2008
Indiana
Voter Registration
Guidebook

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2008 VOTER REGISTRATION GUIDEBOOK

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This Manual is designed to serve as an overview of voter registration information. Although the Election Division takes every effort to ensure the accuracy of the information in this publication, where your legal rights are involved, do not rely on this Manual. Instead, review the law yourself or consult with your attorney.

VOTER REGISTRATION

STATEWIDE VOTER REGISTRATION SYSTEM (SVRS)

STANDARD OPERATING PROCEDURES (SOP)

The Secretary of State and the Co-Directors of the Indiana Election Division have developed several "Standard Operating Procedures" or "SOPs" concerning the use of SVRS. These SOPs are published on the SVRS Public Portal, and should be consulted for direction and guidance.

The content of these SOPs can change frequently due to changes in state law, technical changes made to the design of the system, and new questions being raised by county and state users that require clarification. As a result, the version of the SOPs included in this Guidebook should always be compared with the version published on the SVRS Public Portal to make certain that no later changes have been made.

A. Voter Qualifications

In general, a person must be registered in order to vote in Indiana. Ind. Const. Art. 2 § 14.

A person must meet the following requirements to be a registered voter in Indiana: (1) be a citizen of the United States; (2) be at least eighteen (18) years of age on the day of the next general or municipal election; (3) live in a precinct continuously for at least thirty (30) days before the next election; and 4) not currently be in prison following conviction of a crime. (Ind. Const. Art. 2 § 2; IC 3-7-13-1 and (4) There are also "fail-safe" procedures under state and federal law that provide procedures for certain persons to vote even though they do not meet the residency requirement. These fail-safe procedures will be discussed in more detail below.

A person who will meet the age requirements by the date of the next general or municipal election may register even though they do not meet the age requirement at the time of registering. For example, a person born November 1, 1990 may register to vote in the 2008 general election even though this person will only be 17 years old at the time of the 2008 primary because the next election is the general election on November 4, 2008, at which time this person will be 18 years old.

If a person is 17 years old on the date of the primary but will be 18 years old by the date of the next municipal election, that person may vote for all candidates to be *nominated* at the primary for the general election. However, this voter may not vote for school board members being elected to office during the primary or for persons to be elected to *political party* offices (such as state convention delegate or precinct committeeman). (IC 3-7-13-3)

A person who is convicted of a crime and imprisoned following conviction is not entitled to register to vote. A person who is already registered to vote before conviction and imprisonment, may be removed from the registration rolls following conviction and imprisonment. (IC 3-7-13-4)

B. County Administration

In Indiana, a county voter registration office maintains the voter registration records for the county, as part of the statewide voter registration system, and subject to requirements established by federal and state law.

The county official responsible for maintenance of the registration rolls is either the circuit court clerk ("clerk") or a separate board of registration ("board"), including combined boards of elections and registration created in Lake and Tippecanoe counties by state law. The circuit court clerk is an elected official, chosen by the voters to serve a four year term. A board of registration consists of two members, who are appointed by the county chairmen of the major political parties. In Lake County, the board of elections and registration consist of the clerk and four other members. (IC 3-6-5.2; 3-6-5.4; 3-7-12)

The county voter registration office must arrange for a separate listing in each local telephone directory, under the heading of county offices. The listing must be styled "Voter Registration" and include the appropriate addresses and telephone numbers for the office. (IC 3-7-12-24)

Indiana's voter registration laws are substantially affected by two important pieces of federal legislation: The National Voter Registration Act of 1993 ("NVRA") and The Help America Vote Act of 2002 ("HAVA"). As a result of HAVA, Indiana has implemented a statewide voter registration system (SVRS). SVRS links each county voter registration office to all other county voter registration offices, and to certain state and federal agencies, so that the county's voter registration records can be updated in "real time."

Check Standard Operating Procedure GEN 5.1 User Access & Security in SVRS for information on this topic.

C. When to Register

1. Registration Periods

In an election year there are two different registration periods, pre-primary and pre-election. The pre-primary registration period runs from December 1 (or the first Monday in December if December 1 falls on a Saturday or Sunday) through the twenty-ninth day before the primary. The pre-election period runs from fourteen (14) days after the primary through the twenty-ninth day before the election (IC 3-7-13-10).

Mail-in voter registration applications must be postmarked on or before the twenty-ninth day before a primary or general election to be processed before an election. Mail-in registration applications may be sent directly to a county or may be sent to the Indiana Election Division. Mail-in applications received by the Indiana Election Division that are postmarked by the twenty-ninth day before the primary or general election will be immediately forwarded to each county voter registration office, and must be processed no matter how late the county voter registration office receives the application, so long as the postmark indicates that the registration application was placed in the U.S. mail by the twenty-ninth day before the primary or general election. (IC 3-7-33-4)

If a mail-in registration application contains no post-mark, then the application must be processed prior to the election only if the registration application is *received* in the mail by a county registration office, or the election division, not later than the Monday following the close of the registration period before the election. (IC 3-7-33-4)

A county voter registration office may receive voter registration applications during periods when registration is closed and, if they do, the information contained in the later application must be entered into the statewide system when received by the county, but this application cannot be approved or a confirmation notice may not be mailed to a "late applicant" until the voter registration period reopens after the election, and that the name of the late applicant does not appear on any certified list of voters prepared for the upcoming election. (IC 3-7-13-12)

A county voter registration office may not issue a certificate of error to an individual whose voter registration application was received when voter registration is closed. A county voter registration office may not approve a registration application, or update an existing registration record while registration is closed, except for a military voter who qualifies to register under a procedure described below, or when an approved absentee ballot application includes a change of address from a voter to another address **within the same precinct** (IC 3-11-4-17.5(e).

This restriction does not apply to the county voter registration office processing information provided on precinct poll lists, which are returned to the county after the polls close on election day. The poll lists and related documents must be resealed following the processing of this information. (IC 3-10-1-31.1)

Check Standard Operating Procedure VRG 52.2 Processing VR Applications During Close Period in SVRS for information on this topic.

2. Military and Overseas Voters

There are special rules relating to registration and absentee voting applicable to military voters. A military voter, otherwise known as an “absent uniformed services voter”, is an individual serving away from the individual’s permanent residence who is also:

- A member of the Army, Navy, Air Force, Marine Corps, and Coast Guard, or other uniformed service on active duty who, by reason of active duty, is absent from the place of residence where the member is otherwise qualified to vote.
- A member of the Merchant Marine who, by reason of service in the Merchant Marine, is absent from the place of residence where the member is otherwise qualified to vote.
- A member of the Indiana National Guard deployed or on assignment outside Indiana.

  OR

- A spouse or dependent of a military voter who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(See Indiana Code 3-5-2-1.5 for definition of "absent uniformed services voter" and IC 3-5-2-49.3 for definition of “uniformed services.”)

An absent uniform services voter (or the voter’s spouse or dependent) may apply to register at the county voter registration office after registration closes but before preparation of the poll list if the voter:

1) is otherwise entitled to vote in Indiana;
2) is absent from Indiana during the previous registration period;
3) returns to Indiana after the close of registration but before preparation of the poll list;
4) shows the county registration office a discharge dated on or after the beginning of the preceding registration period or a government movement with a reporting date on or after the beginning of the preceding registration period; and
5) completes a registration application.

If an absent uniform services voter (or the voter’s spouse or dependent) registers under these conditions then the voter is entitled to vote in the upcoming election.

An absent uniform services voter (or the voter’s spouse or dependent) may apply to register to vote after the poll list is printed until noon election day if the voter:

1) complies with (1) and (2) above;
2) returns to Indiana after preparation of the poll list but before noon election day;
3) shows the county registration office a discharge dated on or after the beginning of the preceding registration period or a government movement order with a reporting date on or after the beginning of the preceding registration period;
4) completes a registration application;
5) signs an affidavit that the voter has not voted at any other precinct in the election.)State Form: ABS-13)

If an absent uniform services voter (or the voter's spouse or dependent) registers under these conditions then the voter is entitled to vote in the upcoming election at the office of the circuit court clerk any time after the voter registers but before noon election day. Many county courthouses are closed on election day itself, and so the county election board may designate another location by resolution for these voters who vote after noon on the day before election and before noon on election day. (IC 3-11-10-26)

If the person votes in the upcoming election at the office of the circuit court clerk the voter will cast an absentee ballot and the circuit court clerk will certifies that the voter registered under this statute and the circuit court clerk will attach the certification to the voter's absentee ballot envelope. State Form: ABS-11.

For more information, see the Military and Overseas Voters Guide.

The county election board delivers these certificates by courier to the precinct election boards at the polls on election day. The inspector attaches the certificates to the poll list in the presence of the poll clerks and the poll clerks sign a statement indicating that the inspector did so. If the person does not vote in the upcoming election, then the circuit court clerk delivers the voter's registration application to the board of registration (if applicable). The voter is then registered effective the first day of the next registration period.(IC 3-5-2-1.5; IC 3-7-36-11; 3-7-36-14; 3-11-4-3; 3-11-10-16; 3-11.5-4-8; 3-11.5-4-9; 3-11.5-4-24)

Check Standard Operating Procedure VRG 51.1 Handling Ongoing Absentee Applications in SVRS for information on this topic.

