11-4.1)

8 Sec. 11-4.1. (a) In appointing polling places under this
9 Article, the county board or board of election commissioners
10 shall, insofar as they are convenient and available, use
11 schools and other public buildings as polling places.

12 (b) Upon request of the county board or board of election
13 commissioners, the proper agency of government (including
14 school districts and units of local government) shall make a
15 public building under its control available for use as a
16 polling place on an election day and for a reasonably necessary
17 time before and after election day, without charge. If the
18 county board or board of election commissioners chooses a
19 school to be a polling place, then the school district must
20 make the school available for use as a polling place. However,
21 for the day of the election, a school district may choose to
22 (i) keep the school open or (ii) hold a teachers institute on
23 that day.

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

28 (d) If a qualified elector's precinct polling place is a
29 school and the elector will be unable to enter that polling
30 place without violating Section 11-9.3 of the Criminal Code of
31 1961 because the elector is a child sex offender as defined in
32 Section 11-9.3 of the Criminal Code of 1961, that elector may

1 vote by absentee ballot in accordance with Article 19 of this
2 Code or may vote early in accordance with Article 19A of this
3 Code.

4 Each election authority shall provide in-person voting on
5 election day at the principal office of the election authority
6 for any qualified elector of the election jurisdiction (i)
7 whose precinct polling place is a school, (ii) who is a child
8 sex offender as defined in Section 11-9.3 of the Criminal Code
9 of 1961 and unable to enter that precinct polling place without
10 violating that Section, and (iii) who has not already voted at
11 the election by absentee ballot or early voting.

12 (Source: P.A. 92-465, eff. 8-22-01.)

13 (10 ILCS 5/19-1) (from Ch. 46, par. 19-1)

14 Sec. 19-1. Any qualified elector of the State of Illinois
15 having duly registered where such registration is required who
16 will be unable to enter his or her precinct polling place
17 without violating Section 11-9.3 of the Criminal Code of 1961
18 or who expects to be absent from the county in which he is a
19 qualified elector or who because of being appointed a judge of
20 election in a precinct other than the precinct in which he
21 resides or who because of physical incapacity or the tenets of
22 his religion in the observance of a religious holiday or who
23 because of election duties for the office of an Election
24 Authority or the State Board of Elections or who because of
25 election duties for a law enforcement agency, including but not
26 limited to the offices of the Attorney General, a State's
27 Attorney, a United States Attorney, or a State, county, or
28 municipal police department, or who, because he is temporarily
29 abiding outside the precinct in which he is registered to vote
30 due to the fact he is a student attending an institution of
31 higher education or who is serving as a sequestered juror on a
32 State or federal jury, will be unable to be present at the
33 polls on the day of holding any special, general or primary
34 election at which any presidential preference is indicated or
35 any candidates are chosen or elected, for any congressional,

1 State, district, county, town, city, village, precinct or
2 judicial offices or at which questions of public policy are
3 submitted, may vote at such election as hereinafter in this
4 Article provided.

5 Each Election Authority, law enforcement agency, and the
6 State Board of Elections shall compile and keep current a list
7 of his or its officers or employees who are eligible to vote
8 under this Article by reason of election duties.

9 For purposes of this Article 19, a physically incapacitated
10 voter marks his or her ballot "personally" when the voter
11 exercises his or her physical abilities to their reasonable
12 limit in marking the ballot, and marking personally may include
13 instructing the person assisting the incapacitated voter when
14 giving such instruction represents the reasonable limit of the
15 physical abilities.

16 (Source: P.A. 86-873; 86-875; 86-1028.)

17 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

18 Sec. 19-2. Any elector as defined in Section 19-1 who will
19 be unable to enter his or her precinct polling place without
20 violating Section 11-9.3 of the Criminal Code of 1961 or who is
21 expecting to be absent from the county of his residence or any
22 such elector who because of being appointed a judge of election
23 in a precinct other than the precinct in which he resides or
24 who because of physical incapacity or the tenets of his
25 religion in the observance of a religious holiday or who
26 because of election duties for the office of an Election
27 Authority, the State Board of Elections, or a law enforcement
28 agency will be unable to be present at the polls on the day of
29 such election may by mail, not more than 40 nor less than 5
30 days prior to the date of such election, or by personal
31 delivery not more than 40 nor less than one day prior to the
32 date of such election, make application to the county clerk or
33 to the Board of Election Commissioners for an official ballot
34 for the voter's precinct to be voted at such election.

35 (Source: P.A. 84-808.)

