

IC 3-14-3

Chapter 3. Interference With Free and Equal Elections

IC 3-14-3-0.1

Effect of legislation enacted during 2015 regular session of the general assembly

Sec. 0.1. Notwithstanding any other law, the additions and amendments to this chapter made by legislation enacted in the 2015 regular session of the general assembly do not affect any:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) offenses committed; or
- (4) proceedings begun;

before July 1, 2015. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if the legislation had not been enacted.

As added by P.L.169-2015, SEC.159.

IC 3-14-3-1

Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-14-3-1.1

Procuring or submission of false, fictitious, or fraudulent registration application; procuring, casting, or tabulating false, fictitious, or fraudulent ballot

Sec. 1.1. A person who knowingly does any of the following commits a Level 6 felony:

- (1) Procures or submits a voter registration application known by the person to be materially false, fictitious, or fraudulent.
- (2) Procures, casts, or tabulates a ballot known by the person to be materially false, fictitious, or fraudulent.

As added by P.L.103-2005, SEC.32. Amended by P.L.158-2013, SEC.29; P.L.169-2015, SEC.160.

IC 3-14-3-2

Failure to cast or return ballot in authorized manner

Sec. 2. A person who, having procured an official ballot, knowingly fails to cast or return it in the prescribed manner commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10.

IC 3-14-3-3

Interference with watcher's duties

Sec. 3. A person who knowingly:

- (1) interferes with a watcher;
- (2) prevents a watcher from performing the watcher's duties;
- (3) otherwise violates:
 - (A) IC 3-6-8-3;

(B) IC 3-6-8-4;
(C) IC 3-6-8-5;
(D) IC 3-6-8-6;
(E) IC 3-6-9; or
(F) IC 3-6-10; or
(4) violates IC 3-11-13-44(d);
commits a Level 6 felony.
*As added by P.L.5-1986, SEC.10. Amended by P.L.5-1989, SEC.74;
P.L.2-1998, SEC.9; P.L.221-2005, SEC.135; P.L.158-2013, SEC.30.*

IC 3-14-3-4

Obstruction of, interference with, or injury of voter or election officer

Sec. 4. (a) A person who:
(1) knowingly obstructs or interferes with an election officer in the discharge of the officer's duty; or
(2) knowingly obstructs or interferes with a voter within the chute;
commits a Level 6 felony.
(b) A person who knowingly injures an election officer or a voter:
(1) in the exercise of the officer's or voter's rights or duties; or
(2) because the officer or voter has exercised the officer's or voter's rights or duties;
commits a Level 6 felony.
(c) A person called as a witness to testify against another for a violation of this section is a competent witness to prove the offense even though the person may have been a party to the violation. The person shall be compelled to testify as other witnesses. However, the person's evidence may not be used against the person in a prosecution growing out of matters about which the person testifies, and the person is not liable to indictment or information for the offense.
As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.33; P.L.158-2013, SEC.31.

IC 3-14-3-5

Tampering with voting system

Sec. 5. A precinct election officer who, with the intent to cause or permit a ballot card voting system or an electronic voting system to fail to correctly register all votes cast, tampers with or disarranges the system or any part of it commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.474; P.L.221-2005, SEC.136; P.L.158-2013, SEC.32.

IC 3-14-3-6

Allowing inaccurately adjusted voting system to be used

Sec. 6. A precinct election officer who permits a ballot card voting system or an electronic voting system to be used for voting at an election, with knowledge of the fact that the system is not in order or not perfectly set and adjusted so that it will correctly register all votes

cast, commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.475; P.L.221-2005, SEC.137; P.L.158-2013, SEC.33.

IC 3-14-3-7

Removal, change, or mutilation of voting system ballot label to deceive voter

Sec. 7. An inspector or poll clerk in a precinct who, for the purpose of:

- (1) deceiving a voter;
- (2) causing it to be doubtful for what ticket, candidate, or public question a vote is cast; or
- (3) causing it to appear that votes cast for one (1) ticket, candidate, or public question were cast for another ticket, candidate, or public question;

removes, changes, or mutilates a voting system or any part of a voting system commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.34; P.L.158-2013, SEC.34.

IC 3-14-3-8

Damaging, disarranging, or tampering with voting system

Sec. 8. A person other than a precinct election officer who knowingly, before or during an election:

- (1) damages, disarranges, or tampers with a ballot card system or an electronic voting system; or
- (2) damages a ballot label placed or to be placed on the electronic voting system, or any other appliance used in connection with the ballot card voting system or electronic voting system;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.476; P.L.221-2005, SEC.138; P.L.158-2013, SEC.35.

