



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0263

Introduced 1/19/2007, by

#### 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.

LRB095 04803 JAM 24863 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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.

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

5 (d) If a qualified elector's precinct polling place is a  
6 school and the elector will be unable to enter that polling  
7 place without violating Section 11-9.3 of the Criminal Code of  
8 1961 because the elector is a child sex offender as defined in  
9 Section 11-9.3 of the Criminal Code of 1961, that elector may  
10 vote by absentee ballot in accordance with Article 19 of this  
11 Code or may vote early in accordance with Article 19A of this  
12 Code.

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

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

22 (10 ILCS 5/19-1) (from Ch. 46, par. 19-1)

23 Sec. 19-1. Any qualified elector of the State of Illinois  
24 having duly registered where such registration is required who  
25 will be unable to enter his or her precinct polling place

1 without violating Section 11-9.3 of the Criminal Code of 1961  
2 or who expects to be absent from the county in which he is a  
3 qualified elector or who because of being appointed a judge of  
4 election in a precinct other than the precinct in which he  
5 resides or who because of physical incapacity or the tenets of  
6 his religion in the observance of a religious holiday or who  
7 because of election duties for the office of an Election  
8 Authority or the State Board of Elections or who because of  
9 election duties for a law enforcement agency, including but not  
10 limited to the offices of the Attorney General, a State's  
11 Attorney, a United States Attorney, or a State, county, or  
12 municipal police department, or who, because he is temporarily  
13 abiding outside the precinct in which he is registered to vote  
14 due to the fact he is a student attending an institution of  
15 higher education or who is serving as a sequestered juror on a  
16 State or federal jury, or who because of his or her confinement  
17 or detention in a jail pending acquittal or conviction of a  
18 crime, will be unable to be present at the polls on the day of  
19 holding any special, general or primary election at which any  
20 presidential preference is indicated or any candidates are  
21 chosen or elected, for any congressional, State, district,  
22 county, town, city, village, precinct or judicial offices or at  
23 which questions of public policy are submitted, may vote at  
24 such election as hereinafter in this Article provided.

25 Each Election Authority, law enforcement agency, and the  
26 State Board of Elections shall compile and keep current a list

1 of his or its officers or employees who are eligible to vote  
2 under this Article by reason of election duties.

3 For purposes of this Article 19, a physically incapacitated  
4 voter marks his or her ballot "personally" when the voter  
5 exercises his or her physical abilities to their reasonable  
6 limit in marking the ballot, and marking personally may include  
7 instructing the person assisting the incapacitated voter when  
8 giving such instruction represents the reasonable limit of the  
9 physical abilities.

10 (Source: P.A. 94-637, eff. 1-1-06.)

11 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

12 Sec. 19-2. Any elector as defined in Section 19-1 who will  
13 be unable to enter his or her precinct polling place without  
14 violating Section 11-9.3 of the Criminal Code of 1961 or who is  
15 expecting to be absent from the county of his residence or any  
16 such elector who because of being appointed a judge of election  
17 in a precinct other than the precinct in which he resides or  
18 who because of physical incapacity or the tenets of his  
19 religion in the observance of a religious holiday or who  
20 because of election duties for the office of an Election  
21 Authority, the State Board of Elections, or a law enforcement  
22 agency, or who because of his or her confinement or detention  
23 in a jail pending acquittal or conviction of a crime, will be  
24 unable to be present at the polls on the day of such election  
25 may by mail, not more than 40 nor less than 5 days prior to the

1 date of such election, or by personal delivery not more than 40  
2 nor less than one day prior to the date of such election, make  
3 application to the county clerk or to the Board of Election  
4 Commissioners for an official ballot for the voter's precinct  
5 to be voted at such election.

6 (Source: P.A. 94-637, eff. 1-1-06.)

