

IC 3-14-2

Chapter 2. Vote Fraud

IC 3-14-2-1

Fraudulent application for registration or absentee ballot; fraudulent voting

Sec. 1. A person who knowingly does any of the following commits a Level 6 felony:

- (1) Conspires with an individual for the purpose of encouraging the individual to submit a false application for registration.
- (2) Conspires with an individual for the purpose of encouraging the individual to vote illegally.
- (3) Pays or offers to pay an individual for doing any of the following:
 - (A) Applying for an absentee ballot.
 - (B) Casting an absentee ballot.
 - (C) Registering to vote.
 - (D) Voting.
- (4) Accepts the payment of any property for doing any of the following:
 - (A) Applying for an absentee ballot.
 - (B) Casting an absentee ballot.
 - (C) Registering to vote.
 - (D) Voting.

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.21; P.L.158-2013, SEC.6.

IC 3-14-2-2

Fraudulent application for registration or procurement of registration

Sec. 2. A person who, knowing the person is not a voter and will not be a voter at the next election, applies for registration or procures registration as a voter commits a Class A misdemeanor.

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

IC 3-14-2-2.5

Solicitation for fraudulent absentee ballot application

Sec. 2.5. A person who does either of the following, knowing that an individual is ineligible to register to vote or to vote, commits absentee ballot fraud, a Level 6 felony:

- (1) Solicits the individual to complete an absentee ballot application.
- (2) Solicits the individual to submit an absentee ballot application to a county election board.

As added by P.L.103-2005, SEC.22. Amended by P.L.158-2013, SEC.7.

IC 3-14-2-3

Fraudulent subscription of another person's name

Sec. 3. A person who:

(1) subscribes the name of another person to an affidavit of registration, a petition of nomination, a declaration of candidacy, or application for an absentee ballot knowing that the affidavit, petition, declaration, or application contains a false statement; or

(2) subscribes the name of another person to an affidavit of registration, a petition of nomination, a declaration of candidacy, or application for an absentee ballot without writing on it the person's own name and address as an attesting witness;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.23; P.L.194-2013, SEC.94; P.L.158-2013, SEC.8; P.L.168-2014, SEC.3.

IC 3-14-2-4

Registering to vote more than once

Sec. 4. A person who recklessly registers or offers to register to vote more than once commits a Class A misdemeanor.

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

IC 3-14-2-5

Destruction or failure to file or deliver registration form or absentee ballot application after execution

Sec. 5. (a) A person who recklessly destroys or fails to deliver an absentee ballot application to the proper officer in accordance with IC 3-11-4 after the application has been executed by another individual in accordance with IC 3-11-4 commits a Class A misdemeanor.

(b) A person who recklessly destroys or fails to file or deliver to the proper officer a registration affidavit or form of registration in accordance with IC 3-7 after the affidavit or form has been executed commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.24; P.L.194-2013, SEC.95.

IC 3-14-2-6

Unauthorized release or removal of registration materials or information

Sec. 6. A person who knowingly, intentionally, or recklessly releases or removes any registration materials or information contained in the computerized list maintained under IC 3-7-26.3 from the county voter registration office, except when release or removal is necessary:

(1) to comply with IC 3-7; or

(2) for the destruction of the materials under IC 5-15-6;

commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10. Amended by P.L.12-1995, SEC.87; P.L.4-1996, SEC.87; P.L.209-2003, SEC.192; P.L.164-2006,

SEC.131.

IC 3-14-2-7

Withholding information or furnishing false information to poll taker; return of false names or names of deceased persons

Sec. 7. A person who knowingly:

(1) upon the demand of a poll taker, withholds any information from the poll taker with regard to the qualifications of a voter or person not entitled to vote;

(2) furnishes to a poll taker any false information with regard to the qualifications of any person for voting; or

(3) returns to the poll taker as voters any false names or the names of any persons who are dead or are not voters;

commits a Class A misdemeanor.

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

IC 3-14-2-8

Return of names of ineligible, fictitious, or deceased persons by poll taker

Sec. 8. A poll taker who knowingly returns:

(1) the name of a person who is not entitled to vote in the precinct for which the poll is taken at the next election;

(2) a fictitious name; or

(3) the name of a dead person;

commits a Class A misdemeanor.

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

IC 3-14-2-9

Unregistered or unauthorized voting

Sec. 9. A person who knowingly votes or offers to vote at an election when the person is not registered or authorized to vote commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.9.

IC 3-14-2-10

Voting by ineligible persons

Sec. 10. A person who recklessly votes at an election, unless the person is a registered voter under the requirements of IC 3-7 at the time of the election, commits a Class A misdemeanor.

