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→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 Class D felony.

CREDIT(S)

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

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P.L.3-1987, Sec.468, eff. Dec. 1, 1987, deleted former Subsec. (3); substituted "Class D felony" for "class A misdemeanor; and made other nonsubstantive changes. Prior to amendment, former Subsec. (3) read:

"(3) gives information to any other person as to what ticket or candidates a voter voted;"

Formerly:

IC 3-2-3-3.

Acts 1982, P.L.12, SEC.3.

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C.J.S. Elections §§ 215, 329, 356.

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→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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.469, eff. Dec. 1, 1987, substituted "Class D felony" for "class A misdemeanor".

P.L.10-1988, Sec.210, emerg. eff. April 1, 1988, inserted "or on a public question different from the vote the voter intended to cast".

Formerly:

IC 3-1-32-38.

Acts 1945, c. 208, s. 424.

Acts 1978, P.L.2, SEC.339.

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→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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

2006 Main Volume

P.L.3-1987, Sec.470, eff. Dec. 1, 1987, substituted "ballot" for "ticket" and "Class D felony" for "Class A misdemeanor".

Formerly:

IC 3-1-32-37.

Acts 1945, c. 208, s. 423.

Acts 1978, P.L.2, SEC.338.

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C.J.S. Elections §§ 215, 329, 356.

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→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 Class D felony.

CREDIT(S)

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

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Formerly:

IC 3-1-32-20.

Acts 1945, c. 208, s. 406.

Acts 1978, P.L.2, SEC.321.

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→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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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P.L.10-1988, Sec.211, emerg. eff. April 1, 1988, inserted "or on a public question" in subsec. (3).

2005 Legislation

P.L.103-2005, Sec.29, amended this section by rewriting Subsec. (1), which read: "takes a ballot legally deposited out of a ballot box for the purpose of destroying it or substituting another in its place".

Formerly:

IC 3-1-32-32.

Acts 1945, c. 208, s. 418.

Acts 1978, P.L.2, SEC.333.

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→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 Class D felony.

CREDIT(S)

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

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Formerly:

IC 3-1-32-24.

Acts 1945, c. 208, s. 410.

Acts 1978, P.L.2, SEC.325.

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→3-14-2-26 Tampering with ballot container 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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES**2006 Main Volume**

P.L.3-1987, Sec.471, eff. Dec. 1, 1987, substituted "the time for preparation required under this title" for "one hundred eighty (180) days after it" in Subsec. (1); and inserted "container," in Subsecs. (1) through (3).

2005 Legislation

P.L.103-2005, Sec.30, amended this section by deleting "or" following "container" in Subsecs. (1) to (3), and following "envelope" in Subsec. (4); inserting "or voting system component" in Subsecs. (1) to (3); and adding "or voting system component" at the end of Subsec. (4).

Formerly:

IC 3-1-32-15.

Acts 1945, c. 208, s. 401.

Acts 1978, P.L.2, SEC.317.

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→3-14-2-27 Causing vote to be incorrectly taken down; false statement, certificate, or return

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 Class D felony.

CREDIT(S)

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.

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.472, eff. Dec. 1, 1987, substituted "A precinct election officer" for "An inspector or poll clerk in a precinct" in the first paragraph; and deleted "registered on a voting machine" following "vote" in Subsec. (1).

P.L.3-1993, Sec.233 and P.L.19-1993, Sec.4, amended the section by identical language by inserting "or an absentee ballot counteracting under IC 3-11.5-5 or IC 3-11.5-6, who" in the introductory paragraph.

2002 Legislation

P.L.126-2002, Sec.89, eff. Jan. 1, 2003, amended this section by deleting "or" following "polls", and inserting "or a provisional ballot counter acting under IC 3-11.7-5", in the introductory language.

Formerly:

IC 3-1-32-23.

Acts 1945, c. 208, s. 409.

Acts 1978, P.L.2, SEC.324.

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**→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 Class D felony.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.212.

HISTORICAL AND STATUTORY NOTES

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P.L.10-1988, Sec.212, emerg. eff. April 1, 1988, inserted "or on a public question" in Subsec. (3).

Formerly:

IC 3-1-32-33.

Acts 1945, c. 208, s. 419.

Acts 1978, P.L.2, SEC.334.

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→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 obtaining authorization from the state recount commission to conduct the inspection commits a Class D felony.

CREDIT(S)

As added by P.L.3-1987, SEC.473. Amended by P.L.103-2005, SEC.31.

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.473, eff. Dec. 1, 1987.

2005 Legislation

P.L.103-2005, Sec.31, amended this section by deleting "voting machine or electronic" following "inspects a".

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→3-14-2-30 Voting at multiple town conventions

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.

CREDIT(S)

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

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→3-14-3-1.1 False, fictitious, or fraudulent registration applications or ballots

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

(1) Procures or submits voter registration applications known by the person to be materially false, fictitious, or fraudulent.

(2) Procures, casts, or tabulates ballots known by the person to be materially false, fictitious, or fraudulent.

CREDIT(S)

As added by P.L.103-2005, SEC.32.

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→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.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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P.L.5-1986, Sec.10, emerg. eff. March 4, 1986.

Formerly:

IC 3-1-22-16.

Acts 1945, c. 208, s. 211.

Acts 1978, P.L.2, SEC.306.

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→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 Class D felony.

CREDIT(S)

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.

HISTORICAL AND STATUTORY NOTES

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P.L.5-1989, Sec.74, inserted Subsecs. (3)(A) through (3)(F); added Subsec. (4); and made a nonsubstantive change.

1998 Legislation

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→3-14-3-4 Obstruction of, interference with, or injury of election officer or voter

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 Class D 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 Class D 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.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.33.

HISTORICAL AND STATUTORY NOTES

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2005 Legislation

P.L.103-2005, Sec.33, amended this section by deleting "fifty (50) feet of" following "within", and substituting "chute" for "polls", in Subsec. (a)(2); inserting present Subsec. (b); and redesignating former Subsec. (b) as present Subsec. (c), and dividing the former first sentence therein into the present first two sentences.

Formerly:

IC 3-1-32-19.

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→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 Class D felony.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.474; P.L.221-2005, SEC.136.

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.474, eff. Dec. 1, 1987, substituted "A precinct election officer" for "An inspector or poll clerk in a precinct"; inserted "ballot card voting system, or electronic voting system" and "system or"; and made other nonsubstantive changes.

2005 Legislation

P.L.221-2005, Sec.136, amended this section by deleting all references to voting machines; and making related nonsubstantive changes.

Formerly:

IC 3-1-32-22.

Acts 1945, c. 208, s. 408.

Acts 1978, P.L.2, SEC.323.

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→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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.475, eff. Dec. 1, 1987, substituted "A precinct election officer" for "An inspector or poll clerk in a precinct"; and inserted "ballot card voting system, or electronic voting system" and "or system".

2005 Legislation

P.L.221-2005, Sec.137, amended this section by deleting all references to voting machines; and making related nonsubstantive changes.

Formerly:

IC 3-1-32-22.

Acts 1945, c. 208, s. 408.

Acts 1978, P.L.2, SEC.323.

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→3-14-3-7 Removal, change, or mutilation of voting system for purpose of deceiving 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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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2005 Legislation

P.L.103-2005, Sec.34, amended this section by inserting "(1)" in Subsec. (3); and rewriting the concluding language, which read: "removes, changes, or mutilates a ballot label on a voting machine or any part thereof commits a Class D felony".

Formerly:

IC 3-1-32-22.

Acts 1945, c. 208, s. 408.

Acts 1978, P.L.2, SEC.323.

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→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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.476, eff. Dec. 1, 1987, inserted "precinct" before "election officer" in the first paragraph; deleted "and after the ballot label has been placed on a voting machine" from the end of the first paragraph; added provisions relating to ballot card systems and electronic voting systems in Subsecs. (1) and (2); and made other nonsubstantive changes.

2005 Legislation

P.L.221-2005, Sec.138, amended this section by deleting all references to voting machines; and making related nonsubstantive changes.

Formerly:

IC 3-1-32-31.

Acts 1945, c. 208, s. 417.

Acts 1978, P.L.2, SEC.332.

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→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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.477, eff. Dec. 1, 1987, substituted "Class D felony" for "Class A misdemeanor".

Formerly:

IC 3-1-32-34.

Acts 1945, c. 208, s. 420.

Acts 1978, P.L.2, SEC.335.

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3-14-3-10 Removal, defacing or destruction of supplies, 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 Class D felony.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.478.

HISTORICAL AND STATUTORY NOTES

2006 Main Volume

P.L.3-1987, Sec.478, eff. Dec. 1, 1987, substituted "Class D felony" for "Class A misdemeanor".

Formerly:

IC 3-1-32-39.

Acts 1945, c. 208, s. 425.

Acts 1978, P.L.2, SEC.340.

CROSS REFERENCES

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

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→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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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Formerly:

- IC 3-2-4-10.
- Acts 1965, c. 281, s. 10.
- Acts 1967, c. 319, s. 10.
- Acts 1978, P.L.2, SEC.358.
- P.L.14-1985, SEC.13.

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→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.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.479.

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.479, eff. Dec. 1, 1987, inserted "or other marking device" twice; and made other nonsubstantive changes.

RESEARCH REFERENCES

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I.C. 3-14-3-12, IN ST 3-14-3-12

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→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 Class D felony.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.480.

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.480, eff. Dec. 1, 1987, inserted "or other marking device" in Subsecs. (1) and (2); and made other nonsubstantive changes.

Formerly:

IC 3-1-32-45.

Acts 1945, c. 208, s. 431.

Acts 1978, P.L.2, SEC.343.

CROSS REFERENCES

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

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→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 the co-directors or authorized representative of the election division or 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 commission or a county election board;

commits a Class D felony.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1997, SEC.403.

