

SENATE BILL No. 591

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7; IC 3-10-8-4.5; IC 11-10-12-4.

Synopsis: Registration of discharged offenders. Requires that a criminal offender must be offered an opportunity to register to vote upon the offender's discharge from the department of correction (department) if the criminal offender designates a place of residence within Indiana upon discharge and asks to register to vote in Indiana. Authorizes and requires the department to register discharged offenders who meet these conditions. Establishes procedures for the department to register discharged offenders to vote.

Effective: July 1, 2013.

Broden

January 15, 2013, read first time and referred to Committee on Elections.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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SENATE BILL No. 591

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-7-31-4, AS AMENDED BY P.L.81-2005,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 4. (a) A form used to apply for registration at a
4 license branch must comply with 42 U.S.C. 1973gg-3(c)(2) and 42
5 U.S.C. 1973gg-3(d).
6 (b) A form used to apply for registration at:
7 (1) a public assistance agency designated under IC 3-7-15;
8 (2) an agency serving persons with disabilities designated under
9 IC 3-7-16;
10 (3) an additional office designated under IC 3-7-18 or IC 3-7-19;
11 **(4) a facility of the department of correction under**
12 **IC 3-7-46.5; or**
13 ~~(4)~~ **(5) an office of the department of employment and training**
14 **services designated under IC 3-7-20.5;**
15 must comply with 42 U.S.C. 1973gg-5(a)(6).
16 SECTION 2. IC 3-7-46.5 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2013]:

2 **Chapter 46.5. Registration of Criminal Offenders upon**
 3 **Discharge from the Department of Correction**

4 **Sec. 1. As used in this chapter, "commissioner" refers to the**
 5 **commissioner of the department of correction appointed under**
 6 **IC 11-8-2-4.**

7 **Sec. 2. As used in this chapter, "department" refers to the**
 8 **department of correction established under IC 11-8-2-1.**

9 **Sec. 3. As used in this chapter, "offender" refers to a criminal**
 10 **offender discharged from the department under IC 11-10-12.**

11 **Sec. 4. If an offender:**

12 (1) **designates a place of residence within Indiana upon**
 13 **discharge; and**

14 (2) **asks to register to vote in Indiana;**

15 **the department shall provide the offender a registration form as**
 16 **provided under this chapter.**

17 **Sec. 5. (a) The commission shall prescribe the design of the**
 18 **registration form to be used under this chapter.**

19 **(b) The registration form prescribed under this section must**
 20 **meet the following requirements:**

21 (1) **The form must be:**

22 (A) **equivalent to the mail registration form prescribed by**
 23 **the commission under IC 3-7-31; and**

24 (B) **in compliance with 42 U.S.C. 1973gg-5(a)(6)(A)(ii).**

25 (2) **The form must include a statement that does the following:**

26 (A) **Sets forth each eligibility requirement for registration**
 27 **(including citizenship).**

28 (B) **Contains an attestation that the applicant meets each**
 29 **of the eligibility requirements.**

30 (C) **Requires the signature of the applicant, under penalty**
 31 **of perjury, and the date the form was signed.**

32 (3) **The form must include the following as provided in 42**
 33 **U.S.C. 1973gg-5(a)(6)(B):**

34 (A) **A question reading "If you are not registered to vote**
 35 **where you live now, would you like to apply to register to**
 36 **vote here today?"**

37 (B) **A statement reading "Applying to register or declining**
 38 **to register to vote will not affect the amount of assistance**
 39 **that you will be provided by this agency."**

40 (C) **Boxes for the offender to check to indicate whether the**
 41 **offender would like to register or declines to register to**
 42 **vote.**

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1 (D) A statement in close proximity to the boxes and in
 2 prominent type: "IF YOU DO NOT CHECK EITHER
 3 BOX, YOU WILL BE CONSIDERED TO HAVE
 4 DECIDED NOT TO REGISTER TO VOTE AT THIS
 5 TIME."

6 (E) A statement reading "If you would like help in filling
 7 out the voter registration application form, we will help
 8 you. The decision whether to seek or accept help is yours.
 9 You may fill out the application form in private."

10 (F) A statement reading "If you believe that someone has
 11 interfered with your right to register or to decline to
 12 register to vote, or your right to choose your political party
 13 or other political preference, you may file a complaint with
 14 (insert the title, address, and telephone number of the
 15 NVRA official). If you want, you may first try to solve the
 16 problem by filing a complaint with the county voter
 17 registration office of the county where the violation
 18 occurred."

19 **Sec. 6. If the form used by an offender to decline to register to**
 20 **vote is on a separate form from the voter registration application,**
 21 **the declination form must contain the following:**

22 (1) A statement reading "If you decline to register to vote, this
 23 is confidential, and can only be used for voter registration
 24 purposes."

25 (2) A statement reading "If you decide to register to vote,
 26 information about where you register is confidential, and can
 27 only be used for voter registration purposes."

