

# 2020 Indiana Voter Registration Guidebook



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# 2019 Indiana Voter Registration Guidebook

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## IMPORTANT NOTE ABOUT USING THIS GUIDEBOOK

This guidebook is a summary of the most recent voter registration requirements set forth in Indiana Code 3-7 with reference also to applicable federal laws. This publication is written primarily for local election officials who process voter registration forms and conduct elections. Others who might find this publication helpful include candidates, political parties, and members of the public and media.

This guidebook is designed to serve as a resource for voter registration issues. Although the Election Division staff has taken every effort to ensure the accuracy of the information in this publication, **where your legal rights and responsibilities are involved, do not rely on this manual. Instead, review the law yourself or consult your attorney.**

We want to emphasize the importance of your compliance with applicable voter registration laws. Handling and processing voter registration applications properly can make the difference in whether someone is eligible to vote or run for office as a candidate, or not. This publication attempts to outline the process for maintaining accurate registration records as well as the more common questions asked on Election Day regarding voter eligibility issues. County officials who mishandle voter registration issues can expose the county to lawsuits, and anyone who mishandles applications can expose themselves to criminal liability.

As the consequences can be critical, we want to provide you with a clear guide to the most routine voter registration issues. Please contact the Election Division staff for help on any question or issue that may arise. We are happy to assist you and to help you prevent mistakes from happening.

Feel free to call or e-mail us through our Internet home page listed below.

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# VOTER REGISTRATION INTRODUCTION

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Voter registration issues are governed by federal and state law. 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").

The NVRA expanded voter registration opportunities and protected voters from removal unless certain conditions were met. HAVA provided states with federal dollars to update voting systems so that voters with disabilities could vote privately and independently, and it established standards for voting systems. The two federal laws act together to require and provide guidance on the regular maintenance of the rolls of registered voters. HAVA also required states to implement a statewide voter registration system (SVRS). Indiana's SVRS links each county voter registration office to all other county voter registration offices, and to certain state and federal agencies, so county voter registration records can be updated in "real time."

The bulk of the work processing voter registration applications and maintaining accurate records is done by county voter registration officials. The Secretary of State, along with the Indiana Election Division, maintains Indiana's SVRS. The database connects all 92 counties and is accessible only by select state and county employees.

## State Administration

**The Secretary of State** is the chief election official of Indiana, except for the coordination of Indiana's responsibilities under the National Voter Registration Act (NVRA), which is a duty for the bipartisan co-directors of the Indiana Election Division. The Secretary of State is a statewide elected official, who is chosen by the voters of Indiana to serve a four-year term.

The Secretary of State has several election-related responsibilities under the federal Help America Vote Act of 2002 (HAVA) and Indiana law, including the following:

- 1) Encouraging students at colleges and universities to serve as poll workers or assistants.
- 2) Encouraging high school and home-schooled students to serve as poll workers or assistants.
- 3) Developing and implementing the Help America Vote Act (HAVA) Indiana State Plan, including the statewide voter registration system, in cooperation with the Co-Directors of the Division.
- 4) Performing the duties of the chief state election official under HAVA.
- 5) Establishing "proficiency standards" for county users of the statewide voter registration system to permit the user to access the voter registration system.

The Secretary of State works with the Co-Directors of the Indiana Election Division in maintaining a statewide voter registration system, called the Statewide Voter Registration System (SVRS). The database connects all 92 counties and is accessible only by select state and county employees.

**The Election Division of the Office of the Indiana Secretary of State** assists the Indiana Election Commission and the Secretary of State in the administration of Indiana election laws, including the following:

- 1) Overseeing and implementing the National Voter Registration Act (or "Motor Voter" law, allowing individuals to apply to register to vote at motor vehicle departments) for Indiana.
- 2) Implementing the Help America Vote Act of 2002 (HAVA) in Indiana.
- 3) Maintaining maps and legal descriptions of all precincts in Indiana.
- 4) Approving proposed precinct boundary changes for conformity with state law, subject to any challenge being filed with the IEC.
- 5) Maintaining campaign finance reports filed by candidates for state legislative and statewide offices and by political action committees and regular party committees that contribute to candidates for these offices.

- 6) Approving uniform election and registration forms.
- 7) Advising and instructing local election officials on election administration.
- 8) Publishing brochures and manuals to assist candidates, political parties, the media, and the general public in understanding election administration issues.
- 9) Accepting candidate filings for federal, statewide, state legislative, and judicial offices, including prosecuting attorneys.
- 10) Publishing election returns on the Division's web site.
- 11) Providing information regarding voter registration and absentee ballot procedures to military and overseas voters.

State law requires that the Election Division staff consist of an equal number of employees from the Democratic and Republican parties (Indiana's two major political parties). The staff is divided into legal, voter registration and precinct mapping, and campaign finance departments. The Division is headed by two co-directors of opposite political affiliation, appointed by the Governor, following nomination by the major political party state chairs.

## 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 is subject to requirements established by federal and state law. The Indiana Election Division and Secretary of State do not have legal authority to change an individual's voter registration record without the permission of the county voter registration office. The state's primary role is limited to maintaining, updating, modernizing, and securing SVRS to ensure compliance with state and federal law.

The county official responsible for maintenance of the registration rolls is either the circuit court clerk ("clerk") or a separate board of voter registration ("board"), including combined boards of elections and registration created in Lake, Porter, and Tippecanoe counties by state law. The clerk is an elected official, chosen by the voters to serve a four-year term.

A board of voter registration consists of two members, who are appointed by the county chairmen of the major political parties. In Lake and Porter County, the board of elections and registration consist of the clerk and four other members. (IC 3-6-5.2; IC 3-6-5.4; IC 3-6-5.6; IC 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)

## Resources

### Indiana's Statewide Voter Registration System (SVRS)

Federal law requires each state to develop a computerized voter registration system. In Indiana, the state manages the infrastructure and the counties manage the data entry and record keeping, and a voter's registration record is generally assigned one of four statuses in the statewide voter registration system:

- 1) **Pending:** A pending voter is a person who recently registered or updated their registration and must wait up to seven (7) days for their registration to be approved and become active after the mailing of the vote acknowledgement card pursuant to Indiana law;
- 2) **Active:** This status means the individual is registered to vote;
- 3) **Inactive:** While remaining registered at the address listed as their residence on their voter record, an inactive voter record may be eligible for cancellation if the person fails to vote in any election during a two federal election cycle (in other words, up to four years).
- 4) **Cancelled:** A voter with a cancelled registration record may have previously had their record moved to inactive status and then failed to update their registration record or vote in any election within two federal election cycles; or a person may have died, filed a written request for cancellation at an address, or been disenfranchised after being convicted of a crime and imprisoned.

It is possible for the same individual to have more than one registration record (an “active” record, and an “inactive” record, for example) at the same time. However, no voter record is ever deleted from the statewide voter registration system. Instead, a voter record is assigned one of the four statuses noted above. This is important, as the statuses of these records are critical when applying voter fail safe laws discussed later in this *Guide*.

The SVRS also contains a variety of modules for users to record absentee information, create reports, enter candidate information, and enter election results. Some of this functionality is discussed in this *Guide*, or covered in the Standard Operating Procedures (SOPs) and Step-by-Step training guides on the county portal accessed by users.

### Online Voter Registration (OVR)

Indiana law permits a resident to register online at indianavoters.com, if the person has a current and valid Indiana credential: driver’s license, state ID card, or learner’s permit. The Indiana credential requirement allows the person’s signature to be imported from their BMV record to their Indiana registration record.

A voter who does not have an Indiana credential is still eligible to register to vote, but cannot take advantage of the convenience that online registration at www.indianavoters.com provides. Instead, the individual can either 1) complete a paper voter registration form and mail or hand-deliver it to county or state voter registration officials; or 2) register at a full service agency, for example when completing a transaction for a BMV credential such as a driver’s license or state ID card. Details about the registration process are found later in this *Guide*.

### System Security

The security of our election systems (including the statewide voter registration system) is of the utmost importance. Some of the tools and precautions being taken in Indiana to ensure secure voting include partnering with the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC) and the U.S. and Indiana Department of Homeland Security, performing risk and vulnerability testing, requiring multi-factor authentication requirements for state and county users to access the SVRS, receiving and sharing with county officials threat notifications and security advisories, installing intrusion detection systems to monitor internet traffic accessing websites and databases, and ensuring counties comply with adopting security protocols as required by state law.

Effective July 1, 2019, an individual must use “two-factor authentication,” such as a token or other method approved by the Secretary of State and the Co-Directors of the Election Division, to access the statewide voter registration system. (IC 3-7-26.3-15) Further, each county voter registration office shall file a statement with the Election Division setting forth the name and contact information for at least one individual for the state to communicate with regarding cybersecurity issues. (IC 3-7-26.3-15)

State and county election officials take the security of our elections process very seriously and are working diligently to ensure that every available defense is utilized.

### Training Materials & Guides

The Secretary of State and the Co-Directors of the Indiana Election Division have developed several resources primarily for local election administrators to manage the statewide voter registration system (SVRS). These resources include: Build Notes for each new enhancement to SVRS, Step-by-Step Instructions for certain processes, as well as “Standard Operating Procedures” or “SOPs” concerning the use of SVRS. These resources are published on the SVRS County Portal, and should be consulted for direction and guidance.

The content of the SOPs can change frequently due to changes in state law, technical changes made to the design of the system, and new questions raised by county and state users that require clarification. As a result, the SVRS County Portal should always be consulted to ensure local administrators are following the Division’s latest advice.

However, where there is conflict between the SOP and state law, state law takes precedence over the guidance in the SOP.

In addition to the resources to help county election administrators navigate SVRS, the Election Division publishes a number of publicly available guides: *Voter Registration Guidebook*, *Candidate Guide*, *Election Calendar: Election Administrator's Edition*, *Election Administrators' Manual*, and in municipal election years, a *Town Election Guidebook*. County election officials receive a copy of the manuals at the annual Election Administrator's Conference. The guides are also posted online at [in.gov/sos/elections](http://in.gov/sos/elections) under the "Election Administrator's Portal."

Not later than January 1, 2020, the Secretary of State is required to establish "proficiency standards" for county users of the statewide voter registration system to permit the user to access the voter registration system. After December 31, 2019, a county user must demonstrate to the Secretary of State and the Election Division that the user has been sufficiently trained and can properly access the system and comply with the laws governing the operation of the system.