HISTORICAL AND STATUTORY NOTES

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1997 Legislation

P.L.3-1997, Sec.403, emerg. eff. retroactive to Jan. 1, 1997, amended the section by substituting "the co-directors or authorized representative of the election division" for "a member of the state election board" in Subsec. (1); and substituting "commission" for "state election board" in Subsec. (3).

Formerly:

IC 3-1-32-46.

Acts 1945, c. 208, s. 432.

Acts 1978, P.L.2, SEC.344.

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→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.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1997, SEC.404; P.L.14-2004, SEC.176, eff. Mar. 16, 2004.

HISTORICAL AND STATUTORY NOTES

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1997 Legislation

P.L.3-1997, Sec.404, amended the section by inserting "the polls or within", "entrance to the", and "in violation of IC 3-11-8-15 or IC 3-11- 8-16", in Subsec. (3).

2004 Legislation

P.L.14-2004, Sec.176, emerg. eff. Mar. 16, 2004.

Formerly:

IC 3-1-32-47.

Acts 1945, c. 208, s. 433.

Acts 1978, P.L.2, SEC.345.

CROSS REFERENCES

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

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→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 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.

CREDIT(S)

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, eff. Mar. 16, 2004; P.L.103-2005, SEC.35; P.L.164-2006, SEC.132, eff. Mar. 24, 2006.

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→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 Class D felony.

CREDIT(S)

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.

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.481, eff. Dec. 1, 1987, substituted "Class D felony" for "Class A misdemeanor".

P.L.10-1988, Sec.213, emerg. eff. April 1, 1988, inserted "or for or against a public question".

1997 Legislation

P.L.3-1997, Sec.406, amended the section by inserting "a precinct election officer, or a member of an absentee voter board" and "while acting as a board member or precinct election officer".

Formerly:

IC 3-1-32-35.

Acts 1945, c. 208, s. 421.

Acts 1978, P.L.2, SEC.336.

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→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 Class D 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- 41-1-11) 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.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.176-1999, SEC.118; P.L.103-2005, SEC.36.

HISTORICAL AND STATUTORY NOTES

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1999 Legislation

P.L.176-1999, Sec.118, amended the section by adding Subsec. (a) and inserting "or candidate" throughout Subsec. (b).

2005 Legislation

P.L.103-2005, Sec.36, amended this section by adding ", does any of the following commits a Class D felony" at the end of the introductory language of Subsec. (b); deleting "or" at the end of Subsec. (b)(3); adding Subsec.

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→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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.482, eff. Dec. 1, 1987, substituted "Class D felony" for "Class A misdemeanor".

2005 Legislation

P.L.103-2005, Sec.37, amended this section by rewriting the contents thereof, which read: "A person who, for the purpose of inducing or procuring another person to 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 Class D felony".

Formerly:

IC 3-1-30-11.

IC 3-1-32-1.

IC 3-1-32-4 to 3-1-32-8.

IC 3-4-7-1.

Acts 1945, c. 208, ss. 376, 387, 390 to 394.

Acts 1975, P.L.19, SEC.3.

Acts 1976, P.L.6, SEC.1.

Acts 1978, P.L.2, SEC.362.

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→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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.483, eff. Dec. 1, 1987, substituted "Class D felony" for "Class A misdemeanor".

2005 Legislation

P.L.103-2005, Sec.38, amended this section by rewriting the contents thereof, which read: "A person who, for the purpose of inducing or procuring a voter to 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 Class D felony".

Formerly:

IC 3-1-30-11.

IC 3-1-32-2.

IC 3-1-32-5.

IC 3-4-7-2.

Acts 1945, c. 208, ss. 376, 388, 391.

Acts 1975, P.L.19, SEC.3.

Acts 1976, P.L.6, SEC.1.

Acts 1978, P.L.2, SEC.363.

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→3-14-3-20.5 False or fraudulent absentee ballot applications or voter registration applications

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 Class D felony.

CREDIT(S)

As added by P.L.103-2005, SEC.39.

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→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 Class D felony.

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

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P.L.3-1987, Sec.484, eff. Dec. 1, 1987, deleted "within ninety (90) days of an election" from the beginning of Subsec. (2); and substituted "Class D felony" for "Class B misdemeanor".

P.L.10-1988, Sec.214, emerg. eff. April 1, 1988, inserted "or public question" and "approved," in the first paragraph in Subsec. (2); and made a nonsubstantive change.

Formerly:

IC 3-1-30-11.

IC 3-4-7-3.

Acts 1945, c. 208, s. 376.

Acts 1975, P.L.19, SEC.3.

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→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 Class D felony.

CREDIT(S)

As added by P.L.103-2005, SEC.40.

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C.J.S. Elections §§ 333, 334(2).

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→3-14-3-23 Poll list maintenance violations

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.

CREDIT(S)

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

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→3-14-3-24 Poll list use violations

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

CREDIT(S)

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

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C.J.S. Elections §§ 324, 355(2).

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→3-14-4-1 Unlawfully serving as precinct election board member

Sec. 1. A person who knowingly serves as a member of a precinct election board in violation of IC 3-6-6 commits a Class D felony.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.486.

HISTORICAL AND STATUTORY NOTES

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P.L.5-1986, Sec.10, emerg. eff. March 4, 1986.

P.L.3-1987, Sec.486, eff. Dec. 1, 1987, substituted "Class D felony" for "Class A misdemeanor".

Formerly:

IC 3-1-5-1.

Acts 1945, c. 208, s. 25.

Acts 1951, c. 19, s. 1.

Acts 1965, c. 261, s. 3.

Acts 1969, c. 222, s. 4.

Acts 1978, P.L.2, SEC.301.

P.L.7-1985, SEC.1.

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→3-14-4-2 Inspectors; negligent or knowing failure to appear at election board's office

Sec. 2. An inspector who negligently or knowingly fails to appear at the county election board's office in person or by representative as required by IC 3-11-3 commits a Class D felony.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.487.

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P.L.3-1987, Sec.487, eff. Dec. 1, 1987, substituted "Class D felony" for "Class A misdemeanor".

Formerly:

IC 3-1-32-16.

Acts 1945, c. 208, s. 402.

Acts 1978, P.L.2, SEC.318.

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→3-14-4-3 Omission in performance of required duties

Sec. 3. A precinct election officer or public official upon whom a duty is imposed by this title who knowingly omits to perform the duty commits a Class D felony.

CREDIT(S)

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

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Formerly:

IC 3-1-32-17.

Acts 1945, c. 208, s. 403.

Acts 1969, c. 222, s. 35.

Acts 1978, P.L.2, SEC.319.

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→3-14-4-3.5 Voter registration information violations

Sec. 3.5. A circuit court clerk, a member of a board of registration, a county official, or another person responsible for maintaining computerized voter registration information who recklessly fails to comply with IC 3-7- 26.3 more than thirty (30) days after being required to perform a duty under IC 3-7-26.3 commits a Class B misdemeanor.

CREDIT(S)

As added by P.L.3-1993, SEC.234. Amended by P.L.12-1995, SEC.89; P.L.3-1995, SEC.135; P.L.209-2003, SEC.193; P.L.164-2006, SEC.133.

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2006 Legislation

P.L.164-2006, Sec.133, amended this section by deleting Subsec. (a) and the first sentence in Subsec. (b).

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P.L.3-1995, Sec.135, emerg. eff. retroactive to Jan. 1, 1995, rewrote the section. Prior to amendment, the section read:

"A circuit court clerk, member of a board of registration, or county official responsible for maintaining computerized voter registration information who recklessly fails to comply with IC 3-7-7.5 (until its repeal January 1, 1995) or IC 3-7-26 (after December 31, 1994) more than thirty (30) days after being required to perform a duty under IC 3-7-7.5 (until its repeal January 1, 1995) or IC 3-7-26 (after December 31, 1994) commits a Class B misdemeanor."

P.L.12-1995, Sec.89, emerg. eff. retroactive to Jan. 1, 1995 added "(until its repeal January 1, 1995) or IC 3-7-26 (after December 31, 1994)" twice and deleted "not" after "IC 3-7-75".

2003 Legislation

P.L.209-2003, Sec.193, amended this section by inserting "(a) This subsection applies before January 1, 2006."; and by adding Subsec. (b).

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→3-14-4-4 Allowing observance of voter preparing ballot

Sec. 4. A member of a precinct election board who recklessly allows a booth or compartment in which a voter is preparing a ballot to be used:

- (1) without a screen; or
- (2) with a screen arranged so as not to shield the preparation of the ballot from observation;

commits a Class D felony.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.488.

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P.L.3-1987, Sec.488, eff. Dec. 1, 1987, substituted "Class D felony" for "Class A misdemeanor".

Formerly:

IC 3-1-23-17.

Acts 1945, c. 208, s. 256.

Acts 1947, c. 120, s. 31 1/2.

Acts 1969, c. 222, s. 30.

Acts 1978, P.L.2, SEC.309.

Acts 1979, P.L.4, SEC.5.

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→3-14-4-6 Deposit of ballots not initialed or ballots externally defaced

Sec. 6. An inspector, or person acting in the inspector's behalf, who knowingly deposits:

- (1) a ballot upon which the initials of the poll clerks or authorized assistant poll clerks do not appear; or
- (2) a ballot on which appears externally a distinguishing mark or defacement;

commits a Class D felony.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.490.

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P.L.3-1987, Sec.490, eff. Dec. 1, 1987, inserted "or authorized assistant poll clerks" in Subsec. (1); and substituted "Class D felony" for "Class A misdemeanor".

Formerly:

IC 3-1-32-26.

Acts 1945, c. 208, s. 412.

Acts 1978, P.L.2, SEC.327.

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→3-14-4-7 Disclosure of how voter voted or information regarding appearance of ballot voted

Sec. 7. A member of a precinct election board or a person otherwise entitled to the inspection of the ballots who knowingly:

- (1) reveals to another person how a voter has voted; or
- (2) gives information concerning the appearance of any ballot voted;

commits a Class D felony.

