

### **IC 3-7-16**

#### **Chapter 16. Registration at Agencies Serving Persons With Disabilities**

### **IC 3-7-16-1**

#### **Purpose of chapter**

Sec. 1. This chapter prescribes voter registration procedures in agencies providing state funded programs primarily engaged in serving persons with disabilities as provided in 42 U.S.C. 1973gg-5(a)(2)(B).

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-2**

#### **Legislative findings**

Sec. 2. The general assembly finds the following:

(1) Persons with a disability will desire and should have the full opportunity to register to vote by using any registration method set forth in this article, and not merely through the agencies described in section 1 of this chapter.

(2) The offices and individuals serving persons with a disability under this article should strive to develop and provide registration forms and services that are accessible to persons with disabilities.

(3) The agencies described in section 1 of this chapter are generally decentralized, and as a result:

(A) are more likely to be frequently restructured; and

(B) require significant assistance in providing training for employees or volunteers to offer voter registration services under this article.

*As added by P.L.12-1995, SEC.25. Amended by P.L.99-2007, SEC.6.*

### **IC 3-7-16-3**

#### **Determination of services required**

Sec. 3. The commission shall determine if an agency is required to provide voter registration services under NVRA and this chapter.

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.20.*

### **IC 3-7-16-4**

#### **Duties of commission before determination**

Sec. 4. Before making a determination under section 3 of this chapter, the commission shall do the following:

(1) Notify the governing body of the agency that the agency may be required to provide voter registration services under this chapter and NVRA.

(2) Conduct a public hearing on the matter.

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.21.*

### **IC 3-7-16-5**

#### **Evidence at public hearing**

Sec. 5. The commission shall accept evidence at the public

hearing concerning the extent to which:

- (1) the agency's programs are funded by the state; and
- (2) the agency is primarily engaged in serving persons with disabilities.

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.22.*

### **IC 3-7-16-6**

#### **Limitations in accepting evidence**

Sec. 6. The commission may only accept evidence at the hearing concerning the agency's cost in complying with NVRA or this chapter to determine when an order issued under section 7 of this chapter should take effect.

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.23.*

### **IC 3-7-16-7**

#### **NVRA official to order date for services to begin**

Sec. 7. If the commission determines that the agency is required to provide voter registration services under NVRA and this chapter, the NVRA official shall issue an order specifying the date that the agency must begin providing voter registration services and prescribing any other procedures reasonably necessary for the agency to comply with NVRA.

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.24.*

### **IC 3-7-16-8**

#### **Expiration of order**

Sec. 8. An order issued under section 7 of this chapter expires when the earlier of the following occurs:

- (1) Ten (10) years after the date that an agency is required to begin providing voter registration services.
- (2) When revoked by the NVRA official after a public hearing as provided in this chapter.

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.25.*

### **IC 3-7-16-9**

#### **Distribution of voter registration forms**

Sec. 9. As provided in 42 U.S.C. 1973gg-5(a)(4)(A)(i) and 42 U.S.C. 1973gg-5(a)(6)(A), an agency designated under this chapter shall distribute a voter registration form prescribed under this chapter to each person applying for assistance from the agency whenever the applicant:

- (1) applies for service or assistance;
- (2) applies for recertification or renewal of services or assistance; or
- (3) submits a change of address form relating to the service or assistance;

unless the applicant declines in writing to register to vote.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-10**

### **Voter registration services at applicant's home**

Sec. 10. As provided in 42 U.S.C. 1973gg-5(a)(4)(B), an agency designated under this chapter that provides services to a person with a disability at the person's home shall provide voter registration services under this chapter at the person's home.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-11**

#### **Design of registration form**

Sec. 11. The commission shall prescribe the design of the registration form to be used under this chapter.

*As added by P.L.12-1995, SEC.25. Amended by P.L.3-1997, SEC.58.*

### **IC 3-7-16-12**

#### **Requirements for registration form**

Sec. 12. The registration form prescribed under section 11 of this chapter must meet the following requirements:

- (1) The form must be equivalent to the mail registration form prescribed by the commission under IC 3-7-31 and in compliance with 42 U.S.C. 1973gg-5(a)(6)(A)(ii).
- (2) The form must include a statement that does the following:
  - (A) Sets forth each eligibility requirement for registration (including citizenship).
  - (B) Contains an attestation that the applicant meets each of the eligibility requirements.
  - (C) Requires the signature of the applicant, under penalty of perjury, and the date the form was signed.
- (3) The form must include the following as provided in 42 U.S.C. 1973gg-5(a)(6)(B):
  - (A) A question reading "If you are not registered to vote where you live now, would you like to apply to register to vote here today?".
  - (B) A statement reading "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.".
  - (C) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote.
  - (D) A statement in close proximity to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.".
  - (E) A statement reading "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.".
  - (F) A statement reading "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your political party or other political preference, you may file a complaint with (insert

the title, address, and telephone number of the NVRA official). If you want you may first try to solve the problem by filing a complaint with the county voter registration office of the county where the violation occurred."