1 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

2 Sec. 19-3. Application for such ballot shall be made on
3 blanks to be furnished by the election authority and
4 duplication of such application for ballot is prohibited,
5 except by the election authority. The application for ballot
6 shall be substantially in the following form:

7 APPLICATION FOR BALLOT

8 BY ELECTOR WHO EXPECTS TO BE

9 ABSENT FROM COUNTY

10 To be voted at the election in the County of and
11 State of Illinois, in the precinct of the (1) *township of
12 (2) *City of or (3) *.... ward in the City of

13 I state that I am a resident of the precinct of the
14 (1) *township of (2) *City of or (3) *.... ward in
15 the city of residing at in such city or town in the
16 county of and State of Illinois; that I have lived at such
17 address for month(s) last past; that I am lawfully
18 entitled to vote in such precinct at the election to be
19 held therein on; that I expect to be absent from the
20 county of my residence on the date of holding such election,
21 and that I will have no opportunity to vote in person on that
22 day.

23 I hereby make application for an official ballot or ballots
24 to be voted by me at such election if I am absent from the
25 county of my residence, and I agree that I shall return such
26 ballot or ballots to the official issuing the same prior to the
27 closing of the polls on the date of the election.

28 Under penalties as provided by law pursuant to Section
29 29-10 of The Election Code, the undersigned certifies that the
30 statements set forth in this application are true and correct.

31

32 *fill in either (1), (2) or (3).

33 Post office address to which ballot is mailed:

34

35 However, if application is made for a primary election

1 ballot, such application shall designate the name of the
2 political party with which the applicant is affiliated.

3 APPLICATION FOR BALLOT

4 BY ELECTOR WHO IS JUDGE OF ELECTION

5 IN A PRECINCT OTHER THAN THE PRECINCT

6 IN WHICH HE RESIDES

7 To be voted at the election in the County of and
8 State of Illinois, in the precinct of the (1) *township of
9 (2) *City of or (3) *.... ward in the City of

10 I state that I am affiliated with the party (to be
11 used in primary elections) and that I am a resident of the
12 precinct of the (1) *township of (2) *City of or (3)
13 *.... ward in the city of residing at in such city or
14 town in the county of and State of Illinois; that I have
15 lived at such address for month(s) last past; that I am
16 lawfully entitled to vote in such precinct at the election
17 to be held therein on; that I am a judge of election in
18 precinct or the (1) *.... ward in the city of or (2)
19 *township of or (3) *city, village or incorporated town of
20 in such county and that I will have no opportunity of
21 voting in person on that day:

22 I hereby make application for an official ballot or ballots
23 to be voted by me at such election if I serve as a judge of
24 election in such last named precinct, and I agree that I shall
25 return such ballot or ballots to the official issuing the same
26 prior to the closing of the polls on the date of the election.

27 Under penalties as provided by law pursuant to Section
28 29-10 of The Election Code, the undersigned certifies that the
29 statements set forth in this application are true and correct.

30

31 *fill in either (1), (2) or (3).

32 Post office address to which ballot is mailed:

33

34 APPLICATION FOR BALLOT

35 BY PHYSICALLY INCAPACITATED ELECTOR

36 To be voted at the election in the County of and

1 State of Illinois, in the precinct of the (1) *township of
2 (2) *City of or (3) *.... ward in the City of

3 I state that I am affiliated with the party (to be
4 used in primary elections) and that I am a resident of the
5 precinct of the (1) *township of (2) *City of or (3)
6 *.... ward in the city of residing at in such city or
7 town in the county of and State of Illinois; that I have
8 lived at such address for month(s) last past; that I am
9 lawfully entitled to vote in such precinct at the election
10 to be held therein on; that I shall be physically
11 incapable of being present at the polls of such precinct on the
12 date of holding such election for the following reasons:

13 I hereby make application for an official ballot or ballots
14 to be voted by me at such election if I am so physically
15 incapacitated, and I agree that I shall return such ballot or
16 ballots to the official issuing the same prior to the closing
17 of the polls on the date of election.

18 Under penalties as provided by law pursuant to Section
19 29-10 of The Election Code, the undersigned certifies that the
20 statements set forth in this application are true and correct.

21

22 *fill in either (1), (2) or (3).

23 Post office address to which ballot is mailed:

24

25 APPLICATION FOR BALLOT

26 BY CHILD SEX OFFENDER ELECTOR

27 To be voted at the election in the County of and
28 State of Illinois, in the precinct of the (1) *township of
29 (2) *City of or (3) *.... ward in the City of

30 I state that I am affiliated with the party (to be
31 used in primary elections) and that I am a resident of the
32 precinct of the (1) *township of (2) *City of or (3)
33 *.... ward in the city of residing at in such city or
34 town in the county of and State of Illinois; that I have
35 lived at such address for month(s) last past; that I am
36 lawfully entitled to vote in such precinct at the election

1 to be held therein on; that my assigned precinct polling
2 place is in a school and I will be unable to enter the polling
3 place without violating Section 11-9.3 of the Criminal Code of
4 1961.

