

# SENATE BILL No. 34

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-14.

**Synopsis:** Election fraud. Changes the classification of certain crimes relating to elections from a Class D felony to a Class C felony.

**Effective:** July 1, 2005.

---

---

**Mrvan**

---

---

January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

---

---

**C**  
**O**  
**P**  
**Y**



First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

C  
o  
p  
y

## SENATE BILL No. 34



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, 2005]: 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, 2005]: 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, 2005]: 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, 2005]: 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, 2005]: 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 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. A person who  
15 knowingly does any of the following commits a ~~Class D~~ **Class C**  
16 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

**C**  
**O**  
**P**  
**Y**



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, 2005]: 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, 2005]: 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, 2005]: 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, 2005]: 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, 2005]: 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, 2005]: Sec. 24. A person who:

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

C  
o  
p  
y



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 pollbooks 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, 2005]: 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, 2005]: 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, pollbook, 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 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. A precinct election  
 36 officer at the close of the polls, an absentee ballot counter acting under  
 37 IC 3-11.5-5 or IC 3-11.5-6, or a provisional ballot counter acting under  
 38 IC 3-11.7-5 who knowingly:

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

**C**  
**O**  
**P**  
**Y**



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

2 SECTION 16. IC 3-14-2-28 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 28. A person who:

4 (1) with intent to defraud, alters an election return;

5 (2) knowingly destroys, misplaces, or loses a pollbook or tally

6 sheet; or

7 (3) with intent to defraud, alters the vote of a candidate or on a

8 public question as returned by the county election board or its

9 employees;

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

11 SECTION 17. IC 3-14-3-17 IS AMENDED TO READ AS

12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. A member of a

13 precinct election board, a precinct election officer, or a member of an

14 absentee voter board who knowingly induces or persuades a voter to

15 vote for a candidate or for or against a public question while acting as

16 a board member or precinct election officer commits a ~~Class D~~ **Class**

17 **C** felony.

18 SECTION 18. IC 3-14-3-19 IS AMENDED TO READ AS

19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. A person who, for

20 the purpose of inducing or procuring another person to vote or refrain

21 from voting for or against a candidate or for or against a public

22 question at an election or political convention, gives, offers, or

23 promises to any person any money or other property commits a ~~Class~~

24 ~~D~~ **Class C** felony.

25 SECTION 19. IC 3-14-3-20 IS AMENDED TO READ AS

26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. A person who, for

27 the purpose of inducing or procuring a voter to vote or refrain from

28 voting for or against a candidate or for or against a public question at

29 an election or political convention, receives, accepts, requests, or

30 solicits from any person any money or other property commits a ~~Class~~

31 ~~D~~ **Class C** felony.

32 SECTION 20. IC 3-14-4-6 IS AMENDED TO READ AS

33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. An inspector, or

34 person acting in the inspector's behalf, who knowingly deposits:

35 (1) a ballot upon which the initials of the poll clerks or authorized

36 assistant poll clerks do not appear; or

37 (2) a ballot on which appears externally a distinguishing mark or

38 defacement;

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

40 SECTION 21. IC 3-14-4-7 IS AMENDED TO READ AS

41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. A member of a

42 precinct election board or a person otherwise entitled to the inspection

C  
o  
p  
y



1 of the ballots who knowingly:  
 2 (1) reveals to another person how a voter has voted; or  
 3 (2) gives information concerning the appearance of any ballot  
 4 voted;  
 5 commits a ~~Class D~~ **Class C** felony.

6 SECTION 22. IC 3-14-4-8 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. A member of a  
 8 precinct election board, an absentee ballot counter appointed under  
 9 IC 3-11.5-4-22, or a provisional ballot counter appointed under  
 10 IC 3-11.7-3 who knowingly:

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

18 SECTION 23. IC 3-14-4-10 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. A person who  
 20 knowingly violates:

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

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

**C**  
**O**  
**P**  
**Y**

