

Westlaw.

NV ST 293.3165
N.R.S. 293.3165

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West's Nevada Revised Statutes Annotated Currentness

Title 24. Elections

Chapter 293. Elections

☐ Absent Ballot Voting

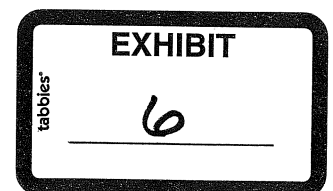
→ **293.3165. Application for absent ballot because of physical disability: Requirements; voting procedure**

- ★ 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate county clerk requesting that he receive an absent ballot for each election conducted during the period specified in subsection 3.
2. A written statement submitted pursuant to subsection 1 must:
- (a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;
- ★ (b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and
- (c) Include the name, address and signature of the person designated pursuant to paragraph (b).
- ★ 3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the county clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each election that is conducted during the year immediately succeeding the date the written statement is submitted to the county clerk.
4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the county clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the county clerk shall not issue an absent ballot to the registered voter pursuant to this section.
5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.
- ★ 6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Added by Laws 1999, p. 2146.

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Elections k216.1.
Westlaw Topic No. 144.

N. R. S. 293.3165, **NV ST 293.3165**

Current through the 2007 74th Regular Session and the 23rd Special Session of the Nevada Legislature and technical corrections received from the Legislative Counsel Bureau (2007).

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West's Nevada Revised Statutes Annotated Currentness

Title 24. Elections

Chapter 293. Elections

☐ Unlawful Acts and Penalties

→ 293.800. Acts concerning registration of voters; violations of laws governing elections; crimes by public officers

1. A person who, for himself or another person, willfully gives a false answer or answers to questions propounded to him by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies his application in any particular, or who violates any of the provisions of the election laws of this State, or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his duty, or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his office is forfeited upon conviction of any offense provided for in subsection 2.

4. A person who causes or endeavors to cause his name to be registered, knowing that he is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. A field registrar or other person who:

(a) Knowingly falsifies an application to register to vote or knowingly causes an application to be falsified; or

(b) Knowingly provides money or other compensation to another for a falsified application to register to vote, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Added by Laws 1960, p. 271. Amended by Laws 1961, p. 294; Laws 1973, p. 872; Laws 1993, p. 2198; Laws 1995, pp. 1269, 2281; Laws 1997, pp. 235, 608; Laws 1999, p. 2117.

HISTORICAL AND STATUTORY NOTES**1997 Legislation**

Laws 1997, c. 118 does not apply to offenses committed before October 1, 1997.

CROSS REFERENCES

Additional penalties generally, see NRS 193.163 et seq.

Additional punishment, felonies affecting school property or activity, see NRS 193.161.

Classification of felonies, see NRS 193.120.

Punishment for attempted felonies, see NRS 193.330.

LIBRARY REFERENCES

Elections ↪ 309, 313.

Westlaw Topic No. 144.

C.J.S. Elections §§ 324 to 325, 355(2).

N. R. S. 293.800, NV ST 293.800

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West's Nevada Revised Statutes Annotated Currentness

Title 24. Elections

Chapter 293. Elections

☐ Unlawful Acts and Penalties


→ 293.840. Civil penalty

1. In addition to any criminal penalty, a person who violates the provisions of this chapter is subject to a civil penalty in an amount not to exceed \$20,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. Any civil penalty collected pursuant to this section must be deposited by the collecting agency for credit to the State General Fund in the bank designated by the State Treasurer.

Added by Laws 1993, p. 2172. Amended by Laws 2001, c. 575, § 57, eff. July 1, 2001.

LIBRARY REFERENCES

Elections  323.
Westlaw Topic No. 144.
C.J.S. Elections § 355(1).

N. R. S. 293.840, NV ST 293.840

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West's Nevada Revised Statutes Annotated Currentness

Title 24. Elections

Chapter 293. Elections

☐ Unlawful Acts and Penalties

→ 293.730. Interfering with conduct of election; unauthorized delivery, receipt, identification, display or removal of ballot

1. A person shall not:

- (a) Remain in or outside of any polling place so as to interfere with the conduct of the election.
- (b) Except an election board officer, receive from any voter a ballot prepared by the voter.
- (c) Remove a ballot from any polling place before the closing of the polls.
- (d) Apply for or receive a ballot at any election precinct or district other than the one at which he is entitled to vote.
- (e) Show his ballot to any person, after voting, so as to reveal any of the names voted for.
- (f) Inside a polling place, ask another person for whom he intends to vote.
- (g) Except an election board officer, deliver a ballot to a voter.
- (h) Except an election board officer in the course of his official duties, inside a polling place, ask another person his name, address or political affiliation.