A county voter registration office may revoke an individual's authorization to access the system for good cause and shall file a report of the revocation with the Secretary of State and the Election Division not later than seven (7) days after the revocation is effective. (IC 3-7-26.3-35)

**County Voter Registration Officials, additional resources are available:  
*Standard Operating Procedure GEN 5.1 User Access & Security in SVRS***

# VOTER QUALIFICATIONS

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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 held in November or a special 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; IC 3-7-13-4)

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 later.

A registered voter who will meet the age and residency requirements on the date of the next general, municipal, or special election may vote for nominees for general election races and political party offices of precinct committeeman and state convention delegate elected at a primary election, even though the voter is not yet 18 years of age on the date that the primary election is conducted.

## Citizenship

A person who is a citizen of the United States at birth or who becomes a citizen of the United States after birth through the federal naturalization process may submit a voter registration application. Pursuant to HAVA, an applicant must answer the question “are you a citizen of the United States of America?” on the voter registration application. Procedures when an applicant leaves this question blank or answers “no” are discussed in more detail later.

## Age

A person must be at least eighteen (18) years of age on the date of the next general, municipal, or special election. However, in Indiana, **a 17-year old may register to vote if they will be 18-years old on or before the date of the next general, municipal, or special election.** (IC 3-7-13-2)

Pursuant to HAVA, a voter registration form must ask and an applicant must answer the question “Will you be 18 years of age on or before Election Day?” A 17-year old voter who meets the age requirement by the date of the general, municipal, or special election (general and municipal elections occur in November) should answer ‘yes’ on the registration form if they register to vote before the primary election. (Procedures to follow when an applicant leaves this question blank or answers “no” are discussed in more detail later.)

For example, John Smith was born November 1, 2002, and will turn 18 in 2020. He decides to register to vote in February 2020. John should mark ‘yes’ in the box asking if he will be 18 on or before Election Day since November’s general election will be held on November 3, 2020. His registration form should be processed by the county voter registration official, and he may then vote for the first time in the June primary election.

State law allows a 17-year-old eligible to vote in a primary election to nominate candidates for the November ballot and to vote for the political party offices of precinct committeeman and state convention delegate. A 17-year-old voter is not permitted to vote in a special election unless the person turns 18 on or before the date of the special election, and is not permitted to vote on a public question as these contests are not a nomination; rather, it is the final, determining contest. County election administrators must create a “special” 17-year-old primary election ballot that

does not include the public question or special election, if applicable. A special “underage” voter special designation is also included with the voter’s record in the ePollbook or printed Election Day poll list to assist poll workers in identifying a 17-year old voter in a primary election.

## **Imprisonment**

Voter registration rules regarding a person’s eligibility to register and vote after criminal conviction vary from state-to-state. In Indiana, a person who is convicted of a crime and imprisoned following conviction does not permanently lose their right to register and vote. Instead, an individual is not entitled to register to vote or cast a ballot while imprisoned following conviction of a crime.

A person who was registered to vote before conviction and imprisonment may be removed from the registration rolls while imprisoned after conviction. (IC 3-7-13-4; IC 3-7-46-2) County voter registration officials are assisted by the Indiana Department of Correction and local county sheriff departments in keeping track of which voters are disenfranchised by providing information on persons who are imprisoned following conviction of a crime. (IC 3-7-46) It is important for county voter registration officials to know when the individual’s term of imprisonment ended to determine if the voter’s record should be moved to a cancelled status within SVRS. If the term of imprisonment ended before your office takes action, then the individual’s registration record status should not be moved to “cancelled” because the person is no longer currently imprisoned. Both parts of the fact analysis – convicted of a crime and currently imprisoned – must be true in order to change the voter’s registration status.

A disenfranchised voter’s registration is not automatically restored in Indiana. Once an individual is no longer imprisoned following conviction, the individual may register to vote, even if the person is on probation, parole, or home detention, or enrolled in a variety of community correction programs. (IC 3-7-13-5; IC 3-7-16-6)

A county voter registration office should NOT move the registration record of a person sentenced solely to time served, probation, parole, home detention, or a variety of community correction programs to cancelled status within SVRS. A person who is in jail awaiting trial or not currently serving a sentence following conviction should not have their voter registration cancelled, and remains eligible to apply to register to vote and to vote. (IC 3-7-13-5; IC 3-7-13-6)

Unlike the age and citizenship questions, there is not a separate question on the voter registration application regarding imprisonment following conviction of a crime. However, the applicant is asked to affirm that the applicant is not currently in prison after being convicted of a crime when the applicant signs the voter registration application.

## **Residence**

A person who resides in a precinct continuously before a general, municipal, or special election for at least thirty (30) days may apply to register to vote. (IC 3-7-13-1) A person who will meet the residency requirement on the day of the next general, municipal, or special election may register and vote in the primary election. (IC 3-7-13-2)

Residence means the place: 1) where a person has the person’s true, fixed, and permanent home and 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 public 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. These issues will be discussed in detail later in the *Guide*.

For college students, they may only register at one of two places:

- 1) The address where they live while attending school; OR
- 2) The address where they live while not attending school.

**NOTE:** the intent of where students plan to return after attending college or during summer and winter breaks is not to be factored into the decision to approve their registration. The student may register at school, if they so choose. 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)

If an individual is adjudged mentally ill and committed to an institution for individuals with a mental illness, the individual may state either of the following, but not both, as the individual's residence for purposes of voting:

- 1) The address of the institution where the individual has been committed; OR
- 2) The address where the individual lives when the individual is not committed to an institution.

(IC 3-5-5-17)





# REGISTERING TO VOTE

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## Applying to Register to Vote

Hoosiers can submit a voter registration application in person, by mail, and, in certain instances, online. Absent military and overseas voters can also submit a voter registration application by fax or email when using the Federal Postcard Application (FPCA).

A person may apply to register to vote at the following locations:

- 1) Bureau of Motor Vehicles (“BMV”) license branch while applying for or renewing a driver’s license, permit, or identification card;
- 2) public assistance office while applying for services;
- 3) certain agencies serving persons with disabilities while applying for assistance;
- 4) law enforcement offices whenever a person is applying for a license to carry a handgun;
- 5) armed forces recruitment agencies;
- 6) county voter registration offices and the Indiana Election Division; and
- 7) unemployment compensation offices while applying for services. (IC 3-7-14; IC 3-7-15; IC 3-7-16; IC 3-7-19; IC 3-7-18-2; IC 3-7-20.5-1; IC 3-7-20.5-3; IC 3-7-20.5)

A person may also apply to register using either a current and valid state (VRG-7 English, VRG-7 Spanish, VRG-11 English, or VRG-11 Spanish) or federal mail-in registration form. Absent military and overseas voters may register to vote using the Federal Post Card Application (FPCA). Voter registrations submitted on outdated forms may be rejected by county voter registration officials. (IC 3-7-22-3)

The state voter registration application can be obtained at a number of places, including: public libraries, license branches, township trustee offices, city and town clerks' offices, county voter registration offices, clerk’s offices that are in a separate location from their board of registration office, public secondary schools, and the Indiana Election Division. Current versions of the mail-in registration applications may be downloaded from the Indiana Election Division web site: [www.in.gov/sos/elections](http://www.in.gov/sos/elections) or [www.indianavoters.com](http://www.indianavoters.com). (IC 3-7-23-2; IC 3-7-31-1)

In addition to state-approved VRG-7 and VRG-11 registration forms, the National Voter Registration Act (NVRA) requires states to accept federal voter registration applications, samples of which are included in the appendix. (IC 3-7-22-2) The most recent version of the federal voter registration form can be accessed on the Election Assistance Commission’s web site at [www.eac.gov](http://www.eac.gov).

Paper “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)]

Another federal form is the Federal Post Card Application (FPCA), also referred to as Standard Form 76, which is a combined registration application/absentee ballot request, available for use **only** by absent uniform services voters and overseas voters. The FPCA can be accessed on the Federal Voting Assistance Program’s (FVAP) web site at: <http://www.fvap.gov/resources/media/fpca.pdf>. Absent military and overseas voters can submit the FPCA by mail, but can also transmit the form by email or fax. (NOTE: Unlike the FPCA, submitting a voter registration form by email or fax is not permitted when using the federal voter registration form or the state’s voter registration form (VRG-7, VRG-11).)

A person with a current and valid Indiana driver's license, Indiana BMV identification card, or Indiana learner's permit can apply to register to vote online at [www.indianavoters.com](http://www.indianavoters.com). The Indiana-issued credential is needed to register online as the electronic signature captured at the BMV is imported to the voter's registration record. Individuals without an Indiana credential may still register to vote using the paper voter registration form (VRG-7, VRG-11, federal mail-in form)

## **Deadline for Applying to Register to Vote**

As a general rule, the voter registration period closes in Indiana 29-days before each primary, general, municipal, or special election. Absent military and overseas voters have an extended registration period that continues through the eighth day before the primary, general, municipal, or special election. Please see the "Military & Overseas Voters" section of this *Guide* for more details.

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 election through the twenty-ninth day before the general, municipal, or special election (IC 3-7-13-10)

If a person is conducting a voter registration drive and takes custody of another person's application form to deliver to a county voter registration office, then that person must follow specific rules when handling the person's registration form. Please review the section "Handling Completed Voter Registration Applications by Certain Individuals" found later in this *Guidebook*.

### Mail-in Voter Registration Applications

Paper "mail-in" voter registration applications, such as the state's VRG-7 and VRG-11 or the federal voter registration form, can be mailed or hand-delivered. If mailed, the envelope must contain a postmark dated on or before the twenty-ninth day before a primary or general election to be processed before an election.

Mail-in voter registration applications may be sent directly to a county or may be sent to the Indiana Election Division. Mail-in voter registration applications received by the Indiana Election Division that are postmarked on or before 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 voter 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) The Indiana Election Division will provide a notice to the county whether the application is timely or not.

If a mail-in registration application contains no postmark, 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)

### Hand-delivered Voter Registration Applications

A paper "mail-in" registration form (VRG-7, VRG-11, federal voter registration form) may also be hand-delivered by the applicant to the county voter registration office or Indiana Election Division. The applicant hand-delivering the forms must do so no later than close of business on the voter registration deadline. (IC 3-7-13-11)

### Emailed or Faxed Voter Registration Applications

State law requires nearly all voter registration applications to be signed in indelible ink, which means the VRG-7, VRG-11, and federal voter registration forms cannot be faxed or emailed. The exceptions are 1) registering to vote using the online voter registration system (indianavoters.com); 2) registering at the BMV during a credential transaction where the record is sent electronically; 3) using the Federal Postcard Application (FPCA), and 4) if a voter is unable to sign their name.