7 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

8 Sec. 19-3. Application for such ballot shall be made on  
9 blanks to be furnished by the election authority and  
10 duplication of such application for ballot is prohibited,  
11 except by the election authority. The application for ballot  
12 shall be substantially in the following form:

13 APPLICATION FOR BALLOT  
14 BY ELECTOR WHO EXPECTS TO BE  
15 ABSENT FROM COUNTY

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

19 I state that I am a resident of the .... precinct of the  
20 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
21 the city of .... residing at .... in such city or town in the  
22 county of .... and State of Illinois; that I have lived at such  
23 address for .... month(s) last past; that I am lawfully  
24 entitled to vote in such precinct at the .... election to be  
25 held therein on ....; that I expect to be absent from the

1 county of my residence on the date of holding such election,  
2 and that I will have no opportunity to vote in person on that  
3 day.

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

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

12 . . . .

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

14 Post office address to which ballot is mailed:  
15 .....

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

19 APPLICATION FOR BALLOT  
20 BY ELECTOR WHO IS JUDGE OF ELECTION  
21 IN A PRECINCT OTHER THAN THE PRECINCT  
22 IN WHICH HE RESIDES

23 To be voted at the .... election in the County of .... and  
24 State of Illinois, in the .... precinct of the (1) \*township of  
25 .... (2) \*City of .... or (3) \*.... ward in the City of ....

26 I state that I am affiliated with the .... party (to be

1 used in primary elections) and that I am a resident of the ....  
2 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
3 \*.... ward in the city of .... residing at .... in such city or  
4 town in the county of .... and State of Illinois; that I have  
5 lived at such address for .... month(s) last past; that I am  
6 lawfully entitled to vote in such precinct at the .... election  
7 to be held therein on ....; that I am a judge of election in  
8 .... precinct or the (1) \*.... ward in the city of .... or (2)  
9 \*township of .... or (3) \*city, village or incorporated town of  
10 .... in such county and that I will have no opportunity of  
11 voting in person on that day:

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

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

20 .....

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

22 Post office address to which ballot is mailed:

23 .....

24 APPLICATION FOR BALLOT

25 BY PHYSICALLY INCAPACITATED ELECTOR

26 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

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

4        I state that I am affiliated with the .... party (to be  
5        used in primary elections) and that I am a resident of the ....  
6        precinct of the (1) \*township of .... (2) \*City of .... or (3)  
7        \*.... ward in the city of .... residing at .... in such city or  
8        town in the county of .... and State of Illinois; that I have  
9        lived at such address for .... month(s) last past; that I am  
10       lawfully entitled to vote in such precinct at the .... election  
11       to be held therein on ....; that my assigned precinct polling  
12       place is in a school and I will be unable to enter the polling  
13       place without violating Section 11-9.3 of the Criminal Code of  
14       1961.

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

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

25                                ....

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

Post office address to which ballot is mailed:

.....

APPLICATION FOR BALLOT

BY ELECTOR OBSERVING RELIGIOUS HOLIDAY

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

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

I hereby make application for an official ballot or ballots to be voted by me at such election if I am so unable to be present at the polls of such precinct on the date of the election because of the tenets of my religion in the observance of a religious holiday, and I agree that I shall return the ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

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 APPLICATION FOR BALLOT

8 BY ELECTOR WHO IS AN ELECTION EMPLOYEE

9 OF STATE'S ATTORNEY, COUNTY CLERK OR

10 BOARD OF ELECTION COMMISSIONERS

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

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

26 I hereby make application for an official ballot or ballots

1 to be voted by me at such election, and I agree that I shall  
2 return such ballot or ballots to the official issuing the same  
3 prior to the closing of the polls on the date of the election.

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

7 . . . .

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

9 Post office address to which ballot is mailed:

10 .....