HOW TO REGISTER

A. Registration Applications

A person may apply to register to vote at the following locations, among others: 1) county voter registration office; 2) a Bureau of Motor Vehicles ("BMV") license branch while applying for, or renewing, a driver's license; and 3) a public assistance office while applying for services. (IC 3-7-19; 3-7-14; 3-7-15)

A person may also apply to register using a mail-in form which can be obtained at a number of places, including: public libraries, license branches, township trustee offices, city and town clerks' offices, county voter registration office, schools and the election division. Mail-in registration applications are also included in Indiana tax booklets and may be downloaded from the Internet from the website of the Indiana Election Division, *www.in.gov/sos/elections*. (IC 3-7-23-2; 3-7-31-1) Mail-in registration applications may be mailed or hand-delivered by the voter or a person presenting the form on behalf of the voter. (IC 3-7-22-9) Registration forms are no longer required to be printed on card stock. State Forms: VRG-7; VRG-7 (Spanish version); VRG-11 (mail-in registration form with specific county return address).

A person is required to provide the following information on a voter registration application: (1) the applicant's name, (2) residence address (see below under "Residence"), (3) birth date and (4) a voter identification number (see below under "Voter Identification Number"). The applicant's phone number and email address may also be provided at the voter's option. (IC 3-7-31-5; IC 3-7-34-1) In addition, under HAVA requirements and state law, all registrations application must include a "yes" in response to the following two questions: 1) Are you a U.S. Citizen? or 2) Will you be 18 years of age on or before the election day? (See below)

In general, Indiana statute requires county voter registration officials to reject voter registration applications that are not submitted on the most recent version of the form approved by the Indiana Election Commission ("Commission"). (IC 3-7-31-2; IC 3-5-4-8(c)) County registration officials are authorized by statute to make minor modifications to registration forms approved by the Commission so that the forms are compatible with the county's record system. (IC 3-7-31-3)

Even though Indiana statute typically requires the use of the most recent version of a state prescribed form, in the past the Commission has issued orders authorizing the acceptance of certain older versions of a Commission-approved voter registration application. However, since HAVA required Indiana to change its registration forms beginning January 1, 2004, to comply with this federal law, county voter registration officials cannot accept older registration forms that do not comply with HAVA.

In addition to Commission-approved forms, the NVRA requires states to accept federal voter registration applications, samples of which are in the attached appendix. (IC 3-7-22-2) The United States Election Assistance Commission's (EAC) National Mail Voter Registration Form has been updated to reflect new requirements set forth in HAVA. The new version of the national form can be accessed on the Election Assistance Commission's web site at www.eac.gov and is attached. Another federal form is the Standard Form 76A, which is a combined registration application/absentee ballot request, available for use by absent uniform services voters and overseas voters. This can be accessed on the Federal Voting Assistant Program's web site at: *www.fvap.gov/pubs/onlinefpca.html*.

An overseas voter is defined as any of the following: (1) an absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election; (2) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or (3) a person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States. (IC 3-5-2-34.5)

Except for voter registration applications transmitted from a BMV license branch to a county voter registration office by the statewide system, a voter is required to execute and file a registration application with an original signature. (IC 3-7-32-1; 3-7-32-2) A copy of a voter registration application that contains a copy of the voter's signature is not acceptable.

If a voter is unable to write, the voter may procure another individual to write the voter's name on the registration application and the voter shall make the voter's mark on the signature line of the application (e.g. "X"). (IC 3-7-32). The person filling out the registration application on behalf of the voter shall also write the person's own name and address on the registration application in the space provided for that purpose. If an absent uniform services voter or an overseas voter is unable to sign or mark the registration application due to a disability, any person designated by the voter may sign the voter's name on the application as long as it is signed in the presence of the voter. (IC 3-7-36-4)

In general, a voter may not submit a registration form by fax or by electronic mail. (IC 3-5-4-1.7; 3-7-32-4) However, an absent uniform services voter or an overseas voter may submit a voter's registration form by fax. (IC 3-7-32-5; 3-11-4-4)

Check Standard Operating Procedure VRG 6.1 Dupes for information on this topic.

B. Voter Identification Number

An individual who applies to register to vote or applies to update an existing voter registration record must provide a "voter identification number" on the registration application. (IC 3-7-13-13; 3-7-31-5) The voter identification number is the individual's Indiana driver's license number, or if an individual does not have an Indiana driver's license, the individual must provide the last four (4) digits of the individual's Social Security number when the individual registers to vote. If an individual does not have a driver's license number or a Social Security number, then the Indiana Election Division, using the statewide system, will assign a number as the individual's voter identification number. (IC 3-7-13-12)

Once the voter has supplied a voter identification number, it may not be changed unless: (1) the voter made an error when providing the number when the voter registered to vote; (2) the Indiana Election Division or a county voter registration office made an error when entering the number into the statewide system; (3) the voter obtains or provides an Indiana driver's license number or a partial social security number after the voter was assigned an identification number by the Indiana Election Division (see below); or (4) the voter ceases to have an Indiana driver's license number after the voter provided that number.

Since many voters registered prior to the voter identification requirement, Indiana statute attempts to obtain this voter identification number from such voters during an election. A poll clerk is required to: 1) explain to a voter what a voter identification number is; 2) request that the voter write a voter's identification number on the poll book; and 3) explain that a voter is *not required* to provide a voter identification number at the polls in order to vote. (IC 3-7-29-1; 3-11-8-25.1(g)) If a voter gives a voter's identification number, then the county voter registration office shall update the voter's registration to include this information. (IC 3-10-1-31.1)

Check Standard Operating Procedure VRG 8.1 Voter Identification Numbers for information on this topic.

Check Standard Operating Procedure VRG 18.2 Invalid SSN, Expired DLN, and Suspended DLN in SVRS for information on this topic.

C. Age and Citizenship Questions on the Voter Registration Form

As implemented by Indiana law, HAVA requires that all voter registration applications contain the following two questions that the voter must affirmatively indicate on the voter registration application by checking a box "yes" or "no": 1) Are you a U.S. Citizen? or 2) Will you be 18 years of age on or before the election day? If the county voter registration office receives a registration application that is incomplete as a result of the failure of the applicant to answer either of the questions, the county voter registration office shall process the registration application if the applicant submits a written statement answering any question that was not answered on the original application not later than the twenty-ninth day before the date of the next general election. (IC 3-7-34-2; 3-7-34-3) Of course, if the applicant answers either or both of these questions "no" the registration application must be rejected. (See *"Processing Complete and Incomplete Registration Applications"* for procedures to follow when other information has not been provided by the applicant.)

D. HAVA Additional Documentation Requirements for Certain Voters

1. Voters Who Registered to Vote By Mail On or After January 1, 2003 and No Later than December 31, 2005

As implemented by Indiana law, HAVA requires that an individual who, on or after January 1, 2003 and no later than December 31, 2005, submitted an application to register to vote by mail and who had not previously voted in a general election (or a special election for federal office) in the *county* as of the date the registration application is received, must provide additional identification documentation to the county voter registration office prior to voting.

The identification documentation required may be either: (1) a current and valid photo identification; or (2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter (at the address shown on the voter's registration). Identification documents may be submitted in the mail with the registration application or by mail, or in person, at the county voter registration office at a later date. (IC 3-7-22-5(5), 3-7-33-4.5)

Even among this group of first-time voters who register by mail, this HAVA additional documentation requirement does not apply to everyone. Specifically, this documentation requirement does not apply to:

1) an absent uniformed services voter or overseas voter; or

2) an individual entitled to vote absentee under federal law due to a determination by the Indiana Election Division that a permanent or temporarily accessible polling place cannot be provided for the individual, or for any other reason under federal law.

2. Voters Who Registered to Vote by Mail on or After January 1, 2006

If an individual submits an application to register to vote by mail on or after January 1, 2006, and has not previously voted in a general election (or special election for federal office) *anywhere within Indiana,* as of the date this application is received, the individual must provide the HAVA additional documentation described above to the county voter registration office before voting.

In addition to absent uniformed services voters or overseas voters whose exemptions are described above, this additional HAVA documentation requirement does not apply to an individual who submits a registration application that includes the individual's Indiana driver's license number or the last four digits of the individual's Social Security number if the county voter registration office or Indiana Election Division matches this information with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application. Nonetheless, this HAVA additional documentation requirement will continue to apply to certain voters who are registering for the first time at an address within *Indiana*. (IC 3-7-33-4.5)

3. Additional Documentation Requirements and Processing of Voter Registration Applications

If the county voter registration office determines that the applicant is required to submit additional documentation, but has not done so, the office shall process the application but make a notation in the statewide system that additional documentation is required for that voter. Once the voter submits the identification documentation, the county voter registration office shall remove this notation on the voter's registration record and enter the following information about the documentation provided: (1) the date the documentation was provided; (2) whether the documentation was: (a) presented to a precinct election board by a voter voting in person at the polling place; (b) filed with the county voter registration office by the applicant as part of the original filing of the application to register to vote, or in a subsequent filing received by the county voter registration office; or (c) filed with the county voter registration office by the county election board after the person applied to cast an absentee ballot; (3) a brief description of the type of documentation provided. The statewide system provides each county voter registration office with a coding system for identifying the types of documentation. (IC 3-7-33-4.5; 3-7-27-20) This coding system is set forth in the appendix at the end of this Guidebook. To reduce as many problems as possible at the polls, every effort should be made to obtain the identification documentation from voters required to give it prior to Election Day.