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

IC 3-14-2-11

Voting in other precincts; making false statements concerning certain voter information

Sec. 11. (a) A person who knowingly votes or offers to vote in a precinct except the one in which the person is registered and resides commits a Level 6 felony, except when permitted under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

(b) A person who knowingly makes a false statement concerning

the name, address, or voter identification number of the person by:

- (1) signing a person's signature on a poll list to affirm false information concerning a voter printed on the poll list; or
- (2) making a written or oral affirmation under IC 3-7-39-7, IC 3-10-1-24, IC 3-10-10-4, IC 3-10-11-4, IC 3-10-12-4, or IC 3-11-8-25.1 to provide false information concerning a voter in addition to the information concerning the voter printed on the poll list;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.466; P.L.10-1988, SEC.208; P.L.17-1993, SEC.17; P.L.12-1995, SEC.88; P.L.194-2013, SEC.96; P.L.158-2013, SEC.10; P.L.168-2014, SEC.4; P.L.169-2015, SEC.158.

IC 3-14-2-12

Voting or applying to vote in false name and own name

Sec. 12. A person who:

- (1) knowingly votes or makes application to vote in an election in a name other than the person's own; or
- (2) having voted once at an election, knowingly applies to vote at the same election in the person's own name or any other name;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.11.

IC 3-14-2-13

Hiring or soliciting an ineligible person to vote in a precinct

Sec. 13. A person who knowingly hires or solicits another person to go into a precinct for the purpose of voting at an election at the precinct when the person hired or solicited is not a voter in the precinct commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.25; P.L.158-2013, SEC.12.

IC 3-14-2-14

Precinct officer or public official allowing ineligible voters or unauthorized procedure

Sec. 14. A precinct election officer or public official upon whom a duty is imposed by this title who knowingly:

- (1) allows a person to vote who is not entitled to vote; or
- (2) allows a person to vote by use of an unauthorized procedure;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.13.

IC 3-14-2-15

Unauthorized delivery of ballots

Sec. 15. A member, an employee, or an agent of a county election

board who knowingly delivers a ballot to a person except in the manner prescribed by this title commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.8-1995, SEC.65; P.L.103-2005, SEC.26; P.L.158-2013, SEC.14.

IC 3-14-2-16

Ballots; fraudulent application, showing, examination, receipt, possession, completion, or delivery

Sec. 16. A person who knowingly does any of the following commits a Level 6 felony:

- (1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.
- (2) Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.
- (3) Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.
- (4) Receives from a voter a ballot prepared by the voter for voting, except:
 - (A) the inspector;
 - (B) a member of the precinct election board temporarily acting for the inspector;
 - (C) a member or an employee of a county election board (acting under the authority of the board and state law) or an absentee voter board member acting under IC 3-11-10; or
 - (D) a member of the voter's household, an individual designated as attorney in fact for the voter, or an employee of:
 - (i) the United States Postal Service; or
 - (ii) a bonded courier company;(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.
- (5) Receives a ballot from a person other than one (1) of the poll clerks or authorized assistant poll clerks.
- (6) Delivers a ballot to a voter to be voted, unless the person is:
 - (A) a poll clerk or authorized assistant poll clerk; or
 - (B) a member of a county election board or an absentee voter board acting under IC 3-11-10.
- (7) Delivers a ballot (other than an absentee ballot) to an inspector that is not the ballot the voter receives from the poll clerk or assistant poll clerk.
- (8) Delivers an absentee ballot to a team of absentee ballot counters appointed under IC 3-11.5-4-22, a county election board, a circuit court clerk, or an absentee voting board under IC 3-11-10 that is not the ballot cast by the absentee voter.

(9) Delivers an absentee ballot prepared by the voter for voting to a county election board, except for:

- (A) the inspector;
- (B) a member of the precinct election board temporarily acting for the inspector;
- (C) a member or an employee of a county election board (acting under the authority of the board and in accordance with state law) or an absentee voter board member acting under IC 3-11-10; or
- (D) a member of the voter's household or an individual designated as attorney in fact for the voter, an employee of:
 - (i) the United States Postal Service; or
 - (ii) a bonded courier company;(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(10) Possesses an unmarked absentee ballot on or before the date of the election for which the absentee ballot has been printed, unless the person is authorized to possess the absentee ballot under this title as any of the following:

- (A) A printer, when arranging for the delivery of unmarked absentee ballots to a county election board under IC 3-11-2.
- (B) A county election board member or employee (acting under the authority of the board and in accordance with state law).
- (C) An absentee voter board member.
- (D) An employee of:
 - (i) the United States Postal Service; or
 - (ii) a bonded courier company;(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot.
- (E) An individual authorized under IC 3-11-10-24 to deliver an absentee ballot.
- (F) An absentee ballot counter under IC 3-11.5.
- (G) A provisional ballot counter.
- (H) A precinct election officer.
- (I) The voter who applied for the absentee ballot.

(11) Completes or signs an absentee ballot application for a voter, or assists a voter in completing an absentee ballot application in violation of IC 3-11.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.467; P.L.5-1989, SEC.73; P.L.3-1993, SEC.232; P.L.19-1993, SEC.3; P.L.4-1996, SEC.88; P.L.38-1999, SEC.70; P.L.103-2005, SEC.27; P.L.158-2013, SEC.15.

IC 3-14-2-17

Marking ballot to indicate to another person how voter has voted

Sec. 17. A voter at an election who knowingly writes or places on a ballot a name, sign, or device as a distinguishing mark by which to indicate to any other person how the voter has voted commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.16.