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

14 APPLICATION FOR  
15 TEMPORARILY ABSENT STUDENT BALLOT

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

19 I state that I am a resident of the .... precinct of the  
20 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
21 the city of .... residing at .... in such city or town in the  
22 county of .... and State of Illinois; that I have lived at such  
23 address for .... month(s) last past; that I am lawfully  
24 entitled to vote in such precinct at the .... election to be  
25 held therein on ....; that I am temporarily abiding outside  
26 such precinct in the (1) \*township of .... (2) \*City of .... in

1 the county of .... and State of .... due to the fact I am a  
2 student attending an institution of higher education, and for  
3 that reason do not expect to have an opportunity to vote in  
4 person on that day.

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

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

13 .....

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

15 Post office address to which ballot is mailed:

16 .....

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

20 In lieu of the separate application blanks heretofore  
21 prescribed, the election authority may adopt a standard  
22 application blank in substantially the following form for all  
23 categories of absentee voters:

24 APPLICATION FOR  
25 ABSENT VOTER'S BALLOT

26 To be voted at the ..... election in the County of

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

4 I state that I am a resident of the ..... precinct of the  
 5 (1) \*township of ..... (2) \*City of ..... or (3) \*.....  
 6 ward in the City of ..... residing at ..... in such city  
 7 or town in the county of ..... and State of Illinois; that I  
 8 have lived at such address for ..... months last past; that I  
 9 am lawfully entitled to vote in such precinct at a .....  
 10 election to be held therein on .....; and that I will be  
 11 unable to vote in person at the polls of such precinct for the  
 12 following reasons:

13 (Check One)

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

15 I expect to be temporarily absent from the country.

16 I shall be serving as a judge of election in the  
 17 ..... precinct which is not my precinct of  
 18 residence.

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

21 I shall be performing official election duties  
 22 for an Election Authority .....,

23 (election authority)

24 ..... or the State Board of

25 Elections.

26 (location)

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

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

10 I am physically incapacitated.

11 Reason(s):

12 I have been called for jury duty on said day by  
 13 .....  
 14 (court jurisdiction)

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

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

24 .....

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



1 .....  
2

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

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

7 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

8 Sec. 19-5. It shall be the duty of the election authority  
9 to fold the ballot or ballots in the manner specified by the  
10 statute for folding ballots prior to their deposit in the  
11 ballot box, and to enclose such ballot or ballots in an  
12 envelope unsealed to be furnished by him, which envelope shall  
13 bear upon the face thereof the name, official title and post  
14 office address of the election authority, and upon the other  
15 side if the ballot is to go to an elector who is to be out of  
16 the county on the day of the election a printed certification  
17 in substantially the following form:

18 I state that I am a resident of the .... precinct of the  
19 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
20 the city of .... residing at .... in such city or town in the  
21 county of .... and State of Illinois, that I have lived at such  
22 address for .... months last past; that I am lawfully entitled  
23 to vote in such precinct at the .... election to be held on  
24 ....; and I expect to be absent from the county of my residence  
25 on the date of such election.

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

1 I further state that I personally marked the enclosed  
2 ballot in secret.

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

7 .....

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

11 I state that I am a resident of the .... precinct of the  
12 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
13 the city of .... residing at .... in such city or town in the  
14 county of .... and State of Illinois, that I have lived at such  
15 address for .... months last past; that I am lawfully entitled  
16 to vote in such precinct at the .... election to be held on  
17 ....; that I shall be physically incapable of being present at  
18 the polls of such precinct on the date of holding such  
19 election.

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

21 I further state that I personally marked the enclosed  
22 ballot in secret. If I received assistance in casting my  
23 ballot, I further attest that, due to physical incapacity, I  
24 marked the enclosed ballot in secret with the assistance of

25 .....

26 (Individual rendering assistance)

1 .....  
2

(Residence Address)

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

7 .....  
8

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

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

22 I state that I am a resident of the .... precinct of the  
23 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
24 the city of .... residing at .... in said city or town in the  
25 county of .... and State of Illinois, that I have lived at such  
26 address for .... months last past; that I am lawfully entitled  
to vote in such precinct at the .... election to be held on

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

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

5 I further state that I personally marked the enclosed  
6 ballot in secret.

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

11 .....