4. Additional Documentation Requirements and Poll Lists

The county voter registration office shall indicate on each precinct's poll list whether any voter on the list is required to provide additional identification documents before voting in person or by absentee ballot. (IC 3-7-29-1) The county voter registration office may continue to receive identification documentation after the preparation of the poll list. Each county election board shall prepare a list certified by the circuit court clerk that states the name of each voter subject to the identification requirements who filed the required documents with the county voter registration office after the printing of the poll list and, as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with Indiana election law. This list shall be delivered to the precinct election boards with the absentee ballots (or with the certified lists in counties that count absentee ballots at a central location). (IC 3-11-10-12; 3-11.5-1-4 (20))

In addition, the county voter registration office shall visit the appropriate post office not later than noon on Election Day to accept delivery of mail containing identification documentation. The county voter registration office shall immediately notify the county election board of the names of voters who have filed

additional identification documentation so that the county election board can provide this information to precinct election boards prior to the closing of the polls at 6 p.m. (IC 3-11-10-11)

The county election board shall transmit a supplemental certified list to the appropriate precinct election board identifying any additional voters not on the original certified list delivered with the absentee ballots to the precinct. The supplemental list shall contain the names of voters who have submitted the required documents to the county voter registration office. The county voter registration office must provide the county election board with these names not later than 3 p.m. election day to be included in a supplemental certified list. If the county election board determines that the precinct election board may not receive the supplemental list before the closing of the polls, the county election board shall attempt to contact the precinct election board to advise the board regarding the content of the supplemental list. The county election board shall file a copy of the supplemental list for that precinct as part of the permanent records of county election board. (IC 3-11-10-12)

If a voter offers to vote at the polls on Election Day, and the poll list indicates that the voter is required to present this HAVA additional documentation prior to voting, the poll clerk shall advise the voter that the voter must present one of the pieces of identification identified above. If a voter presents the required document, the poll clerk shall add a notation to the poll list indicating the type of document presented by the voter, using the statewide system document coding method described above. (IC 3-11-8-25.2) After an election, the county voter registration office may unseal the precinct election material and record on the county voter registration record information on the poll list regarding documentation provided by voters at the polling place prior to voting. (IC 3-10-1-31.1)

If a voter is required to provide HAVA additional documentation, but does not do so at the polling place, the precinct election officials shall allow the voter to vote a provisional ballot after the voter and the officials complete the forms required for casting provisional ballots. The voter's provisional ballot will not be counted unless the voter provides the documents to the county voter registration office prior to the close of election day. (IC 3-7-33-4.5; 3-11.7-2-1(b); 3-11.7-5-2(c), 3-11.7-5-3)

5. Additional Documentation and Absentee Voting

A voter who is required to provide additional documentation prior to voting may submit an absentee ballot application and will be provided an absentee ballot if the application is approved. If the application was made to vote absentee by mail, the county election board shall include a notice in the absentee ballot envelope (inner envelope with the ballots ABS-6 mailed to the voter). This notice must inform the voter that the voter must file the additional documentation with the county voter registration office not later than noon election day for the absentee ballot to be counted. The Indiana Election Commission prescribes the form of this notice: State Form ABS-18.

If the absentee voter is voting before an absentee voter board (either in the clerk's office or a traveling board), the absentee voter board, shall, upon accepting the completed absentee ballot from the voter, provide the voter with the notice described above. If the voter does not present the required identification documents before receiving the absentee ballot, the absentee ballot will be processed (at least initially) as a provisional ballot. (IC 3-11-10-28)

When the absentee voter returns the absentee ballot, the county election board shall contact the county voter registration office to determine if the additional identification documents have been filed with the county voter registration office by the voter. If the voter has filed the documents, the county election board shall add a notation to the voter's absentee ballot application indicating that the required documents have been filed and that the absentee ballot may be counted if the ballot otherwise complies with this article. If the voter has not filed the documents with the county voter registration office, the county election board shall add a notation on the absentee ballot application substantially as follows*: "Inspector: As of (insert date*

the absentee ballot application was approved) this voter was required to provide additional identification documentation with the county voter registration office before this ballot may be counted. Check the poll list and county election board certification to see if the voter has filed this information. If not, process as a provisional ballot if the ballot otherwise complies with Indiana law." (IC 3-11-10-4.5)

When processing absentee ballots at the polls, the inspector shall hand the ballots to the judges for deposit into the ballot box and enter the absentee voter's name on the poll list only after the inspector determines the voter is not required to file additional identification documents with the county voter registration office. If the inspector finds that the voter has not filed the additional identification documentation with the county voter registration office but that the absentee ballot otherwise complies with law, the inspector shall direct that the absentee ballot be processed as a provisional ballot. (IC 3-11-10-16; IC 3-11-10-16.5)

In a county that counts absentee ballots at a central location, if the absentee ballot counters find that the voter has not filed the additional identification documents required to be filed with the county voter registration office by the close of the polls on election day, but the ballot otherwise complies with law, the absentee ballot shall be processed as a provisional ballot. (IC 3-11.5-4-12)

Check Standard Operating Procedure VRG 50.1 Processing First Time Voters in SVRS for information this topic.

Check Standard Operating Procedure VRG 16.1 Absentee Log for information on this topic.

Check Standard Operating Procedure VRG 36.1 Absentee Ballot Cancelled Due to Cancelled Registration for information this topic.

E. Common Questions about Voter Registration Applications

The following is a list of frequently asked questions concerning voter registration applications.

Question 1: Can a county voter registration office continue to accept registrations forms from before 2004 that do not include the HAVA requirements for the voter identification number and the new age and citizenship questions?

Answer 2: No. All voter registration forms used to apply for registration or to update an existing registration record must meet the requirement of federal law. (IC 3-7-22-5) If you have a question about whether a registration application form may be used, check the form list provided by the Indiana Election Division.

Question 2: Is the county voter registration office or the agency that sent in the application (for example, the "BMV") responsible for attempting to obtain the voter identification number if it is missing on the application?

Answer 2: If a county voter registration office receives an incomplete voter registration form from the BMV or other "full service" voter registration agency, the county voter registration office shall promptly make one (1) effort to contact the agency to obtain the information. If the information is not obtained from the agency not later than seven (7) days after the county voter registration office contacts the agency, the county office must notify the Indiana Election Division. The Indiana Election Division shall contact the agency to request that the information be provided to the county voter registration office or that the agency file a statement with the county voter registration office indicating why the information is not available. (IC 3-7-34-5) If the county voter registration office obtains the information required to complete the form from the agency, the county voter registration office shall

process the form. (IC 3-7-34-6) If the county voter registration office cannot obtain the information from the agency, and the form is otherwise complete, the county voter registration office shall process the form. (IC 3-7-34-6)

The county voter registration office shall certify to the Indiana Election Division on an "expedited basis" (meaning, within forty-eight (48) hours, as defined by IC 3-5-2-23.2) a list of the registration forms from agencies that have been processed but do not contain information required to be supplied by the agencies. The Indiana Election Division shall notify the agency that the agency is required to supply the omitted information on an expedited basis to the county voter registration office after receipt of the notice from the Indiana Election Division. (IC 3-7-34-7)

A county voter registration office is responsible for obtaining information from incomplete mail-in registration applications using the procedures described under *"Processing Complete and Incomplete Registration Applications."*

Check Standard Operating Procedure VRG 1.1 Incomplete Registrations for information on this topic.

Check Standard Operating Procedure VRG 20.1 Date Received for Incomplete VR Application for information on this topic.

Check Standard Operating Procedure VRG 8.1 BMV Hopper for information on this topic.

Question 3: What if a registration is submitted on the most recent registration application approved by the Commission but the voter identification number is missing or the new questions have not been answered?

Answer 3: If the voter registration application is received from a full-service voter registration agency, see the answer to the previous question. If the voter registration application is received from any other source, then state statute provides that an individual ***must*** provide a voter identification number. If a new registration application made on a current registration form does not contain a voter identification number then the county voter registration office must process the registration like any other incomplete registration. See "*Processing Complete and Incomplete Applications*" below. The registration application may be processed if you obtain the voter identification number by following up with the voter by mail or on the phone as required by law. However, if the age and citizenship questions were not answered on the original registration application, then the county voter registration office shall process the registration application only if the applicant submits a written statement answering any question that was not answered on the original application not later than the twenty-ninth day before the date of the next general election.

Check Standard Operating Procedure VRG 18.1 Invalid SS or DLN Numbers for information on this topic.

Question 4: Does a voter who registers at a full-service site like a license branch have to provide this HAVA additional documentation?

Answer 4: No, this requirement only applies to individuals who registered by mail, not individuals who registered with a full service voter registration agency.

Question 5: Does this HAVA additional documentation requirement apply to a voter who fills out a registration application as part of a registration drive performed by a party or organization when the party or organization representative delivers the registration applications to the county voter registration office?

Answer 5: The additional documentation applies only to voter registration applications received in the mail.

Question 6: What if a voter registration application is received by the county voter registration office by mail and then, before the close of registration, the voter either registers in person at the county voter registration office or at some full service registration site like the license branch?

Answer 6: In that case, the voter has registered in person prior to the close of registration. Therefore, the HAVA additional documentation requirement would no longer apply to the voter.

Question 7: Do county voter registration officials have to keep a copy of the identification documents provided to the voter registration office?

Answer 7: Yes, if the voter provides a copy of the documentation to the voter registration office. The county voter registration office would keep copies of identification documents provided by voters for 24 months. If documents are presented by a voter at the poll site or at the county voter registration office, for example, the poll workers or voter registration officials would document the type of document presented using the statewide system coding method discussed above. This information would then be recorded on the voter's registration record.