IC 3-14-3-9

Failure to receive vote of legal voter

Sec. 9. A person who knowingly fails to receive the vote of a legal voter at an election commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.477; P.L.158-2013, SEC.36.

IC 3-14-3-10

Removal, defacing, or destruction of supplies or instruction cards from voting booth; removal or destruction of voting booth

Sec. 10. A person who during an election recklessly:

- (1) removes or destroys any of the supplies or other conveniences placed in the voting booths or delivered to the voter for the purpose of enabling a voter to prepare a ballot;
- (2) removes or defaces the cards printed for the instruction of

the voters; or
(3) removes or destroys a voting booth, railing, or other convenience provided for the election;
commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.478; P.L.158-2013, SEC.37.

IC 3-14-3-11

Tampering with marking device, ballot, or record or equipment; interference with operation or secrecy of voting

Sec. 11. A person who recklessly:
(1) tampers with or damages a marking device, ballot, or other record or equipment used in an election;
(2) interferes with the correct operation of such a device or equipment; or
(3) interferes with the secrecy of voting;
commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.38.

IC 3-14-3-12

Leaving poll with ballot or ballot marking device

Sec. 12. A voter who recklessly attempts to leave the polls with a ballot, the pencil, or other marking device used in marking ballots in the voter's possession commits a Class A misdemeanor. A voter who attempts to leave the polls with a ballot, pencil, or other marking device in the voter's possession shall be arrested at once on demand of any member of the precinct election board.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.479.

IC 3-14-3-13

Removal of ballot or marking device from polls; possession outside polls

Sec. 13. A person who during an election knowingly:
(1) removes a ballot, pencil, or other marking device from the polls; or
(2) possesses outside the polls a ballot, pencil, or other marking device either genuine or counterfeit;
commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.480; P.L.158-2013, SEC.39.

IC 3-14-3-14

Printers; unauthorized printing or delivery of ballots

Sec. 14. A printer of the ballots for an election, or person employed in printing the ballots, who knowingly:
(1) delivers a ballot to a person other than a county election board for which the ballots are being printed;
(2) prints a ballot in any form other than the one prescribed by

law; or

(3) prints a ballot containing any names, spellings, or arrangements other than as authorized by the election division or a county election board;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1997, SEC.403; P.L.225-2011, SEC.87; P.L.158-2013, SEC.40; P.L.169-2015, SEC.161.

IC 3-14-3-15

Unauthorized entries at polls

Sec. 15. A person not authorized by this title who recklessly:

(1) enters the polls;

(2) enters within the railing leading from the challenge window or door to the entrance of the polls without having been passed by the challengers or having been sworn in; or

(3) remains within the polls or within the chute in violation of IC 3-11-8-15 or IC 3-11-8-16;

commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1997, SEC.404; P.L.14-2004, SEC.176.

IC 3-14-3-16

Electioneering

Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. The term includes wearing or displaying an article of clothing, sign, button, or placard that states the name of any political party or includes the name, picture, photograph, or other likeness of any currently elected federal, state, county, or local official. The term does not include expressing support or opposition to a candidate or a political party or expressing approval or disapproval of a public question in:

(1) material mailed to a voter; or

(2) a telephone or an electronic communication with a voter.

(b) A person who knowingly does any electioneering:

(1) on election day within:

(A) the polls; or

(B) the chute;

(2) within an area in the office of the circuit court clerk or a satellite office of the circuit court clerk established under IC 3-11-10-26.3 used by an absentee voter board to permit an individual to cast an absentee ballot; or

(3) except for a voter who is:

(A) the person's spouse;

(B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as

defined in IC 29-3-1-6); or
(C) a member of the person's household;
in the presence of a voter whom the person knows possesses an
absentee ballot provided to the voter in accordance with Indiana
law;

commits a Class A misdemeanor.

*As added by P.L.5-1986, SEC.10. Amended by P.L.3-1997, SEC.405;
P.L.66-2003, SEC.52; P.L.14-2004, SEC.177; P.L.103-2005,
SEC.35; P.L.164-2006, SEC.132; P.L.194-2013, SEC.98.*

IC 3-14-3-17

Inducement of votes by board member or precinct election officer prohibited

Sec. 17. A member of a precinct election board, a precinct election officer, or a member of an absentee voter board who knowingly induces or persuades a voter to vote for a candidate or for or against a public question while acting as a board member or precinct election officer commits a Level 6 felony.