### Full-Service Agencies

Voter registration applications completed and turned in to a full-service registration agency (BMV, FSSA, DWD, DOH and law enforcement agencies upon applying for a handgun license) on or before the twenty-ninth day before the election must also be processed before the election even if the registration application is received by the county voter registration office after the twenty-ninth day before the election.

**NOTE:** Full-service registration agencies (BMV, FSSA, DWD, DOH, and Law Enforcement Agencies) do not accept completed registration application forms from the general public; rather, the agencies accept registration forms from customers who are conducting specific types of transactions with the office. For example, the BMV will submit voter registration applications for only those customers conducting a credential transaction. In other words, the customer must apply for and complete the process to secure an Indiana driver's license, state ID card, or learner's permit in order for the BMV to register you to vote. For all other transactions, such as purchasing a license plate or title, BMV will provide a registration form but the customer must submit it to the county voter registration office or the Indiana Election Division no later than the statewide voter registration deadline.

### Online Voter Registration

Online voter registration applications submitted no later than 11:59 pm (prevailing local time) on the twenty-ninth day before the election must be processed before the election. SVRS is programmed to accurately reflect Eastern Time or Central Time, according to the time zone the county receiving the application is located within.

A reminder that a person registering to vote through indianavoters.com must have a valid Indiana driver's license, state ID card, or Indiana learner's permit to use the online system. While the Indiana credential is a requirement to register online, it is not a requirement to register to vote using the "mail-in" paper voter registration that may be mailed or hand-delivered to the county voter registration official or Indiana Election Division.

### Voter Registration Applications Received After Statewide Deadline

A county voter registration office may receive voter registration applications during periods when registration is closed. If they do, the information contained in the late application may be entered into the statewide system when received by the county, but this application cannot be approved and a confirmation notice may not be mailed to a "late applicant" until the voter registration period reopens after the election. The name of the late applicant must 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 not timely filed. 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, when an approved absentee ballot application includes a name change, change of address from a voter to another address **within the same precinct** (IC 3-11-4-17.5(e)), or to correct an error or add omitted information identified when a certificate of error is issued (IC 3-7-33-5(h), for example) The restriction on updating voter registration records when registration is closed does not apply to the county voter registration office processing information provided on precinct poll lists or VRG 4/12 forms, 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)

County Voter Registration Officials, additional resources are available:

- ***Standard Operating Procedure VRG 52.1 Processing VR Applications During Closed Period in SVRS***

## Completing the Voter Registration Application

### Required Elements

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;
- 4) A voter identification number (Indiana driver's license number, if the voter has one), Social Security Number (last 4 digits), Indiana BMV identification card number, or Indiana learner's permit number;  
*(See below under "Voter Identification Number" concerning situations when an applicant states on the application that the applicant does not have any of these voter identification numbers, or when an applicant leaves Box #13 of the application totally or partially blank.)*
- 5) If the person has no residence address with a street number or name, then a description or map indicating where the person's residence is located; and
- 6) The applicant's signature on the statement swearing or affirming the applicant's qualifications to vote and to the truth of the statements on the application.

The applicant's phone number, email address, and gender may also be provided at the voter's option. (IC 3-7-31-5; IC 3-7-34-1) Federal mail-in voter registration forms ask for party affiliation and the voter's ethnicity, though these are not required fields and are not recorded in the statewide voter registration system for Indiana voter registration purposes. In addition, under HAVA requirements and state law, all registration applications must include a "yes" in response to the following two questions: 1) "Are you a U.S. Citizen?" and 2) "Will you be 18 years of age on or before the Election Day?" (See section on "Incomplete Applications" for more information.)

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 (or a grandfathered version of a form) approved by the Indiana Election Division. (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 Division so that the forms are compatible with the county's record system. The county is required to file the modified forms with the Election Division prior to use. (IC 3-7-31-2; IC 3-7-32-3)

**In general, a voter is required to execute and file a registration application with an *original* or "wet" signature. (IC 3-7-32-1; IC 3-7-32-2) Except as described below, a voter registration application that contains a *copy* of the voter's signature is not acceptable and is incomplete. Applications without a voter's original signature are also incomplete.**

If a voter's registration application is considered incomplete, then the county voter registration office is required by law to make at least one attempt to contact the voter by phone (if available) and by mail. If the applicant has not provided an original signature by the tenth day prior to the election, the voter registration official shall reject the application. (Procedure for processing incomplete applications is outlined later in this *Guide*.)

There are exceptions to the rule on “original signature.” A voter registration application submitted in the following manner is not required to have a voter’s original signature:

- 1) an application transmitted from a BMV branch to a county voter registration office through SVRS;
- 2) an application submitted through the state’s online voter registration (OVR) system;
- 3) a combined voter registration and absentee application submitted by fax or electronic mail from an overseas or absent uniformed services voter (Federal Post Card Application or “FPCA”, also referred to as Standard Form 76); and
- 4) an application submitted by a voter unable to write. (IC 3-5-4-1.7; IC 3-7-32-4; IC 3-11-4-4)

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 1.3 Incomplete Registrations***
- ***Standard Operating Procedure VRG 6.1 Dupes***

### **Voter Identification Number**

Generally, 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; IC 3-7-31-5) The voter identification number is the individual's Indiana driver's license number, Bureau of Motor Vehicles ID Card number (which is referenced only on the voter registration forms), or Indiana learner's permit number.

If an individual does not have an Indiana driver's license, BMV ID card, or Indiana learner's permit number, 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 an Indiana driver's license number, BMV ID Card number, Indiana learner's permit number, or a Social Security number, then the statewide voter registration system (SVRS), will automatically assign a number as the individual's voter identification number. (IC 3-7-13-13)

Once the voter has supplied or been assigned 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 SVRS (see below); or
- 4) the voter ceases to have an Indiana driver's license number after the voter provided that number. (IC 3-7-13-13(e))

Since many voters were registered prior to the change in law requiring a voter identification number, Indiana statute requires a precinct election officer (typically a poll clerk or a person assigned those responsibilities in a vote center county) to request 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; IC 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)

**County Voter Registration Officials, additional resources are available:**

- **Standard Operating Procedure VRG 8.1 Voter Identification Numbers**
- **Standard Operating Procedure VRG 18.2 Invalid SSN, Expired DLN, and Suspended DLN in SVRS**

## **Age and Citizenship Questions**

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 Election Day?”. For question (2), Election Day refers to a general, municipal, or special election. General and municipal elections occur in November. Special elections can occur in November and at other times.

Furthermore, Indiana law permits certain persons under the age of 18 to register to vote if they will be 18 on or before the date of the general, municipal or special election. (IC 3-7-13-1) The law also permits a qualified person under 18 to become a registered voter and vote in a primary election. However, a voter under 18 may not vote on a public question if included on the primary election ballot or if a special election is conducted before the individual turns 18. (IC 3-7-13-3) When printing a pollbook for a primary or special election held before the general election, the county must identify those voters who are not yet 18, so that these voters are given the correct ballot style.

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 noted above, then the county voter registration office shall treat the application as “incomplete.” The registration application may only be processed when the applicant submits a written statement answering the question or questions overlooked on the original application, but not later than the twenty-ninth day before the date of the next election. (IC 3-7-34-2; IC 3-7-34-3(a)) Of course, if the applicant answers either or both of these questions “no” the registration application must be rejected.

*See procedures following “Incomplete Registration” when other information has not been provided by the applicant as voters have different deadlines by which to provide other missing information.*

## **Residence**

Residence means the place: 1) where a person has the person’s true, fixed, and permanent home and 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, overseas, or committed to an institution due to a mental illness.

### 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 on an attached paper or writing a description of the location of the person’s residence on the state’s voter registration form (VRG-7 or VRG-11) or federal mail-in registration form in the appropriate box. A person with a non-traditional residence must also provide a mailing address within the county where the person resides.

**A post office box will not suffice as the residence address for purposes of establishing the precinct in which the voter must vote, but may be used as a mailing address. (IC 3-7-37)**

With the advent of online voter registration, it is not possible to use the diagram for online applications with a non-traditional residence. These online applicants are directed to supply the intersections closest to their residence on the line marked “residence address” on the online application. Counties will then use this information to place the voter in the correct precinct.

An online applicant with a non-traditional residence must include a mailing address within the county where the applicant resides (such as a post office box or the address of a friend or shelter that will accept mail on the applicant’s behalf). The county shall process the application and mail the acknowledgement card or notice of disposition (if the application is rejected) to the mailing address given.

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 57.2 Registration Procedures for Homeless or Mobile Voters***

#### Overseas Voters

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 temporarily resides outside of the U.S. but intends to return to the U.S., and
- 3) a U.S. citizen who is residing in another country and their return to the U.S. is uncertain, 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)

The Federal Post Card Application (FPCA), also known as Standard Form 76, is used by overseas voters to apply to register to vote. When completing the Federal Post Card Application (FPCA), the applicant must provide “the complete street address of your voting residence where you are registering to vote and requesting an absentee ballot” as this determines the precinct where the person votes. For overseas citizens this is usually the U.S. address where they last lived. An overseas voter does NOT need to have any current physical ties to this address; however, applicants cannot use a post office box as an Indiana residence address.

If a person is an overseas voter who indicates their “return is uncertain” and resides in another country and, but for such residence, would be qualified to vote in the last place in which the person resided in Indiana before leaving the U.S., then this overseas voter is a U.S. citizen who is still entitled to vote by virtue of his or her U.S. citizenship. In Indiana, this type of overseas voter is entitled to a **federal only ballot**. This individual is considered for election purposes to be a registered voter of the Indiana precinct where the county voter registration office is located, and the county voter registration official should register this individual at office’s address. (IC 3-11-4-8; IC 3-5-2-24)

**NOTE:** The FPCA provides a box where an overseas voter may mark the individual is a U.S. citizen who has **never** lived in the United States. This is the fifth box under item #1 on the FPCA. **Individuals marking this box are ineligible to register and vote in Indiana.**

### College Students

College students may only register at one of two places:

- 1) The address where they live while attending school; OR
- 2) The address where they live while not attending school

NOTE: the intent of where students plan to return after attending college, or during summer and winter breaks, is not to be factored into the decision to approve their registration. They may register at school, if they so choose.

