



Sen. Don Harmon

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09700HB0363sam004

LRB097 03253 HLH 56328 a

1 AMENDMENT TO HOUSE BILL 363

2 AMENDMENT NO. _____. Amend House Bill 363, AS AMENDED,
3 immediately below the enacting clause, by inserting the
4 following:

5 "Section 3. The Election Code is amended by changing
6 Section 7-41 as follows:

7 (10 ILCS 5/7-41) (from Ch. 46, par. 7-41)

8 Sec. 7-41. (a) All officers upon whom is imposed by law the
9 duty of designating and providing polling places for general
10 elections, shall provide in each such polling place so
11 designated and provided, a sufficient number of booths for such
12 primary election, which booths shall be provided with shelves,
13 such supplies and pencils as will enable the voter to prepare
14 his ballot for voting and in which voters may prepare their
15 ballots screened from all observation as to the manner in which
16 they do so. Such booths shall be within plain view of the

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

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

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

1 on the grounds adjacent to the thoroughfare or walkway. If the
2 polling room is located within a public or private building
3 with 2 or more floors and the polling room is located on the
4 ground floor, then the markers shall be placed 100 horizontal
5 feet from each entrance to the polling room used by voters to
6 engage in voting. If the polling room is located in a public or
7 private building with 2 or more floors and the polling room is
8 located on a floor above or below the ground floor, then the
9 markers shall be placed a distance of 100 feet from the nearest
10 elevator or staircase used by voters on the ground floor to
11 access the floor where the polling room is located. The area
12 within where the markers are placed shall be known as a
13 campaign free zone, and electioneering is prohibited pursuant
14 to this subsection. Notwithstanding any other provision of this
15 Section, a church or private school may choose to apply the
16 campaign free zone to its entire property, and, if so, the
17 markers shall be placed near the boundaries on the grounds
18 adjacent to the thoroughfares or walkways leading to the
19 entrances used by the voters. At or near the door of each
20 polling place, the election judges shall place signage
21 indicating the proper entrance to the polling place. In
22 addition, the election judges shall ensure that a sign
23 identifying the location of the polling place is placed on a
24 nearby public roadway. The State Board of Elections shall
25 establish guidelines for the placement of polling place
26 signage.

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

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

22 (Source: P.A. 95-699, eff. 11-9-07.)".