5 I hereby make application for an official ballot or ballots
6 to be voted by me at such election because my assigned precinct
7 polling place is in a school and I will be unable to enter the
8 polling place without violating Section 11-9.3 of the Criminal
9 Code of 1961, and I agree that I shall return such ballot or
10 ballots to the official issuing the same prior to the closing
11 of the polls on the date of election.

12 Under penalties as provided by law pursuant to Section
13 29-10 of the Election Code, the undersigned certifies that the
14 statements set forth in this application are true and correct.

15

16 *fill in either (1), (2), or (3).

17 Post office address to which ballot is mailed:

18

19 APPLICATION FOR BALLOT

20 BY ELECTOR OBSERVING RELIGIOUS HOLIDAY

21 To be voted at the election in the county of
22 State of Illinois, in the precinct (1) *township of
23 (2) *City of or (3) *.... ward in the City of

24 I state that I am affiliated with the party (to be
25 used in primary elections) and that I am a resident of the
26 precinct of the (1) *township of (2) *City of or (3)
27 *.... ward in the city of residing at in such city or
28 town in the county of and State of Illinois; that I have
29 lived at such address for month(s) past, that I am
30 lawfully entitled to vote in such precinct at the election
31 to be held therein on; that I shall be unable to be
32 present at the polls of such precinct on the date of holding
33 such election because of the tenets of my religion in the
34 observance of a religious holiday.

35 I hereby make application for an official ballot or ballots
36 to be voted by me at such election if I am so unable to be

1 present at the polls of such precinct on the date of the
2 election because of the tenets of my religion in the observance
3 of a religious holiday, and I agree that I shall return the
4 ballot or ballots to the official issuing the same prior to the
5 closing of the polls on the date of the election.

6 Under penalties as provided by law pursuant to Section
7 29-10 of The Election Code, the undersigned certifies that the
8 statements set forth in this application are true and correct.

9

10 *fill in either (1), (2) or (3).

11 Post office address to which ballot is mailed:

12

13 APPLICATION FOR BALLOT
14 BY ELECTOR WHO IS AN ELECTION EMPLOYEE
15 OF STATE'S ATTORNEY, COUNTY CLERK OR
16 BOARD OF ELECTION COMMISSIONERS

17 To be voted at the election in the County of and
18 State of Illinois, in the precinct of the (1) *township of
19 (2) *City of or (3) *.... ward in the City of

20 I state that I am a resident of the precinct of the
21 (1) *township of (2) *City of or (3) *.... ward in
22 the city of residing at in such city or town in the
23 county of and State of Illinois; that I have lived at such
24 address for month(s) last past; that I am lawfully
25 entitled to vote in such precinct at the election to be
26 held therein on; that I am employed in the office of the
27 (State's Attorney of County) (County Clerk of County)
28 (Board of Election Commissioners of the (City) (County) of
29 and that because of election duties on the date of holding such
30 election I will have no opportunity to vote in person on that
31 day.

32 I hereby make application for an official ballot or ballots
33 to be voted by me at such election, and I agree that I shall
34 return such ballot or ballots to the official issuing the same
35 prior to the closing of the polls on the date of the election.

36 Under penalties as provided by law pursuant to Section

1 29-10 of The Election Code, the undersigned certifies that the
2 statements set forth in this application are true and correct.

3

4 *fill in either (1), (2) or (3).

5 Post office address to which ballot is mailed:

6

7 Provided, that if application be made for a primary
8 election ballot, such application shall designate the name of
9 the political party with which the applicant is affiliated.

10 APPLICATION FOR
11 TEMPORARILY ABSENT STUDENT BALLOT

12 To be voted at the election in the County of and
13 State of Illinois, in the precinct of the (1) *township of
14 (2) *City of or (3) *.... ward in the City of

15 I state that I am a resident of the precinct of the
16 (1) *township of (2) *City of or (3) *.... ward in
17 the city of residing at in such city or town in the
18 county of and State of Illinois; that I have lived at such
19 address for month(s) last past; that I am lawfully
20 entitled to vote in such precinct at the election to be
21 held therein on; that I am temporarily abiding outside
22 such precinct in the (1) *township of (2) *City of in
23 the county of and State of due to the fact I am a
24 student attending an institution of higher education, and for
25 that reason do not expect to have an opportunity to vote in
26 person on that day.

27 I hereby make application for an official ballot or ballots
28 to be voted by me at such election if I am absent from the
29 precinct of my residence, and I agree that I shall return such
30 ballot or ballots to the official issuing the same prior to the
31 closing of the polls on the date of the election.

32 Under penalties as provided by law pursuant to Section
33 29-10 of The Election Code, the undersigned certifies that the
34 statements set forth in this application are true and correct.