CREDIT(S)

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

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Formerly:

IC 3-1-32-28.

Acts 1945, c. 208, s. 414.

Acts 1978, P.L.2, SEC.329.

CROSS REFERENCES

Reading of this section to precinct election board, see IC 3-11-8-14.

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→3-14-4-8 Opening or marking ballot or ascertaining how voter voted

Sec. 8. A member of a precinct election board, an absentee ballot counter appointed under IC 3-11.5-4-22, or a provisional ballot counter appointed under IC 3-11.7-3 who knowingly:

- (1) opens or marks, by folding or otherwise, a ballot presented by a voter, except as provided by law; or
- (2) tries to find out how the voter voted before the ballot is deposited in the ballot box or cast on a ballot card voting system or an electronic voting system or counted by the absentee ballot counter;

commits a Class D felony.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.491; P.L.3-1993, SEC.235 and P.L.19-1993, SEC.5; P.L.126-2002, SEC.90; P.L.221-2005, SEC.139.

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P.L.3-1987, Sec.491, eff. Dec. 1, 1987, rewrote Subsec. (2); and substituted "Class D felony" for "Class A misdemeanor". Prior to amendment, Subsec. (2) read:

"(2) tries to find out the names on a ballot before the ballot is deposited in the ballot box;"

P.L.3-1993, Sec.235 and P.L.19-1993, Sec.5, amended the section by identical language to make the provisions applicable to absentee ballot counters.

2002 Legislation

P.L.126-2002, Sec.90, eff. Jan. 1, 2003, amended this section by deleting "or" following "board", and inserting "or a provisional ballot counter acting under IC 3-11.7-3", in the introductory language.

2005 Legislation

P.L.221-2005, Sec.139, amended this section by deleting all references to voting machines; and making related nonsubstantive changes.

Formerly:

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→3-14-4-9 Disclosure of votes or electioneering

Sec. 9. An election officer who knowingly:

(1) discloses to a person the name of a candidate for whom a voter has voted or how a voter voted on a public question; or

(2) does any electioneering on election day;

commits a Class A misdemeanor.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.215; P.L.66-2003, SEC.53.

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P.L.10-1988, Sec.215, emerg. eff. April 1, 1988, inserted "or how a voter voted on a public question" in Subsec. (1).

2003 Legislation

P.L.66-2003, Sec.53, amended this section by substituting "Class A misdemeanor" for "Class D felony" in the concluding language.

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.

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→3-14-4-10 Provision of information concerning absentee vote count before closing of polls

Sec. 10. A person who knowingly violates:

- (1) IC 3-11.5-5;
- (2) IC 3-11.5-6;
- (3) IC 3-12-2-1;
- (4) IC 3-12-3-14; or
- (5) IC 3-12-3.5-7;

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

CREDIT(S)

As added by P.L.3-1993, SEC.236 and P.L.19-1993, SEC.6. Amended by P.L.3-1995, SEC.136; P.L.221-2005, SEC.140.

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P.L.3-1993, Sec.236 and P.L.19-1993, Sec.6, added the section by identical language.

P.L.3-1995, Sec.136, emerg. eff. May 10, 1995, amended the section by designating Subsecs. (1) and (2); adding Subsecs. (3) through (6); adding "or IC 3-12" in the concluding paragraph; and making other nonsubstantive changes.

2005 Legislation

P.L.221-2005, Sec.140, amended this section by deleting former Subsec. (4), which read: "IC 3-12-2.5-9"; and redesignating former Subsecs. (5) and (6) as present Subsecs. (4) and (5).

CROSS REFERENCES

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→3-14-5-1 Affidavit against illegal voter

Sec. 1. (a) This section applies during an election whenever a voter makes an affidavit before the inspector in a precinct that a person who has voted is an illegal voter in the precinct. This section does not apply to an affidavit executed by an individual who:

- (1) is subject to the requirements set forth in IC 3-7-33-4.5;
- (2) is challenged solely as a result of the individual's inability or refusal to comply with IC 3-7-33-4.5; and
- (3) subsequently complies with IC 3-7-33-4.5 before the close of the polls on election day.

(b) Immediately after the close of the polls the inspector shall deliver the affidavit to the county election board for delivery by the prosecuting attorney for the county to the grand jury under section 2 of this chapter. The prosecuting attorney for the county shall:

- (1) proceed as if the affidavit had been made before the prosecuting attorney; and
- (2) ensure that the grand jury notifies the NVRA official under section 2 of this chapter if a violation of NVRA appears to have occurred.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.12-1995, SEC.90; P.L.2-1996, SEC.207; P.L.3-1997, SEC.407; P.L.230-2005, SEC.66.

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P.L.5-1986, Sec.10, emerg. eff. March 4, 1986.

P.L.12-1995, Sec.90, emerg. eff. retroactive to Jan. 1, 1995, designated the subsections; deleted "a primary, general, or municipal" after "during" in Subsec. (a); added Subsec. (b)(2); and made other nonsubstantive changes.

P.L.2-1996, Sec.207, emerg. eff. March 10, 1996, substituted "NVRA official" for "executive director of the state election board" in Subsec. (b)(2).

1997 Legislation

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→3-14-5-2 Affidavits; packaging, sealing, endorsing and delivery to grand jury; inquiry by grand jury

Sec. 2. (a) Each precinct election board shall, at the close of the polls, place all affidavits prescribed by this title for use on election day to determine the eligibility of a precinct election officer (or a person who wishes to cast a ballot) in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

(b) The inspector and judge of the opposite political party shall deliver the sealed bag or envelope to the county election board. The county election board shall do the following:

- (1) Remove the affidavits from the bag or envelope.
- (2) Mail a copy of each affidavit to the secretary of state.
- (3) Replace the affidavits within the bag or envelope.
- (4) Reseal the bag or envelope with the endorsement of the name of each county election board member on the back of the bag or envelope.
- (5) Carefully preserve the resealed bag or envelope and deliver it, with the county election board's seal unbroken, to the foreman of the grand jury when next in session.

(c) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.

(d) The grand jury shall file a report of the result of its inquiry with:

- (1) the court; and
- (2) the NVRA official if a violation of NVRA appears to have occurred.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.12-1995, SEC.91; P.L.2-1996, SEC.208; P.L.3-1997, SEC.408; P.L.230-2005, SEC.67.

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→3-14-5-3 Duty to report violations to prosecuting attorney and violator; presentation to grand jury

Sec. 3. (a) This section does not apply to a violation of NVRA or IC 3- 7.

(b) The commission and each county election board shall report a violation of this title as a felony or misdemeanor to the appropriate prosecuting attorney and the alleged violator.

(c) The commission and boards may have the report transmitted and presented to the grand jury of the county in which the violation was committed at its first session after making the report and at subsequent sessions that may be required. The commission and boards shall furnish the grand jury any evidence at their command necessary in the investigation and prosecution of the violation.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.12-1995, SEC.92; P.L.2-1996, SEC.209; P.L.81-2005, SEC.31, eff. April 25, 2005.

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P.L.12-1995, Sec.92, emerg. eff. retroactive to Jan. 1, 1995, added Subsec. (a); designated Subsecs. (b) and (c); substituted "this title as a felony or misdemeanor" for "law" in Subsec. (b); and deleted ", the attorney general," after "prosecuting attorney" in Subsec. (b).

P.L.2-1996, Sec.209, emerg. eff. March 10, 1996, amended the section by substituting "commission" for "state election board" in Subsec. (b); and by inserting "commission and" twice in Subsec. (c).

2005 Legislation

P.L.81-2005, Sec.31, emerg. eff. April 25, 2005, amended this section by deleting "(after December 31, 1994)" at the end of Subsec. (a).

Formerly:

IC 3-4-5-13.

Acts 1976, P.L.6, SEC.1.

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→3-14-5-4 Prosecution of violators

Sec. 4. In addition to the duties prescribed by IC 33-39, the prosecuting attorney of each circuit shall prosecute each resident of the circuit who the prosecutor believes has violated IC 3-14-1-7, IC 3-14-1-10, IC 3-14-1-13, IC 3-14-1-14, or IC 3-14-1-14.5 in any circuit of the state.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1995, SEC.137; P.L.3-1997, SEC.409; P.L.98-2004, SEC.45.

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P.L.3-1995, Sec.137, amended the section by deleting "IC 3-14-1-8", "IC 3-14-1-9", "IC 3-14-1-12", and "IC 3-14-1-15", and adding "IC 3-14-1-14.5".

1997 Legislation

P.L.3-1997, Sec.409, emerg. eff. May 13, 1997, deleted "IC 3-14-1-4" from the sequence of IC section citations..

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→3-14-5-5 Indictment or information; allegations

Sec. 5. When an election offense is committed, an indictment or information for the offense is sufficient if it alleges that the election was authorized by law without stating the names of the officers holding the election, the candidates voted for, or the offices filled at the election.

CREDIT(S)

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

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Formerly:

IC 3-1-32-66.

Acts 1945, c. 208, s. 452.

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→3-14-5-6 Criminal prosecutions; self-incrimination defense not available to witness

Sec. 6. In a criminal prosecution for violation of IC 3-14-1-7, IC 3-14-1-10, IC 3-14-1-13, IC 3-14-1-14, or IC 3-14-1-14.5, a witness, except the person who is accused and on trial, may not be excused from answering a question or producing a book, paper, or other thing on the ground that the witness' answer or the thing to be produced may tend to incriminate the witness or render the witness liable to a penalty. However, the witness' answer or the thing produced by the witness may not be used in a proceeding against the witness, except in a prosecution for perjury in so testifying.

CREDIT(S)

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1995, SEC.138; P.L.3-1997, SEC.410.

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P.L.3-1995, Sec.138, amended the section by deleting "IC 3-14-1-8", "IC 3-14-1-9", "IC 3-14-1-12", and "IC 3-14-1-15", and adding "IC 3-14-1-14.5".

