

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington St., Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
iga.in.gov

**FISCAL IMPACT STATEMENT**

**LS 7263**

**BILL NUMBER:** HB 1485

**NOTE PREPARED:** Mar 23, 2021

**BILL AMENDED:** Mar 23, 2021

**SUBJECT:** Voting Matters.

**FIRST AUTHOR:** Rep. Wesco

**FIRST SPONSOR:** Sen. Walker G

**BILL STATUS:** 2<sup>nd</sup> Reading - 2<sup>nd</sup> House

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) *Various Election Matters*– The bill defines "breach of peace" and "law enforcement officer" for purposes of election law. The bill includes an identification document issued by a Native American Indian tribe or band for purposes of proof of identification. The bill specifies to whom a watcher must report any violation of election laws. The bill requires the prior consent of an inspector for a watcher to object to any other precinct election officer concerning an alleged violation of election laws and allows for the removal of the watcher and revocation of credentials for a violation.

*Electioneering*– The bill amends the definition of "electioneering" and adds language prohibiting making verbal statements, displaying certain written statements, or the display of support for the approval or defeat of a public question and electioneering before election day in specified locations.

*Criminal Trespass*– The bill makes it criminal trespass for a person to enter or refuse to leave a polling location after having been prohibited entry or asked to leave by an election officer or a law enforcement officer acting on behalf of an election officer.

**Effective Date:** July 1, 2021.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Electioneering*– The changes to the electioneering definition could slightly change the number of cases of electioneering charged in future years. However, it is not likely to significantly impact the number of cases. Misdemeanor fines are placed in the Common School Fund and the state's share of court fees are placed in the state General Fund. The maximum fine for a Class A misdemeanor is \$5,000.

(Revised) *Criminal Trespass*– The bill would expand the existing criminal trespass statute. Criminal trespass is also a Class A misdemeanor. Fees and fines may minimally increase as a result of this provision. The maximum fine for a Class A misdemeanor is \$5,000. Misdemeanor fines are placed in the Common School Fund and the state’s share of court fees are placed in the state General Fund.

**Explanation of Local Expenditures:** *Various Election Matters*– Additional administrative action may occur by election officials county election boards regarding removal of watchers. It is likely county election boards would be able to be conduct voting procedures to remove any watchers in question within existing resources.

*Electioneering*– County jail populations would likely be minimally impacted by the proposed changes to the electioneering definition within the bill.

(Revised) *Criminal Trespass*– Similarly, county jail populations would likely see minimal increases as a result of this provision.

**Explanation of Local Revenues:** *Electioneering*– This provision would likely minimally impact court fee revenue that local governments would receive from Class A misdemeanor cases.

(Revised) *Criminal Trespass*– Court fee revenues from criminal trespass cases may slightly increase as a result of this provision.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies, election officers, county governing bodies.

**Information Sources:**

**Fiscal Analyst:** Chris Baker, 317-232-9851.