

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

14 (10 ILCS 5/19-1) (from Ch. 46, par. 19-1)

15 Sec. 19-1. Any qualified elector of the State of Illinois
16 having duly registered where such registration is required who
17 will be unable to enter his or her precinct polling place
18 without violating Section 11-9.3 of the Criminal Code of 1961
19 or who expects to be absent from the county in which he is a
20 qualified elector or who because of being appointed a judge of
21 election in a precinct other than the precinct in which he
22 resides or who because of physical incapacity or the tenets of
23 his religion in the observance of a religious holiday or who
24 because of election duties for the office of an Election
25 Authority or the State Board of Elections or who because of

1 election duties for a law enforcement agency, including but not
2 limited to the offices of the Attorney General, a State's
3 Attorney, a United States Attorney, or a State, county, or
4 municipal police department, or who, because he is temporarily
5 abiding outside the precinct in which he is registered to vote
6 due to the fact he is a student attending an institution of
7 higher education or who is serving as a sequestered juror on a
8 State or federal jury, or who because of his or her confinement
9 or detention in a jail pending acquittal or conviction of a
10 crime, will be unable to be present at the polls on the day of
11 holding any special, general or primary election at which any
12 presidential preference is indicated or any candidates are
13 chosen or elected, for any congressional, State, district,
14 county, town, city, village, precinct or judicial offices or at
15 which questions of public policy are submitted, may vote at
16 such election as hereinafter in this Article provided.

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

21 For purposes of this Article 19, a physically incapacitated
22 voter marks his or her ballot "personally" when the voter
23 exercises his or her physical abilities to their reasonable
24 limit in marking the ballot, and marking personally may include
25 instructing the person assisting the incapacitated voter when
26 giving such instruction represents the reasonable limit of the

1 physical abilities.

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

3 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

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

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

24 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

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

6 APPLICATION FOR BALLOT

7 BY ELECTOR WHO EXPECTS TO BE

8 ABSENT FROM COUNTY

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

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

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

1 Under penalties as provided by law pursuant to Section
2 29-10 of The Election Code, the undersigned certifies that the
3 statements set forth in this application are true and correct.

4

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

6 Post office address to which ballot is mailed:

7

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

11 APPLICATION FOR BALLOT
12 BY ELECTOR WHO IS JUDGE OF ELECTION
13 IN A PRECINCT OTHER THAN THE PRECINCT
14 IN WHICH HE RESIDES

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

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

1 *township of or (3) *city, village or incorporated town of
2 in such county and that I will have no opportunity of
3 voting in person on that day:

4 I hereby make application for an official ballot or ballots
5 to be voted by me at such election if I serve as a judge of
6 election in such last named precinct, and I agree that I shall
7 return such ballot or ballots to the official issuing the same
8 prior to the 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 APPLICATION FOR BALLOT

17 BY PHYSICALLY INCAPACITATED ELECTOR

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

21 I state that I am affiliated with the party (to be
22 used in primary elections) and that I am a resident of the
23 precinct of the (1) *township of (2) *City of or (3)
24 *.... ward in the city of residing at in such city or
25 town in the county of and State of Illinois; that I have
26 lived at such address for month(s) last past; that I am

1 lawfully entitled to vote in such precinct at the election
2 to be held therein on; that I shall be physically
3 incapable of being present at the polls of such precinct on the
4 date of holding such election for the following reasons:

5 I hereby make application for an official ballot or ballots
6 to be voted by me at such election if I am so physically
7 incapacitated, and I agree that I shall return such ballot or
8 ballots to the official issuing the same prior to the closing
9 of the polls on the date of 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 APPLICATION FOR BALLOT

18 BY CHILD SEX OFFENDER ELECTOR

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

22 I state that I am affiliated with the party (to be
23 used in primary elections) and that I am a resident of the
24 precinct of the (1) *township of (2) *City of or (3)
25 *.... ward in the city of residing at in such city or
26 town in the county of and State of Illinois; that I have

1 lived at such address for month(s) last past; that I am
 2 lawfully entitled to vote in such precinct at the election
 3 to be held therein on; that my assigned precinct polling
 4 place is in a school and I will be unable to enter the polling
 5 place without violating Section 11-9.3 of the Criminal Code of
 6 1961.