2. A voter shall not:

- (a) Receive a ballot from any person other than an election board officer.
- (b) Deliver to an election board or to any member thereof any ballot other than the one received.
- (c) Place any mark upon his ballot by which it may afterward be identified as the one voted by him.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

Added by Laws 1960, p. 270. Amended by Laws 1973, p. 871; Laws 1985, p. 335; Laws 1987, p. 1168; Laws 1989, p. 2170; Laws 1995, p. 2785.


CROSS REFERENCES

Classification of gross misdemeanors, see NRS 193.120.

Gross misdemeanors, punishment, see NRS 193.140.

Punishment for attempted misdemeanors, see NRS 193.330.

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Elections  319.
Westlaw Topic No. 144.
C.J.S. Elections § 330.

N. R. S. 293.730, NV ST 293.730

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West's Annotated Code of Virginia Currentness
Title 24.2. Elections (Refs & Annos)
Chapter 7. Absentee Voting (Refs & Annos)

→ § 24.2-704. Applications and ballots for persons requiring assistance in voting; penalty

The **application** for an **absentee ballot** shall provide space for the applicant to indicate that he will require assistance to vote his absentee ballot by reason of blindness, physical **disability**, or inability to read or write. On receipt of an application from an applicant marked to indicate he will require assistance, the electoral board shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649. The voter and any person assisting him shall complete the form by signing the request for assistance and statement required of the assistant. If the voter is unable to sign the request, the witness will note this fact on the line for signature of voter. The provisions of § 24.2-649 shall apply to absentee voting and assistance for absentee voters. Any person who willfully violates the provisions of this section or § 24.2-649 in providing assistance to a person who is voting absentee shall be guilty of a Class 5 felony.

Acts 1993, c. 641, eff. Dec. 1, 1993; Acts 1996, c. 295. Amended by Acts 2006, c. 242.

Va. Code Ann. § 24.2-704, VA ST § 24.2-704

Current through End of 2007 Reg. Sess. and includes 2008
Reg. Sess. c. 1, 2, 8, 21, 49, 51, 56, 57 and 72.

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Va. Code Ann. § 24.2-649

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West's Annotated Code of Virginia Currentness

Title 24.2. Elections (Refs & Annos)

▣ Chapter 6. The Election (Refs & Annos)

▣ Article 4. Conduct of Election; Election Results (Refs & Annos)

→ § 24.2-649. Assistance for certain voters

A. Any voter age 65 or older or physically disabled may request and then shall be handed a paper ballot or a mark sense ballot by an officer of election outside the polling place but within 150 feet of the entrance to the polling place. The voter shall mark the paper ballot in the officer's presence but in a secret manner and fold and return the ballot to the officer. The officer shall immediately return to the polling place and deposit the ballot in the ballot container in accordance with § 24.2-646. The voter shall mark the mark sense ballot in the officer's presence but in a secret manner and cover and return the ballot to the officer who shall immediately return to the polling place and deposit the ballot in the ballot counter in accordance with the instructions of the State Board.

Any county or city that has acquired an electronic voting device that is so constructed as to be easily portable may use the voting device in lieu of a paper or mark sense ballot for the voter requiring assistance pursuant to this subsection. However, the electronic voting device may be used in lieu of a paper ballot only so long as: (i) the voting device remains in the plain view of two officers of election representing two political parties or, in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the equipment shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer; and (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to this section. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting device to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.

B. Any qualified voter, who requires assistance to vote by reason of physical disability or inability to read or write, may, if he so requests, be assisted in voting. If he is blind, he may designate an officer of election or any other person to assist him. If he is unable to read and write or disabled for any cause other than blindness, he may designate an officer of election or some other person to assist him other than the voter's employer or agent of that employer, or officer or agent of the voter's union.

The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. The request and statement shall be on a single form furnished by the State Board. If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature, provided no mark shall be required of a voter who is blind. An officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name

Va. Code Ann. § 24.2-649

and address of the person assisting him.

The officer of election or other person so designated shall assist the qualified voter in the preparation of his ballot in accordance with his instructions and without soliciting his vote or in any manner attempting to influence his vote and shall not in any manner divulge or indicate, by signs or otherwise, how the voter voted on any office or question.