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

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

1 I further state that I personally marked the enclosed  
2 ballot in secret.

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

7 .....

8 If the ballot is to go to an elector who is unable to be  
9 present at the polls on the date of the election because he or  
10 she is confined or detained in jail pending acquittal or  
11 conviction of a crime, the envelope shall bear upon the back  
12 thereof a certification in substantially the following form:

13 I state that I am a resident of the .... precinct of the  
14 (1) \*township of .... (2) \*City of.... or (3) \*.... ward in the  
15 city of .... residing at .... in that city or town in the  
16 county of .... and State of Illinois, that I have lived at such  
17 address for .... months last past; that I am lawfully entitled  
18 to vote in such precinct at the .... election to be held on  
19 ....; that I shall be unable to be present at the polls of such  
20 precinct on the date of holding such election because of my  
21 confinement or detention in jail pending acquittal or  
22 conviction of a crime.

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

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

26 Under penalties of perjury as provided by law pursuant to

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

4 .....

5 If the ballot is to go to an elector who is temporarily  
6 abiding outside the precinct in which he is registered to vote  
7 due to the fact he is a student attending an institution of  
8 higher education the envelope shall bear upon the back thereof  
9 a certification 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 precinct of my  
17 residence on the date of such election because I am temporarily  
18 abiding outside such precinct in the (1) \*township of .... (2)  
19 \*city of .... in the county of .... and State of .... due to the  
20 fact I am a student attending an institution of higher  
21 education.

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

23 I further state that I personally marked the enclosed  
24 ballot in secret.

25 Under penalties of perjury as provided by law pursuant to  
26 Section 29-10 of The Election Code, the undersigned certifies

1 that the statements set forth in this certification are true  
2 and correct.

3 .....

4 If the election authority adopts the standard absentee  
5 ballot application blank provided in Section 19-3, the printed  
6 certification on the absentee ballot envelope shall be in  
7 substantially the following form:

8 I state that I am a resident of the ..... precinct of the  
9 (1) \*township of..... (2) \*City of ..... or (3) \*..... ward  
10 in the city of ..... residing at ..... in said city or town  
11 in the county of ..... and State of Illinois, that I have  
12 lived at such address for .... months last past; that I shall  
13 be unable to be present at the polls of such precinct on the  
14 date of holding such election for the reason indicated on the  
15 application for ballot enclosed herein.

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

17 I further state that I personally marked the enclosed  
18 ballot in secret. If I received assistance in casting my  
19 ballot, I further attest that, due to physical incapacity, I  
20 marked the enclosed ballot in secret with the assistance of

21 .....

22 (Individual rendering assistance)

23 .....

24 (Residence Address)

25 Under penalties of perjury provided by law pursuant to  
26 Section 29-10 of the Election Code, the undersigned certifies

1 that the statements set forth in this certification are true  
2 and correct.

3 .....

4 In the case of a voter who is voting absentee by reason of  
5 physical incapacity, marking a ballot in secret includes  
6 marking a ballot with the assistance of another individual,  
7 other than a candidate whose name appears on the ballot (unless  
8 the voter is the spouse or a parent, child, brother, or sister  
9 of the candidate), the voter's employer, an agent of that  
10 employer, or an officer or agent of the voter's union, when the  
11 voter's physical incapacity necessitates such assistance.

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

15 In addition to the above, the election authority shall  
16 provide printed slips giving full instructions regarding the  
17 manner of marking and returning the ballot in order that the  
18 same may be counted, and shall furnish one of such printed  
19 slips to each of such applicants at the same time the ballot is  
20 delivered to him. Such instructions shall include the following  
21 statement: "In signing the certification on the absentee ballot  
22 envelope, you are attesting that you personally marked this  
23 absentee ballot in secret. If you are physically unable to mark  
24 the ballot, a friend or relative may assist you after  
25 completing the enclosed affidavit. Federal and State laws  
26 prohibit a candidate whose name appears on the ballot (unless



1 you are the spouse or a parent, child, brother, or sister of  
2 the candidate), your employer, your employer's agent or an  
3 officer or agent of your union from assisting physically  
4 disabled voters."

