

**IC 3-11.7**

**ARTICLE 11.7. PROVISIONAL VOTING**

**IC 3-11.7-1**

Chapter 1. Application and General Provisions

**IC 3-11.7-1-1**

**Repealed**

*(Repealed by P.L.164-2006, SEC.143.)*

**IC 3-11.7-1-2**

**Form of provisional ballot**

Sec. 2. (a) Except as provided in subsection (b), a provisional ballot must have the same form as an absentee ballot for:

- (1) the election for which the ballot is cast; and
- (2) the precinct in which the ballot is cast.

(b) A provisional ballot must indicate that the ballot is a provisional ballot and not an absentee ballot.

*As added by P.L.126-2002, SEC.87.*

**IC 3-11.7-1-3**

**Procedures relating to provisional ballots**

Sec. 3. Except as otherwise provided in this article, the procedures described in this title for paper ballots apply to provisional ballots.

*As added by P.L.126-2002, SEC.87.*

**IC 3-11.7-1-4**

**Clerk to estimate number of provisional ballots required for an election**

Sec. 4. Each circuit court clerk shall:

- (1) not less than sixty (60) days before the date on which a general, primary, or municipal election is held; or
- (2) not more than three (3) days after the date on which a special election is ordered;

estimate the number of provisional ballots that will be required in the county for the election.

*As added by P.L.126-2002, SEC.87.*

**IC 3-11.7-1-5**

**Repealed**

*(Repealed by P.L.14-2004, SEC.196.)*

**IC 3-11.7-1-6**

**Provisional ballots prepared by county election board**

Sec. 6. (a) All provisional ballots shall be prepared and printed under the direction of each county election board.

(b) After completing the estimate required by section 4 of this chapter, the county election board shall immediately prepare the ballots and have the ballots printed.

(c) Except as provided in subsection (e), ballots prepared by the

county election board under this section must provide space for the voter to cast a write-in ballot.

(d) The provisional ballots that are prepared and printed under this section shall be delivered to the circuit court clerk not later than:

(1) forty-five (45) days before a general, primary, or municipal election; or

(2) thirty-two (32) days before a special election.

(e) Space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(f) This subsection applies to the printing of provisional ballots for a general election in which the names of the nominees for President and Vice President of the United States are to be printed on the ballot. The provisional ballots that are prepared and printed under this section must be delivered to the circuit court clerk or the clerk's authorized deputy not later than thirty-eight (38) days before the general election.

*As added by P.L.126-2002, SEC.87. Amended by P.L.14-2004, SEC.150.*

#### **IC 3-11.7-1-7**

##### **Clerk's signature and seal on provisional ballots**

Sec. 7. Each provisional ballot must be signed by the circuit court clerk or an individual authorized by the circuit court clerk and have the circuit court clerk's seal affixed.

*As added by P.L.126-2002, SEC.87.*

#### **IC 3-11.7-1-8**

##### **Provisional ballot envelopes**

Sec. 8. The county election board shall provide to each precinct election board envelopes marked "Provisional Ballot" in which a provisional voter places the voter's provisional ballot.

*As added by P.L.126-2002, SEC.87.*

#### **IC 3-11.7-1-9**

##### **Marking provisional ballot packages**

Sec. 9. Each package of provisional ballots delivered to a circuit court clerk shall be plainly marked on an appropriate attached label with the words: "This package contains \_\_\_\_\_ (giving number of ballots) provisional ballots." The clerk shall securely keep all ballots in the clerk's office and shall distribute them to applicants as provided in this article.

*As added by P.L.126-2002, SEC.87.*