A person who willfully violates this subsection shall be guilty of a Class 1 misdemeanor. In addition, the provisions of § 24.2-1016 and its felony penalties for false statements shall be applicable to any request or statement signed pursuant to this section, and the provisions of §§ 24.2-704 and 24.2-1012 and the felony penalties for violations of the law related to providing assistance to absentee voters shall be applicable in such cases.

In any precinct in which an electronic voting device is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance pursuant to this subsection that such equipment is available for him to use to vote in privacy without assistance and the officers of election shall instruct the voter on the use of the voting equipment. Nothing in this subsection shall be construed to require a voter to use the equipment unassisted.

Acts 1993, c. 641, eff. Dec. 1, 1993; Acts 2003, c. 1015. Amended by Acts 2004, c. 993; Acts 2004, c. 1010; Acts 2005, c. 569; Acts 2006, c. 242.

CROSS REFERENCES

Absentee voting, assistance, see § 24.2-704.


Ballots, advice or assistance in casting, see § 24.2-1006.

Punishment for designated classes of misdemeanors, see § 18.2-11.

Sample ballots, see § 24.2-622.

LIBRARY REFERENCES

Key Numbers

Elections  220.

Westlaw Key Number Search: 144k220.

Encyclopedias

C.J.S. Elections § 208.

RESEARCH REFERENCES

Treatises and Practice Aids

Virginia Practice Criminal Offenses and Defenses P15, Perjury.

Va. Code Ann. § 24.2-649, VA ST § 24.2-649

Current through End of 2007 Reg. Sess. and includes 2008 Reg. Sess. c. 1, 2, 8, 21, 49, 51, 56, 57 and 72.

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Title 3. Elections

Article 11. Voting Methods, Supplies, and Equipment

Chapter 4. Eligibility and Application for Absentee Ballot

→ 3-11-4-2 Application

Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with **disabilities** is unable to sign the **absentee ballot application** and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

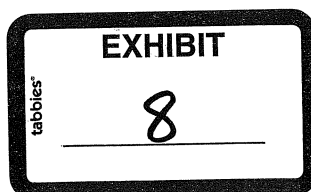
(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- (4) The reason why the individual is entitled to vote an absentee ballot:
 - (A) by mail; or
 - (B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

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in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon seven (7) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(4) A statement that the person is executing the affidavit under the penalties of perjury.

(5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

CREDIT(S)

As added by P.L.5-1986, SEC.7. Amended by P.L.38-1999, SEC.37; P.L.126-2002, SEC.48; P.L.103-2005, SEC.2.

HISTORICAL AND STATUTORY NOTES

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1999 Legislation

P.L.38-1999, Sec.37, emerg. eff. April 23, 1999.

2002 Legislation

P.L.126-2002, Sec.48, eff. Jan. 1, 2003.

Formerly:

IC 3-1-22-2.

Acts 1945, c. 208, s. 195.

Acts 1947, c. 120, s. 23.

Acts 1953, c. 215, s. 2.

Acts 1965, c. 261, s. 14.

Acts 1969, c. 222, s. 25.

Acts 1979, P.L.13, SEC.1.

P.L.6-1983, SEC.5.

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Title 3. Elections

Article 11.5. Counting Absentee Ballots at a Central Location

☐ Chapter 4. General Procedures for Counties

→ **3-11.5-4-13 Rejection of absentee ballots**

Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be rejected:

- (1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:
 - (A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;
 - (B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or
 - (C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.
 - (2) The signatures do not correspond or there is no signature.
 - (3) The absentee voter is not a qualified voter in the precinct.
 - (4) The absentee voter has voted in person at the election.
 - (5) The absentee voter has not registered.
 - (6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.
 - (7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.
 - (8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.
 - (9) The ballot has been challenged and not supported.
- ✕ (b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:
- (1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

✖ (c) The voter may request that the voter's signature or mark be attested to by any of the following:

(1) The absentee voter board under section 22 of this chapter.

(2) A member of the voter's household.

(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

CREDIT(S)

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.38-1999, SEC.53; P.L.126-2002, SEC.85; P.L.1-2003, SEC.6, eff. April 2, 2003; P.L.14-2004, SEC.139, eff. Mar. 16, 2004; P.L.198-2005, SEC.13.

HISTORICAL AND STATUTORY NOTES

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1999 Legislation

P.L.38-1999, Sec.53, emerg. eff. April 23, 1999.

