

IC 3-7-33

Chapter 33. Registration Forms; General Procedures for Processing by Counties

IC 3-7-33-1

Applicability of chapter

Sec. 1. This chapter applies to the processing of registration forms by a county voter registration office.

As added by P.L.12-1995, SEC.43. Amended by P.L.81-2005, SEC.17.

IC 3-7-33-2

Repealed

(Repealed by P.L.164-2006, SEC.143.)

IC 3-7-33-3

Acceptance not later than 29 days before election; driver's license application; voter registration agency

Sec. 3. (a) This section applies to a voter registration application that is:

- (1) completed as part of a driver's license application under IC 3-7-14; or
- (2) submitted at a voter registration agency under this article.

(b) As provided in 42 U.S.C. 1973gg-6(a)(1), an eligible applicant whose application is accepted by the bureau of motor vehicles or a voter registration agency not later than twenty-nine (29) days before the election shall be registered to vote in the election.

As added by P.L.12-1995, SEC.43.

IC 3-7-33-3.5

Effect of Internet application

Sec. 3.5. (a) This section applies to a voter registration application submitted online in accordance with IC 3-7-26.7.

(b) An eligible applicant who submits a complete application online in accordance with IC 3-7-26.7 not later than midnight on the twenty-ninth day before the election shall be registered to vote in the election.

As added by P.L.120-2009, SEC.5.

IC 3-7-33-3.7

Voter registration application; submission to election division

Sec. 3.7. (a) This section applies to a voter registration application submitted to the election division in person or by mail.

(b) An eligible applicant:

- (1) who submits a completed application; or
- (2) on whose behalf a completed application is submitted;

in person to the election division not later than 5 p.m. on the twenty-ninth day before an election shall be registered to vote in the election.

(c) An eligible applicant:

(1) who submits a completed application; or
(2) on whose behalf a completed application is submitted;
by mail to the election division shall be registered to vote in the election, if the application is postmarked not later than the twenty-ninth day before the election. If a postmark on an application submitted by mail is missing or illegible, an eligible applicant shall be registered to vote in the election, if the application is received by the election division not later than the Monday following the close of the registration period.

(d) The election division shall promptly forward an application received under this section to the county voter registration office of the county where the applicant resides.

As added by P.L.225-2011, SEC.18.

IC 3-7-33-4

Acceptance not later than 29 days before election; mail form; postmark

Sec. 4. (a) This section applies to a voter registration application submitted on a registration by mail form under IC 3-7-22.

(b) Except as provided in subsection (c), and as provided in 42 U.S.C. 1973gg-6(a)(1), an eligible applicant whose application is postmarked not later than twenty-nine (29) days before the election shall be registered to vote in the election.

(c) If a postmark on a registration by mail form is missing or illegible, an eligible applicant shall be registered to vote in the election if the form is received by the county voter registration office not later than the Monday following the close of the registration period before the election.

As added by P.L.12-1995, SEC.43. Amended by P.L.209-2003, SEC.50; P.L.14-2004, SEC.45.

IC 3-7-33-4.5

Voter registration application submitted by mail; identifying documentation; exceptions

Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if the application was received by the county voter registration office after December 31, 2002, and before January 1, 2006.

(b) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy

of:

- (A) a current and valid photo identification; or
- (B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes:

- (A) the individual's Indiana driver's license number; or
- (B) the last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

- (1) is not required to submit additional documentation under this section; or
- (2) has provided the documentation required under this section;

the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

As added by P.L.209-2003, SEC.51. Amended by P.L.14-2004,

SEC.46; P.L.164-2006, SEC.27; P.L.225-2011, SEC.19.

IC 3-7-33-5

Determination of eligibility and subsequent notice; pending applications; certificate of error

Sec. 5. (a) When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

- (1) A statement that the application has been received.
- (2) The disposition of the application by the county voter registration office.
- (3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

(A) Except as provided under subsection (f), the applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

(D) The voter's voter identification number.

- (4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may include a voter registration card.

(e) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall determine that the applicant is ineligible and deny the application.

(f) During the seven (7) days following the mailing of the notice to the voter under this section, the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending. If the notice:

- (1) is not returned by the United States Postal Service and

received by the county voter registration office at; or
(2) is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;

the expiration of the seven (7) day period under subsection (c), the county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

(g) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period under subsection (c) expires before election day;
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f); and
- (3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of error under IC 3-7-48 to note the addition of the voter to the certified list.

(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period has not expired before election day; and
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional ballot.

As added by P.L.12-1995, SEC.43. Amended by P.L.3-1995, SEC.42; P.L.4-1996, SEC.20; P.L.122-2000, SEC.3; P.L.209-2003, SEC.52; P.L.81-2005, SEC.18; P.L.164-2006, SEC.28.

IC 3-7-33-6

Removal from rolls

Sec. 6. As provided by 42 U.S.C. 1973gg-4(d), if:

- (1) the county voter registration office mails a notice of the disposition of a voter registration application under section 5(b) of this chapter by nonforwardable mail; and
- (2) the notice is returned as undeliverable, after the applicant is added to the registration rolls under section 5 of this chapter;

the county voter registration office may initiate steps to remove the voter from the registration rolls as provided in 42 U.S.C. 1973gg-6(d) and this article.

As added by P.L.12-1995, SEC.43. Amended by P.L.3-1995, SEC.43; P.L.3-1997, SEC.93; P.L.122-2000, SEC.4.

IC 3-7-33-7

Repealed

(Repealed by P.L.3-1995, SEC.157.)