1997 Legislation

P.L.3-1997, Sec.410, emerg. eff. May 13, 1997, deleted "IC 3-14-1-4" from the sequence of IC section citations..

Formerly:

IC 3-1-30-14.

IC 3-1-30-15.

IC 3-1-32-3.

IC 3-4-7-7.

Acts 1945, c. 208, ss. 379, 380, 389.

Acts 1976, P.L.6, SEC.1.

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→3-14-5-7 Informants; immunity

Sec. 7. If a person who has given or received money or other property to or from another person for the purpose of influencing any voter's vote at an election informs upon and testifies against the person receiving or giving the money in a criminal prosecution, the person informing and testifying may not be prosecuted in connection with the transaction.

CREDIT(S)

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

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IC 3-1-32-9.

Acts 1945, c. 208, s. 395.

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→3-14-5-8 Employment of persons convicted of vote fraud; reemployment; injunctions and civil penalties

Sec. 8. (a) As used in this section, "governmental entity" refers to any of the following:

- (1) A city.
- (2) A town.
- (3) A school corporation.
- (4) An agency of a governmental entity referred to in any of subdivisions (1) through (3).

(b) As used in this section, "date of conviction" refers to the date when:

- (1) in a jury trial, a jury publicly announces a verdict against a person for a felony or Class A misdemeanor;
- (2) in a bench trial, the court publicly announces a verdict against a person for a felony or Class A misdemeanor;
or
- (3) in a guilty plea hearing, a person pleads guilty or nolo contendere to a felony or Class A misdemeanor.

(c) A person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for a governmental entity shall not:

- (1) continue employment with;
- (2) obtain future employment with;
- (3) contract with; or
- (4) be a subcontractor under a contract with;

any governmental entity for at least twenty (20) years after the date of conviction.

(d) For at least twenty (20) years after the person's date of conviction, a governmental entity may not:

- (1) employ;
- (2) offer employment to;

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IC 3-14-5-8

(3) contract with; or

(4) maintain a contractual relationship when a subcontractor is;

a person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for any governmental entity.

(e) If:

(1) a person was employed by a governmental entity;

(2) the person was convicted under IC 3-14-2 of a felony or Class A misdemeanor relating to an election for an office for a governmental entity;

(3) the person's employment with the governmental entity was discontinued under subsection (c) or (d); and

(4) the person's conviction is reversed, vacated, or set aside;

the governmental entity shall reemploy the person in the same position the person held before the person's conviction or in another position equivalent in benefits, pay, and working conditions to the position the person held before the person's conviction, and the person is entitled to receive any salary or other remuneration that the person would have received if the person's employment had not been discontinued under subsection (c) or (d).

(f) The attorney general may petition a court with jurisdiction for an injunction against a person who violates subsection (c) or a governmental entity that violates subsection (d).

(g) The attorney general may petition a court with jurisdiction to impose a civil penalty of not more than one thousand dollars (\$1,000) on a person who violates subsection (c).

CREDIT(S)

As added by P.L.164-2006, SEC.134.

I.C. 3-14-5-8, IN ST 3-14-5-8

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West's Annotated Indiana Code Currentness

Title 3. Elections

Article 14. Offenses

Chapter 6. Election Profiteering

→3-14-6-1.1 Grant of request for voter information to be used in prohibited manner; violations

Sec. 1.1. (a) A person who grants a request for voter registration information under IC 3-7-26.3 or IC 3-7-27 with knowledge that the information will be used in a manner prohibited by IC 3-7-26.3 or IC 3-7-27 commits a Class B infraction.

(b) A person who has previously received a judgment for committing an infraction under this section and knowingly, intentionally, or recklessly violates this section a second time commits a Class D felony.

CREDIT(S)

As added by P.L.209-2003, SEC.195. Amended by P.L.164-2006, SEC.135.

HISTORICAL AND STATUTORY NOTES

2006 Electronic Update

2006 Legislation

P.L.164-2006, Sec.135, amended this section by deleting Subsec. (a); and redesignating former Subsecs. (b) and (c) as present Subsecs. (a) and (b).

Formerly:

IC 3-14-6-1.

P.L.13-1992, SEC.4.

P.L.8-1995, SEC.66.

P.L.12-1995, SEC.93.

P.L.2-1996, SEC.210.

P.L.3-1997, SEC.411.

P.L.209-2003, SEC.194.

LIBRARY REFERENCES

2006 Main Volume

Elections ↪314.

Westlaw Topic No. 144.

C.J.S. Elections § 327.

I.C. 3-14-6-1.1, IN ST 3-14-6-1.1

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IC 3-14-6-2

West's Annotated Indiana Code Currentness

Title 3. Elections

Article 14. Offenses

Chapter 6. Election Profiteering

→3-14-6-2 Use of voter registration information for solicitation; infraction; misdemeanor

Sec. 2. (a) This section does not apply to:

- (1) political activities; or
- (2) political fundraising activities.

(b) A person who uses voter registration information obtained under IC 3-7- 26.3 or IC 3-7-27 to solicit the sale of merchandise, goods, services, or subscriptions commits a Class B infraction.

(c) The court shall:

- (1) keep a record; and
- (2) send a copy of the record to the prosecuting attorney of the county in which the infraction proceeding was tried;

of a judgment for an infraction proceeding tried under this section.

(d) A person who:

- (1) has previously received a judgment for committing an infraction under this section; and
- (2) knowingly or intentionally uses voter registration information in violation of this section;

commits a Class A misdemeanor.

CREDIT(S)

As added by P.L.13-1992, SEC.4. Amended by P.L.12-1995, SEC.94; P.L.3-1997, SEC.412; P.L.209-2003, SEC.196; P.L.164-2006, SEC.136.

HISTORICAL AND STATUTORY NOTES

2006 Electronic Update

2006 Legislation

P.L.164-2006, Sec.136, amended this section by deleting "IC 3-7-26" and "(after December 31, 2005)," from Subsec. (b).

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HAWAII REVISED STATUTES ANNOTATED
DIVISION 1. GOVERNMENT.
TITLE 2. ELECTIONS.
CHAPTER 19. ELECTION OFFENSE.
§ 19-1 Classes of offenses.

Except as otherwise provided, offenses against the election laws contained in this title are divided into two classes: "election frauds" and "misdemeanors".

(L 1970, c 26, pt of § 2)

H R S § 19-1, HI ST § 19-1

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HAWAII REVISED STATUTES ANNOTATED
DIVISION 1. GOVERNMENT.
TITLE 2. ELECTIONS.
CHAPTER 19. ELECTION OFFENSE.
§ 19-3 Election frauds.

The following persons shall be deemed guilty of an election fraud:

(1) Every person who, directly or indirectly, personally or through another, gives, procures, or lends, or agrees or offers to give, procure, or lend, or who endeavors to procure, any money or office or place of employment or valuable consideration to or for any elector, or to or for any person for an elector, or to or for any person in order to induce any elector to vote or refrain from voting, or to vote or refrain from voting for any particular person or party, or who does any such act on account of any person having voted or refrained from voting for any particular person at any election;

(2) Every person who advances or pays, or causes to be paid, any money to, or to the use of, any other person, with the intent that the money, or any part thereof, shall be expended in bribery at any election, or for any purpose connected with or incidental to any election; or who knowingly pays or causes to be paid any money to any person in the discharge or repayment of any money wholly or partly expended in bribery at any election, or for any purpose connected with or incidental to any election;

(3) Every elector who, before, during or after any election, directly or indirectly, personally or through another, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment for oneself or any other person for voting or agreeing to vote, or for refraining to vote or agreeing to refrain from voting, or for voting or refraining to vote for any particular person or party;

(4) Every person who, directly or indirectly, personally or through another, makes use of, or threatens to make use of, any force, violence, or restraint; or inflicts or threatens to inflict any injury, damage, or loss in any manner, or in any way practices intimidation upon or against any person in order to induce or compel the person to vote or refrain from voting, or to vote or refrain from voting for any particular person or party, at any election, or on account of the person having voted or refrained from voting, or voted or refrained from voting for any particular person or party; or who by abduction, distress, or any device or contrivance impedes, prevents, or otherwise interferes with the free exercise of the elective franchise;

(5) Every person who, at any election, votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name, or who, having once

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voted, votes or attempts to vote again, or knowingly gives or attempts to give more than one ballot for the same office at one time of voting;

(6) Every person who, before or during an election, knowingly publishes a false statement of the withdrawal of any candidate at the election;

(7) Every person who induces or procures any person to withdraw from being a candidate at an election in consideration of any payment or gift or valuable consideration; or of any threat; and every candidate who withdraws from being a candidate in pursuance of such inducement or procurement;

(8) Every public officer by law required to do or perform any act or thing with reference to any of the provisions in any law concerning elections who wilfully fails, neglects, or refuses to do or perform the same, or who is guilty of any wilful violation of any of the provisions thereof;

(9) Any person wilfully tampering or attempting to tamper with, disarrange, deface, or impair in any manner whatsoever, or destroy any voting machine while the same is in use at any election, or who, after the machine is locked in order to preserve the registration or record of any election made by the same, tampers or attempts to tamper with any voting machine; and

(10) Every person who, directly or indirectly, personally or through another, wilfully designs, alters, accesses, or programs any electronic voting system to cause the system to inaccurately record, tally, or report votes cast on the electronic voting system.

(L 1970, c 26, pt of § 2; am imp L 1984, c 90, § 1; am L 1989, c 88, § 2; am L 2005, c 200, § 2)

NOTES, REFERENCES, AND ANNOTATIONS

Cross references. --

As to voting by absentee voter at polls, see § 15-11.

NOTES TO DECISIONS

Constitutionality of clause in paragraph (8). --

Former clause in paragraph (8), which read "or who wilfully performs it in such a way as to hinder the objects thereof", was unconstitutionally vague, in violation of the due process clause of Haw. Const., Art. I, § 5; the remainder of the subsection was not invalidated since the other clauses were separable from the unconstitutional clause. *State v. [REDACTED]*, 67 Haw. 398, 688 P.2d 1152, 1984 Haw. LEXIS 130 (1984).

