



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2449**

Introduced 2/3/2004, by Wendell E. Jones, Frank C. Watson

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/7-41	from Ch. 46, par. 7-41
10 ILCS 5/17-29	from Ch. 46, par. 17-29
10 ILCS 5/19-2.2	from Ch. 46, par. 19-2.2
105 ILCS 5/22-21	from Ch. 122, par. 22-21

Amends the Election Code and the School Code. Provides that the property of a polling place beyond the designated campaign-free zone is a public forum while the polling place is open on election day only if that area of the polling place is public property. Effective immediately.

LRB093 20494 JAM 46284 b

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 7-41, 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  
17 within plain view of those within the proximity of the voting  
18 booths. No person other than election officers and the  
19 challengers allowed by law and those admitted for the purpose  
20 of voting, as hereinafter provided, shall be permitted within  
21 the proximity of the voting booths, except by authority of the  
22 primary officers to keep order and enforce the law.

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

27 (c) No person shall do any electioneering or soliciting of  
28 votes on primary day within any polling place or within one  
29 hundred feet of any polling place. Election officers shall  
30 place 2 or more cones, small United States national flags, or  
31 some other marker a distance of 100 horizontal feet from each  
32 entrance to the room used by voters to engage in voting, which

1 shall be known as the polling room. If the polling room is  
2 located within a building that is a public or private school or  
3 a church or other organization founded for the purpose of  
4 religious worship and the distance of 100 horizontal feet ends  
5 within the interior of the building, then the markers shall be  
6 placed outside of the building at each entrance used by voters  
7 to enter that building on the grounds adjacent to the  
8 thoroughfare or walkway. If the polling room is located within  
9 a public or private building with 2 or more floors and the  
10 polling room is located on the ground floor, then the markers  
11 shall be placed 100 horizontal feet from each entrance to the  
12 polling room used by voters to engage in voting. If the polling  
13 room is located in a public or private building with 2 or more  
14 floors and the polling room is located on a floor above or  
15 below the ground floor, then the markers shall be placed a  
16 distance of 100 feet from the nearest elevator or staircase  
17 used by voters on the ground floor to access the floor where  
18 the polling room is located. The area within where the markers  
19 are placed shall be known as a campaign free zone, and  
20 electioneering is prohibited pursuant to this subsection.

21 The area on polling place property beyond the campaign free  
22 zone, only if that area is on public property ~~whether publicly~~  
23 ~~or privately owned~~, is a public forum for the time that the  
24 polls are open on an election day. At the request of election  
25 officers any publicly owned building must be made available for  
26 use as a polling place. A person shall have the right to  
27 congregate and engage in electioneering on any polling place  
28 property while the polls are open beyond the campaign free  
29 zone, including but not limited to, the placement of temporary  
30 signs. This subsection shall be construed liberally in favor of  
31 persons engaging in electioneering on all polling place  
32 property beyond the campaign free zone for the time that the  
33 polls are open on an election day.

34 (d) The regulation of electioneering on polling place  
35 property on an election day, including but not limited to the  
36 placement of temporary signs, is an exclusive power and

1 function of the State. A home rule unit may not regulate  
2 electioneering and any ordinance or local law contrary to  
3 subsection (c) is declared void. This is a denial and  
4 limitation of home rule powers and functions under subsection  
5 (h) of Section 6 of Article VII of the Illinois Constitution.  
6 (Source: P.A. 93-574, eff. 8-21-03.)

7 (10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

8 Sec. 17-29. (a) No judge of election, pollwatcher, or other  
9 person shall, at any primary or election, do any electioneering  
10 or soliciting of votes or engage in any political discussion  
11 within any polling place or within 100 feet of any polling  
12 place; no person shall interrupt, hinder or oppose any voter  
13 while approaching within 100 feet of any polling place for the  
14 purpose of voting. Judges of election shall enforce the  
15 provisions of this Section.