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)

### Person Committed to an Institution

An individual adjudged mentally ill and committed to an institution for individuals with a mental illness may state either of the following, but not both, as the individual's residence for purposes of voting:

- 1) The address of the institution where the individual has been committed; OR
- 2) The address where the individual lives when the individual is not committed to an institution. (IC 3-5-5-17)

### **HAVA Residency Documentation for Certain Voters**

The section below applies to certain first time voters who registered to vote by mail, and who are required by the federal Help America Vote Act to provide proof of residency. This section should not be conflated with Indiana's voter ID law, which requires specific types of identification to verify a person's identity to cast a ballot on Election Day or absentee in-person at the Clerk's office or other early voting location.

Proof of residency requirements do not apply to a person who 1) hand-delivers their voter registration application to the Indiana Election Division or county voter registration office, 2) registers to vote online at indianavoters.com, 3) is an absent uniformed services or overseas voter, or 4) is 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 any other reason under federal law. (IC 3-7-33-4.5(b))

### HAVA Documentation: 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 residence documentation to the county voter registration office prior to voting.

The documentation required to provide proof of residency may be either: (1) a current and valid photo identification; or (2) a current utility bill, bank statement, government check, paycheck, or government document. Proof of residency documentation must show the name and residence 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; in person or by mail at the county voter registration office at a later date; or at the polls on Election Day. (IC 3-7-22-5(5); IC 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;
- 2) an overseas voter; or
- 3) 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.

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 matches this information in SVRS with an **existing** Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

#### HAVA Documentation: 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 matches this information in SVRS with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application. (IC 3-7-33-4.5)

#### **County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 50.1 Processing First Time Voters in SVRS***

#### Additional Documentation Requirements and Processing of Voter Registration Applications

If the county voter registration office determines that the applicant is required to submit additional residence documentation, but has not done so, the office shall process the voter registration application but make a notation in the statewide voter registration 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; and
- 3) a brief description of the type of documentation provided.

The SVRS provides each county voter registration office with a coding system for identifying the types of documentation. (IC 3-7-33-4.5; IC 3-7-27-20) This coding system is set forth below and is available in the current version of the *Election Day Handbook* produced by the Indiana Election Division:

Type of Documents	Document Code
Indiana Driver’s License or Bureau of Motor Vehicles ID Card .....	<b>DL</b>
Current and Valid Photo ID .....	<b>PH</b>
Current Utility Bill .....	<b>UB</b>
Bank Statement .....	<b>BK</b>
Government Check.....	<b>GV</b>
Paycheck .....	<b>PY</b>
Other Government Document .....	<b>GD</b>

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.

Additional HAVA Documentation and Absentee Voting

If a voter who is required to provide additional residence documentation prior to voting submits an absentee ballot application to vote absentee by mail, the county election board shall include a notice (ABS-18) in the absentee ballot envelope (inner envelope with the ballots ABS-6 mailed to the voter). The ABS-18 informs the voter that the voter must file the additional documentation with the county voter registration office not later than the close of polls on Election Day at 6:00 p.m. (prevailing local time), for the absentee ballot to be counted.

If the absentee voter is voting before an absentee voter board (either in the clerk’s office, a satellite facility, or a traveling board), the absentee voter board, shall, upon accepting the completed absentee ballot from the voter, provide the voter with the ABS-18. If the voter **does** present the required residency documentation prior to voting absentee in person, the county voter registration office shall immediately remove the “Verify ID” flag from voter’s registration record in SVRS to reflect that the residency documentation requirement has been met. If the voter **does not** present the required residency document before receiving the absentee ballot, the county election board shall add a notation on the absentee ballot application indicating additional HAVA documentation is required. The text of the notation must substantially conform with the language set forth in IC 3-11-10-4.5(c). (IC 3-11-10-28)

When an absentee voter subject to the additional residency documentation requirement returns a voted absentee ballot by mail, 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 (or absentee ballot counters): 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(c); IC 3-11.5-4-12)

If the absentee ballot was made provisional, then the voter's ballot will not be counted unless the voter provides the documents to the county voter registration office prior to the close of the polls on Election Day at 6:00 p.m. prevailing local time. (IC 3-7-33-4.5; 3-11.7-2-1(b); IC 3-11.7-5-2(c), IC 3-11.7-5-3)

#### Additional Documentation and Voting on Election Day

The county voter registration office shall indicate on each precinct's poll list or electronic pollbook used on election day whether any voter on the list is required to provide additional residence 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 or downloading of information into the electronic pollbook.

**In addition, the county voter registration office shall visit the appropriate post office not later than noon (local prevailing time) on Election Day to accept delivery of mail containing identification documentation.**

Beginning with the November 2019 municipal election, all absentee ballots will be counted at a central location in the county. When absentee ballot counters are preparing an absentee ballot to be counted, they must determine if the absentee voter is not required to file additional information with the county voter registration office under IC 3-7-33-4.5. If the absentee ballot counters find that the voter has not filed the additional information required to be filed with the county voter registration office under IC 3-7-33-4.5, the absentee ballot shall be processed as a provisional ballot under IC 3-11.7. (IC 3-11.5-4-12)

If a voter offers to vote at the polls on Election Day, and the poll list or electronic pollbook 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 documents identified above in section (a). If a voter presents the required document, the poll clerk shall add a notation to the poll list or in the electronic pollbook indicating the type of document presented by the voter, using the statewide system document coding method described above. (IC 3-11-8-10.3(b)(5); IC 3-11-8-25.2)

**NOTE:** These documents may be presented as electronic communications (for example, using a smartphone, tablet computer, or in printed form).

After an election, the county voter registration office shall 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) This will remove the flag indicating the need to supply additional documentation for future elections.

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 the polls on Election Day at 6:00 p.m. prevailing local time. (IC 3-7-33-4.5; IC 3-11.7-2-1(b); IC 3-11.7-5-2(c), IC 3-11.7-5-3)

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 50.1 Processing First Time Voters in SVRS***
- ***Standard Operating Procedure VRG 16.1 Absentee Log for information***
- ***Standard Operating Procedure VRG 36.1 Absentee Ballot Cancelled Due to Cancelled Registration***

## Assistance with Voter Registration Applications

If a voter is unable to write, the voter may procure another individual to complete the voter registration application and write the voter's name on the registration application. The voter shall make the voter's mark on the signature line of the application unless physically unable to do so (e.g. "X"). (IC 3-7-32-7) 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)

## Handling Completed Voter Registration Applications by Certain Individuals

Indiana has laws that govern the activities of individuals who assist applicants with the registration process and how the county voter registration office processes applications filed by certain persons other than the applicant.

A person who receives a completed state-approved voter registration application (VRG-7 or VRG-11) from the applicant must provide the applicant with a receipt (contained on the state application) as well as complete and sign the "Certified Statement of Acceptance" on the bottom of the voter registration application. (IC 3-7-31-5) This requirement does not apply to the federal voter registration mail-in form.

A person who receives a completed state or federal voter registration application from an applicant must file the application with the Election Division or the county voter registration office not later than noon (prevailing local time), ten (10) days from receipt. The ten-day deadline to file the registration application begins on the date that the person who **initially** received a completed voter registration application from the applicant received it, even though the registration application was passed on to another individual to file. This rule applies whether the state or federal voter registration form is used. (IC 3-7-32-8)

The following individuals are exempt from the ten (10) day filing requirement as well as the requirements to provide a receipt and sign the "Certified Statement of Acceptance:"

- 1) A member of the applicant's household.
- 2) An applicant's attorney in fact.
- 3) An employee of a license branch who accepts and transmits a VRG-6 or VRG-7 as part of the employee's official duties.
- 4) An employee of a public assistance agency who accepts and transmits a VRG-6 or VRG-7 as part of the employee's official duties.
- 5) An employee of an agency serving persons with disabilities who accepts and transmits a VRG-6 or VRG-7 as part of the employee's official duties.
- 6) An employee of an office designated under IC 3-7-18 who accepts and transmits a VRG-6 or VRG-7 as part of the employee's official duties.
- 7) An employee of an office designated under IC 3-7-19 who accepts and transmits a VRG-6 or VRG-7 as part of the employee's official duties.
- 8) An employee of the office of the department of employment and training services (DWD or Work One) who accepts and transmits a VRG-6 or VRG-7 as part of the employee's official duties.
- 9) An employee of the United State Postal Service or a bonded courier, acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company.
- 10) The Indiana Election Division acting in accordance with IC 3-7-33-3.7.

- 11) A state agency or county voter registration office receiving an application through the online voter registration system under IC 3-7-26.7.
- 12) A precinct election official (inspector, poll clerk, poll judge, etc.) acting in accordance with the official's duties.
- 13) A county voter registration official acting in accordance with IC 3-7. (IC 3-7-32-8)

**A county voter registration office may not reject the application solely on the ground that an individual who was required to file the application within ten (10) days did not comply with the requirement.** The county shall process the application if the applicant is otherwise qualified to register to vote. The county voter registration official shall provide notice of the apparent violation to the county election board for action not later than three (3) days after receipt of an application not timely filed. (IC 3-7-34-4.5)

An application accepted by an individual required to complete the "Certified Statement of Acceptance" is incomplete if the individual does not provide the individual's name, residence address, date of receipt, or signature. (IC 3-7-34-1.5(b)) However, the county voter registration office may not reject an application that is incomplete for this reason. The county voter registration office shall promptly make one (1) effort to contact the individual who received the completed application from the voter, if possible, and one (1) effort to contact the voter to obtain the missing information. The county voter registration office must process the application even if unable to obtain the missing information. However, within three (3) days of receipt of an application with missing information on the certified statement, the county voter registration must also provide notice of the failure to the county election board for appropriate action under IC 3-6-5-31. (IC 3-7-34-4.5)

## **Online Voter Registration**

A person with a valid Indiana driver's license, identification card or Indiana driver's permit may register to vote or change their registration information online at [Indianavoters.com](http://Indianavoters.com). (IC 3-7-26.7)

While having an Indiana driver's license, state ID card, or Indiana driver's permit is not necessary to use a paper "mail-in" registration form in Indiana, an Indiana credential is a requirement to use online registration system at [Indianavoters.com](http://Indianavoters.com). When an applicant submits an application online, the Bureau of Motor Vehicles (BMV) compares the information submitted by the applicant with the information in the Bureau's database listing the individuals with current and valid Indiana driver's licenses or ID cards. If the BMV confirms that the applicant has a valid Indiana driver's license or ID card, the completed application is submitted to the appropriate county voter registration office. A registration form submitted through the online process is not required to be signed in indelible ink or indelible pencil. Instead, the digital signature from the voter's BMV record is transmitted and attached to the voter's registration record, which is a reason the individual must have a valid Indiana credential to register online. (IC 3-7-32-2)

If the BMV is unable to confirm the number entered by the applicant, the applicant will receive a warning message stating: "Please review and correct all errors. There was an error validating the driver's license or state ID number you entered." An applicant will NOT be permitted to continue unless the BMV is able to confirm the credential number entered belongs to an individual. If an online applicant receives an error message, the voter may register to vote using the paper "mail-in" voter registration form following the procedures outlined in this guide (pg. 17). The county voter registration official will determine the person's eligibility, and send notice to the individual voter upon processing or denying the application.