State was not required to seek federal approval of amendments to election fraud and registration statutes under the Federal Voting Rights Act of 1965, where the pertinent provisions had not been altered in substance. *State v. [REDACTED]*, 68 Haw. 516, 722 P.2d 453, 1986 Haw. LEXIS 94 (1986).

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HAWAII REVISED STATUTES ANNOTATED
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 TITLE 2. ELECTIONS.
 CHAPTER 19. ELECTION OFFENSE.

§ 19-3.5 Voter fraud.

The following persons shall be guilty of a class C felony:

- (1) Any person who knowingly registers another person to vote when that person is not entitled to register to vote;
- (2) Any person who knowingly votes when the person is not entitled to vote;
- (3) Any person who knowingly takes an oath in this title prescribed or authorized by law and willfully makes any false statement of fact while under oath therein; or
- (4) Any person who willfully makes a false answer to any question asked of the person while under oath in this title prescribed or authorized by law.

(L 1990, c 115, § 2)

"Knowingly." --

Immigration judge erred when he ordered an alien to be removed pursuant to 8 U.S.C.S. § 1227(a)(6)(A), based upon a finding that the alien had knowingly committed voter fraud in violation of HRS § 19-3.5(2); the alien did not have the requisite mens rea to commit voter fraud under § 19-3.5(2) because, although she knowingly voted, she did not know at the time she voted that she was ineligible to do so. McDonald v. Gonzales, 400 F.3d 684, 2005 U.S. App. LEXIS 3498 (2005).

H R S § 19-3.5, HI ST § 19-3.5

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TITLE 2. ELECTIONS.
CHAPTER 19. ELECTION OFFENSE.

§ 19-4 Penalties; disqualification for, removal from office; reports of convictions to chief election officer.

Every person found guilty of an election fraud shall be fined not less than \$100 nor more than \$1,000, or imprisoned at hard labor not more than two years, or both. Besides the punishment, the person shall be disqualified from voting and from being elected to, holding or occupying any office, elective or appointive. If the person so convicted holds any office, either elective or appointive, at the time of the conviction, the office shall at once and without mention in the sentence or other proceeding be vacated by the conviction. The judge before whom the conviction is had shall immediately transmit to the chief election officer and to the respective county clerks the name of the person, the offense of which the person has been convicted and the sentence of the court.

(L 1970, c 26, pt of § 2; am L 1970, c 188, § 39; am imp L 1984, c 90, § 1)

H R S § 19-4, HI ST § 19-4

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HAWAII REVISED STATUTES ANNOTATED
 DIVISION 1. GOVERNMENT.
 TITLE 2. ELECTIONS.
 CHAPTER 19. ELECTION OFFENSE.

§ 19-6 Misdemeanors.

The following persons shall be guilty of a misdemeanor:

(1) Any person who offers any bribe or makes any promise of gain, or with knowledge of the same permits any person to offer any bribe or make any promise of gain for the person's benefit to any voter to induce the voter to sign a nomination paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe or promise of gain be offered or accepted before or after the signing;

(2) Any person who wilfully tears down or destroys or defaces any election proclamation or any poster or notice or list of voters or visual aids or facsimile ballot, issued or posted by authority of law;

(3) Any person printing or duplicating or causing to be printed or duplicated any ballot, conforming as to the size, weight, shape, thickness, or color to the official ballot so that it could be cast or counted as an official ballot in an election;

(4) Every person who is disorderly or creates a disturbance whereby any meeting of the precinct officials or the board of registration of voters during an election is disturbed or interfered with; or whereby any person who intends to be lawfully present at any meeting or election is prevented from attending; or who causes any disturbance at any election; and every person assisting or aiding or abetting any disturbance;

(5) Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the board of registration of voters, or in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election;

(6) Any person, other than those designated by section 11-132, who remains or loiters within the area set aside for voting as set forth in section 11- 132 during the time appointed for voting;

(7) Any person, including candidates, carrying on any campaign activities within the area described in section 11-132 during the period of time starting one hour before the polling place opens and ending when the polling place closes for the purpose of influencing votes. Campaign activities shall include the following:

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(A) Any distribution, circulation, carrying, holding, posting, or staking of campaign cards, pamphlets, posters and other literature;

(B) The use of public address systems and other public communication media;

(C) The use of motor caravans or parades; and

(D) The use of entertainment troupes or the free distribution of goods and services;

(8) Any person who opens a return envelope containing an absentee ballot voted under chapter 15 other than those authorized to do so under chapter 15;

(9) Any unauthorized person found in possession of any voting machine or keys thereof;

(10) Every person who wilfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise in this chapter specially provided for.

(L 1970, c 26, pt of § 2; am L 1973, c 217, § 8; am L 1974, c 34, § 5(b); am L 1975, c 36, § 6 and c 146, § 2(b); am L 1976, c 106, § 5; am L 1980, c 264, § 7; am L 1989, c 121, § 2; am L 1990, c 115, § 3)

NOTES, REFERENCES, AND ANNOTATIONS

Cross references. --

As to tampering with absentee ballot box or opening it before time prescribed, see § 15-8. As to violation of procedure for counting absentee ballots, see § 15-10. As to holding or display of moveable sign within right-of-way boundaries of public highway or sidewalk or adjacent to highway for political campaign purposes, see § 291C-77.

NOTES TO DECISIONS

Where criminal statute, as this section, fails to proscribe specifically the alleged offense, it cannot be said that the defendants are in violation of the statute. *Coray v. Ariyoshi*, 54 Haw. 254, 506 P.2d 13, 1973 Haw. LEXIS 185 (1973).

Where poll watcher is person authorized to be in the precinct in question and where his action therein is not specifically proscribed, it cannot be said that he is in violation of § 11-132 and this section. *Coray v. Ariyoshi*, 54 Haw. 254, 506 P.2d 13, 1973 Haw. LEXIS 185 (1973).

Use of poll watchers information beyond 1000 foot perimeter. --

In the absence of constitutional objections, what is done beyond the 1000 feet perimeter with the information recorded by the poll watchers is a matter strictly for the legislature. *Coray v. Ariyoshi*, 54 Haw. 254, 506 P.2d 13, 1973 Haw. LEXIS 185 (1973). Cited in *State v. Park*, 55 Haw. 610, 525 P.2d 586, 1974 Haw. LEXIS 137 (1974); *State v. Good Guys for Fasi*, 56 Haw. 88, 528 P.2d 811, 1974 Haw. LEXIS 91

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Ga. Code Ann., § 21-2-560

C

West's Code of Georgia Annotated Currentness

Title 21. Elections

▪ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▪ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-560. False statements

Except as otherwise provided in Code Section 21-2-565, any person who shall make a false statement under oath or affirmation regarding any material matter or thing relating to any subject being investigated, heard, determined, or acted upon by any public official, in accordance with this chapter, shall be guilty of a misdemeanor.

Laws 1894, p. 115, § 13; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Penal Code 1895, § 625; Penal Code 1910, § 660; Code 1933, § 34-9901; Code 1933, § 34-1901.

CROSS REFERENCES

False swearing, see § 16-10-71.

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↪ 318.

Westlaw Key Number Search: 144k318.

C.J.S. Elections § 331.

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Molnar Georgia Criminal Law - Crimes and Punishments § 30-1, In General.

Ga. Code Ann., § 21-2-560, GA ST § 21-2-560

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Ga. Code Ann., § 21-2-561

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West's Code of Georgia Annotated Currentness

Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-561. False registration

Any person who:

- (1) Registers as an elector knowing that such elector does not possess the qualifications required by law;
- (2) Registers as an elector under any other name than the elector's own name; or
- (3) Knowingly gives false information when registering as an elector

shall be guilty of a felony.

Laws 1894, p. 115, § 13; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1994, p. 1443, § 11; Laws 1998, p. 295, § 1.

Formerly Penal Code 1895, § 625; Penal Code 1910, § 660; Code 1933, § 34- 9901; Code 1933, § 34-1902.

LIBRARY REFERENCES

Elections ↪312.

Westlaw Key Number Search: 144k312.

C.J.S. Elections § 326.

Ga. Code Ann., § 21-2-561, GA ST § 21-2-561

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Ga. Code Ann., § 21-2-562

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West's Code of Georgia Annotated Currentness

Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→§ 21-2-562. Insertion and alteration of entries in documents; removal; refusal to deliver

(a) Any person who willfully:

(1) Inserts or permits to be inserted any fictitious name, false figure, false statement, or other fraudulent entry on or in any registration card, electors list, voter's certificate, affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath, voucher, account, ballot or ballot card, or other record or document authorized or required to be made, used, signed, returned, or preserved for any public purpose in connection with any primary or election;

(2) Alters materially or intentionally destroys any entry which has been lawfully made therein; or

(3) Takes or removes any book, affidavit, return, account, ballot or ballot card, or other document or record from the custody of any person having lawful charge thereof, in order to prevent the same from being used or inspected or copied as required or permitted by this chapter

shall be guilty of a felony.

(b) Any person who willfully neglects or refuses, within the time and in the manner required by this chapter, to deliver any such document described in subsection (a) of this Code section into the custody of the officers who are required by this chapter to use or keep the same shall be guilty of a misdemeanor.

Laws 1958, p. 269, § 46; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1977, p. 313, § 2; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1905.

CROSS REFERENCES

Fraud, generally, see § 23-2-50 et seq.

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↪ 317, 318.

Westlaw Key Number Searches: 144k317; 144k318.

C.J.S. Elections §§ 329, 331.