35

36 *fill in either (1), (2) or (3).

1 Post office address to which ballot is mailed:

2

3 However, if application is made for a primary election
4 ballot, such application shall designate the name of the
5 political party with which the applicant is affiliated.

6 In lieu of the separate application blanks heretofore
7 prescribed, the election authority may adopt a standard
8 application blank in substantially the following form for all
9 categories of absentee voters:

10 APPLICATION FOR
11 ABSENT VOTER'S BALLOT

12 To be voted at the election in the County of
13 and State of Illinois, in the precinct of the
14 (1) *township of (2) *City of or (3) *..... ward
15 in the City of

16 I state that I am a resident of the precinct of the
17 (1) *township of (2) *City of or (3) *.....
18 ward in the City of residing at in such city
19 or town in the county of and State of Illinois; that I
20 have lived at such address for months last past; that I
21 am lawfully entitled to vote in such precinct at a
22 election to be held therein on; and that I will be
23 unable to vote in person at the polls of such precinct for the
24 following reasons:

25 (Check One)

26 I expect to be absent from my county of residence.

27 I expect to be temporarily absent from the country.

28 I shall be serving as a judge of election in the
29 precinct which is not my precinct of
30 residence.

31 I shall be observing a religious holiday in
32 accordance with the tenets of my religion.

33 I shall be performing official election duties
34 for an Election Authority,

35 (election authority)

36 or the State Board of

1 Elections.

2 (location)

3 I shall be performing election law enforcement
4 duties in the employment of,
5 (law enforcement agency)

6

7 (location)

8 I am temporarily abiding in the (1) *township
9 of (2) *city ofin the county of
10 and State of due to the fact I am a
11 student attending an institution of higher education.

12 I am physically incapacitated.

13 Reason(s):

14 I have been called for jury duty on said day by
15

16 (court jurisdiction)

17 I hereby make application for an official ballot or ballots
18 to be voted by me at such election and agree that I shall
19 return the ballot or ballots to the election official issuing
20 the same in sufficient time for such official to deliver the
21 ballot or ballots to the proper polling place prior to the
22 closing of the polls on the date of the election.

23 Under penalties as provided by law pursuant to Section
24 29-10 of the Election Code, the undersigned certifies that the
25 statements set forth in this application are true and correct.

26

27 *fill in either (1), (2) or (3). Post office address to which
28 ballot is mailed:

29

30 Provided, that if application is made for a primary
31 election, such application shall designate the name of the
32 political party with which applicant is affiliated.

33 (Source: P.A. 86-873; 86-875; 86-1028.)

34 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

35 Sec. 19-5. It shall be the duty of the election authority

1 to fold the ballot or ballots in the manner specified by the
 2 statute for folding ballots prior to their deposit in the
 3 ballot box, and to enclose such ballot or ballots in an
 4 envelope unsealed to be furnished by him, which envelope shall
 5 bear upon the face thereof the name, official title and post
 6 office address of the election authority, and upon the other
 7 side if the ballot is to go to an elector who is to be out of
 8 the county on the day of the election a printed certification
 9 in substantially the following form:

10 I state that I am a resident of the precinct of the
 11 (1) *township of (2) *City of or (3) *.... ward in
 12 the city of residing at in such city or town in the
 13 county of and State of Illinois, that I have lived at such
 14 address for months last past; that I am lawfully entitled
 15 to vote in such precinct at the election to be held on
 16; and I expect to be absent from the county of my residence
 17 on the date of such election.

18 *fill in either (1), (2) or (3).

19 I further state that I personally marked the enclosed
 20 ballot in secret.

21 Under penalties of perjury as provided by law pursuant to
 22 Section 29-10 of The Election Code, the undersigned certifies
 23 that the statements set forth in this certification are true
 24 and correct.

25

26 If the ballot is to go to an elector who is physically
 27 incapacitated the envelope shall bear upon the back thereof a
 28 certification in substantially the following form:

29 I state that I am a resident of the precinct of the
 30 (1) *township of (2) *City of or (3) *.... ward in
 31 the city of residing at in such city or town in the
 32 county of and State of Illinois, that I have lived at such
 33 address for months last past; that I am lawfully entitled
 34 to vote in such precinct at the election to be held on
 35; that I shall be physically incapable of being present at
 36 the polls of such precinct on the date of holding such

1 election.

2 *fill in either (1), (2) or (3).

3 I further state that I personally marked the enclosed
4 ballot in secret. If I received assistance in casting my
5 ballot, I further attest that, due to physical incapacity, I
6 marked the enclosed ballot in secret with the assistance of

7

8 (Individual rendering assistance)

9

10 (Residence Address)

11 Under penalties of perjury as provided by law pursuant to
12 Section 29-10 of The Election Code, the undersigned certifies
13 that the statements set forth in this certification are true
14 and correct.