A voter registration application submitted online no later than midnight, prevailing local time, on the 29<sup>th</sup> day before Election Day must be processed prior to the election. (IC 3-7-33-3.5) Online applications submitted after the statewide voter registration deadline will not be processed until voter registration opens again after the election.

Except as described above, the county voter registration office will process an online application in the same manner as other voter registration applications. (IC 3-7-26.7-7)

# PROCESSING VR APPLICATIONS

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The county voter registration office shall determine from the information on the voter's registration application whether the applicant is eligible to register. When processing the application in SVRS, the county user shall enter the NVRA tracking number into SVRS along with the applicant's information. The NVRA tracking number is a five-digit number found in the bottom right hand corner of the voter registration application form and is used for reporting purposes to the U.S. Congress.

After determining the applicant is eligible to register to vote, the county voter registration office shall then mail a Voter Registration Acknowledgement Notice (available through SVRS) 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; and (4) the address of the polling place for the named precinct. (IC 3-7-33-5)

Voters often call this notice their "voter registration card," which may be re-printed by the county at the request of the registered voter. Additionally, the voter acknowledgement card may now be downloaded and printed by registered voters after logging in to indianavoters.com. A county is not required to send a new notice if a polling location changes in the future (IC 3-11-8-3.2); however, a county may choose to do so to inform voters of a change in a precinct polling location in a non-vote center county.

**County Voter Registration Officials, additional resources are available:**

- *Merge and Unmerge Step by Step in SVRS*
- *Transfer and Duplicate Processing Step by Step in SVRS*
- *Point Address Table Step by Step in SVRS*

## **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 voter acknowledgement notice (described above) 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(f))

If an individual who is not currently registered to vote in Indiana submits a registration application, and the acknowledgement notice is returned by the U.S. Postal Service due to an unknown or insufficient address on or before the deadline date for the required seven (7) day period following the mailing of the notice, the application must be denied by the county voter registration office. (IC 3-7-33-5) The denial of the application is not considered a "cancellation" since the application was not approved and the person was not added to the voting rolls at the address specified on the application.

If an individual who is currently registered to vote in Indiana submits a new registration application to update their registration address, and the acknowledgement notice is returned by the U.S. Postal Service due to an unknown or insufficient address on or before the deadline date for the required seven (7) day period following the mailing of the notice, the county voter registration office must both deny the application for registration at the new address and

cancel a registration at any Indiana address that the applicant stated on the application as a previous voter registration address if that previous voter registration address is outside the precinct of the address listed on the most recent registration application.

When the county voter registration office cancels the voter's record at the previous registration address, the county voter registration office must send a notice to the voter at that previous address by forwardable mail advising the voter that the application to register at the new address has been denied and that the registration record at the previous Indiana registration address listed on the registration application has been cancelled. The notice shall also indicate that, to be registered to vote, the individual must submit a new voter registration application. A voter registration application form must be sent with this notice. (IC 3-7-33-5(i))

If the acknowledgement card is returned by the U.S. Postal Service due to unknown or insufficient address **after** the seven (7) day period following the mailing of the notice, the voter may then be mailed an address confirmation or NCOA mailing to 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. (IC 3-7-38.2)

If the application for registration is denied, the notice must state that the application was received and the Notice of Disposition (available through SVRS) must state the reason(s) for denial. (IC 3-7-33-5) Federal law requires that any rejected registration application be retained for 24 months.

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure GEN\_07.2\_Auto-Activate Registrations Functionality in SVRS***
- ***Standard Operating Procedure VRG 4.2 USPS***
- ***Standard Operating Procedure VRG 10.1 Polling Place***
- ***Standard Operating Procedure VRG 13.1 Pending***
- ***Standard Operating Procedure VRG 58.2 Voter List Maintenance***

## **Incomplete Registrations**

A person is required to provide the following information on a voter registration application: (1) the applicant's name, (2) residence address, (3) birth date, and (4) a voter identification number (except where applicant does not have an Indiana driver's license, Indiana BMV ID card, Indiana driver's permit, or social security number, and in this case, SVRS assigns a voter number to the individual). 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 voter registration applications must include a "yes" in response to the following two questions: "(1) Are you a U.S. Citizen?" and "(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 Indiana Election Division 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, 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 (1) attempt to contact the applicant by mail, and one (1) attempt to contact the applicant by phone (if available), 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) Certain information can be obtained over the phone but other information must be obtained in writing.

If a voter, or a person assisting a voter, does not sign the application, the county voter registration office shall make at least one (1) effort to contact the voter, or the person who assisted the voter, to obtain the missing signature. Upon receiving the signature, the county voter registration office shall process the application. The county voter registration office may not reject the application solely on the ground that the individual who received the completed application from the voter failed to complete the application with the information or signature. The county voter registration office shall, not later than three (3) days after receipt of the application, provide notice of the failure to properly complete the application to the county election board for appropriate action under IC 3-6-5-31.

Voters only have until the **twenty-ninth** (29<sup>th</sup>) day before the election, or the statewide voter registration deadline, to supply the answers to the age and citizenship questions. Voters have until the **tenth** (10<sup>th</sup>) day before the election to provide missing "incomplete" information. If the missing information is not obtained in a timely manner, 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.

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 1.3***

**Missing or Inaccurate Date of Birth Information**

The Election Division is required to request information from the Bureau of Motor Vehicles regarding records of individuals whose date of birth is: (1) missing from the statewide voter registration system; or (2) indicates that the age of the registrant is at least 115 years. Once the information is obtained, the Election Division shall forward the information to the appropriate county voter registration office. If the county voter registration office determines that the individual listed in the Bureau of Motor Vehicles record is the same individual listed in the statewide voter registration system, then the county shall amend the individual's voter registration record to contain the correct date of birth and document the source of information for this correction. (IC 3-7-38.2-4)

**Missing or Incomplete "Certified Statement of Acceptance"**

There are additional requirements for certain individuals who assist applicants in the registration process. The VRG-7 and VRG-11 state voter registration applications have a place for an individual who accepts a completed voter registration application from the applicant to complete a "Certified Statement of Acceptance." This statement does not apply to a federal "mail-in" registration form.

An application accepted by an individual required to complete the "Certified Statement of Acceptance" is incomplete if the individual does not provide the individual's name, residence address, date of receipt, or signature. (IC 3-7-34-1.5(b)) However, the county voter registration office may not reject an application that is incomplete for this reason.

Instead, the county voter registration office shall promptly make one (1) effort to contact the individual who received the completed application from the voter, if possible, and one (1) effort to contact the voter to obtain the missing information. The county voter registration office must process the application even if unable to obtain the missing information. However, within three (3) days of receipt of an application with missing information on the certified

statement, the county voter registration must also provide notice of the failure to the county election board for appropriate action under IC 3-6-5-31. (IC 3-7-34-4.5)

The following individuals are exempt from the ten (10) day filing requirement as well as the requirements to provide a receipt and sign the “Certified Statement of Acceptance:”

- 1) A member of the applicant’s household.
- 2) An applicant’s attorney in fact.
- 3) An employee of a license branch, who accepts a VRG-6 or VRG-7 in furtherance of the employee’s official duties.
- 4) An employee of a public assistance agency who accepts a VRG-6 or VRG-7 in furtherance of the employee’s official duties.
- 5) An employee of an agency serving persons with disabilities who accepts a VRG-6 or VRG-7 in furtherance of the employee’s official duties.
- 6) An employee of an office designated under IC 3-7-18 who accepts a VRG-6 or VRG-7 in furtherance of the employee’s official duties.
- 7) An employee of an office designated under IC 3-7-19 who accepts a VRG-6 or VRG-7 in furtherance of the employee’s official duties.
- 8) An employee of the office of the department of employment and training services (DWD) who accepts a VRG-6 or VRG-7 in furtherance of the employee’s official duties. .
- 9) An employee of the United State Postal Service or a bonded courier, acting in the individual’s capacity as an employee of the United States Postal Service or a bonded courier company.
- 10) The Indiana Election Division acting in accordance with IC 3-7-33-3.7.
- 11) A state agency or county voter registration office receiving an application through the online voter registration system under IC 3-7-26.7.
- 12) A precinct election official acting in accordance with IC 3-6-6.
- 13) A county voter registration official acting in accordance with IC 3-7.

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 1.3 Incomplete Registrations***
- ***Standard Operating Procedure VRG 20.1 Date Received for Incomplete VR Application***
- ***Standard Operating Procedure VRG 50.1 Processing First Time Voters***

### **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 within seven (7) days by the United States Postal Service due to “unknown or insufficient address,” then the county voter registration office must both deny the application for registration at the new address and cancel a registration at any Indiana address that the applicant stated on the application as a previous voter registration address if that previous voter registration address is outside the precinct of the address listed on the most recent registration application.