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

14 Under penalties as provided by law pursuant to Section
 15 29-10 of the Election Code, the undersigned certifies that the
 16 statements set forth in this application are true and correct.

17

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

19 Post office address to which ballot is mailed:

20

21 APPLICATION FOR BALLOT

22 BY ELECTOR OBSERVING RELIGIOUS HOLIDAY

23 To be voted at the election in the county of
 24 State of Illinois, in the precinct (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) past, that I am
 6 lawfully entitled to vote in such precinct at the election
 7 to be held therein on; that I shall be unable to be
 8 present at the polls of such precinct on the date of holding
 9 such election because of the tenets of my religion in the
 10 observance of a religious holiday.

11 I hereby make application for an official ballot or ballots
 12 to be voted by me at such election if I am so unable to be
 13 present at the polls of such precinct on the date of the
 14 election because of the tenets of my religion in the observance
 15 of a religious holiday, and I agree that I shall return the
 16 ballot or ballots to the official issuing the same prior to the
 17 closing of the polls on the date of the 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 ELECTOR WHO IS AN ELECTION EMPLOYEE

1 Post office address to which ballot is mailed:

2

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

6 APPLICATION FOR
7 TEMPORARILY ABSENT STUDENT BALLOT

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

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 month(s) last past; that I am lawfully
16 entitled to vote in such precinct at the election to be
17 held therein on; that I am temporarily abiding outside
18 such precinct in the (1) *township of (2) *City of in
19 the county of and State of due to the fact I am a
20 student attending an institution of higher education, and for
21 that reason do not expect to have an opportunity to vote in
22 person on that day.

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

1 closing of the polls on the date of the election.

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

5

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

7 Post office address to which ballot is mailed:

8

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

12 In lieu of the separate application blanks heretofore
13 prescribed, the election authority may adopt a standard
14 application blank in substantially the following form for all
15 categories of absentee voters:

16 APPLICATION FOR
17 ABSENT VOTER'S BALLOT

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

22 I state that I am a resident of the precinct of the
23 (1) *township of (2) *City of or (3) *.....
24 ward in the City of residing at in such city
25 or town in the county of and State of Illinois; that I
26 have lived at such address for months last past; that I

1 am lawfully entitled to vote in such precinct at a
2 election to be held therein on; and that I will be
3 unable to vote in person at the polls of such precinct for the
4 following reasons:

5 (Check One)

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

7 I expect to be temporarily absent from the country.

8 I shall be serving as a judge of election in the
9 precinct which is not my precinct of
10 residence.

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

13 I shall be performing official election duties
14 for an Election Authority,

15 (election authority)

16 or the State Board of

17 Elections.

18 (location)

19 I shall be performing election law enforcement
20 duties in the employment of,

21 (law enforcement agency)

22

23 (location)

24 I am temporarily abiding in the (1) *township of
25 (2) *city of in the county of and State of due to
26 the fact I am a student attending an institution of higher

1 education.

2 I am physically incapacitated.

3 Reason(s):

4 I have been called for jury duty on said day by

5

6 (court jurisdiction)

7 I hereby make application for an official ballot or ballots
8 to be voted by me at such election and agree that I shall
9 return the ballot or ballots to the election official issuing
10 the same in sufficient time for such official to deliver the
11 ballot or ballots to the proper polling place prior to the
12 closing of the polls on the date of the election.