2002 Legislation

P.L.126-2002, Sec.85, eff. Jan. 1, 2003.

2003 Legislation

P.L.1-2003, Sec.6, emerg. eff. April 2, 2003.

2004 Legislation

P.L.14-2004, Sec.139, emerg. eff. Mar. 16, 2004.

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C.J.S. Elections § 211.

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Title 3. Elections

Article 14. Offenses

Chapter 2. Vote Fraud

→ 3-14-2-16 Ballots; fraudulent application, showing, examination, receipt, delivery, possession, or completion or signing

Sec. 16. A person who knowingly does any of the following commits a Class D 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 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

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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, [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.

(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.

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(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.

CREDIT(S)

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.

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.467, eff. Dec. 1, 1987, inserted all provisions relating to assistant poll clerks.

P.L.5-1989, Sec.73, in Subsec. (4), inserted "or a member of a county election board or an absentee voter board acting under IC 3-11-10"; in Subsec. (7), inserted "(other than an absentee ballot)" substituted "that is not" for "except"; and substituted "ballot" for "one"; added Subsec. (8); and made nonsubstantive changes throughout the entire section.

P.L.3-1993, Sec.232 and P.L.19-1993, Sec.3, identically amended this section by inserting in subsec. (8) "team of absentee ballot counters appointed under IC 3-11.5-4-22".

P.L.4-1996, Sec.88, emerg. eff. March 21, 1996, designated Subsecs.(4)(A) through (4)(c); added Subsec. 4(D); and made other nonsubstantive changes.

1999 Legislation

P.L.38-1999, Sec.70, emerg. eff. April 23, 1999, inserted "precinct" in Subsec. (1); inserted "Except when receiving assistance under IC 3-11-9," in Subsec. (2); inserted "Except when offering assistance requested by a voter in accordance with IC 3-11-9," in Subsec. (3); designated Subsec. (6)(A); and added Subsec. (6)(B).

2005 Legislation

P.L.103-2005, Sec.27, amended this section by inserting "or an employee", "(acting under the authority of the board and state law)", and "member" in Subsec. (4)(C); rewriting Subsec. (4)(D), which read: "a member of the voter's household or an individual designated as attorney in fact for the voter, when delivering an envelope containing an absentee ballot under IC 34-11-10-1"; and adding Subsecs. (9) to (11).

Formerly:

IC 3-1-32-40.

Acts 1945, c. 208, s. 426.


Acts 1978, P.L.2, SEC.341.

CROSS REFERENCES

Voter instruction cards, copy of this section, see IC 3-11-3-23.

LIBRARY REFERENCES

2006 Main Volume

Elections  313.
Westlaw Topic No. 144.
C.J.S. Elections § 325.

RESEARCH REFERENCES

2007 Electronic Update

ALR Library


5 ALR 6th 1, Validity, Construction, and Application of State Statutory Voting Offenses.

Encyclopedias


Ind. Law Encycl. Elections § 90, Conduct as to Ballots, Manner of Voting, Recording of Vote, or Voting Record; Altering of Vote.

NOTES OF DECISIONS

Search and seizure 2
Standing 1
Sufficiency of evidence 3
1. Standing

Defendant lacked standing to assert claim that statute precluding unauthorized persons to accept ballots from absentee voters was unconstitutionally overbroad or vague based on claim that statute violated voter's fundamental right to vote. *Murphy v. State*, App.2005, 837 N.E.2d 591. Elections  27

2. Search and seizure


Police had probable cause to search city-owned vehicle based on information provided by confidential informant (CI) to police that driver, a city employee, had been collecting absentee ballots at house party, that he placed ballots in gray bag, and that he placed bag in trunk of his city vehicle; CI was not confused or unsure as to whether employee was collecting applications for absentee ballots, an activity that would not violate Indiana election laws, rather than ballots themselves. *Luellen v. City of East Chicago*, C.A.7 (Ind.)2003, 350 F.3d 604. Searches And Seizures  65

3. Sufficiency of evidence

Evidence that defendant accepted sealed envelope containing absentee voter's ballot and placed envelope in mail, and that defendant was not one of persons enumerated by statute to accept ballot, was sufficient to support

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charge for unauthorized receipt from voter of ballot prepared by voter for voting. Murphy v. State, App.2005,
837 N.E.2d 591. Elections  329

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Current through 2008 Public Laws approved and effective through
5/30/08 (except for P.L. 3-2008 and P.L. 146-2008)

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