28 (3) A line for the signature of the offender who declines to
 29 register to vote.

30 (4) A line for the date that the offender declined to register to
 31 vote.

32 **Sec. 7. An offender who fails to check either box described in**
 33 **section 5(b)(3) of this chapter or to sign a separate declination form**
 34 **under section 6 of this chapter shall be considered to have declined**
 35 **to register.**

36 **Sec. 8. To register under this chapter, an offender must do the**
 37 **following while on the premises of the department:**

38 (1) Complete the voter registration application prescribed
 39 under section 5 of this chapter.

40 (2) Present the application to an employee of the department.

41 **Sec. 9. An employee of the department who provides an offender**
 42 **with assistance or services relating to the offender's discharge shall**

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1 do the following:

2 (1) Inform each offender that the information the offender
3 provides on the offender's voter registration application will
4 be used to register the offender to vote unless the offender:

5 (A) is not eligible to vote;

6 (B) declines to register to vote or fails to complete the voter
7 registration part of the application; or

8 (C) answers "no" to either question described by
9 IC 3-7-22-5(3) or IC 3-7-22-5(4).

10 (2) Provide each offender who indicates a desire to register
11 with assistance in filling out the voter registration application
12 unless the offender refuses assistance, as provided in 42 U.S.C.
13 1973gg-5(a)(4)(A)(ii).

14 (3) Check the completed voter registration form for legibility
15 and completeness.

16 (4) Deliver the completed registration form to the department
17 administrator (or the employee designated by the
18 administrator to be responsible for voter registration
19 services) for transmittal to the appropriate county voter
20 registration office.

21 (5) Inform the offender that the offender will receive a
22 mailing from the county voter registration office of the county
23 where the individual resides concerning the disposition of the
24 voter registration application.

25 Sec. 10. If an offender is registering to vote after the
26 twenty-ninth day before the date that a primary, general,
27 municipal, or special election is scheduled in the precinct where the
28 offender will reside, the employee of the department who provides
29 an offender assistance or services relating to the individual's
30 discharge shall do the following:

31 (1) Inform the offender that the department registration will
32 not permit the offender to vote in the next election.

33 (2) Inform the offender of other procedures the individual
34 may follow to vote in the next election.

35 Sec. 11. As provided in 42 U.S.C. 1973gg-5(a)(5), an employee or
36 a volunteer of the department may not do any of the following:

37 (1) Seek to influence an offender's political preference or
38 party registration.

39 (2) Display any political preference or party allegiance,
40 including any pictures, photographs, or other likenesses of
41 any currently elected federal, state, county, or local official.

42 (3) Make any statement to an offender or take any action the

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1 purpose or effect of which is to discourage the offender from
2 registering to vote.

3 (4) Make any statement to an offender or take any action
4 whose purpose or effect is to lead the offender to believe that
5 a decision whether or not to register has any bearing on the
6 availability of services or benefits.

7 Sec. 12. As provided in 42 U.S.C. 1973gg-5(a)(4)(A)(ii) and 42
8 U.S.C. 1973gg-5(a)(6)(C), the department shall offer the same
9 degree of assistance in helping an offender complete a voter
10 registration form as the offender receives from the department in
11 completing forms for assistance or services from the department,
12 unless the offender refuses assistance in completing the voter
13 registration form.

14 Sec. 13. Whenever an offender completes a voter registration
15 application under this chapter, the department shall provide the
16 offender with a written acknowledgment that the offender has
17 completed a voter registration application at the department. The
18 acknowledgment:

19 (1) may be a detachable part of the registration form
20 prescribed under section 5 of this chapter; and

21 (2) must set forth the name and residential address of the
22 offender and the date that the application for voter
23 registration was completed.

24 Sec. 14. An offender who completes a voter registration
25 application under this chapter is not required to submit the
26 application to a circuit court clerk or board of registration
27 member.

28 Sec. 15. Voter registration information received or maintained
29 by the department under this chapter is confidential and may be
30 used only for voter registration purposes as provided in this article
31 and 42 U.S.C. 1973gg-5(a)(7).

32 Sec. 16. Unless the offender refuses to permit the department to
33 transmit the form to the county voter registration office of the
34 county where the offender will reside, the department shall
35 forward the voter registration application or declination to the
36 county voter registration office as provided in 42 U.S.C.
37 1973gg-5(a)(4)(A)(iii).

38 Sec. 17. A signed application for voter registration under this
39 chapter authorizes a county voter registration office to update the
40 voter registration record of the offender.

41 Sec. 18. The county voter registration office shall, upon
42 receiving a completed application for voter registration under

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1 section 16 of this chapter, notify the offender of the disposition of
 2 the application in the manner prescribed under IC 3-7-33, and as
 3 required under 42 U.S.C. 1973gg-6(a)(2).

