

### **IC 3-7-36**

Chapter 36. Special Registration Procedures for Military Voters and Overseas Voters

#### **IC 3-7-36-1**

##### **Applicability of chapter**

Sec. 1. This chapter applies to absent uniformed services voters and overseas voters.

*As added by P.L.12-1995, SEC.46.*

#### **IC 3-7-36-2**

##### **Signatures in presence of person authorized to administer oath not required**

Sec. 2. A voter described in section 1 of this chapter who wants to:

- (1) vote by absentee ballot under IC 3-11-4; and
- (2) execute an affidavit or a form for voter registration;

is not required to sign the affidavit or form in the presence of a person authorized to administer an oath, and the affidavit or form need not be signed by such a person.

*As added by P.L.12-1995, SEC.46. Amended by P.L.126-2002, SEC.24.*

#### **IC 3-7-36-3**

##### **Additional signatures not required; false statements**

Sec. 3. The circuit court clerk or board of registration shall inform the voter that no signature other than that of the voter is required on the affidavit or form and that a voter who makes a false statement on the affidavit or form is subject to the penalties for perjury.

*As added by P.L.12-1995, SEC.46.*

#### **IC 3-7-36-4**

##### **Person designated to sign**

Sec. 4. If the voter is unable to sign or mark the registration form due to disability, any person designated by the voter may sign the voter's name on the form in the presence of the voter.

*As added by P.L.12-1995, SEC.46.*

#### **IC 3-7-36-5**

##### **Delivery of affidavit to voter after receipt of application; effectiveness of registration**

Sec. 5. (a) This section does not apply to a voter who files a combined absentee registration form and absentee ballot request.

(b) When a county voter registration office receives an application for registration from an absent uniformed services voter or an overseas voter, the office shall promptly mail or deliver to the applicant the affidavit prescribed by this title for the registration of a voter. The county voter registration office shall transmit the voter registration application to the applicant by electronic mail or fax if:

- (1) requested by the applicant; and

(2) the applicant provides an electronic mail address or a fax number that permits the county voter registration office to send an application not later than the end of the first business day after the county voter registration office receives the communication from the voter.

If the electronic mail address or the fax number provided by the voter does not permit the county voter registration office to send the voter an application not later than the end of the first business day after the county voter registration office receives the communication, the county voter registration office shall send the application to the voter by United States mail.

(c) When the properly executed and certified affidavit is returned to the voter registration office and approved under this article, the applicant becomes a registered voter in the precinct of residence.  
*As added by P.L.12-1995, SEC.46. Amended by P.L.126-2002, SEC.25; P.L.66-2010, SEC.2.*

### **IC 3-7-36-6**

#### **Procedures upon receipt of application for absentee ballot**

Sec. 6. (a) This section does not apply to a voter who files a combined absentee registration form and absentee ballot request.

(b) When a board of registration receives an application for registration under section 5 of this chapter and a request for an absentee ballot application, the board shall promptly deliver the applicant's request to the circuit court clerk for the mailing of an application for an absentee ballot.

*As added by P.L.12-1995, SEC.46. Amended by P.L.66-2010, SEC.3.*

### **IC 3-7-36-7**

#### **Duties of election division when receiving application**

Sec. 7. (a) If the election division receives an application for registration from an absent uniformed services voter or an overseas voter under this chapter, the election division shall promptly forward the application to the county voter registration office of the county where the applicant resides according to the address on the application.

(b) If the application is a combined application for voter registration and an application for an absentee ballot, the election division shall promptly forward the application to the county voter registration office.

*As added by P.L.12-1995, SEC.46. Amended by P.L.3-1997, SEC.95; P.L.66-2010, SEC.4.*

### **IC 3-7-36-8**

#### **Transmission of absentee ballot application upon receipt of request for application**

Sec. 8. (a) This section does not apply to a combined absentee registration and request for an absentee ballot.

(b) When a circuit court clerk receives a request for an absentee ballot application, the clerk shall promptly mail the absentee ballot

application (or transmit the application to the voter by electronic mail or fax if requested by the voter).

*As added by P.L.12-1995, SEC.46. Amended by P.L.66-2010, SEC.5.*

### **IC 3-7-36-9**

#### **Clerk to forward application to board of registration; recording information; transmission of absentee ballot application**

Sec. 9. (a) If a voter registration application is delivered to the circuit court clerk in a county where there is a board of registration, the clerk shall promptly deliver to the board the application requesting registration.

(b) If the application is a combined application for registration and an application for an absentee ballot, the clerk shall record the name, address, and other necessary information for the use of the county election board or board of elections and registration in mailing an application for an absentee ballot.

(c) The requested application for an absentee ballot shall be mailed or transmitted to the applicant by electronic mail or fax if:

- (1) requested by the applicant; and
- (2) the applicant provides an electronic mail address or a fax number that permits the board to send an application not later than the end of the first business day after the board receives the communication from the voter.

If the electronic mail address or fax number provided by the applicant does not permit the board to send the application not later than the end of the first business day after the board receives the communication, the board shall send the application by United States mail.

(d) The clerk shall promptly deliver a combined application to the board. The board shall promptly mail the registration application to the applicant at the address appearing on the application submitted by the applicant or transmit the application to the applicant by electronic mail or fax if:

- (1) requested by the applicant; and
- (2) the applicant provides an electronic mail address or a fax number that permits the board to send an application not later than the end of the first business day after the board receives the communication from the voter.

If the electronic mail address or fax number provided by the applicant does not permit the board to send the application not later than the end of the first business day after the board receives the communication, the board shall send the application by United States mail.

*As added by P.L.12-1995, SEC.46. Amended by P.L.66-2010, SEC.6.*

### **IC 3-7-36-10**

#### **Processing of affidavit or form**

Sec. 10. (a) The county voter registration office shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period

or during the period beginning on the twenty-ninth day before the election and ending on the tenth day before the election.

(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.

*As added by P.L.12-1995, SEC.46. Amended by P.L.225-2011, SEC.21.*

### **IC 3-7-36-11**

#### **Registration of absent uniformed services voters after registration deadline and before poll lists prepared**

Sec. 11. (a) This section applies only to a person described in subsection (b) who applies to register to vote:

- (1) after the date described in IC 3-7-13-11; and
- (2) before the date that the certified list of voters is prepared under IC 3-7-29-1.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in IC 3-7-13-10 and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the circuit court clerk or board of registration:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election as provided in this title.

*As added by P.L.12-1995, SEC.46. Amended by P.L.126-2002, SEC.26.*

### **IC 3-7-36-12**

#### **Repealed**

*(Repealed by P.L.126-2002, SEC.93.)*

### **IC 3-7-36-13**

**Repealed**

*(Repealed by P.L.126-2002, SEC.93.)*

**IC 3-7-36-14**

**Registration of absent uniformed services voters after poll lists prepared**

Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

(1) beginning on the date that the certified list of voters is prepared under IC 3-7-29-1; and

(2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in IC 3-7-13-10 and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the county voter registration office:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

(1) Complete an application for an absentee ballot.

(2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

(1) Certify in writing that the voter registered under this section.

(2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of

registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

*As added by P.L.126-2002, SEC.27. Amended by P.L.14-2004, SEC.47.*