RESEARCH REFERENCES

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Ga. Code Ann., § 21-2-563

West's Code of Georgia Annotated Currentness
 Title 21. Elections
 Chapter 2. Elections and Primaries Generally (Refs & Annos)
 Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-563. False signatures and statements in nomination petitions

Any person who knowingly and willfully:

- (1) Signs any nomination petition without having the qualifications prescribed by this chapter;
- (2) Sets any false statement opposite the signature on a nomination petition;
- (3) Signs more nomination petitions than permitted by this chapter;
- (4) Makes a false statement in any affidavit required by this chapter to be appended to or to accompany a nomination petition;
- (5) Signs any name not his or her own to any nomination petition; or
- (6) Materially alters any nomination petition without the consent of the signers

shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, §§ 34-1908, 34-1909.

LIBRARY REFERENCES

Elections ↻317, 318.
 Westlaw Key Number Searches: 144k317; 144k318.
 C.J.S. Elections §§ 329, 331.

Ga. Code Ann., § 21-2-563, GA ST § 21-2-563

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Ga. Code Ann., § 21-2-564

West's Code of Georgia Annotated Currentness

Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→§ 21-2-564. Nomination petitions; certificates and papers; destruction; fraudulent filing; suppression

Any person who willfully makes any false nomination certificate or defaces or destroys any nomination petition, nomination certificate, or nomination paper, or letter of withdrawal, knowing the same, or any part thereof, to be made falsely, or suppresses any nomination petition, nomination certificate, or nomination paper, or any part thereof, which has been duly filed shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1910.

LIBRARY REFERENCES

Elections ↪317, 318.

Westlaw Key Number Searches: 144k317; 144k318.

C.J.S. Elections §§ 329, 331.

Ga. Code Ann., § 21-2-564, GA ST § 21-2-564

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Ga. Code Ann., § 21-2-565

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Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-565. False statement in connection with notices of candidacy and qualifying for party nomination

(a) Any person knowingly making any false statement in connection with filing a notice of candidacy under Code Section 21-2-132 or in connection with qualifying as a candidate for party nomination under Code Section 21-2-153 commits the offense of false swearing.

(b) The district attorney of any judicial circuit or of the county in which all or the greater portion of any municipality is situated shall furnish all investigative personnel and facilities to the Secretary of State, the superintendent, or political party, as the case may be, as needed to determine the accuracy and correctness of all facts set forth in the affidavits filed pursuant to Code Sections 21-2-132 and 21-2-153 and shall commence prosecution of any person when it appears that a violation of this Code section has occurred.

(c) Where proper venue of any such prosecution would be in another county, the district attorney whose office conducted the investigation shall forward all evidence and other data to the district attorney of the county where venue is proper; and prosecution shall be commenced by such official.

Laws 1974, p. 522, § 1; Laws 1976, p. 205, § 2; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1901.1.

CROSS REFERENCES

False swearing, see § 16-10-71.

LIBRARY REFERENCES

Elections ↩ 318.

Westlaw Key Number Search: 144k318.

C.J.S. Elections § 331.

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NOTES OF DECISIONS

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Ga. Code Ann., § 21-2-566

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Title 21. Elections

* Chapter 2. Elections and Primaries Generally (Refs & Annos)

* Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-566. Interference with primaries and elections

Any person who:

- (1) Willfully prevents or attempts to prevent any poll officer from holding any primary or election under this chapter;
- (2) Uses or threatens violence to any poll officer or interrupts or improperly interferes with the execution of his or her duty;
- (3) Willfully blocks or attempts to block the avenue to the door of any polling place;
- (4) Uses or threatens violence to any elector to prevent him or her from voting;
- (5) Willfully prepares or presents to any poll officer a fraudulent voter's certificate not signed by the elector whose certificate it purports to be;
- (6) Knowingly deposits fraudulent ballots in the ballot box;
- (7) Knowingly registers fraudulent votes upon any voting machine; or
- (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters, ballot box, voting machine, direct recording electronic (DRE) equipment, or tabulating machine

shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1985, p. 206, § 1; Laws 1998, p. 295, § 1; Laws 2003, Act 209, § 61, eff. July 1, 2003.

Formerly Code 1933, § 34-1924.

HISTORICAL AND STATUTORY NOTES

The 2003 amendment by Act 209, in par. (8), substituted "direct recording electronic (DRE) equipment" for "vote recorder".

LIBRARY REFERENCES

Elections ↻319.

Westlaw Key Number Search: 144k319.

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Ga. Code Ann., § 21-2-567

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West's Code of Georgia Annotated Currentness

Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→§ 21-2-567. Intimidation of electors

Any person who uses or threatens to use force and violence, or in any other manner intimidates any other person, to:

(1) Vote or refrain from voting at any primary or election, or to vote or refrain from voting for or against any particular candidate or question submitted to electors at such primary or election; or

(2) Place or refrain from placing his or her name upon a register of electors

shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1934.

CROSS REFERENCES

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↪320.

Westlaw Key Number Search: 144k320.

C.J.S. Elections § 333.

Ga. Code Ann., § 21-2-567, GA ST § 21-2-567

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Ga. Code Ann., § 21-2-568

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West's Code of Georgia Annotated Currentness

Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-568. Giving unlawful assistance in voting

Any person who:

- (1) Goes into the voting compartment or voting machine booth while another is voting or marks the ballot or ballot card or registers the vote for another, except in strict accordance with this chapter;
- (2) Interferes with any elector marking his or her ballot or ballot card or registering his or her vote;
- (3) Attempts to induce any elector before depositing his or her ballot or ballot card to show how he or she marks or has marked his or her ballot or ballot card;
- (4) While giving lawful assistance to another, attempts to influence the vote of the elector whom he or she is assisting or marks a ballot or ballot card or registers a vote in any other way than that requested by the voter whom he or she is assisting; or
- (5) Discloses to anyone how another elector voted, except when required to do so in any legal proceeding

shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1989, p. 1090, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1926.

CROSS REFERENCES

Conduct of voters, campaigners, and others at polling places generally, see § 21-2-413.

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↪319.

Westlaw Key Number Search: 144k319.

C.J.S. Elections § 330.

RESEARCH REFERENCES

Forms

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Ga. Code Ann., § 21-2-569

West's Code of Georgia Annotated Currentness

Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-569. Interfering with poll officers

Any person, including any poll officer, who willfully prevents any poll officer from performing the duties imposed on him or her by this chapter shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1906.

LIBRARY REFERENCES

Elections ↪ 319.

Westlaw Key Number Search: 144k319.

C.J.S. Elections § 330.

Ga. Code Ann., § 21-2-569, GA ST § 21-2-569

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Ga. Code Ann., § 21-2-570

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Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-570. Giving or receiving, money or gifts for purpose of registering as voter, voting, or voting for particular candidate

Any person who gives or receives, offers to give or receive, or participates in the giving or receiving of money or gifts for the purpose of registering as a voter, voting, or voting for a particular candidate in any primary or election shall be guilty of a felony.

Laws 1840, Cobb's 1851 Digest, p. 819; Laws 1880-81, p. 129, § 1; Laws 1904, p. 97, § 1; Laws 1905, p. 111, § 1; Laws 1906, p. 46, § 1; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1; Laws 1999, p. 52, § 18.

Formerly Code 1863, § 4443; Code 1868, § 4485; Code 1873, § 4569; Code 1882, § 4569; Penal Code 1895, § 629; Penal Code 1910, §§ 665, 675; Code 1933, §§ 34-9907, 34-9926; Code 1933, § 34-1933.

CROSS REFERENCES

Public officers and employees, selling office or dividing fees, see § 45-11- 2.

LIBRARY REFERENCES

Elections ↪ 316.

Westlaw Key Number Search: 144k316.

C.J.S. Elections § 332.

NOTES OF DECISIONS

Admissibility of evidence 3

Jury instructions 4

Sufficiency of indictment 2

Validity 1

1. Validity

Statute proscribing buying or selling of votes was not void on its face for vagueness and overbreadth. Code, § 34-1933; U.S.C.A.Const. Amends. 1, 14. King v. State, 1979, 244 Ga. 536, 261 S.E.2d 333. Elections ↪ 311

2. Sufficiency of indictment

Acts 1905, p. 111, making it a misdemeanor to buy or sell, or offer to buy or sell, or in any way be concerned with buying or selling, a vote in a primary election, does not confine the offense to the buying of a registered vote; and hence an indictment thereunder was not defective because failing to allege that the person whose vote was bought

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Ga. Code Ann., § 21-2-571

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▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-571. Unlawful voting

Any person who votes or attempts to vote at any primary or election, knowing that such person does not possess all the qualifications of an elector at such primary or election, as required by law, or who votes or attempts to vote at any primary in violation of Code Section 21-2-223 or who knowingly gives false information to poll officers in an attempt to vote in any primary or election shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1994, p. 1443, § 12; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1929.

LIBRARY REFERENCES

Elections ◊313, 318.

Westlaw Key Number Searches: 144k313; 144k318.

C.J.S. Elections §§ 325, 331.

Ga. Code Ann., § 21-2-571, GA ST § 21-2-571

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Ga. Code Ann., § 21-2-572

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Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-572. Repeat voting at primaries and elections

Any person who votes in more than one precinct in the same primary or election or otherwise fraudulently votes more than once at the same primary or election shall be guilty of a felony.

Laws 1833, Cobb's 1851 Digest, p. 819; Laws 1840, Cobb's 1851 Digest, p. 819; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1982, p. 1512, § 5; Laws 1998, p. 295, § 1.

Formerly Code 1863, § 4442; Code 1868, § 4484; Code 1873, § 4568; Code 1882, § 4568; Penal Code 1895, § 627; Penal Code 1910, § 663; Code 1933, § 34-9904; Code 1933, § 34-1930.

LIBRARY REFERENCES

Elections ↪313.

Westlaw Key Number Searches: 144k313.

C.J.S. Elections § 325.

Ga. Code Ann., § 21-2-572, GA ST § 21-2-572

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Ga. Code Ann., § 21-2-573

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Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-573. Unlawful absentee voting

Any person who votes or attempts to vote by absentee ballot at any primary or election under Article 10 of this chapter and who is not qualified to vote shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1932.