F. Residence

Residence means the place: 1) where a person has the person's true, fixed, and permanent home an principal establishment; and 2) to which the person has, whenever absent, the intention of returning. (IC 3-5-2-42.5) In addition, the election code contains standards used to determine the residency of a voter, candidate or a person holding office. (IC 3-5-5) While this definition and these standards are helpful, there are some recurring issues raised with regard to providing information about a registration applicant's residence for those who are homeless, mobile, in college, or overseas.

1. Homeless and Mobile Voters

People who have a non-traditional residence, like those who are homeless, or those who live in a motor home, must still provide a location sufficient to allow local election officials to place the person in a precinct. If the person stays in more than one place, the voter registration official should ask the person to designate the location where the person usually sleeps in the county. If the place has no street address, then have the person indicate the location by drawing a map of the location in the space on the registration application provided for that purpose. A person with a non-traditional residence must also provide a mailing address, however, a post office box will not suffice as the residence address for purposes of establishing the precinct in which the voter must vote. (See IC 3-7-37)

2. College Students

Under Indiana law, each person who applies to register to vote must state the address of their "permanent residence." Permanent residence means where the person has their ‘permanent home and principal establishment" and where, when the person is away, the person has the "intention of returning."

A person can only have one permanent residence under Indiana law. However, where a person's permanent residence is located will depend on the facts of their situation and their intentions.

For some, but not all, college students, their permanent residence will be the address that they traveled from to attend school.

For other college students, who have no intention of returning to that address, their permanent residence will be in the community where they are attending school.

In short, there is no rule on legal residence that applies to all college students. Each case and each individual is different.

It is a violation of election law to challenge a voter on the basis that: 1) the voter is enrolled in an educational institution or; 2) the voter’s address on the registration record is at an address which is housing provided for students by an educational institution. (IC 3-5-5-7)

3. Overseas Voters and Federal Office Only Ballots

Although an overseas voter may not have a physical residence in a precinct, that voter is still entitled to vote in a precinct in Indiana. An overseas voter includes: 1) an absent uniformed services voter who, by reason of active duty or service in a branch of the military, is absent from the United States on the date of the election or a member of the Indiana National Guard deployed outside Indiana; 2) a U.S. citizen who resides outside of the U.S. but intends to return to the U.S. and 3) a U.S. citizen who permanently resides in another country and, but for such residence, would be qualified to vote in the last place in which the person resided before leaving the United States. (IC 3-5-2-34.5)

If a person is an overseas voter described in subdivision 2) above, a county voter registration office may inform an overseas voter to designate a prior residence, or another address in the county, as the voter’s registration address, even though the person has no legal right to occupy a house or apartment located at that address.

If a person is an overseas voter described in subdivision 3) above, the overseas voter is U.S. citizen who *permanently* resides outside of the United States, but is still entitled to vote by virtue of his or her U.S. citizenship. In Indiana, this type of overseas voter is entitled only to a ballot for federal offices, and is considered for election purposes to be a registered voter of the Indiana precinct where the county voter registration office is located. (IC 3-11-4-8; 3-5-2-24)

G. Processing Complete and Incomplete Registration Applications

The county voter registration office shall determine from the information on the registration application whether the applicant is eligible to register. The county voter registration office shall then mail a notice by non-forwardable mail to the applicant at the mailing address provided on the registration application informing the applicant about the disposition of the application. (IC 3-7-33-5) If the application is approved,

the notice must state: (1) that the application was received; (2) that the applicant is registered at the address placed on the form; (3) the name of applicant's precinct; (4) the address of the polling place for the named precinct; and (5) the voter's voter identification number. (IC 3-7-33-5; State Form: VRG-13a or 13b Voter Registration Acknowledgment Notice)

H. Pending Voters, Active Voters, and Rejected Applications

When a county voter registration office approves a voter registration application, and mails an acknowledgement notice to the voter, the applicant is designated in the statewide voter registration system as a "pending voter", except in one situation described in the next paragraph. **The applicant is not officially a registered voter or added to the voter registration record as an "active voter" until the end of seven (7) days after the notice is mailed.**

If the voter receives the acknowledgment notice by delivery from the U.S. Postal Service and presents that notice to the county voter registration office in person before the expiration of the seven (7) day period, the county voter registration office shall change the record to indicate that the applicant is now an "active voter" and officially registered to vote at that address, even though the seven (7) day period has not yet expired. (IC 3-7-33-5)

If the acknowledgement notice is returned by the Postal Service no later than the seven (7) day period after the notice is mailed, the application must be denied by the county voter registration office, and the individual was never considered to be officially registered to vote at that address. If the acknowledgement card is returned by the Postal Service after the seven (7) day period following the mailing of the notice, the voter may then be mailed a follow-up notice to "inactive" the voter at that address; however, the voter's registration may not be cancelled until the procedures for removing inactive voters under federal law have been completed.

If the application for registration is denied, the notice must state that the application was received and the notice must state the reasons for denial. State Form: VRG-10 Notice of Disposition. (IC 3-7-33-5) Federal law requires that any rejected registration application be retained for 24 months.

Check Standard Operating Procedure VRG 4.1 USPS for information on this topic.

Check Standard Operating Procedure VRG 10.1 Polling Place for information on this topic.

Check Standard Operating Procedure VRG 13.1 Pending for information on this topic.

I. Incomplete Registrations and Required Efforts to Contact Applicant Concerning Incomplete Application

A person is required to provide the following information on a voter registration application: (1) the applicant's name, (2) residence address (see below under "Residence"), (3) birth date and (4) a voter identification number (see below under "Voter Identification Number"). The applicant's phone number and email address may also be provided at the voter's option. (IC 3-7-31-5; IC 3-7-34-1) In addition, under HAVA requirements and state law, all registrations application must include a "yes" in response to the following two questions: (1) Are you a U.S. Citizen? or (2) Will you be 18 years of age on or before the election day?

Indiana law (IC 3-7-31-5) requires that the registration application "provide for the residence address and mailing address of the individual completing the forms." The application forms approved by the Commission

direct an individual whose mailing address is the same as the individual's residence address to write the word "SAME" in the mailing address box. If the mailing address box is instead left blank, some county voter registration offices may assume that the residence and mailing address of the applicant are in fact the same, and process the application without requiring the applicant to complete the mailing address box.

Although the statewide voter registration system includes information regarding the gender of voters (IC 3-7-26.4-8), county voter registration offices may not require an applicant to provide gender information for the application to be considered complete.

If a registration application is incomplete, so that the county voter registration office is unable to make a determination of the applicant's eligibility for registration, then the county voter registration office shall make at least one attempt to contact the applicant by mail, and one attempt to contact the applicant by phone, in order to obtain the missing information. (IC 3-7-34-2) If the missing information is obtained from the voter then the county voter registration office shall complete and process the application. (IC 3-7-34-3)

If the missing information is not obtained, then the county voter registration office must reject the application and certify the application, along with any other applications with missing information that have been rejected, to the County Election Board. (IC 3-7-34-4) If an incomplete application is rejected after attempts to cure the defect, a notice describing the reasons for rejection must be sent to the applicant at the mailing address provided on the application.

Registration applications made at a BMV license branch, or other full service agency, must be forwarded by the agency to the county voter registration office within five (5) days of receipt. IC 3-7-18-19 (BMV) If these applications contain all the information required to be supplied by the voter, but not all the information required to be supplied by the agency, then the county voter registration office shall make one attempt to obtain the missing information from the agency. If the missing information is not obtained from the agency within seven (7) days after the county voter registration office provides notice to the agency, the county voter registration office must notify the Indiana Election Division. The Election Division will then contact the agency to request that this information be provided to the county voter registration office, or require the agency to file a statement with the county voter registration office indicating why the information is not available. (IC 3-7-34-5)

The registration application must be processed whether the information is received from the agency or not. (IC 3-7-34-6) However, if the agency fails to supply the missing information, then the county voter registration office shall certify this fact to the Indiana Election Division on an "expedited basis" (meaning within 48 hours after the county office receives the incomplete form. (IC 3-5-2-23.2; 3-7-34-7) The Indiana Election Division is then required to notify the full service agency that the agency is required to supply this missing information. (IC 3-7-34-7)

Check Standard Operating Procedure VRG 1.2 Incomplete Registrations in First Tuesday for information on this topic.

Check Standard Operating Procedure VRG 20.1 Date Received for Incomplete VR Application for information on this topic.

Check Standard Operating Procedure VRG 50.1 Processing First Time Voters in SVRS for information this topic.

J. Updates to an Existing Voter Registration Record

If the registration application is an update to an existing voter registration record for that voter, an acknowledgment notice must still be sent as described above. If the notice sent out in response to a registration update is returned by the United States Postal Service as undeliverable, then the county voter registration office must reject the application to update the existing voter registration record.

If the voter has completed the previous address section of the update, indicating that the voter's registration should be cancelled at a prior address, then the prior registration should be cancelled. If the application for an update does not indicate that the prior registration is to be cancelled, then the prior registration remains in effect unless removed pursuant to an otherwise authorized registration maintenance procedure.

Check Standard Operating Procedure VRG 53.2 Handling VR Updates on Poll Book without a VRG 4/12 Form in SVRS for information this topic.

