

INDIANA ELECTION COMMISSION

ORDER

WHEREAS, a complaint or grievance was filed by David R. Snyder with the Election Division of the Office of the Secretary of State of Indiana (the Election Division) pursuant to [IC 3-6-4.5](#) (administrative complaints concerning the uniform and nondiscriminatory election technology and administrative requirements under Title III of the Help America Vote Act of 2002 (HAVA)) or [IC 3-7-11](#) (administrative complaints regarding violations of Indiana Code 3-7 or the National Voter Registration Act (NVRA));

WHEREAS, pursuant to [IC 3-6-4.5-13](#) and 3-7-11-5, the Co-Directors of the Election Division (the Co-Directors) have determined that even if the facts set forth in the complaint or grievance are assumed to be true, there is no violation of Title III of HAVA, NVRA, or [IC 3-7](#); and

WHEREAS, under [IC 3-6-4.5-13](#) and 3-7-11-5, the Co-Directors shall dismiss the complaint or grievance upon making either of these determinations and, with regard to the dismissal of HAVA-related grievances, publish an order in the Indiana Register dismissing the matter;

IT IS THEREFORE ORDERED:

SECTION 1. That Co-Directors having determined that the complaint or grievance filed by David R. Snyder with the Election Division (and designated as 2010-5) does not set forth a violation of Title III of HAVA, NVRA, or [IC 3-7](#) even if the facts set forth in the complaint or grievance are assumed to be true, hereby **DISMISS** the complaint or grievance.

SECTION 2. The Co-Directors find the following:

(A) [IC 3-7-13-4](#)(a) provides that a person who is "(1) convicted of a crime; and (2) imprisoned following conviction; is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana."

(B) [IC 3-7-46-2](#) provides that "(a) person imprisoned following conviction of a crime is disfranchised during the person's imprisonment."

(C) The general assembly does not define the term "crime" specifically in either of these two statutes. However, the criminal code contains a provision ([IC 35-41-1-6](#)) which defines "crime" as meaning either "a felony or misdemeanor". Under [IC 35-41-1-3](#), "The definitions in ([IC 35-41-1](#)) apply throughout this title and to all other statutes relating to penal offenses."

Based on the findings and analysis set forth above, the Co-Directors conclude that Mr. Snyder's removal from the voter registration comports with the intention of the Indiana General Assembly's statutes, and the powers provided by the Indiana Constitution.

SECTION 3. A copy of this Order shall be provided by certified mail to the person who filed the complaint or grievance; the person alleged to have committed the violation (if contact information was provided by the complainant); the members of the Indiana Election Commission; and the Attorney General.

SO ORDERED THIS 29th DAY OF JULY 2010:

THE INDIANA ELECTION DIVISION:

J. Bradley King
Co-Director, Indiana Election Division

Pamela Potesta
Co-Director, Indiana Election Division

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