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

16

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

19

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

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

24 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

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

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

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

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

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

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

25

26 If the ballot is to go to an elector who is physically

1 incapacitated the envelope shall bear upon the back thereof a
2 certification in substantially the following form:

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

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

13 I further state that I personally marked the enclosed
14 ballot in secret. If I received assistance in casting my
15 ballot, I further attest that, due to physical incapacity, I
16 marked the enclosed ballot in secret with the assistance of

17

18 (Individual rendering assistance)

19

20 (Residence Address)

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

25

26 In the case of a voter who is voting absentee by reason of

1 physical incapacity, marking a ballot in secret includes
2 marking a ballot with the assistance of another individual,
3 other than a candidate whose name appears on the ballot (unless
4 the voter is the spouse or a parent, child, brother, or sister
5 of the candidate), the voter's employer, an agent of that
6 employer or an officer or agent of the voter's union, when the
7 voter's physical incapacity necessitates such assistance.

8 If the ballot is to go to an elector who will be unable to
9 enter his or her precinct polling place without violating
10 Section 11-9.3 of the Criminal Code of 1961, the envelope shall
11 bear upon the back thereof a certification in substantially the
12 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
15 the city of residing at in said 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 my assigned precinct polling place is in a school
20 and I will be unable to enter the polling place without
21 violating Section 11-9.3 of the Criminal Code of 1961.

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 ballot is to go to an elector who is unable to be
5 present at the polls on the date of the election because of the
6 observance of a religious holiday, the envelope shall bear upon
7 the back thereof a certification in substantially the following
8 form:

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

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

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

25

26 If the ballot is to go to an elector who is unable to be

1 present at the polls on the date of the election because he or
2 she is confined or detained in jail pending acquittal or
3 conviction of a crime, the envelope shall bear upon the back
4 thereof a certification in substantially the following form:

5 I state that I am a resident of the precinct of the
6 (1) *township of (2) *City of.... or (3) *.... ward in the
7 city of residing at in that city or town in the
8 county of and State of Illinois, that I have lived at such
9 address for months last past; that I am lawfully entitled
10 to vote in such precinct at the election to be held on
11; that I shall be unable to be present at the polls of such
12 precinct on the date of holding such election because of my
13 confinement or detention in jail pending acquittal or
14 conviction of a crime.

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

16 I further state that I personally marked the enclosed
17 ballot in secret.

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

22

23 If the ballot is to go to an elector who is temporarily
24 abiding outside the precinct in which he is registered to vote
25 due to the fact he is a student attending an institution of
26 higher education the envelope shall bear upon the back thereof

1 a certification in substantially the following form:

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

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

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

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

21

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

26 I state that I am a resident of the precinct of the

1 (1) *township of..... (2) *City of or (3) *..... ward
 2 in the city of residing at in said city or town
 3 in the county of and State of Illinois, that I have
 4 lived at such address for months last past; that I shall
 5 be unable to be present at the polls of such precinct on the
 6 date of holding such election for the reason indicated on the
 7 application for ballot enclosed herein.

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

9 I further state that I personally marked the enclosed
 10 ballot in secret. If I received assistance in casting my
 11 ballot, I further attest that, due to physical incapacity, I
 12 marked the enclosed ballot in secret with the assistance of

13

14 (Individual rendering assistance)

15

16 (Residence Address)

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

21

22 In the case of a voter who is voting absentee by reason of
 23 physical incapacity, marking a ballot in secret includes
 24 marking a ballot with the assistance of another individual,
 25 other than a candidate whose name appears on the ballot (unless
 26 the voter is the spouse or a parent, child, brother, or sister

1 of the candidate), the voter's employer, an agent of that
2 employer, or an officer or agent of the voter's union, when the
3 voter's physical incapacity necessitates such assistance.

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

7 In addition to the above, the election authority shall
8 provide printed slips giving full instructions regarding the
9 manner of marking and returning the ballot in order that the
10 same may be counted, and shall furnish one of such printed
11 slips to each of such applicants at the same time the ballot is
12 delivered to him. Such instructions shall include the following
13 statement: "In signing the certification on the absentee ballot
14 envelope, you are attesting that you personally marked this
15 absentee ballot in secret. If you are physically unable to mark
16 the ballot, a friend or relative may assist you after
17 completing the enclosed affidavit. Federal and State laws
18 prohibit a candidate whose name appears on the ballot (unless
19 you are the spouse or a parent, child, brother, or sister of
20 the candidate), your employer, your employer's agent or an
21 officer or agent of your union from assisting physically
22 disabled voters."

