

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Sections 7-41, 17-29, and 19-2.2 as follows:

6 (10 ILCS 5/7-41) (from Ch. 46, par. 7-41)

7 Sec. 7-41. (a) All officers upon whom is imposed by law the  
8 duty of designating and providing polling places for general  
9 elections, shall provide in each such polling place so  
10 designated and provided, a sufficient number of booths for such  
11 primary election, which booths shall be provided with shelves,  
12 such supplies and pencils as will enable the voter to prepare  
13 his ballot for voting and in which voters may prepare their  
14 ballots screened from all observation as to the manner in which  
15 they do so. Such booths shall be within plain view of the  
16 election officers and both they and the ballot boxes shall be  
17 within plain view of those within the proximity of the voting  
18 booths. No person other than election officers and the  
19 challengers allowed by law and those admitted for the purpose  
20 of voting, as hereinafter provided, shall be permitted within  
21 the proximity of the voting booths, except by authority of the  
22 primary officers to keep order and enforce the law.

23 (b) The number of such voting booths shall not be less than

1 one to every seventy-five voters or fraction thereof, who voted  
2 at the last preceding election in the precinct or election  
3 district.

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

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

19 The area on polling place property beyond the campaign free  
20 zone, whether publicly or privately owned, including  
21 immediately adjacent sidewalks and parkways, is a public forum  
22 for the time that the polls are open on an election day. At the  
23 request of election officers any publicly owned building must  
24 be made available for use as a polling place. A person shall  
25 have the right to congregate and engage in electioneering on  
26 any polling place property while the polls are open beyond the

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

6 (d) The regulation of electioneering on polling place  
7 property on an election day, including but not limited to the  
8 placement of temporary signs, is an exclusive power and  
9 function of the State. A home rule unit may not regulate  
10 electioneering and any ordinance or local law contrary to  
11 subsection (c) is declared void. This is a denial and  
12 limitation of home rule powers and functions under subsection  
13 (h) of Section 6 of Article VII of the Illinois Constitution.  
14 (Source: P.A. 95-699, eff. 11-9-07.)

15 (10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

16 Sec. 17-29. (a) No judge of election, pollwatcher, or other  
17 person shall, at any primary or election, do any electioneering  
18 or soliciting of votes or engage in any political discussion  
19 within any polling place, within 100 feet of any polling place,  
20 or, at the option of a church or private school, on any of the  
21 property of that church or private school that is a polling  
22 place; no person shall interrupt, hinder or oppose any voter  
23 while approaching within those areas for the purpose of voting.  
24 Judges of election shall enforce the provisions of this  
25 Section.

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

1 and, if so, the markers shall be placed near the boundaries on  
2 the grounds adjacent to the thoroughfares or walkways leading  
3 to the entrances used by the voters.

4 The area on polling place property beyond the campaign free  
5 zone, whether publicly or privately owned, including  
6 immediately adjacent sidewalks and parkways, is a public forum  
7 for the time that the polls are open on an election day. At the  
8 request of election officers any publicly owned building must  
9 be made available for use as a polling place. A person shall  
10 have the right to congregate and engage in electioneering on  
11 any polling place property while the polls are open beyond the  
12 campaign free zone, including but not limited to, the placement  
13 of temporary signs. This subsection shall be construed  
14 liberally in favor of persons engaging in electioneering on all  
15 polling place property beyond the campaign free zone for the  
16 time that the polls are open on an election day. At or near the  
17 door of each polling place, the election judges shall place  
18 signage indicating the proper entrance to the polling place. In  
19 addition, the election judges shall ensure that a sign  
20 identifying the location of the polling place is placed on a  
21 nearby public roadway. The State Board of Elections shall  
22 establish guidelines for the placement of polling place  
23 signage.

24 (c) The regulation of electioneering on polling place  
25 property on an election day, including but not limited to the  
26 placement of temporary signs, is an exclusive power and

1 function of the State. A home rule unit may not regulate  
2 electioneering and any ordinance or local law contrary to  
3 subsection (c) is declared void. This is a denial and  
4 limitation of home rule powers and functions under subsection  
5 (h) of Section 6 of Article VII of the Illinois Constitution.  
6 (Source: P.A. 95-699, eff. 11-9-07.)

7 (10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

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

20 (b) Election officers shall place 2 or more cones, small  
21 United States national flags, or some other marker a distance  
22 of 100 horizontal feet from each entrance to the room used by  
23 voters to engage in voting, or, at the option of a church or  
24 private school, on any of the property of that church or  
25 private school that is a polling place, which shall be known as

1 the polling room. If the polling room is located within a  
2 building that is a private business, a public or private  
3 school, or a church or other organization founded for the  
4 purpose of religious worship and the distance of 100 horizontal  
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18 the polling room is located. The area within where the markers  
19 are placed shall be known as a campaign free zone, and  
20 electioneering is prohibited pursuant to this subsection.  
21 Notwithstanding any other provision of this Section, a church  
22 or private school may choose to apply the campaign free zone to  
23 its entire property, and, if so, the markers shall be placed  
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26 voters.



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14           (c) The regulation of electioneering on polling place  
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17 function of the State. A home rule unit may not regulate  
18 electioneering and any ordinance or local law contrary to  
19 subsection (b) is declared void. This is a denial and  
20 limitation of home rule powers and functions under subsection  
21 (h) of Section 6 of Article VII of the Illinois Constitution.

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

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