5 In addition to the above, if a ballot to be provided to an  
6 elector pursuant to this Section contains a public question  
7 described in subsection (b) of Section 28-6 and the territory  
8 concerning which the question is to be submitted is not  
9 described on the ballot due to the space limitations of such  
10 ballot, the election authority shall provide a printed copy of  
11 a notice of the public question, which shall include a  
12 description of the territory in the manner required by Section  
13 16-7. The notice shall be furnished to the elector at the same  
14 time the ballot is delivered to the elector.

15 (Source: P.A. 94-637, eff. 1-1-06.)

16 (10 ILCS 5/19A-10.5 new)

17 Sec. 19A-10.5. Child sex offenders. If an election  
18 authority designates one or more permanent early voting polling  
19 places under this Article, the election authority must  
20 designate at least one permanent early voting polling place  
21 that a qualified elector who is a child sex offender as defined  
22 in Section 11-9.3 or Section 11-9.4 of the Criminal Code of  
23 1961 may enter without violating Section 11-9.3 or Section  
24 11-9.4 of that Code, respectively.

25 If an election authority designates one or more temporary

1 early voting polling places under this Article, the election  
2 authority must designate at least one temporary early voting  
3 polling place that a qualified elector who is a child sex  
4 offender as defined in Section 11-9.3 or Section 11-9.4 of the  
5 Criminal Code of 1961 may enter without violating Section  
6 11-9.3 or Section 11-9.4 of that Code, respectively.

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

9 (720 ILCS 5/11-9.3)

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

12 (a) It is unlawful for a child sex offender to knowingly be  
13 present in any school building, on real property comprising any  
14 school, or in any conveyance owned, leased, or contracted by a  
15 school to transport students to or from school or a school  
16 related activity when persons under the age of 18 are present  
17 in the building, on the grounds or in the conveyance, unless  
18 the offender is a parent or guardian of a student attending the  
19 school and the parent or guardian is: (i) attending a  
20 conference at the school with school personnel to discuss the  
21 progress of his or her child academically or socially, (ii)  
22 participating in child review conferences in which evaluation  
23 and placement decisions may be made with respect to his or her  
24 child regarding special education services, or (iii) attending

1 conferences to discuss other student issues concerning his or  
2 her child such as retention and promotion and notifies the  
3 principal of the school of his or her presence at the school or  
4 unless the offender has permission to be present from the  
5 superintendent or the school board or in the case of a private  
6 school from the principal. In the case of a public school, if  
7 permission is granted, the superintendent or school board  
8 president must inform the principal of the school where the sex  
9 offender will be present. Notification includes the nature of  
10 the sex offender's visit and the hours in which the sex  
11 offender will be present in the school. The sex offender is  
12 responsible for notifying the principal's office when he or she  
13 arrives on school property and when he or she departs from  
14 school property. If the sex offender is to be present in the  
15 vicinity of children, the sex offender has the duty to remain  
16 under the direct supervision of a school official. A child sex  
17 offender who violates this provision is guilty of a Class 4  
18 felony.

19 (a-5) It is unlawful for a child sex offender to knowingly  
20 be present within 100 feet of a site posted as a pick-up or  
21 discharge stop for a conveyance owned, leased, or contracted by  
22 a school to transport students to or from school or a school  
23 related activity when one or more persons under the age of 18  
24 are present at the site.