When the county voter registration office cancels the voter's record at the previous registration address, the county voter registration office must send a notice to the voter at that previous address by forwardable mail advising the voter that the application to register at the new address has been denied and that the registration record at the previous Indiana registration address listed on the registration application has been cancelled. The notice shall also indicate that, to be registered to vote, the individual must submit a new voter registration application. A voter registration application form must be sent with this notice. (IC 3-7-33-5(i))

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 53.2 Handling VR Updates on Poll Book without a VRG 4/12 Form***

### **Mailing and Residence Addresses**

**The SVRS-generated 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 that 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 by the end of the tenth day before the election, the county voter registration office must reject the incomplete application and certify a list of rejected incomplete applications to the County Election Board. (IC 3-7-34-4)

### **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 on or 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 in the same manner as other applications that are not timely filed. (IC 3-7-33-4)

If a timely voter registration is received by the correct county after the poll lists have been printed, or if electronic poll books are being used, after the information has been downloaded into the electronic poll book for use on Election Day, then 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)

Sometimes a county may receive a federal “mail-in” voter registration form for a person living in another state. While state law does not specifically address this situation, a county may direct the application to the chief election official in that state, if possible. The Election Division can provide contact information for the other state’s office. (IC 3-7-34-9)

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 5.1 Applications Outside the County***
- ***Standard Operating Procedure VRG 34.2 VR Transfers and Timely Scanning of VR Cards***
- ***Standard Operating Procedure VRG 38.1 BMV Hopper Items Sent to Wrong County***

### **Scanning Voter Registration Records**

A county voter registration office shall scan a paper document and attach the scanned image of the document to the voter’s file in the statewide voter registration system (SVRS) if the paper document creates, amends, or cancels the voter’s registration record. In addition, the county voter registration office shall scan a voter registration application that is subsequently rejected and associate it with the rejected record in the SVRS. (IC 3-7-33-8)

## FULL SERVICE AGENCIES

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The federal National Voter Registration Act (NVRA) requires that certain federal, state, local and nongovernmental agencies (with the agreement of the federal or nongovernmental offices) provide the following voter registration services:

- 1) Distribution of mail-in voter registration applications;
- 2) Assistance in filling out voter registration application with each transaction in which a person applies for assistance, renewal or recertification of assistance, or a change of address, unless the applicant declines in writing; and
- 3) Transmission of all completed applications to the appropriate county voter registration within a timely manner (Indiana law requires five (5) days for all agencies except for the BMV).

Indiana has designated the following as full service voter registration agencies:

- 1) License branches (IC 3-7-14)
- 2) Each county office that administers TANF (IC 3-7-15-2)
- 3) Each county office that administers Medicaid (IC 3-7-15-2; IC 12-15)
- 4) Each county office that administers Food Stamps (IC 3-7-15-2; IC 12-14)
- 5) Each office of the Department of Health that administers WIC (IC 3-7-15-2; IC 16-35)
- 6) Agencies that serve persons with disabilities as identified by the Co-Directors of the Indiana Election Division (IC 3-7-16) (Bureau of Developmental Disabilities Services and Bureau of Rehabilitative Services)
- 7) Each unemployment compensation office (IC 3-7-18-2; IC 3-7-20.5)
- 8) A law enforcement agency (Indiana State Police; county sheriff's department; municipal law enforcement agency); (IC 3-7-18-2; IC 3-7-20.5)
- 9) Each county board of voter registration office (IC 3-7-18-2; IC 3-7-19)
- 10) Any federal or non-governmental entities designated by unanimous vote of a county election board (or which was designated in the county's NVRA implementation plan before July 1, 2013) (IC 3-7-21)

State and federal law require that anyone who applies for assistance, renews an application for assistance, or submits a change of address application at any of the above entities, shall also be provided with a voter registration form, assistance in completing the form, and transmittal of the form to the county voter registration office, unless the applicant declines to register to vote in writing. A slightly different process applies at Bureau of Motor Vehicle (BMV) license branches.

An FSSA office providing "full service" voter registration is permitted to submit voter registration applications and declinations to a county voter registration office by first class U.S. mail. (IC 12-14-1.5-6; IC 12-14-25-5; IC 12-15-1.5-6)

Local branches of some 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)

Law enforcement offices are required to distribute a voter registration form whenever a person is applying for a license to carry a handgun unless the person declines in writing to register to vote. This includes each office affiliated with the Indiana state police, county sheriff, and municipal law enforcement. The following persons shall act as a "governing body" for these named entities:

- 1) The superintendent of state police.
- 2) The county sheriff.
- 3) The chief of police or comparable law enforcement officer for a municipal law enforcement agency.

For all "full-service" voter registration agencies, the persons acting as the governing body of the agency shall be responsible for the following:

- 1) Designating an individual to be responsible for performing the voter registration duties of the agency in each office of the agency where services are provided.
- 2) Providing a list of the address and telephone number of each agency office where voter registration services will be provided and each individual designated by the governing body to be responsible for performing voter registration duties.
- 3) Receiving a list of the current addresses and telephone numbers of each county voter registration office from the Election Division.
- 4) Receiving pre-addressed packets from the Election Division for law enforcement offices to transmit voter registration applications to county voter registration offices.
- 5) Receiving notification of scheduled date of each primary, general, municipal, and special election in the jurisdiction in which the election will be held. (IC 3-7-18-2; IC 3-7-20.5-1; IC 3-7-20.5-3)

**Registration applications made at any other full service agency besides BMV, must be forwarded by the agency to the county voter registration office within five (5) days of receipt.** IC 3-7-18-19; IC 9-24-2.5-4; IC 12-14-1.5-1 (TANF); IC 12-14-25-3 (Food Stamps); IC 12-15-1.5-4 (Medicaid); IC 16-35-1.6-4 (WIC)

If a person applies to register to vote at a full service agency on or before the voter registration deadline (even if a county VR office receives it after the deadline), then the voter's registration application should be processed as timely.

### **Registering to Vote at the BMV**

A person must be offered the opportunity to apply to register to vote while applying for a new motor vehicle driver's license, permit, or identification card, or a renewal of any such license, permit, or identification card, at a BMV license branch. (IC 3-7-14-5) The BMV license branch forwards the registration applications directly to the county voter registration office electronically through SVRS. The BMV no longer transmits a duplicate paper copy of a voter registration application to a county voter registration office after the electronic copy of the application is submitted by the BMV from the license branch to the county via the Statewide Voter Registration System. (IC 9-24-2.5-4)

The BMV also receives voter registration applications electronically through their online services when a person renews their driver's license or state ID card. The voter registration records are collated at a central clearing house in the BMV's state office and from there are forwarded to county voter registration offices.

If applications accepted at the BMV during specific credential transactions 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 BMV. If the missing information is not obtained from the BMV within seven (7) days after the county voter registration office provides notice to the BMV, the county voter registration office must notify the Indiana Election Division. The Election Division will then contact the BMV to request that this information be provided to the county voter registration office, or require the BMV 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 BMV or not. (IC 3-7-34-6) However, if the BMV 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 BMV that the BMV is required to supply this missing information. (IC 3-7-34-7)

**Please note:** While full service agencies such as the state BMV or Department of Workforce Development are required to provide voter registration forms to the general public, the agencies only accept registration forms from specific customers as noted in state and federal law. In other words, the agencies cannot receive a voter registration form from the general public and submit it on behalf of the voter. Instead, the general public must submit paper registration applications to their county voter registration or the Indiana Election Division or register online at [www.indianavoters.com](http://www.indianavoters.com) using a valid Indiana driver’s license or state ID card, if possible.

**VRG-6 Form**

The Indiana Election Division has created a VRG-6 voter registration form for full-service agencies to use. **The VRG-6 form is not a public facing registration document and is only used for the specific transactions noted in statute at each of these agencies.** Full service agencies are to contact the Election Division should the need for a copy of the current version of the VRG-6 form arise.

While the VRG-6 form used by these agencies share a common format (with the noted exception of the BMV), the form number found in the lower right corner of the document corresponds to the specific agency. Below is a table with the name of the agency and its corresponding VRG-6 form number:

**VRG-6 Form Designations for Full Service Agencies**

Form 46913 (R14/5-19)	Bureau of Motor Vehicles
Form 46914 (R9/9-11)	Public Assistance Agencies
Form 46915 (R9/9-11)	Disability Agencies
Form 46916 (R7/9-11)	Additional Designated Offices
Form 47366 (R7/9-11)	Workforce Development
Form 56699 (5-19)	Law Enforcement

The top half of the VRG-6 form includes a space for the person registering to vote to complete along with the full service agency point of contact. On this portion of the form, the person indicates if the person wants to register to vote or not. If the person registers to vote and marks the “yes” box, then the top half of the form is torn off and provided to the registrant as proof of registration. The lower portion, which is substantially similar to the VRG-7 and VRG-11 state voter registration form, is then forwarded the county voter registration official.

If the individual declines to register to vote, then the person marks “no” on the upper half of the form and then the entire document is kept by the full service agency to forward on to the county voter registration official. This is the “declination” and is a confidential document kept on file by the county voter registration official pursuant to the retention schedule. (IC 3-7-27-6)

The full service agency is to send with the VRG-6 registrations or declinations a completed VRG-9 Indiana Voter Registration Material Transmittal form. If the agency hand-delivers VRG-6 registrations or declinations to the county voter registration official, then the county voter registration official is to provide the VRG-8 Indiana Voter Registration Material Receipt form to serve as a receipt.

Indiana law requires a full service voter registration agency to transmit completed paper applications and declinations to the county voter registration office within five (5) days of receipt. If a county voter registration office is not receiving a packet of applications and declinations in a timely manner, please contact the NVRA officials (Co-Directors of the Indiana Election Division). (IC 3-7-15-9; IC 3-7-16-28; IC 3-7-18-19)

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 09.2 BMV Registrations in SVRS***



# MILITARY AND OVERSEAS VOTERS

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There are special rules relating to registration and absentee voting applicable to certain military voters. State and federal law provide an extended deadline in which to register, special application forms, and additional options for transmitting applications and ballots. In addition to the Federal Voting Assistance Program's (FVAP) website <[www.fvap.org](http://www.fvap.org)>, the *Military and Overseas Voters' Guide* published by the Indiana Election Division is a good resource for local election officials and voters navigate the process outlined below.

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:

- 1) **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;
- 2) 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;
- 3) a member of the **Indiana National Guard** deployed or on assignment outside Indiana; or
- 4) **a spouse or dependent** of any of the above 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.

An absent military voter might also be an overseas voter but could also be stationed stateside (within the United States) but outside of Indiana. (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 "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)

There are two types of non-military overseas voters: (1) those living overseas who intend to return to the US; and (2) those living overseas whose return to the US is uncertain. Those overseas voters who register using a Federal Post Card Application (FPCA), also referred to as Standard Form 76, are asked to check one of the boxes in item #1 (see Appendix) The significance of this distinction is covered later in this *Guide*.

## **Extended Registration Deadlines for Military & Overseas Voters**

**All overseas and absent uniformed services persons can submit an application to register to vote using the Federal Postcard Application (FPCA) so long as the application is received on or before the eighth day before the election. Some recently discharged or relocated military persons and their family can register to vote up until noon (prevailing local time), Election Day.** Please refer to the current version of the *Indiana Election Administrator's Calendar* or the *Military and Overseas Voters' Guide* for more details.