K. Mailing Addresses and Residence Addresses on Application

The acknowledgement notice is sent to the mailing address on the voter registration application and not to the registration address. One explanation as to why statute requires the notice to be sent to the mailing address is that the registration address could not be used to mail notices to those with non-traditional residences (e.g. homeless). Other people, such as voters who live in small towns which do not have residential mailing delivery by the Postal Service, but instead use Post Office boxes, military voters, college students, and nursing home patients, may only receive a notice if it is sent to their mailing address. (IC 3-7-33-5)

An inadequate residence address should become evident when the registration official attempts to place the applicant into a precinct. If the residence address on the application is inadequate, state statute requires the county voter registration office to attempt to process the application in the same manner as an incomplete application in an effort to cure the defect. If the effort to cure the defect is unsuccessful, the county voter registration office must refer this problem to the County Election Board. The County Election Board may ultimately decide to reject the application for an inadequate residence address. (IC 3-7-34)

L. Registrations Mistakenly Received by Incorrect County

If a county voter registration office receives a voter registration application from a voter that contains a registration address in Indiana, but not in the county of the voter registration office receiving the application, then the county voter registration office shall forward the application to the voter registration office of the county indicated by the residence address listed on the application on an "expedited basis (meaning within 48 hours of receiving the incorrectly delivered form. (IC 3-7-34-9) The county voter registration office can fulfill this requirement by forwarding an optically scanned image of the registration to the correct county voter registration office and by forwarding the original copy to the correct county later. (IC 3-7-34-9)

The county voter registration office of the county where the voter resides must process the forwarded registration application if the county voter registration office in the incorrect county (or the full service voter registration agency) received the application before the close of voter registration. If the incorrect county mistakenly received the form by mail, then the same deadlines that apply to mail-in forms received by the correct county apply in this case. If the registration was not received in a timely manner, the registration is

processed by the correct county voter registration office as a "pending" application in the same manner as other applications received after the 29th day before an election. (IC 3-7-33-4)

If a timely voter registration is received by the correct county after the poll lists have been printed, the county voter registration office is required to issue a certificate of error if the county voter registration office approves the application (assuming that the voter's registration has become active and no longer "pending"). (IC 3-7-34-13)

Check Standard Operating Procedure VRG 5.1 Applications Outside the County for information on this topic.

Check Standard Operating Procedure VRG 34.2 VR Transfers and Timely Scanning of VR Cards in First Tuesday for information on this topic.

Check Standard Operating Procedure VRG 38.1 BMV Hopper Items Sent to Wrong County for information on this topic.

M. Procedures Followed By Full Service Agencies

A person must be offered the opportunity to apply to register to vote while applying for a new license, or a license renewal, at a BMV license branch. (IC 3-7-14-5) Other agencies likewise must offer a person the opportunity to apply to register to vote. (IC 3-7-15) The agencies include offices that provide Medicaid benefits, Temporary Assistance to Needy Families, and food stamps. If the person declines to register, the person must sign a "declination."

The BMV license branch forwards the registration applications and declinations directly to the county voter registration office. The BMV differs from other agencies in that each license branch sends registration applications directly to the relevant county voter registration office.

Local branches of other agencies that perform registration activities, for example, local offices of the Department of Workforce Development ("DWD"), forward all voter registration applications and declinations to a central clearing house in DWD's state office and from there the applications are forwarded to the counties. State Forms: VRG-6 (registration application at "full service" voter registration agencies).

The agencies and county voter registration office use state prescribed transmittal and receipt forms to document the transfer and acceptance of voter registration applications. State Forms: VRG-8 and VRG-9.

VOTER LIST MAINTENANCE

A. Disfranchisement of Persons Imprisoned Following Conviction

A person who is *imprisoned following conviction* of a crime (a felony or a misdemeanor) is ineligible to vote while in prison and should be removed from the registration rolls. (IC 3-7-46-2; 3-7-13-4) To be disfranchised, the person must satisfy both conditions: 1) the person must be convicted of a crime; and 2) the person must be imprisoned following the conviction.

A person who is in prison awaiting trial is not disfranchised because the person is imprisoned *before* conviction not *following* conviction. In addition, while a person may be subject to an order issued by a court, some orders are not considered "imprisonment" for purposes of this statute. More specifically, a person who is:

1) on probation;
2) on parole;
3) subject to home detention under IC 35-38-2.5; or
4) placed in a community corrections program under IC 35-38-2.6;

is eligible to register and to vote. (IC 3-7-13-5; IC 3-7-13-6)

If a person has been removed from the registration rolls because of their imprisonment following conviction, the person may once again register as soon as the person is released from prison provided that it is during an open registration period. (IC 3-7-13-5)

NVRA requires that the Office of each U.S. Attorney provide the Indiana Election Division with information about Indiana residents imprisoned following conviction of a federal crime. The Election Division must forward this information to the appropriate county. (IC 3-7-46-3)

State law requires that SVRS permit the state Department of Correction to provide the Indiana Election Division with an electronic list of Indiana residents who have been convicted of a crime, and placed in a Department of Correction facility during the previous month. The list is made available through SVRS to county voter registration offices to permit the county offices to cancel the registration records of disfranchised individuals on an expedited basis. (IC 3-7-46-4.1)

In addition, each county sheriff is required to provide the county voter registration office with quarterly lists of Indiana residents who have been convicted of a crime and placed in the county jail during the previous quarter. (IC 3-7-46-6) These lists are to be provided no later than January 31, April 30, July 31 and October 31 of each year and must contain a list of each Indiana resident who was imprisoned after conviction at anytime during the previous month. The county voter registration office shall provide any voter registration office in another county of the name and last known addresses of each person on the list from the sheriff whose last known address is in another county. (IC 3-7-46-7)

The county voter registration office shall prepare a notice to be mailed to the last known address of each person within the county who has been disfranchised. (IC 3-7-46-8) The county voter registration office shall mail the notice to the allegedly disfranchised person not later than the day following the day that the voter's registration has been canceled. (State form VRG-17; IC 3-7-46-9)

Check Standard Operating Procedure VRG 12.1 Conviction for information on this topic.

Check Standard Operating Procedure VRG 56.1 Notice to Disenfranchised Voters for information on this topic.

B. Deaths

State law requires that the State Department of Health provide the Indiana Election Division with an electronic list of deceased individuals through SVRS so that a county voter registration office can cancel the voter registration records of deceased individuals on an expedited basis. (IC 3-7-45-2.1) Each county voter registration office shall cancel the registration of each deceased person listed in these reports. (IC 3-7-45-3)

The State Department of Health ("DOH") list of deceased individuals also include the names, ages and known residence addresses of persons who: 1) died within Indiana, but outside the county of residence; and (2) maintained a residence address within the other county during the two (2) years preceding the date of the person's death. DOH is authorized to provide information concerning the deaths of Indiana residents who died in other states. (IC 3-7-45-5)

The Indiana Election Division is authorized to obtain information regarding Indiana residents who have been identified as deceased by the federal Social Security Administration and to provide this information to a county voter registration office. (IC 3-7-45-6.1)

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A county voter registration office may also cancel the registration of a deceased person on an expedited basis following receipt of the person's death certificate. (IC 3-7-45-4) A county voter registration office may require additional information to verify the person named in the death certificate is the same person listed on the registration.

Check Standard Operating Procedure VRG 3.1 Processing Deaths for information on this topic.

C. Cancellation by Voter

A voter may choose to cancel the voter's registration. A voter who requests cancellation should be provided with an "Authorization to Cancel Registration" State Form: VRG-14. When this form is signed and returned by the voter to the appropriate county voter registration office, the registration must be cancelled.

The Indiana Election Division shall forward voter registration cancellation requests received by the Division to the appropriate county voter registration office on an "expedited basis" after the Election Division receives the cancellation. The Election Division may send an optically scanned image of the cancellation to the county and forward the original copy of the cancellation to the county at a later date. (IC 3-7-34-10)

D. Voter Registration Maintenance Programs

The NVRA and Indiana statute requires that any program for the maintenance of an accurate voter registration roll…"shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965." (42 U.S.C. § 1973gg-6 (b), IC 3-7-38.2-2)

Most voter registration maintenance programs will be conducted using the statewide voter registration system established under IC 3-7-26.3. A county voter registration officer shall perform voter list maintenance on a regular basis (IC 3-7-26.3-11), and must document that required voter list maintenance

activities have been performed in accordance with the law. An Affidavit of County Voter Registration Officer Concerning Voter List Maintenance (State Form VRG-21) must be filed with the Indiana Election Division. (IC 3-7-12-27)

The required voter list maintenance activity includes removal of an individual from the list when required: (1) following the death of the individual; (2) the individual's confirmation that the individual resides outside of the county in which the individual is currently registered; (3) an inactive voter fails to respond to a notice or otherwise act in accordance with law (42 U.S.C. 1973gg-6) within the period prescribed by NVRA so that a county voter registration office must change the voter's registration status from inactive to active.

A county voter registration office is also authorized by state law (IC 3-7-38.2-2(b)) to conduct a voter list maintenance program administered solely at the county level. A county voter list maintenance program conducted under this state law is optional, not required, but must comply with both federal and state laws.

In general, the first step in a county administered voter list maintenance program is for the county to determine that a voter's residence address, as listed in the voter registration record, is not current. To make this determination, the county can use only the following information: (1) returned notices sent to *all* voters in the county; (2) returned jury notices; (3) information from the National Change of Address (NCOA) program; or (4) information from the BMV that a voter has turned in the voter's driver's license in another state to obtain a driver's license there.

Other sources concerning voter addresses cannot be used in a county voter list maintenance program conducted under this law. These sources include returned mail from other government offices; returned mail received by political parties or candidates as a result of campaign activity, or information provided by a precinct committeeman or poll workers.