15

16 In the case of a voter who is voting absentee by reason of
17 physical incapacity, marking a ballot in secret includes
18 marking a ballot with the assistance of another individual,
19 other than a candidate whose name appears on the ballot (unless
20 the voter is the spouse or a parent, child, brother, or sister
21 of the candidate), the voter's employer, an agent of that
22 employer or an officer or agent of the voter's union, when the
23 voter's physical incapacity necessitates such assistance.

24 If the ballot is to go to an elector who will be unable to
25 enter his or her precinct polling place without violating
26 Section 11-9.3 of the Criminal Code of 1961, the envelope shall
27 bear upon the back thereof a certification in substantially the
28 following form:

29 I state that I am a resident of the precinct of the
30 (1) *township of (2) *City of or (3) *.... ward in
31 the city of residing at in said city or town in the
32 county of and State of Illinois, that I have lived at such
33 address for months last past; that I am lawfully entitled
34 to vote in such precinct at the election to be held on
35; that my assigned precinct polling place is in a school
36 and I will be unable to enter the polling place without

1 violating Section 11-9.3 of the Criminal Code of 1961.

2 *fill in either (1), (2), or (3).

3 I further state that I personally marked the enclosed
4 ballot in secret.

5 Under penalties of perjury as provided by law pursuant to
6 Section 29-10 of the Election Code, the undersigned certifies
7 that the statements set forth in this certification are true
8 and correct.

9

10 If the ballot is to go to an elector who is unable to be
11 present at the polls on the date of the election because of the
12 observance of a religious holiday, the envelope shall bear upon
13 the back thereof a certification in substantially the following
14 form:

15 I state that I am a resident of the precinct of the
16 (1) *township of (2) *City of or (3) *.... ward in
17 the city of residing at in said city or town in the
18 county of and State of Illinois, that I have lived at such
19 address for months last past; that I am lawfully entitled
20 to vote in such precinct at the election to be held on
21; that I shall be unable to be present at the polls of such
22 precinct on the date of holding such election because of the
23 tenets of my religion in the observance of a religious holiday.
24 *fill in either (1), (2) or (3).

25 I further state that I personally marked the enclosed
26 ballot in secret.

27 Under penalties of perjury as provided by law pursuant to
28 Section 29-10 of The Election Code, the undersigned certifies
29 that the statements set forth in this certification are true
30 and correct.

31

32 If the ballot is to go to an elector who is temporarily
33 abiding outside the precinct in which he is registered to vote
34 due to the fact he is a student attending an institution of
35 higher education the envelope shall bear upon the back thereof
36 a certification in substantially the following form:

1 I state that I am a resident of the precinct of the
 2 (1) *township of (2) *City of or (3) *.... ward in
 3 the city of residing at in such city or town in the
 4 county of and State of Illinois, that I have lived at such
 5 address for months last past; that I am lawfully entitled
 6 to vote in such precinct at the election to be held on
 7; and I expect to be absent from the precinct of my
 8 residence on the date of such election because I am temporarily
 9 abiding outside such precinct in the (1) *township of (2)
 10 *city of in the county of and State of due to the
 11 fact I am a student attending an institution of higher
 12 education.

13 *fill in either (1), (2) or (3).

14 I further state that I personally marked the enclosed
 15 ballot in secret.

16 Under penalties of perjury as provided by law pursuant to
 17 Section 29-10 of The Election Code, the undersigned certifies
 18 that the statements set forth in this certification are true
 19 and correct.

20

21 If the election authority adopts the standard absentee
 22 ballot application blank provided in Section 19-3, the printed
 23 certification on the absentee ballot envelope shall be in
 24 substantially the following form:

25 I state that I am a resident of the precinct of the
 26 (1) *township of..... (2) *City of or (3) *..... ward
 27 in the city of residing at in said city or town
 28 in the county of and State of Illinois, that I have
 29 lived at such address for months last past; that I shall
 30 be unable to be present at the polls of such precinct on the
 31 date of holding such election for the reason indicated on the
 32 application for ballot enclosed herein.

33 *fill in either (1), (2) or (3).

34 I further state that I personally marked the enclosed
 35 ballot in secret. If I received assistance in casting my
 36 ballot, I further attest that, due to physical incapacity, I

1 marked the enclosed ballot in secret with the assistance of
 2
 3 (Individual rendering assistance)
 4
 5 (Residence Address)

6 Under penalties of perjury provided by law pursuant to
 7 Section 29-10 of the Election Code, the undersigned certifies
 8 that the statements set forth in this certification are true
 9 and correct.

