



Sen. John J. Cullerton

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LRB095 10703 JAM 33081 a

1 AMENDMENT TO SENATE BILL 1276

2 AMENDMENT NO. _____. Amend Senate Bill 1276 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 7-41, 10-3, 10-6, 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

1 within plain view of those within the proximity of the voting
2 booths. No person other than election officers and the
3 challengers allowed by law and those admitted for the purpose
4 of voting, as hereinafter provided, shall be permitted within
5 the proximity of the voting booths, except by authority of the
6 primary officers to keep order and enforce the law.

7 (b) The number of such voting booths shall not be less than
8 one to every seventy-five voters or fraction thereof, who voted
9 at the last preceding election in the precinct or election
10 district.

11 (c) No person shall do any electioneering or soliciting of
12 votes on primary day within any polling place or within one
13 hundred feet of any polling place, ~~or, at the option of a~~
14 ~~church or private school, on any of the property of that church~~
15 ~~or private school that is a polling place.~~ Election officers
16 shall place 2 or more cones, small United States national
17 flags, or some other marker a distance of 100 horizontal feet
18 from each entrance to the room used by voters to engage in
19 voting, which shall be known as the polling room. If the
20 polling room is located within a building that is a private
21 business, a public or private school, or a church or other
22 organization founded for the purpose of religious worship and
23 the distance of 100 horizontal feet ends within the interior of
24 the building, then the markers shall be placed outside of the
25 building at each entrance used by voters to enter that building
26 on the grounds adjacent to the thoroughfare or walkway. If the

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

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 must
23 be made available for use as a polling place. A person shall
24 have the right to congregate and engage in electioneering on
25 any polling place property while the polls are open beyond the
26 campaign free zone, including but not limited to, the placement

1 of temporary signs. This subsection shall be construed
2 liberally in favor of persons engaging in electioneering on all
3 polling place property beyond the campaign free zone for the
4 time that the polls are open on an election day.

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

13 (Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

14 (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

15 Sec. 10-3. Nomination of independent candidates (not
16 candidates of any political party), for any office to be filled
17 by the voters of the State at large may also be made by
18 nomination papers signed in the aggregate for each candidate by
19 1% of the number of voters who voted in the next preceding
20 Statewide general election or 25,000 qualified voters of the
21 State, whichever is less. Nominations of independent
22 candidates for public office within any district or political
23 subdivision less than the State, may be made by nomination
24 papers signed in the aggregate for each candidate by qualified
25 voters of such district, or political subdivision, equaling not

1 less than 5%, nor more than 8% (or 50 more than the minimum,
2 whichever is greater) of the number of persons, who voted at
3 the next preceding regular election in such district or
4 political subdivision in which such district or political
5 subdivision voted as a unit for the election of officers to
6 serve its respective territorial area, ~~except that independent~~
7 ~~candidates for the General Assembly shall require not less than~~
8 ~~10%, nor more than 16% of the number of persons who voted at~~
9 ~~the next preceding general election in such district or~~
10 ~~political subdivision in which such district or political~~
11 ~~subdivision voted as a unit for the election of officers to~~
12 ~~serve its respective territorial area.~~ However, whenever the
13 minimum signature requirement for an independent candidate
14 petition for a district or political subdivision office shall
15 exceed the minimum number of signatures for an independent
16 candidate petition for an office to be filled by the voters of
17 the State at large at the next preceding State-wide general
18 election, such State-wide petition signature requirement shall
19 be the minimum for an independent candidate petition for such
20 district or political subdivision office. For the first
21 election following a redistricting of congressional districts,
22 nomination papers for an independent candidate for congressman
23 shall be signed by at least 5,000 qualified voters of the
24 congressional district. For the first election following a
25 redistricting of legislative districts, nomination papers for
26 an independent candidate for State Senator in the General

1 Assembly shall be signed by at least 3,000 qualified voters of
2 the legislative district. For the first election following a
3 redistricting of representative districts, nomination papers
4 for an independent candidate for State Representative in the
5 General Assembly shall be signed by at least 1,500 qualified
6 voters of the representative district. For the first election
7 following redistricting of county board districts, or of
8 municipal wards or districts, or for the first election
9 following the initial establishment of such districts or wards
10 in a county or municipality, nomination papers for an
11 independent candidate for county board member, or for alderman
12 or trustee of such municipality, shall be signed by qualified
13 voters of the district or ward equal to not less than 5% nor
14 more than 8% (or 50 more than the minimum, whichever is
15 greater) of the total number of votes cast at the preceding
16 general or general municipal election, as the case may be, for
17 the county or municipal office voted on throughout such county
18 or municipality for which the greatest total number of votes
19 were cast for all candidates, divided by the number of
20 districts or wards, but in any event not less than 25 qualified
21 voters of the district or ward. Each voter signing a nomination
22 paper shall add to his signature his place of residence, and
23 each voter may subscribe to one nomination for such office to
24 be filled, and no more: Provided that the name of any candidate
25 whose name may appear in any other place upon the ballot shall
26 not be so added by petition for the same office.

1 The person circulating the petition, or the candidate on
2 whose behalf the petition is circulated, may strike any
3 signature from the petition, provided that;

4 (1) the person striking the signature shall initial the
5 petition at the place where the signature is struck; and

6 (2) the person striking the signature shall sign a
7 certification listing the page number and line number of
8 each signature struck from the petition. Such
9 certification shall be filed as a part of the petition.

10 (3) the persons striking signatures from the petition
11 shall each sign an additional certificate specifying the
12 number of certification pages listing stricken signatures
13 which are attached to the petition and the page numbers
14 indicated on such certifications. The certificate shall be
15 filed as a part of the petition, shall be numbered, and
16 shall be attached immediately following the last page of
17 voters' signatures and before the certifications of
18 stricken signatures.