23 In addition to the above, if a ballot to be provided to an
24 elector pursuant to this Section contains a public question
25 described in subsection (b) of Section 28-6 and the territory
26 concerning which the question is to be submitted is not

1 described on the ballot due to the space limitations of such
2 ballot, the election authority shall provide a printed copy of
3 a notice of the public question, which shall include a
4 description of the territory in the manner required by Section
5 16-7. The notice shall be furnished to the elector at the same
6 time the ballot is delivered to the elector.

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

8 (10 ILCS 5/19A-10.5 new)

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

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

24 Section 10. The Criminal Code of 1961 is amended by

1 changing Section 11-9.3 as follows:

2 (720 ILCS 5/11-9.3)

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

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

1 offender will be present. Notification includes the nature of
2 the sex offender's visit and the hours in which the sex
3 offender will be present in the school. The sex offender is
4 responsible for notifying the principal's office when he or she
5 arrives on school property and when he or she departs from
6 school property. If the sex offender is to be present in the
7 vicinity of children, the sex offender has the duty to remain
8 under the direct supervision of a school official. A child sex
9 offender who violates this provision is guilty of a Class 4
10 felony.

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

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

21 ~~(1) (Blank; or)~~

22 ~~(2) (Blank.)~~

23 (b) It is unlawful for a child sex offender to knowingly
24 loiter within 500 feet of a school building or real property
25 comprising any school while persons under the age of 18 are
26 present in the building or on the grounds, unless the offender

1 is a parent or guardian of a student attending the school and
2 the parent or guardian is: (i) attending a conference at the
3 school with school personnel to discuss the progress of his or
4 her child academically or socially, (ii) participating in child
5 review conferences in which evaluation and placement decisions
6 may be made with respect to his or her child regarding special
7 education services, or (iii) attending conferences to discuss
8 other student issues concerning his or her child such as
9 retention and promotion and notifies the principal of the
10 school of his or her presence at the school or has permission
11 to be present from the superintendent or the school board or in
12 the case of a private school from the principal. In the case of
13 a public school, if permission is granted, the superintendent
14 or school board president must inform the principal of the
15 school where the sex offender will be present. Notification
16 includes the nature of the sex offender's visit and the hours
17 in which the sex offender will be present in the school. The
18 sex offender is responsible for notifying the principal's
19 office when he or she arrives on school property and when he or
20 she departs from school property. If the sex offender is to be
21 present in the vicinity of children, the sex offender has the
22 duty to remain under the direct supervision of a school
23 official. A child sex offender who violates this provision is
24 guilty of a Class 4 felony.

25 ~~(1) (Blank; or)~~

26 ~~(2) (Blank.)~~

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

10 (c) Definitions. In this Section:

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

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

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

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

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

26 (D) is the subject of a finding not resulting

1 in an acquittal at a hearing conducted pursuant to
2 subsection (a) of Section 104-25 of the Code of
3 Criminal Procedure of 1963 for the alleged
4 commission or attempted commission of such
5 offense; or

6 (E) is found not guilty by reason of insanity
7 following a hearing conducted pursuant to a
8 federal law or the law of another state
9 substantially similar to subsection (c) of Section
10 104-25 of the Code of Criminal Procedure of 1963 of
11 such offense or of the attempted commission of such
12 offense; or

13 (F) is the subject of a finding not resulting
14 in an acquittal at a hearing conducted pursuant to
15 a federal law or the law of another state
16 substantially similar to subsection (a) of Section
17 104-25 of the Code of Criminal Procedure of 1963
18 for the alleged violation or attempted commission
19 of such offense; or

20 (ii) is certified as a sexually dangerous person
21 pursuant to the Illinois Sexually Dangerous Persons
22 Act, or any substantially similar federal law or the
23 law of another state, when any conduct giving rise to
24 such certification is committed or attempted against a
25 person less than 18 years of age; or

26 (iii) is subject to the provisions of Section 2 of

1 the Interstate Agreements on Sexually Dangerous
2 Persons Act.