10

11 In the case of a voter who is voting absentee by reason of
 12 physical incapacity, marking a ballot in secret includes
 13 marking a ballot with the assistance of another individual,
 14 other than a candidate whose name appears on the ballot (unless
 15 the voter is the spouse or a parent, child, brother, or sister
 16 of the candidate), the voter's employer, an agent of that
 17 employer, or an officer or agent of the voter's union, when the
 18 voter's physical incapacity necessitates such assistance.

19 Provided, that if the ballot enclosed is to be voted at a
 20 primary election, the certification shall designate the name of
 21 the political party with which the voter is affiliated.

22 In addition to the above, the election authority shall
 23 provide printed slips giving full instructions regarding the
 24 manner of marking and returning the ballot in order that the
 25 same may be counted, and shall furnish one of such printed
 26 slips to each of such applicants at the same time the ballot is
 27 delivered to him. Such instructions shall include the following
 28 statement: "In signing the certification on the absentee ballot
 29 envelope, you are attesting that you personally marked this
 30 absentee ballot in secret. If you are physically unable to mark
 31 the ballot, a friend or relative may assist you after
 32 completing the enclosed affidavit. Federal and State laws
 33 prohibit a candidate whose name appears on the ballot (unless
 34 you are the spouse or a parent, child, brother, or sister of
 35 the candidate), your employer, your employer's agent or an
 36 officer or agent of your union from assisting physically

1 disabled voters."

2 In addition to the above, if a ballot to be provided to an
3 elector pursuant to this Section contains a public question
4 described in subsection (b) of Section 28-6 and the territory
5 concerning which the question is to be submitted is not
6 described on the ballot due to the space limitations of such
7 ballot, the election authority shall provide a printed copy of
8 a notice of the public question, which shall include a
9 description of the territory in the manner required by Section
10 16-7. The notice shall be furnished to the elector at the same
11 time the ballot is delivered to the elector.

12 (Source: P.A. 89-653, eff. 8-14-96.)

13 (10 ILCS 5/19A-10.5 new)

14 Sec. 19A-10.5. Child sex offenders. If an election
15 authority designates one or more permanent early voting polling
16 places under this Article, the election authority must
17 designate at least one permanent early voting polling place
18 that a qualified elector who is a child sex offender as defined
19 in Section 11-9.3 or Section 11-9.4 of the Criminal Code of
20 1961 may enter without violating Section 11-9.3 or Section
21 11-9.4 of that Code, respectively.

22 If an election authority designates one or more temporary
23 early voting polling places under this Article, the election
24 authority must designate at least one temporary early voting
25 polling place that a qualified elector who is a child sex
26 offender as defined in Section 11-9.3 or Section 11-9.4 of the
27 Criminal Code of 1961 may enter without violating Section
28 11-9.3 or Section 11-9.4 of that Code, respectively.

29 Section 10. The Criminal Code of 1961 is amended by
30 changing Section 11-9.3 as follows:

31 (720 ILCS 5/11-9.3)

32 Sec. 11-9.3. Presence within school zone by child sex
33 offenders prohibited.

1 (a) It is unlawful for a child sex offender to knowingly be
2 present in any school building, on real property comprising any
3 school, or in any conveyance owned, leased, or contracted by a
4 school to transport students to or from school or a school
5 related activity when persons under the age of 18 are present
6 in the building, on the grounds or in the conveyance, unless
7 the offender is a parent or guardian of a student attending the
8 school and the parent or guardian is: (i) attending a
9 conference at the school with school personnel to discuss the
10 progress of his or her child academically or socially, (ii)
11 participating in child review conferences in which evaluation
12 and placement decisions may be made with respect to his or her
13 child regarding special education services, or (iii) attending
14 conferences to discuss other student issues concerning his or
15 her child such as retention and promotion and notifies the
16 principal of the school of his or her presence at the school or
17 unless the offender has permission to be present from the
18 superintendent or the school board or in the case of a private
19 school from the principal. In the case of a public school, if
20 permission is granted, the superintendent or school board
21 president must inform the principal of the school where the sex
22 offender will be present. Notification includes the nature of
23 the sex offender's visit and the hours in which the sex
24 offender will be present in the school. The sex offender is
25 responsible for notifying the principal's office when he or she
26 arrives on school property and when he or she departs from
27 school property. If the sex offender is to be present in the
28 vicinity of children, the sex offender has the duty to remain
29 under the direct supervision of a school official.

30 A child sex offender who violates this provision is guilty
31 of a Class 4 felony.

32 (a-5) It is unlawful for a child sex offender to knowingly
33 be present within 100 feet of a site posted as a pick-up or
34 discharge stop for a conveyance owned, leased, or contracted by
35 a school to transport students to or from school or a school
36 related activity when one or more persons under the age of 18

1 are present at the site.