To conduct a county voter list maintenance program, the county must send the voter a mailing that complies with the National Voter Registration Act (NVRA). The precise format of this mailing (usually a postcard), and how the mailing is used in the overall voter list maintenance program, depends on the type of information used to determine that a voter's registration address is not current, and whether or not the voter responds to the mailing. For further information regarding how to conduct a county voter list maintenance program, and to receive assistance in preparing the content and format of this mailing, please contact the Election Division.

Another simple method to conduct voter registration maintenance permitted under NVRA and state law is to include a request to cancel a registration as part of a jury questionnaire. An example of such a jury questionnaire is included in the attached appendix.

Check Standard Operating Procedure EM 10.2 Posting the Vote in SVRS for information on this topic.

Check Standard Operating Procedure VRG 32.2 Statutorily Non-Compliant VR Records for information on this topic.

Check Standard Operating Procedure VRG 41.1 Return of Acknowledgment Cards From Second Mailing for information on this topic.

Check Standard Operating Procedure VRG 53.2 Handling VR Updates on Poll Book without a VRG 4/12 Form in SVRS for information on this topic.

FAIL SAFE PROCEDURES

Fail safe provisions of federal and state law permit a person to vote in specific circumstances even though the person's name does not appear on the poll list or the person's name or address is different than the name or address that appears on the poll list. These specific circumstances are described below.

A. Fail safe procedures where the voter's name does not appear on the poll list

1. Mistake by County: A voter whose name does not appear on the poll list because of an error made by the county may nonetheless vote. The voter must first obtain a "certificate of error" from the clerk or board before being allowed to vote. Some counties may require the voter to present the certificate of error to the precinct inspector. Most counties allow a voter to vote after confirming over the telephone that a certificate of error will be issued to the voter. The voter is not required to wait until the certificate of error arrives at the polling place. (IC 3-7-48-1; 3-7-48-2; 3-7-48-3; 3-7-48-4) (State Form: Certificate of Error VRG-22)

A county voter registration office may issue a certificate of error at any time after the poll list for the precinct has been printed. The certificate must be executed by the county voter registration officer (the circuit court clerk, or by both members of the board of registration in a county where a separate board exists). The certificate of error must be numbered in the method prescribed by the state for entry in the statewide voter registration system.

Check Standard Operating Procedure VRG 35.2 Certificates of Error for information on this topic.

2. The voter's name is not on poll list but the county has a record of them at the address they claim to now live but the record shows the registration has been cancelled: This voter must be allowed to vote in the precinct if the voter is willing to sign a written statement on the poll book in the presence of the inspector or one of the judges that the voter continues to reside at the address in the precinct that was formerly shown on the county's voter registration record. This is so even if the registration records show that the voter's registration at the address was cancelled at the voter's request! The voter is also allowed to make an oral affirmation instead of signing a written statement. If this occurs, the poll clerks must write down the information on the poll book for the voter and initial the statement. (IC 3-7-48-5) If this procedure is used the precinct election board should contact the County Election Board so that the County Election Board can contact any other precinct where the voter's name may be incorrectly included on the poll list. (IC 3-7-48-6)

3. The voter's name is not on the poll list but the voter appears at polling place with a receipt from the BMV or other registration agency (VRG-6) indicating that the voter submitted a registered application at the agency before registration closed: If the person is not on the poll list but produces a receipt of registration from an agency, like the BMV, they have a right to vote if: 1) The date on the receipt indicates the voter applied for registration before registration closed (29 days before the election); AND 2) the county registration office either has no record of the registration application or shows that the application was received and approved. (IC 3-7-48-7) The voter may not vote a regular official ballot if the county's records show that the registration was received and rejected unless the county voter registration office determines that the rejection was a mistake. In this case, the voter may cast a provisional ballot (IC 3-7-48-7.5).

If the county records show that the registration application was approved, but the voter is not on the poll book a certificate of error may be issued. If the county registration office has no record of the registration application being received, the inspector and judge must write the name and address of the voter in the poll book and require the voter to sign the poll list. The inspector and judges MUST add a note on the poll list to the effect:

> "Permitted to vote after producing receipt per IC 3-7-48-7. Receipt stated date of application as *September 1, 2008*, which was within the registration period. Receipt stated registration office address or ID # as *Springfield Branch #13*, and agency employee as *Selma Bouvier*."

Before the voter casts a ballot using this procedure, the voter must complete a registration application form (State Form VRG-7 or VRG-11, for example), and provide the completed voter registration form to the precinct election board. Each precinct election board is required to be furnished with blank voter registration applications for this purpose. The completed voter registration application is then attached to the poll list for processing later by the county voter registration office. (IC 3-7-48-7)

If the voter is allowed to vote under this procedure because the county registration office has no record concerning the person's registration application, the county voter registration office is required to notify the Indiana Election Division within seven (7) days after the election so that the election division can investigate to try and determine why the voter has a receipt but the county received no registration application. (IC 3-7-48-9)

B. Fail safe procedures where the voter's name appears on the poll list but the voters name or address has changed

1. Voter is on poll list but has moved within the same precinct or the voter's name has changed: The voter should sign the poll book with the new address or new name (for example, married name) and the new address or new name should be updated upon the registration records as soon as registration re-opens after the election. (IC 3-7-39-7)

Check Standard Operating Procedure VRG 41.1 Transfer Within Precinct on Absentee Ballot Application for information on this topic.

2. Request for Transfer Within 30 Days of Election (VRG-4/12 form): If the voter moved outside of the precinct to any other precinct in Indiana within the final 30 days before the election, the voter must produce, or sign before the inspector or a judge, an *Affidavit of Request for Transfer of Registration by Certain Voters Moving Within 30 Days of Election* (VRG-4/12 form) and then the voter may proceed to vote. (IC 3-10-11-6)

> NOTE: A transfer affidavit (VRG-4/12) used for this purpose for a person who has moved to a precinct in another county, together with the original affidavit of registration, must be mailed to the county in Indiana where the person now resides within 30 days after registration opens after the election. (IC 3-7-43-4) A transfer affidavit (VRG 4/12) used to transfer registration within the county should be processed as soon as the registration opens. (IC 3-7-39-5)

NOTE: Although, in general, election records are to be maintained under seal for 22 months after the election, the county voter registration office may unseal the envelopes containing the poll lists and transfer affidavits to update the registration records of the county. The county voter registration office should also use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. The poll lists must be resealed after updating the registration records. (IC 3-10-1-31.1)

Check Standard Operating Procedure VRG 36.1 Handling VRG 4/12 of Affirmation for information on this topic.

3. Request for Transfer Within Same County and Same Congressional District (VRG-4/12 form): In general election years, if the voter moved more than 30 days before the election outside of the precinct to another precinct that is still in the same county and congressional district, the voter must produce, or sign before the inspector or a judge, an *Affidavit of Request for Transfer of Registration Within Same County and Congressional District* (VRG-4/12 form), and then the voter may proceed to vote. Federal law also allows the voter to make an "oral affirmation" of this information in the presence of the precinct election board. If this happens, the poll clerks must complete the VRG-4/12 form for the voter and initial the form in the indicated places. (IC 3-10-12-3.4)

NOTE: This fail-safe provision does not apply during a municipal election year.

A voter who moved outside of a city or town may not return to the precinct where the voter formerly resided to vote in a municipal election. (IC 3-10-12-3.4(c))

Likewise, a voter who moved from a location outside of a city or town to a location within a city or town during the final thirty (30) days before a municipal election may not vote in the precinct of the person's former residence. (IC 3-10-12-3.4(d)) There would be no precinct election board to administer an election in municipal election years in a location outside of a city or town.

4. Voting for President and Vice-President Only (VRG-15 form): If the voter moved from an Indiana precinct to a new residence outside of Indiana and moved within the final 30 days before the general election day, the voter must produce, or sign before the inspector or a judge, *an Affidavit for Presidential Voting Only* (VRG-15) and then the voter may proceed to vote. However, the voter may only be given a ballot to vote for electors for president and vice-president. (IC 3-10-10)

NOTE: If the person is allowed to vote with a VRG-15, then this affidavit constitutes authorization to cancel the person's registration. (IC 3-7-43-5)

The fail-safe provisions applicable when the voter's name appears on the poll list but the voter has moved within the state, or outside of the state, as described in section "B" above, are summarized in the decision diagram in the attached appendix.

For additional information concerning provisional ballot procedures, see the Election Administrator's Manual.

PUBLIC RECORDS

A. Public Records Requests

In general, voter registration records are public records and are subject to examination and copying by the public pursuant to IC 5-14-3. Documents that are confidential and not subject to examination and/or copying by the public include: 1) records concerning declinations to register; 2) records that indicate the identity of a voter registration agency where a person registered; and 3) voter registration records of participants in the attorney general's confidentiality program for abused persons. (IC 3-7-27-6)

A county voter registration office shall, with regard to voter registration information concerning voters of the county in SVRS, act in accordance with a non-discriminatory uniform policy adopted by the county election board regarding providing duplicate copies of a computer tape, computer disc, microfilm or other similar record that contains voter registration information. The policy must either permit a person to obtain a duplicate copy in electronic form or not. If the policy does allow duplicate copies then it must do so according to the non-discriminatory uniform policy. (IC 3-7-27-6(c); 5-14-3-3(g)) The policy should be in written form in the minutes of the county election board.