19 (4) all of the foregoing requirements shall be
20 necessary to effect a valid striking of any signature. The
21 provisions of this Section authorizing the striking of
22 signatures shall not impose any criminal liability on any
23 person so authorized for signatures which may be
24 fraudulent.

25 In the case of the offices of Governor and Lieutenant
26 Governor a joint petition including one candidate for each of

1 those offices must be filed.

2 ~~Every petition for nomination of an independent candidate~~
3 ~~for any office for which candidates of established political~~
4 ~~parties are nominated at the general primary shall be filed~~
5 ~~within the time designated in Section 7-12 of this Act in~~
6 ~~regard to nomination at the general primary of any other~~
7 ~~candidate for such office.~~

8 A candidate for whom a nomination paper has been filed as a
9 partisan candidate at a primary election, and who is defeated
10 for his or her nomination at the primary election, is
11 ineligible to be placed on the ballot as an independent
12 candidate for election in that general or consolidated
13 election.

14 A candidate seeking election to an office for which
15 candidates of political parties are nominated by caucus who is
16 a participant in the caucus and who is defeated for his or her
17 nomination at such caucus, is ineligible to be listed on the
18 ballot at that general or consolidated election as an
19 independent candidate.

20 (Source: P.A. 86-867; 86-875; 86-1028; 86-1348.)

21 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

22 Sec. 10-6. Time and manner of filing. Certificates ~~Except~~
23 ~~as provided in Section 10-3, certificates~~ of nomination and
24 nomination papers for the nomination of candidates for offices
25 to be filled by electors of the entire State, or any district

1 not entirely within a county, or for congressional, state
2 legislative or judicial offices, shall be presented to the
3 principal office of the State Board of Elections not more than
4 141 nor less than 134 days previous to the day of election for
5 which the candidates are nominated. The State Board of
6 Elections shall endorse the certificates of nomination or
7 nomination papers, as the case may be, and the date and hour of
8 presentment to it. Except as otherwise provided in this
9 section, all other certificates for the nomination of
10 candidates shall be filed with the county clerk of the
11 respective counties not more than 141 but at least 134 days
12 previous to the day of such election. Certificates of
13 nomination and nomination papers for the nomination of
14 candidates for the offices of political subdivisions to be
15 filled at regular elections other than the general election
16 shall be filed with the local election official of such
17 subdivision:

18 (1) (Blank);

19 (2) not more than 78 nor less than 71 days prior to the
20 consolidated election; or

21 (3) not more than 78 nor less than 71 days prior to the
22 general primary in the case of municipal offices to be
23 filled at the general primary election; or

24 (4) not more than 78 nor less than 71 days before the
25 consolidated primary in the case of municipal offices to be
26 elected on a nonpartisan basis pursuant to law (including

1 without limitation, those municipal offices subject to
2 Articles 4 and 5 of the Municipal Code); or

3 (5) not more than 78 nor less than 71 days before the
4 municipal primary in even numbered years for such
5 nonpartisan municipal offices where annual elections are
6 provided; or

7 (6) in the case of petitions for the office of
8 multi-township assessor, such petitions shall be filed
9 with the election authority not more than 78 nor less than
10 71 days before the consolidated election.

11 However, where a political subdivision's boundaries are
12 co-extensive with or are entirely within the jurisdiction of a
13 municipal board of election commissioners, the certificates of
14 nomination and nomination papers for candidates for such
15 political subdivision offices shall be filed in the office of
16 such Board.

17 (Source: P.A. 90-358, eff. 1-1-98; 91-317, eff. 7-29-99.)

18 (10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

19 Sec. 17-29. (a) No judge of election, pollwatcher, or other
20 person shall, at any primary or election, do any electioneering
21 or soliciting of votes or engage in any political discussion
22 within any polling place, within 100 feet of any polling place,
23 ~~or, at the option of a church or private school, on any of the~~
24 ~~property of that church or private school that is a polling~~
25 ~~place;~~ no person shall interrupt, hinder or oppose any voter

1 while approaching within those areas for the purpose of voting.
2 Judges of election shall enforce the provisions of this
3 Section.

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

1 pursuant to this subsection. ~~Notwithstanding any other~~
2 ~~provision of this Section, a church or private school may~~
3 ~~choose to apply the campaign free zone to its entire property,~~
4 ~~and, if so, the markers shall be placed near the boundaries on~~
5 ~~the grounds adjacent to the thoroughfares or walkways leading~~
6 ~~to the entrances used by the voters.~~

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

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

1 (Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

2 (10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

3 Sec. 19-2.2. (a) During the period beginning on the 40th
4 day preceding an election and continuing through the day
5 preceding such election, no advertising pertaining to any
6 candidate or proposition to be voted upon shall be displayed in
7 or within 100 feet of any room used by voters pursuant to this
8 Article, ~~or, at the option of a church or private school, on~~
9 ~~any of the property of that church or private school that is a~~
10 ~~polling place;~~ nor shall any person engage in electioneering in
11 or within 100 feet of any such room, ~~or, at the option of a~~
12 ~~church or private school, on any of the property of that church~~
13 ~~or private school that is a polling place.~~ Any person who
14 violates this Section may be punished as for contempt of court.

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

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

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

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

8 (c) The regulation of electioneering on polling place
9 property on an election day, including but not limited to the
10 placement of temporary signs, is an exclusive power and
11 function of the State. A home rule unit may not regulate
12 electioneering and any ordinance or local law contrary to
13 subsection (b) is declared void. This is a denial and
14 limitation of home rule powers and functions under subsection
15 (h) of Section 6 of Article VII of the Illinois Constitution.
16 (Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)".