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placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall, during an election, remove, tear down or deface the cards printed for the instruction of the voters, or shall, during an election, destroy or remove any booth, railing or other convenience provided for such election, or shall induce, or attempt to induce, any person to commit any of such acts, whether or not any of such acts are committed or attempted to be committed, shall be guilty of a misdemeanor."

Any person who even remains within 50 feet of the polling place without authority is guilty of a crime. See *Montgomery v. Oldham* (1895), 143 Ind. 34, 42 N.E. 474 (1895), and *Huffman v. State*, 183 Ind. 698, 109 N.E. 401 (1915), on the questions of tampering with election convenience and electioneering within 50 feet of the polling place.

It is my opinion that it is not legally permissible to place the model voting machine outside the "chute" at elections conducted pursuant to the Indiana Election Code.

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### OFFICIAL OPINION NO. 13

April 19, 1968

### OFFICERS, STATE—OFFICERS, CITY—Required of Claim Forms Prior to Payment of Claim. Authority to Prescribe Forms.

Opinion Requested by Mr. Richard L. Worley, State Examiner.

I am in receipt of your request for an opinion concerning the claim forms to be required by a disbursing officer of the state or a municipality prior to payment of the claim.

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Claim forms are required by Acts 1953, ch. 155, as amended, the same being Burns IND. STAT. ANN. §§ 61-116 to 61-118, as Act consisting of five sections. The first section of the Act, as amended by Acts 1957, ch. 37, § 1, Burns § 61-116, provides:

"No warrant or check shall be drawn by a disbursing officer of the state or any of its political subdivisions in payment of any claim unless the same has been fully itemized and its correctness properly certified to by the claimant, or some authorized person in his behalf and filed and allowed as now provided by law, except that claims rendered by a public utility for electric, gas, steam, water or telephone services, the charges for which are regulated by a governmental body, or claims for services rendered by publicly owned or publicly operated utilities need not be certified."

The second section of the Act, Burns § 61-117, provides:

"Claim forms shall be prescribed by the state board of accounts; the certificate provided for in section 1 shall be in the following form:

"I hereby certify that the foregoing account is just and correct; that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(The third section provides penalties for violation, the fourth is a general repealer, and the fifth specifies the effective date; none are relevant herein.)

With your request you submitted as exhibits several of the forms prescribed by the State Board of Accounts, namely: Form Nos. 17, 210, 505 and 354, for use respectively by counties, cities, school corporations and those governmental units for which a specific form has not been prescribed.

Examination of the sample forms reveals that they are to be filled out on both sides, the front side by the claimant or vendor, and the reverse side by the appropriate government-

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al officials or purchasers. The front side of the claim form provides ample space for the itemization of the particular claim and, following a reproduction of the certification required by statute, a space for the signature of the claimant. This side of the form, when properly completed by the claimant, satisfies the requirements for a claim set out in the above statutes.

However, your request for an opinion, and the correspondence from several vendors attached to that request, indicates that these forms are not satisfactory to a large number of claimants, especially those claimants who usually handle their billing with automatic machines. The need to submit a fully itemized hand prepared claim disrupts the operations of such claimants and results in delayed and sometimes inaccurate billing. The correspondence also indicates that some suppliers decline doing business with governmental units in order to avoid the need for such claims.

You inquire whether, in view of this not unreasonable dissatisfaction, the State Board of Accounts could authorize claimants to submit claims on their own invoices, provided the invoices are fully itemized and contain the certification in the exact language required by Burns § 61-116, *supra*, signed by the claimant or his authorized agent. The invoice would be attached to the regular claim form and would, in effect, become the front side of that form. The reverse side of the form would still be completed by the appropriate governmental official.

I see no reason why the State Board of Accounts would not have the power to authorize this arrangement. The second section of the Act, Burns § 61-117, *supra*, provides that "[c]laim forms shall be prescribed by the state board of accounts." The statute uses the plural form of the noun, thereby indicating that the Legislature realized that the use of one and only one form would not be satisfactory. The State Board of Accounts, having reached the same conclusion, has already prescribed different claim forms for different governmental units, as evidenced by the exhibits submitted with your request. There is no reason for believing that the State Board of Accounts can prescribe different forms for different

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governmental units but cannot authorize alternative methods for completing the forms.

The purpose of statutory construction is to ascertain and give effect to the legislative intent. *State ex rel. Roberts v. Graham*, 231 Ind. 680, 686, 110 N.E. 2d 855, 858 (1953). The obvious intent of Acts 1953, ch. 155, is to guard against improper expenditure of public money by requiring an itemized record of such expenditures, and by further requiring the recipients of such expenditures to certify that the debt is just and proper. Permitting the attachment of a properly itemized and certified voucher to the front side of the claim form in lieu of manual completion of the front side of the claim form is consistent with the purpose of the Act, and, in my opinion, is well within the authority of the State Board of Accounts.

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#### OFFICIAL OPINION NO. 14

April 19, 1968

#### **APPELLATE COURTS—Facilities—Requirement of Location in State House.**

Opinion Requested by Hon. Rodney E. Piper, State Senator, and Hon. Wayne Hughes, State Representative.

Your request for an Official Opinion asks whether it would be constitutional to move the Supreme and Appellate Courts and other constitutionally designated offices from the State House to new facilities in Indianapolis.

The Constitution of the State of Indiana does not require that any specific office of the Legislative, Executive, or Judicial branch of state government be located in the "State