

HB1716



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1716

Introduced 1/28/2025, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-41
10 ILCS 5/17-29

from Ch. 46, par. 7-41
from Ch. 46, par. 17-29

Amends the Election Code. In provisions concerning electioneering or soliciting of votes within any polling place, removes a provision allowing a church or private school to prohibit electioneering on any of the property of that church or private school.

LRB104 08279 SPS 18330 b

A BILL FOR

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 and 17-29 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
11 such primary election, which booths shall be provided with
12 shelves, such supplies and pencils as will enable the voter to
13 prepare his ballot for voting and in which voters may prepare
14 their ballots screened from all observation as to the manner
15 in which they do so. Such booths shall be within plain view of
16 the election officers and both they and the ballot boxes shall
17 be within plain view of those within the proximity of the
18 voting 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
2 voted at the last preceding election in the precinct or
3 election district.

4 (c) No person shall do any electioneering or soliciting of
5 votes on primary day within any polling place or within 100 ~~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
17 of the building, then the markers shall be placed outside of
18 the building at each entrance used by voters to enter that
19 building on the grounds adjacent to the thoroughfare or
20 walkway. If the polling room is located within a public or
21 private building with 2 or more floors and the polling room is
22 located on the ground floor, then the markers shall be placed
23 100 horizontal feet from each entrance to the polling room
24 used by voters to engage in voting. If the polling room is
25 located in a public or private building with 2 or more floors
26 and the polling room is located on a floor above or below the

1 ground floor, then the markers shall be placed a distance of
2 100 feet from the nearest elevator or staircase used by voters
3 on the ground floor to access the floor where the polling room
4 is located. The area within where the markers are placed shall
5 be known as a campaign free zone, and electioneering is
6 prohibited pursuant to this subsection. ~~Notwithstanding any~~
7 ~~other provision of this Section, a church or private school~~
8 ~~may choose to apply the campaign free zone to its entire~~
9 ~~property, and, if so, the markers shall be placed near the~~
10 ~~boundaries on the grounds adjacent to the thoroughfares or~~
11 ~~walkways leading to the entrances used by the voters.~~ At or
12 near the door of each polling place, the election judges shall
13 place signage indicating the proper entrance to the polling
14 place. In addition, the election judges shall ensure that a
15 sign identifying the location of the polling place is placed
16 on a 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
20 free zone, whether publicly or privately owned, is a public
21 forum for the time that the polls are open on an election day.
22 At the request of election officers any publicly owned
23 building must be made available for use as a polling place. A
24 person shall have the right to congregate and engage in
25 electioneering on any polling place property while the polls
26 are open beyond the campaign free zone, including but not

1 limited to, the placement of temporary signs. This subsection
2 shall be construed liberally in favor of persons engaging in
3 electioneering on all polling place property beyond the
4 campaign free zone for the time that the polls are open on an
5 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
17 other person shall, at any primary or election, do any
18 electioneering or soliciting of votes or engage in any
19 political discussion within any polling place, within 100 feet
20 of any polling place, ~~or, at the option of a church or private~~
21 ~~school, on any of the property of that church or private school~~
22 ~~that is a polling place;~~ no person shall interrupt, hinder or
23 oppose any voter while approaching within those areas for the
24 purpose of voting. Judges of election shall enforce the
25 provisions of this 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
8 worship and the distance of 100 horizontal feet ends within
9 the 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
12 thoroughfare or walkway. If the polling room is located within
13 a public or private building with 2 or more floors and the
14 polling room is located on the ground floor, then the markers
15 shall be placed 100 horizontal feet from each entrance to the
16 polling room used by voters to engage in voting. If the polling
17 room is located in a public or private building with 2 or more
18 floors and the polling room is located on a floor above or
19 below the ground floor, then the markers shall be placed a
20 distance of 100 feet from the nearest elevator or staircase
21 used by voters on the ground floor to access the floor where
22 the polling room is located. The area within where the markers
23 are placed shall be known as a campaign free zone, and
24 electioneering is prohibited pursuant to this subsection.
25 ~~Notwithstanding any other provision of this Section, a church~~
26 ~~or private school may choose to apply the campaign free zone to~~

1 ~~its entire property, and, if so, the markers shall be placed~~
2 ~~near the boundaries on the grounds adjacent to the~~
3 ~~thoroughfares or walkways leading to the entrances used by the~~
4 ~~voters.~~ If an election authority maintains a website, no later
5 than 5 days before election day, each election authority shall
6 post on its website the name and address of every polling place
7 designated as a campaign free zone. This information shall be
8 immediately provided to any person upon request, and a
9 requester shall not be required to submit a request under the
10 Freedom of Information Act.

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

1 the polling place is placed on a nearby public roadway. The
2 State Board of Elections shall establish guidelines for the
3 placement of polling place signage.

4 (c) The regulation of electioneering on polling place
5 property on an election day, including but not limited to the
6 placement of temporary signs, is an exclusive power and
7 function of the State. A home rule unit may not regulate
8 electioneering and any ordinance or local law contrary to
9 subsection (c) is declared void. This is a denial and
10 limitation of home rule powers and functions under subsection
11 (h) of Section 6 of Article VII of the Illinois Constitution.
12 (Source: P.A. 98-1171, eff. 6-1-15.)