*As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.481;
P.L.10-1988, SEC.213; P.L.3-1997, SEC.406; P.L.158-2013,
SEC.41.*

IC 3-14-3-18

Actions to unlawfully influence voter or candidate

Sec. 18. (a) As used in this section, "candidate" includes an individual whom the person knows is considering becoming a candidate.

(b) A person who, for the purpose of influencing a voter or candidate, does any of the following commits a Level 6 felony:

- (1) Seeks to enforce the payment of a debt by force or threat of force.
- (2) Ejects or threatens to eject the voter or candidate from a house the voter or candidate occupies.
- (3) Begins a criminal prosecution.
- (4) Damages the business or trade of the voter or candidate.
- (5) Communicates a threat to commit a forcible felony (as defined in IC 35-31.5-2-138) against a voter or candidate with the intent that the voter or candidate:
 - (A) engage in conduct against the voter's or candidate's will;
or
 - (B) be placed in fear of retaliation for a prior lawful act as a voter or candidate.

*As added by P.L.5-1986, SEC.10. Amended by P.L.176-1999,
SEC.118; P.L.103-2005, SEC.36; P.L.114-2012, SEC.6;
P.L.158-2013, SEC.42.*

IC 3-14-3-19

Inducing votes by gift or offer to compensate

Sec. 19. A person who, for the purpose of inducing or procuring

another person to:

- (1) apply for or cast an absentee ballot; or
- (2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention;

gives, offers, or promises to any person any money or other property commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.482; P.L.103-2005, SEC.37; P.L.158-2013, SEC.43.

IC 3-14-3-20

Acceptance or solicitation of compensation to induce or procure votes

Sec. 20. A person who, for the purpose of inducing or procuring a voter to:

- (1) apply for or cast an absentee ballot; or
- (2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention;

receives, accepts, requests, or solicits from any person any money or other property commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.483; P.L.103-2005, SEC.38; P.L.158-2013, SEC.44.

IC 3-14-3-20.5

Conspiracy to secure fraudulent registration or absentee ballot application

Sec. 20.5. (a) This section does not apply to activity subject to 18 U.S.C. 1341.

(b) An individual who knowingly:

- (1) conspires to obtain property the individual would be entitled to receive as compensation for serving as an elected official by securing false or fraudulent absentee ballot applications or voter registration applications; and

(2) for the purpose of executing the conspiracy:

(A) causes the applications to be sent or delivered by a private or commercial carrier operating entirely within Indiana; or

(B) takes or receives from the private or commercial carrier the false or fraudulent applications, or causes the applications to be delivered by the carrier to another person;

commits a Level 6 felony.

As added by P.L.103-2005, SEC.39. Amended by P.L.158-2013, SEC.45.

IC 3-14-3-21

Influencing political opinions or actions of employees in the workplace

Sec. 21. A person who:

(1) pays employees the salary or wages due in pay envelopes upon which there is printed or in which there is enclosed a political motto, device, or argument containing threats intended or calculated to influence the political opinions or actions of the employees; or

(2) exhibits in the workplace of the person's employees a handbill or placard containing a threat, notice, or information that, if a particular ticket, candidate, or public question is elected, approved, or defeated:

(A) work in the person's place or establishment will cease in whole or in part;

(B) the person's establishment will be closed; or

(C) the wages of the employees will be reduced;

or that is otherwise intended or calculated to influence the political opinions or actions of the employees;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.484; P.L.10-1988, SEC.214; P.L.158-2013, SEC.46.

IC 3-14-3-21.5

Voter intimidation

Sec. 21.5. A person who knowingly or intentionally intimidates, threatens, or coerces an individual for:

(1) voting or attempting to vote;

(2) urging or aiding another individual to vote or attempt to vote; or

(3) exercising any power or duty under this title concerning registration or voting;

commits voter intimidation, a Level 6 felony.

As added by P.L.103-2005, SEC.40. Amended by P.L.158-2013, SEC.47.

IC 3-14-3-22

Repealed

(Repealed by P.L.11-1992, SEC.5.)

IC 3-14-3-23

Violation of IC 3-6-11-5 or IC 3-6-11-7; classification

Sec. 23. A proprietor, a manager, or an association of co-owners who violates IC 3-6-11-5 or IC 3-6-11-7 commits a Class C infraction.

As added by P.L.7-1990, SEC.51.

IC 3-14-3-24

Violation of IC 3-6-11-7.5; classification

Sec. 24. An organization that violates IC 3-6-11-7.5 commits a Class C infraction.

As added by P.L.7-1990, SEC.52.