IC 3-14-2-18

Disclosure of voter's vote to another

Sec. 18. A voter who knowingly:

(1) does anything to enable any other person to see or know for what ticket, candidates, or public questions the voter has voted;

or

(2) moves into a position, or does any other thing, to enable the voter to see or know for what ticket, candidates, or public questions any other voter votes;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.209; P.L.103-2005, SEC.28; P.L.221-2005, SEC.134; P.L.158-2013, SEC.17.

IC 3-14-2-19

Forgery of official ballot endorsement; printing or circulating imitation ballot

Sec. 19. (a) A person who knowingly:

(1) forges or falsely makes the official endorsement of a ballot;

or

(2) prints or circulates an imitation ballot;

commits a Level 6 felony.

(b) This section does not prohibit the printing or circulation of a sample ballot or a reproduction of an official ballot if the sample or reproduction complies with IC 3-9-3-2.5 and the printing or circulation does not violate IC 3-14-1-2.

As added by P.L.5-1986, SEC.10. Amended by P.L.66-2003, SEC.51; P.L.158-2013, SEC.18.

IC 3-14-2-20

Deceptive registration of vote

Sec. 20. A person who knowingly:

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

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

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.468; P.L.158-2013, SEC.19.

IC 3-14-2-21

Fraudulent inducement to vote other than as intended

Sec. 21. A person who fraudulently causes a voter at an election to vote for a person different from the one the voter intended to vote for or on a public question different from the vote the voter intended to cast commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.469; P.L.10-1988, SEC.210; P.L.158-2013, SEC.20.

IC 3-14-2-22

False representation of ballot to non-English speaking voter

Sec. 22. A person who knowingly furnishes a voter who cannot read the English language with a ballot at an election that the person represents to the voter as containing a name different from the one printed or written on it commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.470; P.L.158-2013, SEC.21.

IC 3-14-2-23

Opening, destruction, or unauthorized delivery of ballots by custodian of ballots

Sec. 23. A person entrusted with the custody of ballots who knowingly:

- (1) opens a package in which the ballots are contained;
- (2) destroys a ballot; or
- (3) delivers such a package or ballot to a person not entitled to receive it;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.22.

IC 3-14-2-24

Removal or destruction of ballots; false entries in poll book; false tallying

Sec. 24. A person who:

- (1) takes a ballot legally deposited out of a ballot box or out of a voting system for the purpose of destroying the ballot or substituting another ballot in its place;
- (2) destroys or misplaces a ballot with the intent to substitute another ballot for it or with the intent to prevent it from being counted; or
- (3) knowingly enters upon the pollbooks the name of a person who has not legally voted or knowingly tallies a vote for a candidate or on a public question not voted for by the ballot;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.211; P.L.103-2005, SEC.29; P.L.158-2013, SEC.23.

IC 3-14-2-25

Marking or defacing ballots by precinct election board member or authorized election personnel

Sec. 25. A member of a precinct election board or county election board, a person employed at the central counting headquarters, or a person charged with a duty in connection with an election or entrusted with the custody or control of a ballot either before or after voting who marks or defaces a ballot for the purpose of:

- (1) identifying the ballot (except by numbering protested ballots for future reference as provided by law); or
- (2) vitiating the ballot;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.24.

IC 3-14-2-26

Tampering with ballot container, voting system component, or contents

Sec. 26. A person who:

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

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.471; P.L.103-2005, SEC.30; P.L.158-2013, SEC.25.

IC 3-14-2-27

Fraudulent recording of votes; false statement, certificate, or return of vote

Sec. 27. A precinct election officer at the close of the polls, an absentee ballot counter acting under IC 3-11.5-5 or IC 3-11.5-6, or a provisional ballot counter acting under IC 3-11.7-5 who knowingly:

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

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.472; P.L.3-1993, SEC.233; P.L.19-1993, SEC.4; P.L.126-2002, SEC.89; P.L.158-2013, SEC.26.

IC 3-14-2-28**Fraudulent alteration of election return; intentional destruction of poll book or tally; fraudulent alteration of vote as returned**

Sec. 28. A person who:

- (1) with intent to defraud, alters an election return;
- (2) knowingly destroys, misplaces, or loses a poll book or tally sheet; or
- (3) with intent to defraud, alters the vote of a candidate or on a public question as returned by the county election board or its employees;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.212; P.L.158-2013, SEC.27.

IC 3-14-2-29**Inspecting voting system without authorization**

Sec. 29. A person who knowingly inspects a voting system under IC 3-12-4-18 without:

- (1) the adoption of an order under IC 3-12-4-18 to conduct the inspection; or
- (2) the filing of an order adopted under IC 3-12-4-18 with the secretary of state;

commits a Level 6 felony.

As added by P.L.3-1987, SEC.473. Amended by P.L.103-2005, SEC.31; P.L.194-2013, SEC.97; P.L.158-2013, SEC.28; P.L.168-2014, SEC.5.

IC 3-14-2-30**Violations**

Sec. 30. A person who knowingly votes at a town convention in violation of IC 3-8-5-11(c) commits a Class A misdemeanor.

As added by P.L.167-2001, SEC.9.