The county voter registration office shall process an FPCA registration application received from an overseas voter or absent uniform services voter during the period beginning on the twenty-ninth day before the election and ending on the **eighth (8<sup>th</sup>) day before the election**. (IC 3-7-36-10)

An absent uniform services voter (or the voter's spouse or dependent) who has returned to Indiana may also apply to register to vote using the VRG-7, VRG-11, Federal Voter Registration Application form, or FPCA beginning on the seventh day (7<sup>th</sup>) before Election Day and until noon (prevailing local time), on Election Day if the voter:

- 1) is otherwise entitled to vote in Indiana;
- 2) was absent from Indiana during the previous registration period;
- 3) returns to Indiana no earlier than the seventh day before Election Day but before noon (prevailing local time) on Election Day;
- 4) 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;
- 5) completes a registration application (VRG-7, VRG-11, Federal Voter Registration Application form, or FPCA); and
- 6) signs an affidavit (ABS-13) that the voter has not voted at any other precinct in the election. (IC 3-7-36-14)

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 (prevailing local time), 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 3-7-36-14; 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 certify that the voter registered under this statute and the circuit court clerk will attach the certification to the voter's absentee ballot envelope. (ABS-11)

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 3-7-36-14; IC 3-11-4-3; IC 3-11.5-4-8; IC 3-11.5-4-9; IC 3-11.5-4-24)

**In general, a voter may not submit a registration form by fax or by electronic mail. (IC 3-5-4-1.7; IC 3-7-32-4) However, an absent uniform services voter or an overseas voter may submit a Federal Post Card Application (FPCA), also referred to Standard Form 76, by fax or electronic mail. (IC 3-7-32-4; IC 3-11-4-4)**

#### Overseas Voters

Although an overseas voter (as defined above) may not have a physical residence in a precinct, that voter is still entitled to vote in a precinct in Indiana if the person has, at some point in their life, resided in Indiana. For example, a person who is the child of a parent who formerly resided in Indiana, but the child was born outside of Indiana, and has never resided in this state, that person is not qualified to register to vote in Indiana. (Article 2, Section 2 of the Constitution of the State of Indiana).

An overseas voter who resides outside of the U.S. but intends to return to the U.S is entitled to vote absentee by mail, fax, or email. When completing the Federal Post Card Application (FPCA), the applicant must provide “the complete street address of your voting residence where you are registering to vote and requesting an absentee ballot” as this determines the precinct where the person votes. For overseas citizens this is usually the U.S. address where they last lived. An overseas voter does NOT need to have any current physical ties to this address; however, applicants cannot use a post office box as an Indiana residence address.

If a person is an overseas voter whose return is uncertain and is residing in another country and, but for such residence, would be qualified to vote in the last place in which the person resided in Indiana before leaving the U.S., then this overseas voter is a U.S. citizen who is still entitled to vote absentee by mail, fax, or email by virtue of his or her U.S. citizenship. In Indiana, this type of overseas voter is entitled to a **federal only ballot**, 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; IC 3-5-2-24)

An overseas voter who states that the voter’s return to the U.S. is uncertain may provide the Indiana address where the person lived previously, if known. However, the county voter registration office should designate the residence address of the voter as the address of the county voter registration office when entering the voter’s record into SVRS.

**NOTE:** The FPCA also provides a box where an overseas voter may mark the individual is a U.S. citizen who has never lived in the United States. This is the fifth box under item #1 on the FPCA. Individuals marking this box are ineligible to vote in Indiana.

A reminder that a military or overseas voter using the FPCA may vote absentee by fax or email. However, a voter must waive their right to secret ballot to use this option as a bi-partisan team must remake the ballot on official ballot card stock to be read by the voting system. The county election official must transmit the ABS-9 form along with the person’s emailed or faxed ballot. The voter must also complete the ABS-9 and return it with their completed ballot. The deadline to submit an FPCA to request a faxed or emailed ballot is noon (prevailing local time), the day before Election Day. A faxed or emailed ballot must be received by the county election board no later than noon (prevailing local time), Election Day.

A military or overseas voter might also request to vote-by-mail using the FPCA, and the county election official must mail the ballot anywhere in the world to the voter and provide for return postage for the completed ballot. The application deadline to vote-by-mail using the FPCA is the same as the “civilian” voter’s deadline to submit an ABS-Mail application, which is 11:59PM, twelve (12) days before the election. (IC 3-11-4-3) An overseas voter’s absentee-by-mail ballot postmarked on or before Election Day may be received by the county election board not later than noon (prevailing local time), ten (10) days after the election and still be counted. (IC 3-12-1-17)

**County Voter Registration Officials, additional resources are available:**

- ***The 2020 Military and Overseas Voters’ Guide***
- ***Standard Operating Procedure VRG 51.1 Handling Ongoing Absentee Applications in SVRS***



# COMMON QUESTIONS ABOUT VOTER REGISTRATION APPLICATIONS

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

**Question 1:** *Is the county voter registration office or the agency that sent in the application (for example, the “BMV”) responsible for attempting to obtain the missing information on the application?*

**Answer 1:** If a county voter registration office receives an incomplete voter registration form from the BMV that does not contain information required to be supplied by the BMV, the county voter registration office shall promptly make one (1) effort to contact the BMV to obtain the information. If the information is not obtained from the BMV not later than seven (7) days after the county voter registration office contacts the BMV, the county office must notify the Indiana Election Division. The Indiana Election Division shall contact the BMV to request that the information be provided to the county voter registration office or that the BMV 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 BMV, the county voter registration office shall process the form as a completed registration application. (IC 3-7-34-6) If the county voter registration office cannot obtain the information from the BMV, and the form is otherwise complete, the county voter registration office shall process the form as an incomplete registration application. (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 “full-service” voter 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. (IC 3-7-34-7)

With regard to hand-delivered or mailed applications, a county voter registration office is responsible for obtaining information from incomplete registration applications using the procedures described in “Incomplete Registration” section page #.

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 1.3 Incomplete Registrations***
- ***Standard Operating Procedure VRG 20.1 Date Received for Incomplete VR Application***
- ***Standard Operating Procedure VRG 9.2 BMV Hopper***

**Question 2:** *Which information is essential to be provided on a voter registration application and must be completed prior to processing?*

**Answer 2:** An application is considered “incomplete” if any of the following information has not been provided by the applicant:

- the name of the applicant;
- residence address (other than the ZIP code);
- date of birth;
- the statement that the applicant is a U.S. citizen;
- the statement that the applicant will be at least 18 years of age on or before the general, municipal, or special Election Day;

- an attached map/or written description if the voter has no residence address with a street number or name;
- the voter identification number or a statement that the applicant has no voter identification number;
- the signature of the applicant on the statement swearing or affirming the applicant's qualifications to vote and to the truth of the statements on the application.

*Checking a box on the application (indicating that the applicant has no voter identification number, or that one meets the age and citizenship requirements) meets the legal standards for "making a statement."*

An application is NOT considered "incomplete" if any of the following information has not been provided by the applicant:

- the applicant fails to state whether the application is a new registration, address change, or name change;
- the Indiana county where the applicant lives;
- gender;
- zip code;
- a previous registration address;
- a telephone number;
- an email address;
- information regarding a change of name; or the date the applicant signed the application.

If an applicant leaves box #5 (Mailing Address) blank and doesn't write the word "Same" indicating the mailing address is the same as the registration address, the county should nevertheless process the application if the registration address provided is one to which the United States Postal Service can deliver mail. These applications should be processed by the county voter registration office and either accepted or rejected, notwithstanding any of this information not being provided by the applicant.

**Question 3:** *What if a registration is submitted on the most recent registration application approved by the Division but the applicant leaves Box #12 of the state VRG-7 or VRG-11 application (which requests a voter identification number or a statement indicating that the applicant has no voter identification number) blank? What if the applicant indicates that the applicant has a voter identification number, but the number is missing from Box #12? (Note: the equivalent voter identification number box on the federal voter registration form is Box #6.)*

**Answer 3:** The application is incomplete and must be processed in accordance with the guidance provided in SOP VRG 8.1, which includes contacting the voter to supply the missing information. (IC 3-7-34)

**County Voter Registration Officials, additional resources are available:**

- **Standard Operating Procedure VRG 18.2 Invalid SS or DLN Numbers**

**Question 4:** *What if a registration is submitted on the most recent registration application approved by the Division but the age or citizenship questions have not been answered?*

**Answer 4:** If the age and citizenship questions were not answered on the original registration application, then the application is incomplete and the county voter registration office shall contact the voter to supply the missing information. The county voter registration office must process the registration application only if the applicant submits a written statement answering the age or citizenship question that was not answered on the original application not later than the twenty-ninth day before the date of the next general election.

**Question 5:** *Can any information that is deemed essential but missing on a voter registration application be filled in by the applicant over the phone?*

**Answer 5:** Yes, some missing information can be provided by the applicant over the phone. If a voter registration official is able to obtain the following information from an applicant over the phone, it can be filled in, initialed by the official, and then processed: first or last name of applicant, residence address of applicant, mailing address of applicant if USPS cannot deliver mail to the residence address, date of birth, or voter identification number or indication that voter has no voter identification number. However, a voter may not register to vote over the phone, as the county voter registration official needs the information first to be submitted in writing to comply with state law, whether that is through the paper voter registration forms, online registration, or electronic submission via the BMV credential transaction.

**Question 6:** *Does a voter who registers at a full-service site like a license branch have to provide additional proof of the voter's residence in Indiana (sometimes called "HAVA additional documentation")?*

**Answer 6:** No, this requirement for additional documentation to prove residence in Indiana only applies to certain individuals who registered by mail, not individuals who registered with a full service voter registration agency even if the full service voter registration agency later delivers the original voter registration application to the county voter registration office by mail. Specifically, the additional residence documentation requirement only applies to those individuals who registered to vote by U.S. mail for the first time **in Indiana** on or after January 1, 2006.

**Question 7:** *Does this proof of Indiana residence (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 hand-delivers the registration applications to the county voter registration office?*

**Answer 7:** **No.** The additional documentation applies only to voter registration applications received in the mail. The Election Division uses a stamp reading "Application Received in person by the Indiana Election Division. Copies of ID DOCUMENTS NOT REQUIRED." to indicate when a registration application has been hand-delivered to the Election Division for mailing to a county voter registration office. A county voter registration office may want to use a similar stamp to identify these applications, particularly when the application has been hand-delivered to the incorrect county, and must be mailed to another county.