4 **Sec. 19.** The commissioner shall designate an individual to be
 5 responsible for performing the voter registration duties under this
 6 chapter at each of the department's facilities from which offenders
 7 are discharged.

8 **Sec. 20. (a)** As required under 42 U.S.C. 1973gg-5(d)(1), an
 9 individual designated under section 19 of this chapter shall
 10 transmit a copy of a completed voter registration application:

11 (1) to the county voter registration office of the county in
 12 which the applicant's residential address (as indicated on the
 13 application) is located; and

14 (2) not later than five (5) days after the application is accepted
 15 by the department.

16 (b) The designated individual shall transmit a copy of the voter
 17 registration application (or a separate declination form) on which
 18 the offender declined to register to vote by specifically declining to
 19 register or by failing to complete the voter registration part of the
 20 application.

21 (c) The declination must be transmitted:

22 (1) to the county voter registration office of the county in
 23 which the offender's residential address (as indicated on the
 24 application) is located; and

25 (2) not later than five (5) days after the application for voter
 26 registration is accepted by the department.

27 **Sec. 21.** An individual designated under section 19 of this
 28 chapter may use any of the following methods to transmit voter
 29 registration applications or declinations under section 19 of this
 30 chapter:

31 (1) Hand delivery to the county voter registration office.

32 (2) Certified mail, return receipt requested.

33 (3) Electronic transfer, after approval by the commission.

34 **Sec. 22.** If an individual designated under section 19 of this
 35 chapter transmits voter registration applications or declinations by
 36 hand delivery under section 21(1) of this chapter, the county voter
 37 registration office shall provide the designated individual with a
 38 receipt for the forms. The receipt must state the date and time of
 39 delivery, and the printed name and signature of the person who
 40 received the forms.

41 **Sec. 23. (a)** The NVRA official shall provide the commissioner
 42 with a list of the current address and telephone numbers of the

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1 county voter registration office of each county. The commissioner
 2 shall promptly forward the list (and each revision of the list) to
 3 each of the department's facilities from which offenders are
 4 discharged.

5 (b) The NVRA official shall provide the commissioner with
 6 preaddressed packets for department facilities to transmit voter
 7 registration applications under section 21 of this chapter.

8 **Sec. 24.** The NVRA official shall notify the commissioner of the
 9 following:

10 (1) The scheduled date of each primary, general, municipal,
 11 and special election.

12 (2) The jurisdiction in which the election will be held.

13 **Sec. 25.** The commissioner shall provide the NVRA official with
 14 a list stating the following:

15 (1) The address and telephone number of each department
 16 facility where voter registration services will be provided
 17 under this article.

18 (2) The name of each individual designated by the
 19 commissioner to be responsible for performing voter
 20 registration duties under this chapter.

21 SECTION 3. IC 3-10-8-4.5, AS AMENDED BY P.L.10-2010,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2013]: Sec. 4.5. Whenever the election division receives a
 24 notice under section 4 of this chapter, the election division shall notify
 25 the following offices and agencies that a special election will be
 26 conducted within all or part of Indiana:

27 (1) Each agency serving persons with disabilities and designated
 28 as a voter registration site under IC 3-7-16.

29 (2) Armed forces recruitment offices in accordance with
 30 procedures established under IC 3-7-17.

31 (3) Each agency designated as a voter registration site and subject
 32 to IC 3-7-18.

33 **(4) The department of correction for voter registration
 34 purposes under IC 3-7-46.5.**

35 ~~(4)~~ **(5)** The bureau of motor vehicles for voter registration
 36 purposes under IC 9-24-2.5.

37 ~~(5)~~ **(6)** The adjutant general for purposes of enforcing
 38 IC 10-16-7-17.

39 ~~(6)~~ **(7)** The division of family resources for voter registration
 40 purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.

41 ~~(7)~~ **(8)** The state department of health for voter registration
 42 purposes under IC 16-35-1.6.

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1 ~~(8)~~ **(9)** The Federal Voting Assistance Program of the United
2 States Department of Defense, for notification of absent
3 uniformed services voters and overseas voters.
4 SECTION 4. IC 11-10-12-4 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. Upon the discharge
6 of a criminal offender, the department shall do the following:
7 (1) Certify the discharge to the clerk of the sentencing court, who
8 shall make an entry on the record of judgment that the sentence
9 has been satisfied.
10 (2) Inform the criminal offender in writing of the right to register
11 to vote under IC 3-7-13-5.
12 (3) Provide the criminal offender with a copy of the voter's bill of
13 rights prescribed by the Indiana election commission under
14 IC 3-5-8.
15 **(4) Ask if the criminal offender wishes to register to vote. If**
16 **the criminal offender:**
17 **(A) designates a place of residence within Indiana upon**
18 **discharge; and**
19 **(B) asks to register to vote in Indiana;**
20 **register the individual to vote under IC 3-7-46.5.**

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