CROSS REFERENCES

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↻317.

Westlaw Key Number Search: 144k317.

C.J.S. Elections § 329.

RESEARCH REFERENCES

Forms

5 Brown Georgia Pleading, Prac. & Legal Forms Anno. § 21-2-384 Form 2, Form 2 Oath of Person Assisting Absentee Elector (Statutory Form).

5 Brown Georgia Pleading, Prac. & Legal Forms Anno. § 21-2-384 Form 2, Form 2. Oath of Person Assisting Absentee Elector (Statutory Form).

Ga. Code Ann., § 21-2-573, GA ST § 21-2-573

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Ga. Code Ann., § 21-2-574

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Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-574. Unlawful possession of ballots

Any person, other than an officer charged by law with the care of ballots or ballot cards or a person entrusted by any such officer with the care of the same for a purpose required by law, who has in his or her possession outside the polling place any official ballot or ballot card shall be guilty of a felony.

Laws 1949, p. 1291, § 2A; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1912.

LIBRARY REFERENCES

Elections ↪317.

Westlaw Key Number Search: 144k317.

C.J.S. Elections § 329.

Ga. Code Ann., § 21-2-574, GA ST § 21-2-574

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Ga. Code Ann., § 21-2-575

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Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-575. Counterfeit and facsimile ballots, ballot cards or ballot labels

(a) Any person who makes, constructs, or has in his or her possession any counterfeit of an official ballot, ballot card, or ballot label shall be guilty of a felony.

(b) This Code section shall not be applied to facsimile ballots printed and published as an aid to electors in any newspaper generally and regularly circulated within this state, so long as such facsimile ballot is at least 25 percent larger or smaller than the official ballot of which it is a facsimile. This Code section shall not be applied to any sample or facsimile ballots or ballot labels obtained under Code Section 21-2-400. Nothing in this Code section shall be so construed as to prohibit the procurement and distribution of reprints of the said newspaper printings; nor shall it be so construed as to prohibit the preparation and distribution by election officials of facsimile ballots and ballot labels or portions thereof, provided that they are of a different color and at least 25 percent larger or smaller than the official ballots or ballot labels.

(c) Nothing in this Code section shall be so construed as to prohibit any person from procuring and distributing reprints or portions of reprints of any sample or facsimile ballots or ballot labels as provided in Code Section 21-2-400, provided such reprints or portions of reprints are of a different color and at least 25 percent larger or smaller than the official ballots or ballot labels.

Laws 1949, p. 1291, § 2A; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1969, p. 329, § 25; Laws 1980, p. 1256, § 8; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1913.

LIBRARY REFERENCES

Elections ↪317.

Westlaw Key Number Search: 144k317.

C.J.S. Elections § 329.

Ga. Code Ann., § 21-2-575, GA ST § 21-2-575

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Ga. Code Ann., § 21-2-576

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Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-576. Destroying or delaying delivery of ballots

Any person who willfully destroys or defaces any ballot or ballot card or willfully delays the delivery of any ballots or ballot cards shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1914.

CROSS REFERENCES

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↪317.

Westlaw Key Number Search: 144k317.

C.J.S. Elections § 329.

Ga. Code Ann., § 21-2-576, GA ST § 21-2-576

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Ga. Code Ann., § 21-2-577

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Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-577. Removing ballots

Any person removing any ballot from any book of official ballots, except in the manner provided by this chapter, shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1931.

CROSS REFERENCES

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↪317.

Westlaw Key Number Search: 144k317.

C.J.S. Elections § 329.

Ga. Code Ann., § 21-2-577, GA ST § 21-2-577

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Ga. Code Ann., § 21-2-578

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▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-578. Prying into ballots and ballot cards

Any person who, before any ballot or ballot card is deposited in the ballot box as provided by this chapter, willfully unfolds, opens, or pries into any such ballot or ballot card with the intent to discover the manner in which the same has been marked shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1923.

CROSS REFERENCES

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↪317.

Westlaw Key Number Search: 144k317.

C.J.S. Elections § 329.

Ga. Code Ann., § 21-2-578, GA ST § 21-2-578

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Ga. Code Ann., § 21-2-579

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Title 21. Elections

▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-579. Receiving unlawful assistance in voting

Any voter at any primary or election who:

- (1) Allows his or her ballot, ballot card, or the face of the voting machine used by him or her to be seen by any person with the apparent intention of letting it be known for a fraudulent purpose how he or she is about to vote;
- (2) Casts or attempts to cast any other than the official ballot or ballot card which has been given to him or her by the proper poll officer, or advises or procures another to do so;
- (3) Without having made the affirmation under oath or declaration required by Code Section 21-2-409, or when the disability which he or she declared at the time of registration no longer exists, permits another to accompany him or her into the voting compartment or voting machine booth or to mark his or her ballot or to register his or her vote on the voting machine or direct recording electronic (DRE) equipment; or.
- (4) States falsely to any poll officer that because of his or her inability to read the English language or because of blindness, near-blindness, or other physical disability he or she cannot mark the ballot or ballot card or operate the voting machine without assistance

shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1989, p. 911, § 2; Laws 1998, p. 295, § 1; Laws 2003, Act 209, § 62, eff. July 1, 2003.

Formerly Code 1933, § 34-1925.

HISTORICAL AND STATUTORY NOTES

The 2003 amendment by Act 209, in par. (3), deleted "ballot card or" preceding "to register his or her vote" and substituted "direct recording electronic (DRE) equipment" for "vote recorder".

CROSS REFERENCES

Fraud, generally, see § 23-2-50 et seq.

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↪ 317, 318.

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Ga. Code Ann., § 21-2-580

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 Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-580. Tampering with voting machines

Any person who:

- (1) Unlawfully opens, tampers with, or damages any voting machine to be used or being used at any primary or election;
- (2) Willfully prepares a voting machine for use in a primary or election in improper order for voting; or
- (3) Prevents or attempts to prevent the correct operation of such machine

shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1915.

LIBRARY REFERENCES

Elections ↪317.
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Ga. Code Ann., § 21-2-580, GA ST § 21-2-580

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Ga. Code Ann., § 21-2-581

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▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-581. Unauthorized possession of voting machine key

Any unauthorized person who makes or knowingly has in his or her possession a key to a voting machine to be used or being used in any primary or election shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1916.

LIBRARY REFERENCES

Elections ↪317.

Westlaw Key Number Search: 144k317.

C.J.S. Elections § 329.

Ga. Code Ann., § 21-2-581, GA ST § 21-2-581

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Ga. Code Ann., § 21-2-582

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▣ Chapter 2. Elections and Primaries Generally (Refs & Annos)

▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-582. Tampering with vote recorders or tabulating machines

Any person who tampers with or damages any direct recording electronic (DRE) equipment or tabulating computer or device to be used or being used at or in connection with any primary or election or who prevents or attempts to prevent the correct operation of any direct recording electronic (DRE) equipment or tabulating computer or device shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1; Laws 2003, Act 209, § 63, eff. July 1, 2003.

Formerly Code 1933, § 34-1917.

HISTORICAL AND STATUTORY NOTES

The 2003 amendment by Act 209 substituted "direct recording electronic (DRE) equipment" or "vote recorder" and "computer or device" for "machine".

LIBRARY REFERENCES

Elections ↻317.

Westlaw Key Number Search: 144k317.

C.J.S. Elections § 329.

RESEARCH REFERENCES

Forms

5 Brown Georgia Pleading, Prac. & Legal Forms Anno. § 21-2-582 Form 1, Form 1 Tampering With Vote Recorders.

5 Brown Georgia Pleading, Prac. & Legal Forms Anno. § 21-2-582 Form 1, Form 1. Tampering With Vote Recorders.

5 Brown Georgia Pleading, Prac. & Legal Forms Anno. § 21-2-582 Form 2, Form 2 Preventing the Correct Operation of Vote Recorders.

5 Brown Georgia Pleading, Prac. & Legal Forms Anno. § 21-2-582 Form 2, Form 2. Preventing the Correct Operation of Vote Recorders.

Ga. Code Ann., § 21-2-582, GA ST § 21-2-582

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Ga. Code Ann., § 21-2-582.1

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▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-582.1. Altering, modifying, or changing voting equipment

(a) For the purposes of this Code section, the term "voting equipment" shall mean a voting machine, tabulating machine, optical scanning voting system, or direct recording electronic voting system.

(b) Any person or entity, including but not limited to a manufacturer or seller of voting equipment, who alters, modifies, or changes any aspect of such voting equipment without prior approval of the Secretary of State is guilty of a felony.

Laws 2001, p. 230, § 17; Laws 2003, Act 209, § 64, eff. July 1, 2003.

HISTORICAL AND STATUTORY NOTES

The 2003 amendment by Act 209, in subsec. (a), deleted "vote recorder," following "voting machine," and substituted "recording electronic voting system" for "electronic recording voting system".

LIBRARY REFERENCES

Elections ↻317.

Westlaw Key Number Search: 144k317.

C.J.S. Elections § 329.

Ga. Code Ann., § 21-2-582.1, GA ST § 21-2-582.1

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Ga. Code Ann., § 21-2-583

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▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-583. Destroying, defacing or removing notices, et cetera

Any person who:

- (1) Prior to any primary or election, willfully defaces, removes, or destroys any notice or list of candidates posted in accordance with this chapter;
- (2) During any primary or election, willfully defaces, tears down, removes, or destroys any card of instructions, notice of penalties, or diagram printed or posted for the instruction of electors; or
- (3) During any primary or election, willfully removes or destroys any of the supplies or conveniences furnished to any polling place in order to enable electors to vote or the poll officers to perform their duties

shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1918.

CROSS REFERENCES

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↪317.
 Westlaw Key Number Search: 144k317.
 C.J.S. Elections § 329.