A person requesting this information must submit that request on State Form VRG-24. This form requires the requesting person to agree that the information will not be used to solicit merchandise, goods, services or subscriptions. The person must also agree not to sell, loan, give away or otherwise deliver the information to any other person for a purpose other than political activities or political fund-raising activities. In addition, if there is a cost for providing copies for records, the charge must be uniform to all purchasers IC 5-14-3-8(d).

A county voter registration office does not have to create and provide a list or record that has not otherwise been created unless state statute imposes a duty on the county voter registration office to create the list or record. However, if a list has been created, whether required by statute or not, it is a public record and must be provided unless it is subject to some exception under the Public Records Act. (IC 5-14-3-4)

The statewide voter registration system laws (IC 3-7-26.3; 3-7-26.4) contain several provisions regarding requests made to the county or to the state for records or reports from the system. Certain persons (state major political party committees, for example), may purchase an annual subscription from the Indiana Election Division for all the information contained in the statewide voter registration system. All other persons may obtain a restricted copy of the list, after certain information such as date of birth and gender, have been redacted by the Division. All persons (except the Chief Justice of Indiana, who is entitled to purchase the list without charge for jury management) are required to pay a fee of $5,000 to the Indiana Election Division for the annual subscription to the statewide voter registration system.

Although the state is prohibited from providing a partial compilation of voter registration information from the system, the Indiana Election Division is permitted to provide information to voters to confirm voter registration status, the location of the polls for a voter's precinct, and to provide various reports described in IC 3-7-26.3-29. However, these reports may not include the date of birth, gender, telephone number, voting history, or registration date of individual voters. (IC 3-7-26.4-4; 3-7-26.4-8)

Check Standard Operating Procedure GEN 1.1 for information on this topic.

B. Public Records Retention

A county voter registration office receives many documents in the performance of its duties. These records must be retained for a period of time specified by the NVRA and Indiana statute. Also, a county commission on public records may have adopted a retention schedule pursuant to IC 5-15-6 that may apply to the retention and destruction of public records. However, this retention schedule could not provide for the destruction of records earlier than dates specified by federal or state statute applicable to the records in question.

It is critically important to always keep the voter registration application for any voter who is "active", and for an "inactive voter" until the registration of the inactive voter is either cancelled or reclassified as "active". Once cancelled for any reason (death, request for cancellation, voter list maintenance programs, imprisonment following conviction), the cancelled registration must be kept for 2 years.

Other documents that must be kept for 2 years are: (1) rejected registration applications; (2) declinations; (3) reports regarding persons who have been imprisoned following conviction from the county sheriff, Department of Correction or any court; (4) reports regarding the death of any person used to cancel that person's registration received from the State Department of Health or any local health official; (5) any postcard, list or other information received during the course of a voter list maintenance program; (6) any affidavit used to cancel or transfer a registration, including the VRG 4/12 and 15; (7) certificates of error; and (8) any report from the Indiana Election Division or other source from out of state regarding the cancellation of a registration due to a voter moving out of state. (IC 3-7-27-6)

County voter registration offices must keep the poll lists after Election Day once they are used to update voter registrations based upon activities occurring on Election Day. Poll lists must be retained at least 22 months after the election before they are destroyed. However, for convenience sake, these records may be batched with the records that may be destroyed after 24 months. Further, it may be easier to batch records for destruction according to the year to which they pertain. For example, all documents that pertain to 2007 may be destroyed on January 1, 2010.

Check Standard Operating Procedure VRG 27.1 Maintaining Voter History for information on this topic.

Check Standard Operating Procedure VRG 48.1 Storage and Retainage of VR Records for information on this topic.

VIOLATIONS AND PENALTIES

A. Investigations and Enforcement

A county election board may investigate and rule on questions concerning reported voter registration law violations. If the county election board has substantial reason to believe that a violation of the voter registration laws has or will occur, the board may conduct a hearing to resolve the issue. The county election board has the power to subpoena witnesses, and question those witnesses under oath. If, after affording due notice and an opportunity for a hearing, the county election board believes that an act constitutes or will constitute a violation, the board may take whatever action it deems proper under the circumstances. This includes referring the matter to the attorney general for civil action, or to the county prosecuting attorney for criminal prosecution. (IC 3-6-5-31; 3-14-5-3)

Indiana law requires that a county election board forward all challenge affidavits returned by precinct election officers following the close of the polls to the foreman of the grand jury when the jury is next in session. The grand jury is required to inquire into the truth or falsity of the affidavits, and to file a report of the results of its inquiry with the court. **Indiana law requires that a county election board also mail a copy of these affidavits to the Secretary of State of Indiana.** (IC 3-14-5-2(b)(2))

B. Penalties

Indiana election law provides that the following offenses are Class D felonies, which subject a person to up to three years of imprisonment, a $10,000 fine, or both, upon conviction. <u>The laws cited below should be studied carefully, since they may contain requirements or exemptions that are not set forth in detail in this summary:</u>

(1) Refusing to receive and record a petition of nomination when presented in accordance with the election laws, or suppressing such a document that has been duly filed. (IC 3-14-1-1)
(2) Conspiring with an individual for the purpose of encouraging the individual to submit a false application for registration. (IC 3-14-2-1)
(3) Paying or offering to pay an individual for doing any of the following: (A) applying for an absentee ballot; (B) casting an absentee ballot; (C) registering to vote; or (D) voting.
(4) Accepting payment of property for doing any of the following: (A) applying for an absentee ballot; (B) casting an absentee ballot; (C) registering to vote; or (D) voting.
(5) Knowingly voting or offering to vote at an election when the person is not registered or authorized to vote. (IC 3-14-2-9)
(6) Except when permitted under certain “fail safe procedures”, knowingly voting or offering to vote in a precinct except the one in which the person is registered and resides. (IC 3-14-2-11)
(7) Knowingly voting or applying to vote in a name other than the person’s own. (IC 3-14-2-12)
(8) Having voted once at an election, knowingly applying to vote at the same election in the person’s own name, or any other name. (IC 3-14-2-12)
(9) Knowingly hiring or soliciting another person to go from one precinct to another for the purpose of voting at an election when the person hired or solicited is not a voter in the precinct. (IC 3-14-2-13)
(10) Allowing a person to vote who is not entitled to vote, or by use of an unauthorized procedure, if a precinct election officer or public official. (IC 3-14-2-14)
(11) Knowingly omitting to perform a duty imposed by the election code, if a precinct election officer or public official. (IC 3-14-4-3)

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Appendix

Sample Notice to Certain Voters Required to Provide Additional Documentation
Jury Questionnaire with Voter Registration Questions
Fail Safe Decision Diagram for Voters Moving Within or Out of State

Affidavit of Request for Transfer of Voter Registration (VRG-4/12)
Indiana Voter Registration by Mail Application (VRG-7)
Indiana Voter Registration by Mail Application (County version) (VRG-11)
Indiana Voter Registration Material Receipt (VRG-8)
Indiana Voter Registration Material Transmittal (VRG-9)
Authorization to Cancel Registration (VRG-14)
Affidavit for Presidential Voting Only (VRG-15)
Affidavit of Voter List Maintenance (VRG-21)
Application for County Voter Registration Data (VRG-24)
Uniformed Service Voter Registration Certificate (ABS-11)
Affidavit for Late Voter Registration by Absent Uniformed Services Voter (ABS-13)
Federal Registration Form
Federal Registration and Absentee Ballot Request (Standard Form 76A)

NOTE: The Voter Registration Acknowledgment Notices (VRG-10 and VRG-13a); the Notice of Disfranchisement (VRG-17); and the Certificate of Error (VRG-22) are available in an electronic format within SVRS.

SAMPLE NOTICE TO VOTERS WHO REGISTERED BY MAIL

IMPORTANT NOTICE.
PLEASE READ CAREFULLY AND RESPOND PROMPTLY

January 2, 2008

Ms. Postal Voter
123 Maple Street
Smallville, IN 47000

Dear Ms. Voter:

Thank you for registering to vote by mail. Under federal law, if you submitted your application to register to vote through the mail and you are registering to vote for the first time in Indiana, you must present this office with a copy of a personal identification document before your ballot can be counted in the 2008 elections

If you feel you have received this notice in error, please check one of the following exemptions, sign this notice, and return the notice to the County Voter Registration Office.

____ I previously voted in a **general** election in Indiana in the following year (circle one) 2006; 2004; 2002; 2000; other ____.

If I was registered to vote under a different name at that election, my name was:

_____

____ I am a military voter, the spouse of a military voter, or a dependent of a military voter, who is currently absent from the place of residence where I am qualified to vote.

____ I am an overseas voter who is currently outside of the United States.

____ I did not register to vote by mailing a voter registration application to your office.

YOUR SIGNATURE: _____

DATED: _____, 200_

(OVER)

If you do not qualify for one of these exemptions, please:

come into the county voter registration office to present the document, OR

return this notice by mail or FAX (to *xxx-xxx-xxxx*) with a photocopy of one of the following documents.

Do not mail this office an original copy of any document.

The document must have YOUR NAME AND CURRENT RESIDENCE ADDRESS PRINTED ON THE DOCUMENT:

- Current and valid photo identification, such as your Indiana driver's license.
- Current utility bill.
- Current bank statement.
- Current government check.
- Current paycheck.
- Other government document that shows your name and address.

PLEASE NOTE:

If you are required to present this documentation to the County Voter Registration Office, we encourage you to do so now, if possible, and at least 30 days BEFORE election day (May 6, 2008 or November 4, 2008).