3 Convictions that result from or are connected with the
4 same act, or result from offenses committed at the same
5 time, shall be counted for the purpose of this Section as
6 one conviction. Any conviction set aside pursuant to law is
7 not a conviction for purposes of this Section.

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

10 (i) A violation of any of the following Sections of
11 the Criminal Code of 1961: 10-7 (aiding and abetting
12 child abduction under Section 10-5(b)(10)),
13 10-5(b)(10) (child luring), 11-6 (indecent
14 solicitation of a child), 11-6.5 (indecent
15 solicitation of an adult), 11-9 (public indecency when
16 committed in a school, on the real property comprising
17 a school, or on a conveyance, owned, leased, or
18 contracted by a school to transport students to or from
19 school or a school related activity), 11-9.1 (sexual
20 exploitation of a child), 11-15.1 (soliciting for a
21 juvenile prostitute), 11-17.1 (keeping a place of
22 juvenile prostitution), 11-18.1 (patronizing a
23 juvenile prostitute), 11-19.1 (juvenile pimping),
24 11-19.2 (exploitation of a child), 11-20.1 (child
25 pornography), 11-21 (harmful material), 12-14.1
26 (predatory criminal sexual assault of a child), 12-33

1 (ritualized abuse of a child), 11-20 (obscenity) (when
2 that offense was committed in any school, on real
3 property comprising any school, in any conveyance
4 owned, leased, or contracted by a school to transport
5 students to or from school or a school related
6 activity). An attempt to commit any of these offenses.

7 (ii) A violation of any of the following Sections
8 of the Criminal Code of 1961, when the victim is a
9 person under 18 years of age: 12-13 (criminal sexual
10 assault), 12-14 (aggravated criminal sexual assault),
11 12-15 (criminal sexual abuse), 12-16 (aggravated
12 criminal sexual abuse). An attempt to commit any of
13 these offenses.

14 (iii) A violation of any of the following Sections
15 of the Criminal Code of 1961, when the victim is a
16 person under 18 years of age and the defendant is not a
17 parent of the victim:

18 10-1 (kidnapping),
19 10-2 (aggravated kidnapping),
20 10-3 (unlawful restraint),
21 10-3.1 (aggravated unlawful restraint).

22 An attempt to commit any of these offenses.

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

26 (2.5) For the purposes of subsection (b-5) only, a sex

1 offense means:

2 (i) A violation of any of the following Sections of
3 the Criminal Code of 1961:

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

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

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

1 parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

7 (iv) A violation of any former law of this State
8 substantially equivalent to any offense listed in this
9 paragraph (2.5) of this subsection.

10 (3) A conviction for an offense of federal law or the
11 law of another state that is substantially equivalent to
12 any offense listed in paragraph (2) of subsection (c) of
13 this Section shall constitute a conviction for the purpose
14 of this Article. A finding or adjudication as a sexually
15 dangerous person under any federal law or law of another
16 state that is substantially equivalent to the Sexually
17 Dangerous Persons Act shall constitute an adjudication for
18 the purposes of this Section.

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

21 (5) "Loiter" means:

22 (i) Standing, sitting idly, whether or not the
23 person is in a vehicle or remaining in or around school
24 property.

25 (ii) Standing, sitting idly, whether or not the
26 person is in a vehicle or remaining in or around school

1 property, for the purpose of committing or attempting
2 to commit a sex offense.

3 (iii) Entering or remaining in a building in or
4 around school property, other than the offender's
5 residence.

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

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

11 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
12 94-170, eff. 7-11-05; revised 9-15-06.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.