

IC 3-7-48

Chapter 48. Determining Registration Status on Election Day

IC 3-7-48-1

Certificate of error; proof of registration; eligibility to cast provisional ballot

Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless the circuit court clerk or board of registration provides a signed certificate of error in the office where the permanent registration record is kept showing that the voter is legally registered in the precinct where the voter resides.

(b) A person whose name does not appear on the registration record may cast a provisional ballot as provided in IC 3-11.7.

As added by P.L.12-1995, SEC.58. Amended by P.L.126-2002, SEC.28.

IC 3-7-48-2

Certificate of error; issuance and execution

Sec. 2. A certificate of error issued under section 1 of this chapter:

(1) may be issued at any time after the production of the certified list under IC 3-7-29;

(2) shall be executed by the circuit court clerk, or in a county with a board of registration, by both members of the board; and

(3) shall be numbered serially in the method prescribed for entry in the computerized list maintained under IC 3-7-26.3.

As added by P.L.12-1995, SEC.58. Amended by P.L.81-2005, SEC.29.

IC 3-7-48-3

Certificate of error; delivery

Sec. 3. One (1) copy of the certificate of error shall be delivered to the inspector of the precinct of the voter's residence. The inspector shall return that copy to the circuit court clerk with other election material at the close of the polls as provided in this title. The other copy shall be delivered to the county election board and returned to the circuit court clerk when the polls are closed.

As added by P.L.12-1995, SEC.58.

IC 3-7-48-4

Certificate of error; transmittal

Sec. 4. In a county with a board of registration, the circuit court clerk or board of registration shall promptly transmit all certificates of error to the board of registration.

As added by P.L.12-1995, SEC.58.

IC 3-7-48-5

Affirmation regarding residency

Sec. 5. (a) This section applies to a voter who:

(1) formerly resided in a precinct according to the voter

registration record; and

(2) no longer resides in that precinct according to the voter registration record.

(b) As provided under 42 U.S.C. 1973gg-6(e)(3), a voter described by subsection (a) may vote in the precinct where the voter formerly resided (according to the voter registration record) if the voter makes an oral or a written affirmation to a member of the precinct election board that the voter continues to reside at the address shown as the voter's former residence on the voter registration record.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

As added by P.L.12-1995, SEC.58.

IC 3-7-48-6

Removal of incorrect name

Sec. 6. If a voter casts a ballot under section 5 of this chapter, the inspector of the precinct shall immediately contact the circuit court clerk or board of registration of the county. The clerk or board shall promptly contact the precinct election board of any precinct in which the voter's name is incorrectly shown on the rolls, and order the precinct election board to remove the name of the voter from the registration record of that precinct.

As added by P.L.12-1995, SEC.58.

IC 3-7-48-7

Written affirmation of residence in precinct

Sec. 7. (a) A voter shall be permitted to vote in a precinct upon written affirmation of the voter's residence in the precinct if:

(1) the voter produces a registration receipt indicating that the voter completed a registration form at a license branch or voter registration agency under this article on a date within the registration period;

(2) the county voter registration office advises the precinct election board that the office:

(A) approved the application; or

(B) has no record of either approving or rejecting the application; and

(3) the voter completes a registration application form and provides the completed form to the precinct election board before voting.

(b) A county election board shall provide each precinct election board with a sufficient number of the registration forms for the purposes described in subsection (a). The precinct election board

shall attach the completed registration forms to the poll list for processing by the county voter registration office under IC 3-10-1-31.1.

As added by P.L.12-1995, SEC.58. Amended by P.L.3-1997, SEC.109; P.L.14-2004, SEC.51; P.L.164-2006, SEC.54.

IC 3-7-48-7.5

Voter making affirmation challenged as ineligible; provisional ballot; sufficiency of affidavit

Sec. 7.5. If a voter makes an oral or a written affirmation under section 5 or 7 of this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.

As added by P.L.164-2006, SEC.55.

IC 3-7-48-8

Addition of name and address to poll list; name to county registration record

Sec. 8. (a) The precinct election board shall add the name and address of a voter described by section 7 of this chapter to the poll list of the precinct.

(b) The county voter registration office shall add the name of a voter described by section 7 of this chapter to the registration record of the county.

As added by P.L.12-1995, SEC.58. Amended by P.L.66-2003, SEC.10.

IC 3-7-48-9

Notice after permission to vote given

Sec. 9. The circuit court clerk or board of registration of a county in which a voter cast a ballot under section 7 of this chapter shall notify the NVRA official and the governing body of the voter registration agency not later than seven (7) days after the election is conducted.

As added by P.L.12-1995, SEC.58. Amended by P.L.2-1996, SEC.81.

IC 3-7-48-10

Investigation regarding voting with permission

Sec. 10. The NVRA official shall investigate the incident reported by the circuit court clerk or board of registration under section 9 of this chapter and determine if:

- (1) the voter had properly registered at the license branch or agency; and
- (2) a violation of NVRA or this article occurred.

As added by P.L.12-1995, SEC.58. Amended by P.L.2-1996, SEC.82.