25 ~~Nothing in this Section shall be construed to infringe upon~~  
26 ~~the constitutional right of a child sex offender to be present~~

1 ~~in a school building that is used as a polling place for the~~  
2 ~~purpose of voting.~~

3 ~~(1) (Blank; or)~~

4 ~~(2) (Blank.)~~

5 (b) It is unlawful for a child sex offender to knowingly  
6 loiter within 500 feet of a school building or real property  
7 comprising any school while persons under the age of 18 are  
8 present in the building or on the grounds, unless the offender  
9 is a parent or guardian of a student attending the school and  
10 the parent or guardian is: (i) attending a conference at the  
11 school with school personnel to discuss the progress of his or  
12 her child academically or socially, (ii) participating in child  
13 review conferences in which evaluation and placement decisions  
14 may be made with respect to his or her child regarding special  
15 education services, or (iii) attending conferences to discuss  
16 other student issues concerning his or her child such as  
17 retention and promotion and notifies the principal of the  
18 school of his or her presence at the school or has permission  
19 to be present from the superintendent or the school board or in  
20 the case of a private school from the principal. In the case of  
21 a public school, if permission is granted, the superintendent  
22 or school board president must inform the principal of the  
23 school where the sex offender will be present. Notification  
24 includes the nature of the sex offender's visit and the hours  
25 in which the sex offender will be present in the school. The  
26 sex offender is responsible for notifying the principal's

1 office when he or she arrives on school property and when he or  
2 she departs from school property. If the sex offender is to be  
3 present in the vicinity of children, the sex offender has the  
4 duty to remain under the direct supervision of a school  
5 official. A child sex offender who violates this provision is  
6 guilty of a Class 4 felony.

7 ~~(1) (Blank; or)~~

8 ~~(2) (Blank.)~~

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

18 (c) Definitions. In this Section:

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

20 (i) has been charged under Illinois law, or any  
21 substantially similar federal law or law of another  
22 state, with a sex offense set forth in paragraph (2) of  
23 this subsection (c) or the attempt to commit an  
24 included sex offense, and:

25 (A) is convicted of such offense or an attempt

26 to commit such offense; or

1 (B) is found not guilty by reason of insanity  
2 of such offense or an attempt to commit such  
3 offense; or

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

8 (D) is the subject of a finding not resulting  
9 in an acquittal at a hearing conducted pursuant to  
10 subsection (a) of Section 104-25 of the Code of  
11 Criminal Procedure of 1963 for the alleged  
12 commission or attempted commission of such  
13 offense; or

14 (E) is found not guilty by reason of insanity  
15 following a hearing conducted pursuant to a  
16 federal law or the law of another state  
17 substantially similar to subsection (c) of Section  
18 104-25 of the Code of Criminal Procedure of 1963 of  
19 such offense or of the attempted commission of such  
20 offense; or

21 (F) is the subject of a finding not resulting  
22 in an acquittal at a hearing conducted pursuant to  
23 a federal law or the law of another state  
24 substantially similar to subsection (a) of Section  
25 104-25 of the Code of Criminal Procedure of 1963  
26 for the alleged violation or attempted commission

1 of such offense; or

2 (ii) is certified as a sexually dangerous person  
3 pursuant to the Illinois Sexually Dangerous Persons  
4 Act, or any substantially similar federal law or the  
5 law of another state, when any conduct giving rise to  
6 such certification is committed or attempted against a  
7 person less than 18 years of age; or

8 (iii) is subject to the provisions of Section 2 of  
9 the Interstate Agreements on Sexually Dangerous  
10 Persons Act.

11 Convictions that result from or are connected with the  
12 same act, or result from offenses committed at the same  
13 time, shall be counted for the purpose of this Section as  
14 one conviction. Any conviction set aside pursuant to law is  
15 not a conviction for purposes of this Section.