(4) The form must be designed to make voter registration as accessible as possible for persons with disabilities.

*As added by P.L.12-1995, SEC.25. Amended by P.L.3-1997, SEC.59.*

### **IC 3-7-16-13**

#### **Contents of declination form**

Sec. 13. If the form used by an applicant to decline to register to vote is on a separate form from the voter registration application, the declination form must contain the following:

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

(2) A statement reading "If you decide to register to vote, information about the office at which you register is confidential, and can only be used for voter registration purposes."

(3) A line for the signature of the person who declines to register to vote.

(4) A line for the date that the person declined to register to vote.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-14**

#### **Declination to register**

Sec. 14. An applicant who fails to check either box described in section 12(3) of this chapter or to sign a separate declination form under section 13 of this chapter shall be considered to have declined to register.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-15**

#### **Procedures for registration**

Sec. 15. (a) This section does not apply to voter registration required under section 10 of this chapter.

(b) To register under this chapter, an individual must do the following while on the premises of the office:

(1) Complete the voter registration application prescribed under section 11 of this chapter.

(2) Present the application to an employee of the office.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-16**

#### **Duties of employees in providing application**

Sec. 16. An employee or a volunteer of the office who provides an individual with an application for assistance or services under this chapter shall do the following:

(1) Inform each individual who applies for assistance or services that the information the individual provides on the individual's voter registration application will be used to register the individual to vote unless:

- (A) the individual is not eligible to vote;
- (B) the individual declines to register to vote or fails to complete the voter registration part of the application; or
- (C) answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).

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

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

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

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

*As added by P.L.12-1995, SEC.25. Amended by P.L.9-2004, SEC.7.*

### **IC 3-7-16-17**

#### **Duties of employees if applicant registering to vote after twenty-ninth day before primary, general, municipal, or special election**

Sec. 17. If an individual is registering to vote after the twenty-ninth day before the date that a primary, general, municipal, or special election is scheduled in the precinct where the voter resides, the employee or a volunteer of the office who provides an individual with an application for assistance or services under this chapter shall do the following:

- (1) Inform the individual that office registration will not permit the individual to vote in the next election.
- (2) Inform the individual of other procedures the individual may follow to vote in the next election.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-18**

#### **Prohibited acts**

Sec. 18. As provided in 42 U.S.C. 1973gg-5(a)(5), an employee or a volunteer of the office shall not do any of the following:

- (1) Seek to influence an applicant's political preference or party registration.
- (2) Display any political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

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

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-19**

#### **Assistance in completing registration form required**

Sec. 19. As provided in 42 U.S.C. 1973gg-5(a)(4)(A)(ii) and 42 U.S.C. 1973gg-5(a)(6)(C), an office designated under this chapter must offer the same degree of assistance in helping an applicant complete a voter registration form as the applicant receives from the agency in completing forms for assistance or services, unless the individual refuses assistance in completing the voter registration form.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-20**

#### **Written acknowledgment of application; format**

Sec. 20. Whenever an applicant completes a voter registration application under this chapter, the office shall provide the applicant with a written acknowledgment that the applicant has completed a voter registration application at the office. The acknowledgment:

(1) may be a detachable part of the registration form prescribed under section 11 of this chapter; and

(2) must set forth the name and residential address of the applicant and the date that the application was completed.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-21**

#### **Applicant not required to submit application to circuit court clerk or board of registration member**

Sec. 21. An applicant who completes a voter registration application under this chapter is not required to submit the application to a circuit court clerk or board of registration member.

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.26.*

### **IC 3-7-16-22**

#### **Confidentiality; use of information**

Sec. 22. Voter registration information received or maintained by an office under this chapter is confidential and may be used only for voter registration purposes as provided in this article and 42 U.S.C. 1973gg-5(a)(7).