16 (b) Election officers shall place 2 or more cones, small  
17 United States national flags, or some other marker a distance  
18 of 100 horizontal feet from each entrance to the room used by  
19 voters to engage in voting, which shall be known as the polling  
20 room. If the polling room is located within a building that is  
21 a public or private school or a church or other organization  
22 founded for the purpose of religious worship and the distance  
23 of 100 horizontal feet ends within the interior of the  
24 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  
27 polling room is located within a public or private building  
28 with 2 or more floors and the polling room is located on the  
29 ground floor, then the markers shall be placed 100 horizontal  
30 feet from each entrance to the polling room used by voters to  
31 engage in voting. If the polling room is located in a public or  
32 private building with 2 or more floors and the polling room is  
33 located on a floor above or below the ground floor, then the  
34 markers shall be placed a distance of 100 feet from the nearest  
35 elevator or staircase used by voters on the ground floor to

1 access the floor where the polling room is located. The area  
2 within where the markers are placed shall be known as a  
3 campaign free zone, and electioneering is prohibited pursuant  
4 to this subsection.

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

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. 93-574, eff. 8-21-03.)

27 (10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

28 Sec. 19-2.2. (a) During the period beginning on the 40th  
29 day preceding an election and continuing through the day  
30 preceding such election, no advertising pertaining to any  
31 candidate or proposition to be voted upon shall be displayed in  
32 or within 100 feet of any room used by voters pursuant to this  
33 Article; nor shall any person engage in electioneering in or  
34 within 100 feet of any such room. Any person who violates this  
35 Section may be punished as for contempt of court.

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

25 The area on polling place property beyond the campaign free  
26 zone, only if that area is on public property ~~whether publicly~~  
27 ~~or privately owned~~, is a public forum for the time that the  
28 polls are open on an election day. At the request of election  
29 officers any publicly owned building must be made available for  
30 use as a polling place. A person shall have the right to  
31 congregate and engage in electioneering on any polling place  
32 property while the polls are open beyond the campaign free  
33 zone, including but not limited to, the placement of temporary  
34 signs. This subsection shall be construed liberally in favor of  
35 persons engaging in electioneering on all polling place  
36 property beyond the campaign free zone for the time that the

1 polls are open on an election day.

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

11 Section 10. The School Code is amended by changing Section  
12 22-21 as follows:

13 (105 ILCS 5/22-21) (from Ch. 122, par. 22-21)

14 Sec. 22-21. Elections-Use of school buildings.

15 (a) Every school board shall offer to the appropriate  
16 officer or board having responsibility for providing polling  
17 places for elections the use of any and all buildings under its  
18 jurisdiction for any and all elections to be held, if so  
19 requested by such appropriate officer or board.

20 (b) Election officers shall place 2 or more cones, small  
21 United States national flags, or some other marker a distance  
22 of 100 horizontal feet from each entrance to the room used by  
23 voters to engage in voting, which shall be known as the polling  
24 room. If the polling room is located within a building that is  
25 a public or private school and the distance of 100 horizontal  
26 feet ends within the interior of the building, then the markers  
27 shall be placed outside of the building at each entrance used  
28 by voters to enter that building on the grounds adjacent to the  
29 thoroughfare or walkway. If the polling room is located within  
30 a public or private school building with 2 or more floors and  
31 the polling room is located on the ground floor, then the  
32 markers shall be placed 100 horizontal feet from each entrance  
33 to the polling room used by voters to engage in voting. If the  
34 polling room is located in a public or private school building

1 with 2 or more floors and the polling room is located on a  
2 floor above or below the ground floor, then the markers shall  
3 be placed a distance of 100 feet from the nearest elevator or  
4 staircase used by voters on the ground floor to access the  
5 floor where the polling room is located. The area within where  
6 the markers are placed shall be known as a campaign free zone,  
7 and electioneering is prohibited pursuant to this subsection.

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

22 (Source: P.A. 93-574, eff. 8-21-03.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.