

SENATE BILL No. 334

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-14.

Synopsis: Penalties for election law crimes. Changes the classification of certain crimes relating to elections from a Class D felony to a Class C felony.

Effective: July 1, 2004.

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January 12, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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SENATE BILL No. 334



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-14-2-9 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2004]: Sec. 9. A person who knowingly votes
3 or offers to vote at an election when the person is not registered or
4 authorized to vote commits a ~~Class D~~ **Class C** felony.

5 SECTION 2. IC 3-14-2-11 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. Except as provided
7 by IC 3-10-10, IC 3-10-11, or IC 3-10-12, a person who knowingly
8 votes or offers to vote in a precinct except the one in which the person
9 is registered and resides commits a ~~Class D~~ **Class C** felony.

10 SECTION 3. IC 3-14-2-13 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. A person who
12 knowingly hires or solicits another person:

- 13 (1) to come into Indiana; or
14 (2) to go from one precinct into another precinct;
15 for the purpose of voting at an election when the person hired or
16 solicited is not a voter in Indiana or the precinct commits a ~~Class D~~
17 **Class C** felony.



1 SECTION 4. IC 3-14-2-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. A precinct election
3 officer or public official upon whom a duty is imposed by this title who
4 knowingly:

- 5 (1) allows a person to vote who is not entitled to vote; or
 - 6 (2) allows a person to vote by use of an unauthorized procedure;
- 7 commits a ~~Class D~~ **Class C** felony.

8 SECTION 5. IC 3-14-2-15 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. A member of the
10 commission, an employee of the commission, or a member of a county
11 election board who knowingly delivers a ballot to a person except in
12 the manner prescribed by this title commits a ~~Class D~~ **Class C** felony.

13 SECTION 6. IC 3-14-2-16, AS AMENDED BY P.L.38-1999,
14 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2004]: Sec. 16. A person who knowingly does any of the
16 following commits a ~~Class D~~ **Class C** felony:

- 17 (1) Applies for or receives a ballot in a precinct other than that
- 18 precinct in which the person is entitled to vote.
- 19 (2) Except when receiving assistance under IC 3-11-9, shows a
- 20 ballot after it is marked to another person in such a way as to
- 21 reveal the contents of it or the name of a candidate for whom the
- 22 person has voted.
- 23 (3) Except when offering assistance requested by a voter in
- 24 accordance with IC 3-11-9, examines a ballot that a voter has
- 25 prepared for voting or solicits the voter to show the ballot.
- 26 (4) Receives from a voter a ballot prepared by the voter for
- 27 voting, except:
 - 28 (A) the inspector;
 - 29 (B) a member of the precinct election board temporarily acting
 - 30 for the inspector;
 - 31 (C) a member of a county election board or an absentee voter
 - 32 board acting under IC 3-11-10; or
 - 33 (D) a member of the voter's household or an individual
 - 34 designated as attorney in fact for the voter, when delivering an
 - 35 envelope containing an absentee ballot under IC 3-11-10-1.
- 36 (5) Receives a ballot from a person other than one of the poll
- 37 clerks or authorized assistant poll clerks.
- 38 (6) Delivers a ballot to a voter to be voted, unless the person is:
 - 39 (A) a poll clerk or authorized assistant poll clerk; or
 - 40 (B) a member of a county election board or an absentee voter
 - 41 board acting under IC 3-11-10.
- 42 (7) Delivers a ballot (other than an absentee ballot) to an inspector

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1 that is not the ballot the voter receives from the poll clerk or
2 assistant poll clerk.

3 (8) Delivers an absentee ballot to a team of absentee ballot
4 counters appointed under IC 3-11.5-4-22, a county election board,
5 a circuit court clerk, or an absentee voting board under IC 3-11-10
6 that is not the ballot cast by the absentee voter.

7 SECTION 7. IC 3-14-2-17 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. A voter at an
9 election who knowingly writes or places on a ballot a name, sign, or
10 device as a distinguishing mark by which to indicate to any other
11 person how the voter has voted commits a ~~Class D~~ **Class C** felony.

12 SECTION 8. IC 3-14-2-20 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 20. A person who
14 knowingly:

15 (1) deceives a voter in registering the voter's vote under
16 IC 3-11-8; or

17 (2) registers a voter's vote in a way other than as requested by the
18 voter;

19 commits a ~~Class D~~ **Class C** felony.

20 SECTION 9. IC 3-14-2-21 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 21. A person who
22 fraudulently causes a voter at an election to vote for a person different
23 from the one the voter intended to vote for or on a public question
24 different from the vote the voter intended to cast commits a ~~Class D~~
25 **Class C** felony.

26 SECTION 10. IC 3-14-2-22 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 22. A person who
28 knowingly furnishes a voter who cannot read the English language with
29 a ballot at an election that the person represents to the voter as
30 containing a name different from the one printed or written on it
31 commits a ~~Class D~~ **Class C** felony.

32 SECTION 11. IC 3-14-2-23 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. A person entrusted
34 with the custody of ballots who knowingly:

35 (1) opens a package in which the ballots are contained;

36 (2) destroys a ballot; or

37 (3) delivers such a package or ballot to a person not entitled to
38 receive it;

39 commits a ~~Class D~~ **Class C** felony.

40 SECTION 12. IC 3-14-2-24 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 24. A person who:

42 (1) takes a ballot legally deposited out of a ballot box for the

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1 purpose of destroying it or substituting another in its place;
 2 (2) destroys or misplaces a ballot with the intent to substitute
 3 another ballot for it or with the intent to prevent it from being
 4 counted; or
 5 (3) knowingly enters upon the poll books the name of a person
 6 who has not legally voted or knowingly tallies a vote for a
 7 candidate or on a public question not voted for by the ballot;
 8 commits a ~~Class D~~ **Class C** felony.