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

18 (i) A violation of any of the following Sections of  
19 the Criminal Code of 1961: 10-7 (aiding and abetting  
20 child abduction under Section 10-5(b)(10)),  
21 10-5(b)(10) (child luring), 11-6 (indecent  
22 solicitation of a child), 11-6.5 (indecent  
23 solicitation of an adult), 11-9 (public indecency when  
24 committed in a school, on the real property comprising  
25 a school, or on a conveyance, owned, leased, or  
26 contracted by a school to transport students to or from

1 school or a school related activity), 11-9.1 (sexual  
2 exploitation of a child), 11-15.1 (soliciting for a  
3 juvenile prostitute), 11-17.1 (keeping a place of  
4 juvenile prostitution), 11-18.1 (patronizing a  
5 juvenile prostitute), 11-19.1 (juvenile pimping),  
6 11-19.2 (exploitation of a child), 11-20.1 (child  
7 pornography), 11-21 (harmful material), 12-14.1  
8 (predatory criminal sexual assault of a child), 12-33  
9 (ritualized abuse of a child), 11-20 (obscenity) (when  
10 that offense was committed in any school, on real  
11 property comprising any school, in any conveyance  
12 owned, leased, or contracted by a school to transport  
13 students to or from school or a school related  
14 activity). An attempt to commit any of these offenses.

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

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

26 10-1 (kidnapping),



1           10-2 (aggravated kidnapping),  
2           10-3 (unlawful restraint),  
3           10-3.1 (aggravated unlawful restraint).

4           An attempt to commit any of these offenses.

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

8           (2.5) For the purposes of subsection (b-5) only, a sex  
9           offense means:

10           (i) A violation of any of the following Sections of  
11           the Criminal Code of 1961:

12           10-5(b)(10) (child luring), 10-7 (aiding and  
13           abetting child abduction under Section  
14           10-5(b)(10)), 11-6 (indecent solicitation of a  
15           child), 11-6.5 (indecent solicitation of an  
16           adult), 11-15.1 (soliciting for a juvenile  
17           prostitute), 11-17.1 (keeping a place of juvenile  
18           prostitution), 11-18.1 (patronizing a juvenile  
19           prostitute), 11-19.1 (juvenile pimping), 11-19.2  
20           (exploitation of a child), 11-20.1 (child  
21           pornography), 12-14.1 (predatory criminal sexual  
22           assault of a child), or 12-33 (ritualized abuse of  
23           a child). An attempt to commit any of these  
24           offenses.

25           (ii) A violation of any of the following Sections  
26           of the Criminal Code of 1961, when the victim is a

1 person under 18 years of age: 12-13 (criminal sexual  
2 assault), 12-14 (aggravated criminal sexual assault),  
3 12-16 (aggravated criminal sexual abuse), and  
4 subsection (a) of Section 12-15 (criminal sexual  
5 abuse). An attempt to commit any of these offenses.

6 (iii) A violation of any of the following Sections  
7 of the Criminal Code of 1961, when the victim is a  
8 person under 18 years of age and the defendant is not a  
9 parent of the victim:

10 10-1 (kidnapping),

11 10-2 (aggravated kidnapping),

12 10-3 (unlawful restraint),

13 10-3.1 (aggravated unlawful restraint).

14 An attempt to commit any of these offenses.

15 (iv) A violation of any former law of this State  
16 substantially equivalent to any offense listed in this  
17 paragraph (2.5) of this subsection.

18 (3) A conviction for an offense of federal law or the  
19 law of another state that is substantially equivalent to  
20 any offense listed in paragraph (2) of subsection (c) of  
21 this Section shall constitute a conviction for the purpose  
22 of this Article. A finding or adjudication as a sexually  
23 dangerous person under any federal law or law of another  
24 state that is substantially equivalent to the Sexually  
25 Dangerous Persons Act shall constitute an adjudication for  
26 the purposes of this Section.

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

3           (5) "Loiter" means:

4           (i) Standing, sitting idly, whether or not the  
5 person is in a vehicle or remaining in or around school  
6 property.

7           (ii) Standing, sitting idly, whether or not the  
8 person is in a vehicle or remaining in or around school  
9 property, for the purpose of committing or attempting  
10 to commit a sex offense.

11           (iii) Entering or remaining in a building in or  
12 around school property, other than the offender's  
13 residence.

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

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

19           (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;  
20 94-170, eff. 7-11-05; revised 9-15-06.)

21           Section 99. Effective date. This Act takes effect upon  
22 becoming law.