2 ~~Nothing in this Section shall be construed to infringe upon~~
3 ~~the constitutional right of a child sex offender to be present~~
4 ~~in a school building that is used as a polling place for the~~
5 ~~purpose of voting.~~

6 (1) (Blank; or)

7 (2) (Blank.)

8 (b) It is unlawful for a child sex offender to knowingly
9 loiter within 500 feet of a school building or real property
10 comprising any school while persons under the age of 18 are
11 present in the building or on the grounds, unless the offender
12 is a parent or guardian of a student attending the school and
13 the parent or guardian is: (i) attending a conference at the
14 school with school personnel to discuss the progress of his or
15 her child academically or socially, (ii) participating in child
16 review conferences in which evaluation and placement decisions
17 may be made with respect to his or her child regarding special
18 education services, or (iii) attending conferences to discuss
19 other student issues concerning his or her child such as
20 retention and promotion and notifies the principal of the
21 school of his or her presence at the school or has permission
22 to be present from the superintendent or the school board or in
23 the case of a private school from the principal. In the case of
24 a public school, if permission is granted, the superintendent
25 or school board president must inform the principal of the
26 school where the sex offender will be present. Notification
27 includes the nature of the sex offender's visit and the hours
28 in which the sex offender will be present in the school. The
29 sex offender is responsible for notifying the principal's
30 office when he or she arrives on school property and when he or
31 she departs from school property. If the sex offender is to be
32 present in the vicinity of children, the sex offender has the
33 duty to remain under the direct supervision of a school
34 official. A child sex offender who violates this provision is
35 guilty of a Class 4 felony.

36 (1) (Blank; or)

1 (2) (Blank.)

2 (b-5) It is unlawful for a child sex offender to knowingly
3 reside within 500 feet of a school building or the real
4 property comprising any school that persons under the age of 18
5 attend. Nothing in this subsection (b-5) prohibits a child sex
6 offender from residing within 500 feet of a school building or
7 the real property comprising any school that persons under 18
8 attend if the property is owned by the child sex offender and
9 was purchased before the effective date of this amendatory Act
10 of the 91st General Assembly.

11 (c) Definitions. In this Section:

12 (1) "Child sex offender" means any person who:

13 (i) has been charged under Illinois law, or any
14 substantially similar federal law or law of another
15 state, with a sex offense set forth in paragraph (2) of
16 this subsection (c) or the attempt to commit an
17 included sex offense, and:

18 (A) is convicted of such offense or an attempt
19 to commit such offense; or

20 (B) is found not guilty by reason of insanity
21 of such offense or an attempt to commit such
22 offense; or

23 (C) is found not guilty by reason of insanity
24 pursuant to subsection (c) of Section 104-25 of the
25 Code of Criminal Procedure of 1963 of such offense
26 or an attempt to commit such offense; or

27 (D) is the subject of a finding not resulting
28 in an acquittal at a hearing conducted pursuant to
29 subsection (a) of Section 104-25 of the Code of
30 Criminal Procedure of 1963 for the alleged
31 commission or attempted commission of such
32 offense; or

33 (E) is found not guilty by reason of insanity
34 following a hearing conducted pursuant to a
35 federal law or the law of another state
36 substantially similar to subsection (c) of Section

1 104-25 of the Code of Criminal Procedure of 1963 of
2 such offense or of the attempted commission of such
3 offense; or

4 (F) is the subject of a finding not resulting
5 in an acquittal at a hearing conducted pursuant to
6 a federal law or the law of another state
7 substantially similar to subsection (a) of Section
8 104-25 of the Code of Criminal Procedure of 1963
9 for the alleged violation or attempted commission
10 of such offense; or

11 (ii) is certified as a sexually dangerous person
12 pursuant to the Illinois Sexually Dangerous Persons
13 Act, or any substantially similar federal law or the
14 law of another state, when any conduct giving rise to
15 such certification is committed or attempted against a
16 person less than 18 years of age; or

17 (iii) is subject to the provisions of Section 2 of
18 the Interstate Agreements on Sexually Dangerous
19 Persons Act.

20 Convictions that result from or are connected with the
21 same act, or result from offenses committed at the same
22 time, shall be counted for the purpose of this Section as
23 one conviction. Any conviction set aside pursuant to law is
24 not a conviction for purposes of this Section.