9 SECTION 13. IC 3-14-2-25 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 25. A member of a
 11 precinct election board or county election board, a person employed at
 12 the central counting headquarters, or a person charged with a duty in
 13 connection with an election or entrusted with the custody or control of
 14 a ballot either before or after voting who marks or defaces a ballot for
 15 the purpose of:

16 (1) identifying the ballot (except by numbering protested ballots
 17 for future reference as provided by law); or
 18 (2) vitiating the ballot;
 19 commits a ~~Class D~~ **Class C** felony.

20 SECTION 14. IC 3-14-2-26 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26. A person who:

22 (1) during the progress of an election or within the time for
 23 preparation required under this title, knowingly breaks open or
 24 violates the seal or lock of a ballot box, envelope, container, or
 25 bag in which ballots have been deposited;
 26 (2) knowingly obtains a ballot box, envelope, container, or bag
 27 that contains ballots and cancels, withholds, or destroys a ballot;
 28 (3) knowingly increases or decreases the number of ballots legally
 29 deposited in a ballot box, envelope, container, or bag; or
 30 (4) knowingly makes a fraudulent erasure or alteration on a tally
 31 sheet, poll book, list of voters, or election return deposited in a
 32 ballot box, envelope, or bag;

33 commits a ~~Class D~~ **Class C** felony.

34 SECTION 15. IC 3-14-2-27, AS AMENDED BY P.L.126-2002,
 35 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2004]: Sec. 27. A precinct election officer at the close of the
 37 polls, an absentee ballot counter acting under IC 3-11.5-5 or
 38 IC 3-11.5-6, or a provisional ballot counter acting under IC 3-11.7-5
 39 who knowingly:

40 (1) causes the vote to be incorrectly taken down for a candidate or
 41 public question; or
 42 (2) makes a false statement, certificate, or return of any kind of

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1 that vote;
2 commits a ~~Class D~~ **Class C** felony.
3 SECTION 16. IC 3-14-2-28 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 28. A person who:
5 (1) with intent to defraud, alters an election return;
6 (2) knowingly destroys, misplaces, or loses a poll book or tally
7 sheet; or
8 (3) with intent to defraud, alters the vote of a candidate or on a
9 public question as returned by the county election board or its
10 employees;
11 commits a ~~Class D~~ **Class C** felony.
12 SECTION 17. IC 3-14-3-17 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. A member of a
14 precinct election board, a precinct election officer, or a member of an
15 absentee voter board who knowingly induces or persuades a voter to
16 vote for a candidate or for or against a public question while acting as
17 a board member or precinct election officer commits a ~~Class D~~ **Class**
18 **C** felony.
19 SECTION 18. IC 3-14-3-19 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. A person who, for
21 the purpose of inducing or procuring another person to vote or refrain
22 from voting for or against a candidate or for or against a public
23 question at an election or political convention, gives, offers, or
24 promises to any person any money or other property commits a ~~Class~~
25 ~~D~~ **Class C** felony.
26 SECTION 19. IC 3-14-3-20 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 20. A person who, for
28 the purpose of inducing or procuring a voter to vote or refrain from
29 voting for or against a candidate or for or against a public question at
30 an election or political convention, receives, accepts, requests, or
31 solicits from any person any money or other property commits a ~~Class~~
32 ~~D~~ **Class C** felony.
33 SECTION 20. IC 3-14-4-6 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. An inspector, or
35 person acting in the inspector's behalf, who knowingly deposits:
36 (1) a ballot upon which the initials of the poll clerks or authorized
37 assistant poll clerks do not appear; or
38 (2) a ballot on which appears externally a distinguishing mark or
39 defacement;
40 commits a ~~Class D~~ **Class C** felony.
41 SECTION 21. IC 3-14-4-7 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. A member of a

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1 precinct election board or a person otherwise entitled to the inspection
2 of the ballots who knowingly:

- 3 (1) reveals to another person how a voter has voted; or
- 4 (2) gives information concerning the appearance of any ballot
- 5 voted;

6 commits a ~~Class D~~ **Class C** felony.

7 SECTION 22. IC 3-14-4-8, AS AMENDED BY P.L.126-2002,
8 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2004]: Sec. 8. A member of a precinct election board, an
10 absentee ballot counter appointed under IC 3-11.5-4-22, or a
11 provisional ballot counter appointed under IC 3-11.7-3 who knowingly:

- 12 (1) opens or marks, by folding or otherwise, a ballot presented by
- 13 a voter, except as provided by law; or
- 14 (2) tries to find out how the voter voted before the ballot is
- 15 deposited in the ballot box or cast on a voting machine, ballot
- 16 card voting system, or electronic voting system or counted by the
- 17 absentee ballot counter;

18 commits a ~~Class D~~ **Class C** felony.

19 SECTION 23. IC 3-14-4-10 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. A person who
21 knowingly violates:

- 22 (1) IC 3-11.5-5;
- 23 (2) IC 3-11.5-6;
- 24 (3) IC 3-12-2-1;
- 25 (4) IC 3-12-2.5-9;
- 26 (5) IC 3-12-3-14; or
- 27 (6) IC 3-12-3.5-7;

28 by providing any other person with information concerning the number
29 of votes a candidate received for an office or cast to approve or reject
30 a public question on absentee ballots counted under IC 3-11.5-5,
31 IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a ~~Class~~
32 **Class C** felony.

33 SECTION 24. [EFFECTIVE JULY 1, 2004] **The amendments to**
34 **IC 3-14 by this act apply only to crimes committed after June 30,**
35 **2004.**

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