Ga. Code Ann., § 21-2-583, GA ST § 21-2-583

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Ga. Code Ann., § 21-2-584

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▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→§ 21-2-584. Refusal to administer oath; acting without being sworn

If any manager refuses or willfully fails to administer the oath to the poll officer in the manner required by this chapter, or if any poll officer shall knowingly act without being first duly sworn, or if any such person shall sign the written form of oath without being duly sworn, or if any manager or any other person authorized to administer oaths shall certify that any such person was sworn when he or she was not, he or she shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1907.

CROSS REFERENCES

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↩314.

Westlaw Key Number Search: 144k314.

C.J.S. Elections § 327.

Ga. Code Ann., § 21-2-584, GA ST § 21-2-584

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Ga. Code Ann., § 21-2-585

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▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-585. Refusal to permit inspection of papers; destruction or removal; superintendents

(a) Any superintendent or employee of his or her office who willfully refuses to permit the public inspection or copying, in accordance with this chapter, of any general or duplicate return sheet, tally paper, affidavit, petition, certificate, paper, account, contract, report, or any other document or record in his or her custody, or who willfully removes any such document or record from his or her office during said period, or who permits the same to be removed, except pursuant to the direction of any competent authority, shall be guilty of a misdemeanor.

(b) Any superintendent or employee of his or her office who willfully destroys or alters, or permits to be destroyed or altered, any document described in subsection (a) of this Code section during the period for which the same is required to be kept shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1904.

CROSS REFERENCES

Primary and election records to be open to public, see § 21-2-72.

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↻314.

Westlaw Key Number Search: 144k314.

C.J.S. Elections § 327.

Ga. Code Ann., § 21-2-585, GA ST § 21-2-585

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Ga. Code Ann., § 21-2-586

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→§ 21-2-586. Refusal to permit inspection of papers; destruction or removal; Secretary of State

(a) If the Secretary of State or any employee of his or her office willfully refuses to permit the public inspection or copying, in accordance with this chapter, of any return, petition, certificate, paper, account, contract, report, or any other document or record in his or her custody, except when in use, or willfully removes any such document or record from his or her office during such period or permits the same to be removed, except pursuant to the direction of competent authority, the Secretary of State or employee of his or her office shall be guilty of a misdemeanor.

(b) If the Secretary of State or any employee of his or her office willfully destroys, alters, or permits to be destroyed or altered any document described in subsection (a) of this Code section during the period for which the same is required to be kept in his or her office, the Secretary of State or employee of his or her office shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1903.

CROSS REFERENCES

Inspection of public records, generally, see § 50-18-70 et seq.

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

Secretary of state, opening of election records to members of public, see § 21-2-51.

Superintendents, primary and election records to be open to public, see § 21-2-72.

LIBRARY REFERENCES

Elections ↪314.

Westlaw Key Number Search: 144k314.

C.J.S. Elections § 327.

Ga. Code Ann., § 21-2-586, GA ST § 21-2-586

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▣ Article 15. Miscellaneous Offenses (Refs & Annos)

→ § 21-2-587. Frauds by poll officers

Any poll officer who willfully:

- (1) Makes a false return of the votes cast at any primary or election;
- (2) Deposits fraudulent ballots or ballot cards in the ballot box or certifies as correct a false return of ballots or ballot cards;
- (3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine;
- (4) Makes any false entries in the electors list;
- (5) Destroys or alters any ballot, ballot card, voter's certificate, or electors list;
- (6) Tampers with any voting machine, direct recording electronic (DRE) equipment, or tabulating computer or device;
- (7) Prepares or files any false voter's certificate not prepared by or for an elector actually voting at such primary or election; or
- (8) Fails to return to the officials prescribed by this chapter, following any primary or election, any keys of a voting machine, ballot box, general or duplicate return sheet, tally paper, oaths of poll officers, affidavits of electors and others, record of assisted voters, numbered list of voters, electors list, voter's certificate, spoiled and canceled ballots or ballot cards, ballots or ballot cards deposited, written, or affixed in or upon a voting machine, DRE memory cards, or any certificate or any other paper or record required to be returned under this chapter

shall be guilty of a felony.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1985, p. 206, § 1; Laws 1998, p. 295, § 1; Laws 2003, Act 209, § 65, eff. July 1, 2003.

Formerly Code 1863, § 1238; Code 1868, § 1319; Code 1873, § 1292; Code 1882, § 1292; Civil Code 1895, § 74; Civil Code 1910, § 84; Code 1933, § 34-1501; Code 1933, § 34-1921.

HISTORICAL AND STATUTORY NOTES

The 2003 amendment by Act 209, in par. (6), substituted "direct recording electronic (DRE) equipment, or tabulating computer or device" for "vote recorder, or tabulating machine"; and, in par. (8), substituted "DRE

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Ga. Code Ann., § 21-2-588

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→ § 21-2-588. Count and return of votes

Any poll officer who counts any votes before the close of the polls or before the last person has voted, whichever occurs later in time, on the day of any primary or election shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1939.

LIBRARY REFERENCES

Elections ↪ 314.

Westlaw Key Number Search: 144k314.
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Ga. Code Ann., § 21-2-588, GA ST § 21-2-588

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Ga. Code Ann., § 21-2-589

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→ § 21-2-589. Omissions by poll officers

Any poll officer who willfully:

- (1) Fails to file the voter's certificate of any elector actually voting at any primary or election;
- (2) Fails to record voting information as required by this chapter; or
- (3) Fails to insert in the numbered list of voters the name of any person actually voting

shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1922.

LIBRARY REFERENCES

Elections ↪314.

Westlaw Key Number Search: 144k314.

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Ga. Code Ann., § 21-2-589, GA ST § 21-2-589

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Ga. Code Ann., § 21-2-590

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→ § 21-2-590. Poll officers permitting unregistered persons to vote; refusing to permit qualified electors to vote; permitting unauthorized assistance of elector

Any poll officer who:

- (1) Permits any unregistered person to vote at any primary or election, knowing such person is unregistered;
- (2) Permits any person registered as an elector to vote, knowing that such person is not qualified to vote, whether or not such person has been challenged;
- (3) Refuses to permit any duly registered and qualified person to vote at any primary or election, with the knowledge that such person is entitled to vote; or
- (4) Renders assistance to an elector in voting in violation of Code Section 21-2-409, or knowingly permits another person to render such assistance in violation of Code Section 21-2-409

shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1920.

CROSS REFERENCES

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

LIBRARY REFERENCES

Elections ↻314.

Westlaw Key Number Search: 144k314.

C.J.S. Elections § 327.

NOTES OF DECISIONS

Rejection of qualified votes 1

1. Rejection of qualified votes

In an action to recover for the forfeiture provided for in Act May 31, 1870, § 4, 16 Stat. 141, "An act to enforce the

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Ga. Code Ann., § 21-2-591

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→ § 21-2-591. Poll officers permitting unlawful assistance

Any poll officer who permits a voter to be accompanied by another into the voting compartment or voting machine booth when such poll officer knows that the disability which the voter declared at the time of registration no longer exists or that the disability which the voter declared at the time of voting did not exist shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1927.

CROSS REFERENCES

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

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Ga. Code Ann., § 21-2-591, GA ST § 21-2-591

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Ga. Code Ann., § 21-2-592

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→§ 21-2-592. Failure to keep and return record of assisted voters

Any poll officer who willfully fails to keep a record, as required by Code Section 21-2-409, of the name of each voter who received assistance, the exact disability of any assisted voter which makes the assistance necessary, and the name of each person rendering assistance to a voter shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1928.

CROSS REFERENCES

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

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Elections ↪144.

Westlaw Key Number Search: 144k144.

C.J.S. Elections §§ 108, 135.

Ga. Code Ann., § 21-2-592, GA ST § 21-2-592

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→ § 21-2-593. Law enforcement officer; failure to quell disturbances at polls; hindering or delaying poll officers and others

Any law enforcement officer who:

- (1) Willfully neglects or refuses to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from entering, when called upon to do so by any poll officer or elector of the precinct;
- (2) Willfully neglects or refuses to maintain order and quell any disturbance if such arises at any polling place upon the day of any primary or election, when called upon to do so by any poll officer or elector of the precinct; or
- (3) Willfully hinders or delays, or attempts to hinder or delay, any poll officer in the performance of any duty under this chapter

shall be guilty of a misdemeanor.

Laws 1964, Ex. Sess., p. 26, § 1; Laws 1982, p. 1512, § 5; Laws 1998, p. 295, § 1.

Formerly Code 1933, § 34-1919.

CROSS REFERENCES

Law enforcement officers and agencies, generally, see § 35-1-1 et seq.

Punishment of misdemeanors when not otherwise provided for by statute, see § 17-10-3.

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Elections ↪ 144.

Westlaw Key Number Search: 144k144.

C.J.S. Elections §§ 108, 135.

Ga. Code Ann., § 21-2-593, GA ST § 21-2-593

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→ § 21-2-594. Offenses by printers of ballots

Any printer employed to print any official ballots or ballot cards for use in a primary or election, or any person engaged in printing the same, who:

(1) Appropriates to himself or herself or gives or delivers, or knowingly permits to be taken, any of said ballots or ballot cards by any unauthorized person; or

(2) Willfully and knowingly prints, or causes to be printed, any official ballot or ballot cards in any form other than that prescribed by the appropriate officials or with any other names or printing, or with the names spelled otherwise than as directed by such officials or the names or printing thereon arranged in any other way than that authorized and directed by this chapter

shall be guilty of a felony.

Laws 1922, p. 97, § 6; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1983, p. 140, § 1; Laws 1998, p. 295, § 1.

Formerly Code 1933, §§ 34-1907, 34-9917; Code 1933, § 34-1911.

LIBRARY REFERENCES

Elections ↪317.

Westlaw Key Number Search: 144k317.

C.J.S. Elections § 329.

Ga. Code Ann., § 21-2-594, GA ST § 21-2-594

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