25 (2) Except as otherwise provided in paragraph (2.5),
26 "sex offense" means:

27 (i) A violation of any of the following Sections of
28 the Criminal Code of 1961: 10-7 (aiding and abetting
29 child abduction under Section 10-5(b)(10)),
30 10-5(b)(10) (child luring), 11-6 (indecent
31 solicitation of a child), 11-6.5 (indecent
32 solicitation of an adult), 11-9 (public indecency when
33 committed in a school, on the real property comprising
34 a school, or on a conveyance, owned, leased, or
35 contracted by a school to transport students to or from
36 school or a school related activity), 11-9.1 (sexual

1 exploitation of a child), 11-15.1 (soliciting for a
2 juvenile prostitute), 11-17.1 (keeping a place of
3 juvenile prostitution), 11-18.1 (patronizing a
4 juvenile prostitute), 11-19.1 (juvenile pimping),
5 11-19.2 (exploitation of a child), 11-20.1 (child
6 pornography), 11-21 (harmful material), 12-14.1
7 (predatory criminal sexual assault of a child), 12-33
8 (ritualized abuse of a child), 11-20 (obscenity) (when
9 that offense was committed in any school, on real
10 property comprising any school, in any conveyance
11 owned, leased, or contracted by a school to transport
12 students to or from school or a school related
13 activity). An attempt to commit any of these offenses.

14 (ii) A violation of any of the following Sections
15 of the Criminal Code of 1961, when the victim is a
16 person under 18 years of age: 12-13 (criminal sexual
17 assault), 12-14 (aggravated criminal sexual assault),
18 12-15 (criminal sexual abuse), 12-16 (aggravated
19 criminal sexual abuse). An attempt to commit any of
20 these offenses.

21 (iii) A violation of any of the following Sections
22 of the Criminal Code of 1961, when the victim is a
23 person under 18 years of age and the defendant is not a
24 parent of the victim:

- 25 10-1 (kidnapping),
- 26 10-2 (aggravated kidnapping),
- 27 10-3 (unlawful restraint),
- 28 10-3.1 (aggravated unlawful restraint).

29 An attempt to commit any of these offenses.

30 (iv) A violation of any former law of this State
31 substantially equivalent to any offense listed in
32 clause (2) (i) of subsection (c) of this Section.

33 (2.5) For the purposes of subsection (b-5) only, a sex
34 offense means:

35 (i) A violation of any of the following Sections of
36 the Criminal Code of 1961:

1 10-5(b)(10) (child luring), 10-7 (aiding and
2 abetting child abduction under Section
3 10-5(b)(10)), 11-6 (indecent solicitation of a
4 child), 11-6.5 (indecent solicitation of an
5 adult), 11-15.1 (soliciting for a juvenile
6 prostitute), 11-17.1 (keeping a place of juvenile
7 prostitution), 11-18.1 (patronizing a juvenile
8 prostitute), 11-19.1 (juvenile pimping), 11-19.2
9 (exploitation of a child), 11-20.1 (child
10 pornography), 12-14.1 (predatory criminal sexual
11 assault of a child), or 12-33 (ritualized abuse of
12 a child). An attempt to commit any of these
13 offenses.

14 (ii) A violation of any of the following Sections
15 of the Criminal Code of 1961, when the victim is a
16 person under 18 years of age: 12-13 (criminal sexual
17 assault), 12-14 (aggravated criminal sexual assault),
18 12-16 (aggravated criminal sexual abuse), and
19 subsection (a) of Section 12-15 (criminal sexual
20 abuse). An attempt to commit any of these offenses.

21 (iii) A violation of any of the following Sections
22 of the Criminal Code of 1961, when the victim is a
23 person under 18 years of age and the defendant is not a
24 parent of the victim:

25 10-1 (kidnapping),
26 10-2 (aggravated kidnapping),
27 10-3 (unlawful restraint),
28 10-3.1 (aggravated unlawful restraint).

29 An attempt to commit any of these offenses.

30 (iv) A violation of any former law of this State
31 substantially equivalent to any offense listed in this
32 paragraph (2.5) of this subsection.

33 (3) A conviction for an offense of federal law or the
34 law of another state that is substantially equivalent to
35 any offense listed in paragraph (2) of subsection (c) of
36 this Section shall constitute a conviction for the purpose

1 of this Article. A finding or adjudication as a sexually
2 dangerous person under any federal law or law of another
3 state that is substantially equivalent to the Sexually
4 Dangerous Persons Act shall constitute an adjudication for
5 the purposes of this Section.

6 (4) "School" means a public or private pre-school,
7 elementary, or secondary school.

8 (5) "Loiter" means:

9 (i) Standing, sitting idly, whether or not the
10 person is in a vehicle or remaining in or around school
11 property.

12 (ii) Standing, sitting idly, whether or not the
13 person is in a vehicle or remaining in or around school
14 property, for the purpose of committing or attempting
15 to commit a sex offense.

16 (iii) Entering or remaining in a building in or
17 around school property, other than the offender's
18 residence.

19 (6) "School official" means the principal, a teacher,
20 or any other certified employee of the school, the
21 superintendent of schools or a member of the school board.

22 (d) Sentence. A person who violates this Section is guilty
23 of a Class 4 felony.

24 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
25 94-170, eff. 7-11-05; revised 8-19-05.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.