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-23**

#### **Forwarding of application or declination; exception**

Sec. 23. Unless the applicant refuses to permit the office to transmit the form to the circuit court clerk or board of registration of the county where the applicant resides, the office shall forward the voter registration application or declination to the clerk or board not later than five (5) days after the date of acceptance and as provided in 42 U.S.C. 1973gg-5(a)(4)(iii).

*As added by P.L.12-1995, SEC.25. Amended by P.L.3-1995, SEC.25.*

#### **IC 3-7-16-24**

##### **Updating voter registration record**

Sec. 24. A signed application under section 11 of this chapter authorizes a circuit court clerk or board of registration to update the voter registration record of the applicant.

*As added by P.L.12-1995, SEC.25.*

#### **IC 3-7-16-25**

##### **Notification to applicant of disposition**

Sec. 25. The circuit court clerk or board of registration shall, upon receiving a completed application under section 23 of this chapter, notify the applicant of the disposition of the application in the manner prescribed under IC 3-7-33, and as required under 42 U.S.C. 1973gg-6(a)(2).

*As added by P.L.12-1995, SEC.25.*

#### **IC 3-7-16-26**

##### **Designated individual responsible for registration duties**

Sec. 26. The governing body of an agency designated under this chapter shall designate an individual to be responsible for performing the voter registration duties of the agency in each office of the agency where services are provided.

*As added by P.L.12-1995, SEC.25.*

#### **IC 3-7-16-27**

##### **Transmittal of voter registration application or declination form; guidelines; exceptions**

Sec. 27. (a) This section does not apply to a voter registration application or declination to register accepted at an agency office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under 42 U.S.C. 1973gg-5(d)(1), the designated individual shall transmit a copy of a completed voter registration application:

- (1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and
- (2) not later than ten (10) days after the application is accepted at the office.

(c) The designated individual shall transmit a copy of the voter registration application (or a separate declination form) on which the applicant declined to register to vote by specifically declining to

register or by failing to complete the voter registration portion of the application.

(d) The declination must be transmitted:

- (1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and
- (2) not later than ten (10) days after the application is accepted at the office.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-28**

#### **Transmittal of voter registration application or declination form; accepted during final five days before end of registration period**

Sec. 28. (a) This section applies to a voter registration application or declination to register accepted at an agency office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under 42 U.S.C. 1973gg-5(d)(1), the designated individual shall transmit a copy of the completed voter registration application:

- (1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted by the office.

(c) The designated individual shall transmit a copy of the voter registration application (or a separate declination form) on which the applicant declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(d) The declination must be transmitted:

- (1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted at the office.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-29**

#### **Methods of transmittal of voter registration applications or declinations**

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

- (1) Hand delivery to the circuit court clerk or board of registration.
- (2) Certified mail, return receipt requested.
- (3) Electronic transfer, after approval by the commission.

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1997, SEC.5; P.L.3-1997, SEC.60.*

### **IC 3-7-16-30**

#### **Hand delivery; guidelines**

Sec. 30. If a designated individual transmits registration applications or declinations by hand delivery under section 29(1) of this chapter, the circuit court clerk or board of registration shall provide the individual with a receipt for the forms. The receipt must state the date and time of delivery, and the printed name and signature of the person who received the forms.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-31**

#### **County address and telephone numbers to be provided**

Sec. 31. (a) The NVRA official shall provide the governing body of an agency designated under this chapter with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of registration in each county. The governing body shall promptly forward the list (and each revision of the list) to each agency office where services are provided.

(b) The NVRA official shall provide the governing body with pre-addressed packets for agency offices to transmit applications under section 29(1) or 29(2) of this chapter.

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.27.*

### **IC 3-7-16-32**

#### **Voter registration information to be confidential**

Sec. 32. Voter registration information received or maintained under this chapter is confidential.

*As added by P.L.12-1995, SEC.25.*

### **IC 3-7-16-33**

#### **Notice; elections**

Sec. 33. The NVRA official shall notify the governing body of the agency of the following:

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

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

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.28.*

### **IC 3-7-16-34**

#### **Agency addresses and telephone numbers to be provided**

Sec. 34. The governing body of an agency designated under this chapter shall provide the NVRA official with a list stating the following:

(1) The address and telephone number of each agency office where voter registration services will be provided under this article.

(2) The name of each individual designated by the governing body to be responsible for performing voter registration duties under this chapter.

*As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.29.*