If you do not do so, you will be asked by the poll workers at your precinct to present this documentation.

If you do not present the poll workers with this documentation, you will still be allowed to vote. If you present your document to the county voter registration office before the polls close at 6 pm local time, your ballot will be counted. If you do not present this document before the close of the polls, your ballot will not be counted since you have not complied with the requirements under federal law.

If you have further questions, please contact the County Voter Registration Office.

Thank you for your assistance!

Issued as required by: 42 United States Code 15483 and Indiana Code 3-7-33-4.5.

Sample Jury Questionnaire

Name_____

Address_____

Zip Code _____ Telephone_____

Qualifications:

ARE YOU A CITIZEN OF THE UNITED STATES? YES ☐ NO ☐

ARE YOU 18 YEARS OF AGE OR OLDER? YES ☐ NO ☐

ARE YOU A RESIDENT OF MARION COUNTY? YES ☐ NO ☐

DO YOU READ, WRITE, SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE? YES ☐ NO ☐

DO YOU HAVE A PHYSICAL OR MENTAL DISABILITY THAT WOULD INTERFERE WITH OR PREVENT JURY SERVICE? YES ☐ NO ☐

ARE YOU UNDER A SENTENCE IMPOSED FOR AN OFFENSE? YES ☐ NO ☐

ARE YOUR VOTING RIGHTS REVOKED? YES ☐ NO ☐

HAVE YOU SERVED AS A JUROR IN MARION COUNTY IN THE PAST YEAR? YES ☐ NO ☐
IF SO, LIST THE MONTH_____

ARE YOU UNDER A GUARDIANSHIP DUE TO A MENTAL INCAPACITY? YES ☐ NO ☐

Statutory Exemptions: CHECK BOX TO CLAIM EXEMPTION.
☐ AGE 65 OR OLDER

Deferral:
☐ DUE TO PERSONAL HARDSHIP I AM UNAVAILABEL FOR JURY SERVICE AT THIS TIME, BUT, WOULD BE AVAILABLE WITHIN THE NEXT TWELVE (12) MONTHS.

I WOULD BE AVAILABLE THE MONTH OF _____
THE JUDGE WILL ADDRESS ANY OTHER REASON YOU SHOULD BE EXCUSED IN COURT ON THE DAY YOU APPEAR FOR JURY SERVICE.

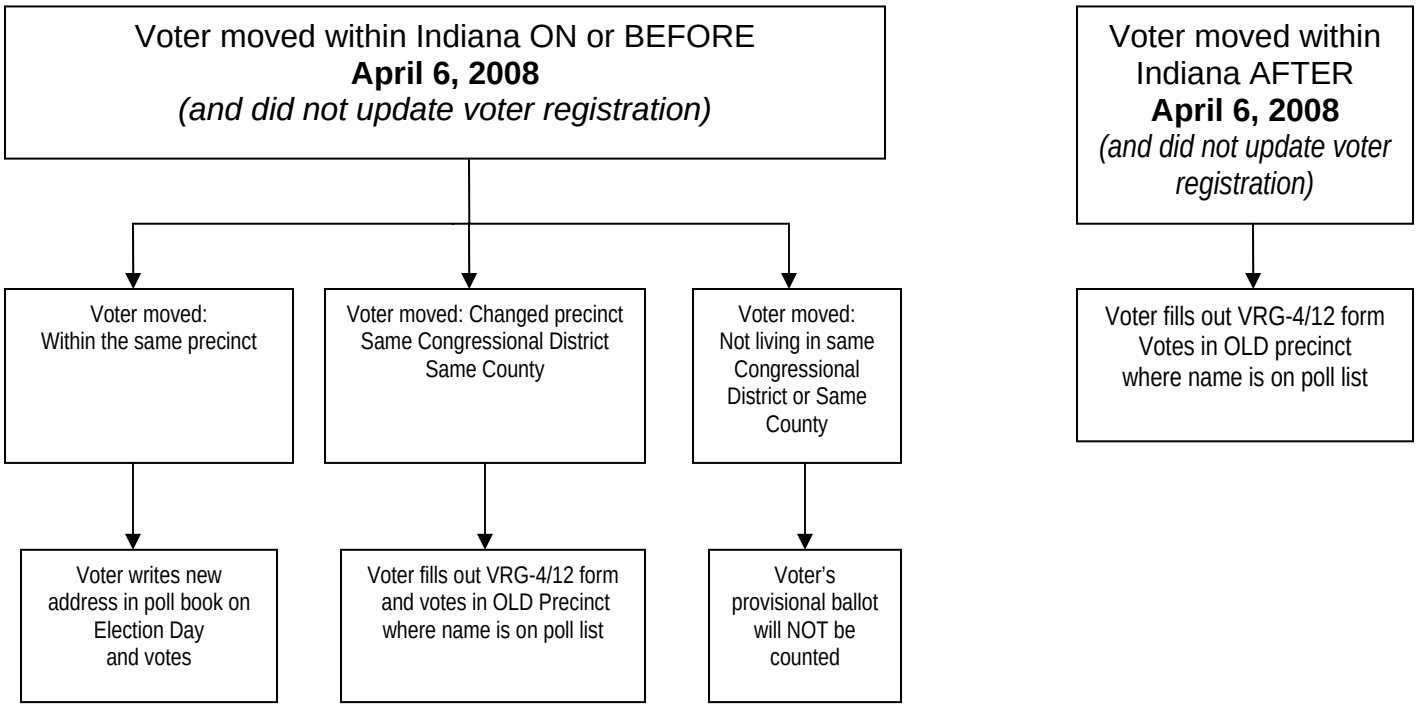
IF YOU ARE NOT A RESIDENT OF MARION COUNTY, DO YOU WANT TO CANCEL YOUR VOTER REGISTRATION? YES ☐ NO ☐

I AFFIRM UNDER PENALTIES FOR PERJURY THAT THE ANSWERS TO ALL QUESTIONS ARE TRUE AND CORRECT.

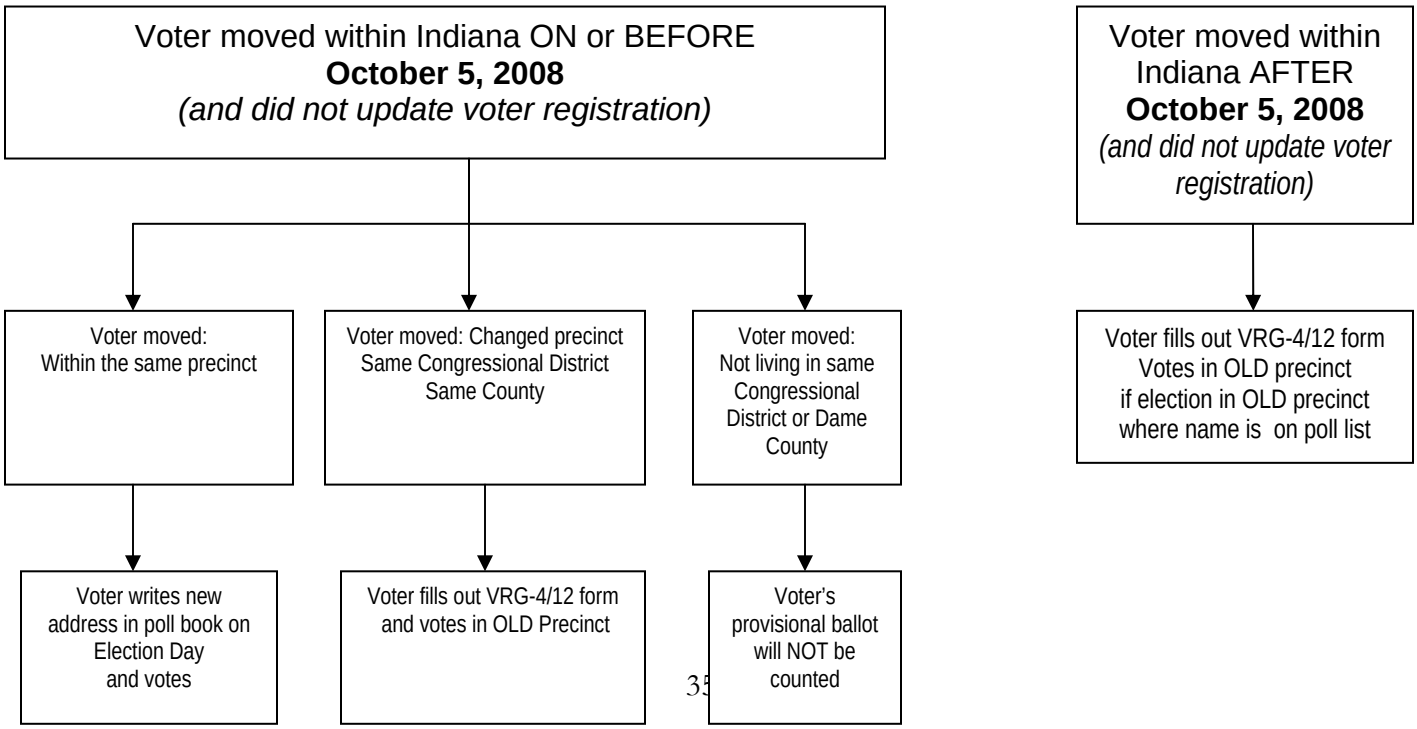
Date _____

Signature _____

Registered Voter Moved Within State of Indiana
May 6, 2008 Primary Election



Registered Voter Moved Within State of Indiana
November 4, 2008 General Election



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