**Question 8:** *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 8:** 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 9:** *Do county voter registration officials have to keep a copy of the identification documents provided to the voter registration office?*

**Answer 9:** 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 twenty-four (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.



# VOTER LIST MAINTENANCE

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## **Disfranchisement of Persons Imprisoned Following Conviction**

While this law varies from state-to-state, in Indiana, a person who is ***imprisoned following conviction*** of a crime is ineligible to vote while imprisoned and must 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 currently 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 in Indiana.** (IC 3-7-13-5; IC 3-7-13-6)

Some types of community corrections programs include: work release, electronic monitoring, substance abuse programs, and day reporting. Applicants in these programs are eligible to apply to register to vote.

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 any time during the previous quarter. Additionally, the county sheriff must use the VRG-1 summary sheet when providing this list. 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)

It is vitally important for county voter registration officials to confirm whether or not the individual convicted of a crime is currently in prison. To satisfy state law, only those individuals that are convicted of a crime and are currently in prison after conviction are to be disfranchised. Should the county receive information after the convicted individual has already been released from prison or jail, then the voter should not be disfranchised.

In 2017, the Indiana General Assembly tasked the Indiana Election Division with creating a uniform form for county sheriffs to use when providing their reports to county voter registration officials. State Form VRG-1 County Sheriff Quarterly Report to County Voter Registration Office (IC 3-7-46-6)

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 disfranchised person not later than the day following the day that the voter's registration has been canceled. (Notice of Disfranchisement available through SVRS; IC 3-7-46-9)

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 12.1 DOC Matches***
- ***Standard Operating Procedure VRG 56.2 Notice to Disenfranchised Voters***

## **Death**

A county voter registration office may cancel a voter's registration due to death when notified in one of the following ways:

- 1) through the Indiana Department of Health (DOH) hopper in SVRS (populated by information provided by DOH);
- 2) by receiving a copy of a death certificate;
- 3) by receiving a copy of a notice of estate administration or other notice of death (such as an obituary) published in a newspaper that meets the qualifications to publish legal notices under state law;
- 4) by receiving notice from the Indiana Election Division (IED) of death notices from the Social Security Administration;
- 5) by receiving notice from the IED of out of state deaths through the State and Territorial Exchange of Vital Events (STEVE); and
- 6) by receiving notice from the local health department via reports filed with the county auditor on January 31, April 30, July 31, and October 31 of each year.

A county voter registration office may request additional written information before cancelling a voter under (2) or (3) above if the information contained in the initial notification is not sufficient to identify the person whose registration is to be cancelled. If additional information is not given or is still insufficient to identify the person whose registration is to be cancelled, the county is not required to cancel the person's registration.

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) The State Department of Health is also required to obtain information regarding death of Indiana residents occurring outside of the state and transmit those records to the county no less than on a monthly basis. (IC 3-7-45-5) Each county voter registration office shall cancel the registration of each deceased person listed in these reports. (IC 3-7-45-3)

On a monthly basis, the Indiana Election Division is required 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) These records are provided through the SVRS hopper.

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 3.1 Processing Deaths***

## **Cancellation by Voter**

A voter may choose to cancel the voter's registration, but this request must be in writing and signed by the voter. A voter who requests cancellation should be provided with an "Authorization to Cancel Registration" available through SVRS or by using the VRG-14 form. When this authorization is signed and returned by the voter to the appropriate county voter registration office, the registration must be cancelled.

There is an exception to this requirement. The county voter registration office may rely on written information provided either directly by a voter registration office in another state or forwarded from the Election Division from the office in the other state. If this information is provided directly from the other state to the Indiana county voter registration official, then the out-of-state voter registration official must provide a copy of the voter's signed voter registration application, which indicates the person authorizes cancellation of their previous registration. If the Election Division forwards written notice from another state to an Indiana county voter registration official, then the county should consider this confirmation that the individual is registered in another jurisdiction and has requested cancellation of their Indiana registration. A copy of the actual voter signature is not required to be provided to the county for the voter's status to be moved to be canceled, if the written notice is forwarded by the Election Division. (IC 3-7-43-3) County voter registration officials are advised to review the date the person registered out-of-state and registered in Indiana to confirm which registration is more recent when performing their analysis under this statute.

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)

A county voter registration office that receives authorization from a voter to cancel a voter's registration in another county is not required to forward a paper copy of the authorization to another county if the authorization of cancellation has been transmitted to the county listed on the voter's registration record via SVRS. The county voter registration that received the original authorization to cancel shall retain the paper copy of the authorization until all of the following are satisfied:

- 1) The voter's registration at the residence address in the voter's registration application has been cancelled; and
- 2) The general election immediately following the cancellation of the voter's registration has occurred; and
- 3) Twenty-four (24) months have elapsed following the general election described in subdivision (2). (IC 3-7-43-6; IC 3-10-1-31.1)

## **Use of Declinations for Voter List Maintenance**

A county voter registration office may use a "declination" from a VRG-6 voter registration form forwarded to the county voter registration office by a full-service registration agency (WIC, for example), to send an address confirmation notice - Statewide Address Mailing Confirmation (SAMC, aka former NCOA mailer) notice generated using SVRS - to a voter if the declination indicates that the registered voter who declined to register resides at an address different than the one currently on the registration record. (IC 3-7-38.2-2)

## **Voter Registration Maintenance Programs**

The NVRA and Indiana law 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." (52 USC § 20507, 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 no later than seventy-seven (77) days before each primary, general, or municipal election. (IC 3-7-12-27)

The required voter list maintenance activity includes cancellation of an individual's record from the list for any of the following reasons:

- 1) 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; or
- 3) an inactive voter fails to respond to a notice or otherwise act in accordance with law (52 USC § 20507) within the period prescribed by NVRA, unless the a county voter registration office changed the voter's registration status from inactive to active during that period as a result of the voter's response or other action.

#### Statewide Voter List Maintenance Mailer

The Indiana Election Division is required to conduct a state-funded residency address confirmation and outreach during each odd-numbered year. (IC 3-7-38.2-16.1) As part of this program, the state sends a non-forwardable mailing to each active voter in Indiana at their mailing address, which is then followed up by a second forwardable mailing sent to those whose first mailing was returned as undeliverable as defined in IC 3-5-2-49.7.

The registration record of those who do not respond to the second mailing or for whom the second mailing was also returned as USPS undeliverable as defined in IC 3-5-2-49.7 will be marked as "inactive" at that address. An "inactive" voter remains eligible to vote at their registration address, assuming the individual continues to reside at the address or otherwise qualify to do so under a "fail safe provision." However, if an "inactive" voter fails to vote in any one election during the period in which the next two federal general elections are conducted (November election in even-numbered years) or does not otherwise update their Indiana voter registration, then the individual's registration status is moved to "cancelled" and the person must re-register to vote.

For example, Vickie Voter's registration status at Address A was moved to "inactive" in July 2019. Vickie may vote in any of the November 2019, June 2020, November 2020, May 2021, November 2021, May 2022, or November 2022 elections from Address A and have her registration status moved back to "active," assuming she continues to reside at her registration address and is otherwise qualified. If Vickie did not vote in any of those elections, then her registration status would be moved to "cancelled" after the November, 2022 general election.

Later in this *Guide* are fail-safe provisions that may apply to cancelled voters.

#### Multi-State Voter Registration Data Sharing Program

At least once each year, the Indiana Election Division is also required to obtain information from a number of other states who participate in Interstate Crosscheck Program (also known as "the Kansas program") to determine if voters on the out-of-state lists are also registered in Indiana, and pass that information along to the counties. Pending final resolution of a court case, Indiana is not currently permitted to participate in the Interstate Crosscheck Program.

The Co-Directors of the Election Division shall provide information concerning an Indiana voter who may also be registered in another state participating in the Interstate Crosscheck Program (the Kansas program) to the county voter registration office. However, not all data returned by the Crosscheck program is provided to county voter registration officials. Instead, each data match is scored and must reach a confidence factor of at least 75 points, based on a data scoring model found in Indiana Code 3-7-32.8-5.

No later than December 31 of each year, the Co-Directors shall request that the chief state election official responsible for the administration of the National Voter Registration Act in Florida, Illinois, Kentucky, Michigan and Ohio provide a list of registered voters in that state if the state is not participating in the Kansas program. The Co-Directors are also required to request a list of voters from any other state where the Co-Directors believe that there is a reasonable possibility that a significant number of individuals who have registered to vote in Indiana may also be registered to vote in that state (IC 3-7-38.2-5(c); IC 3-7-38.2-5(d)).

After the scored data is shared through SVRS, the county voter registration official is then required to determine whether the individual: (1) identified in the report provided by the Indiana Election Division is the same individual who is a registered voter of the county; and (2) registered to vote in another state on a date following the date that voter registered in Indiana.

If the county voter registration office determines that a voter is described in items 1 and 2 above, the county voter registration office shall cancel the voter registration of that voter. (IC 3-7-38.2-5(d)) The county voter registration may also flag scored data found in their Crosscheck "hopper" as rejected, more research needed, or accepted. If marked "rejected," the voter's original registration record within SVRS remains unchanged by the Crosscheck program. If marked "more research needed," no action is required until the research is completed. Crosscheck records flagged as "more research needed" leave the voter's record unchanged until the county voter registration official marks the record as "rejected" or "accepted." If marked "accepted" the statute requires that the county voter registration office cancel the voter's registration record. However, a court order currently prohibits the county voter registration office from cancelling a voter registration record under this statute.

The Election Division may provide Indiana voter registration data for an individual to states and local governments participating in Interstate Crosscheck, and, upon written request, to law enforcement officials conducting an investigation.

Additionally, the Election Division may provide Indiana voter registration information to another state implementing a voter list maintenance program to help another state to identify duplicate registration records for the same individual in more than one state. A county voter registration office in Indiana may use voter registration information obtained by the Election Division from another state to send Statewide Address Mailing Confirmation notice (SAMC aka former NCOA mailer) to provide the voter an opportunity to update their registration, cancel their registration, or, if the voter fails to respond, designate the voter registration status as inactive. ( IC 3-7-38.2-2; IC 3-7-38.2-5)

#### USPS National Change of Address Service

The Indiana Election Division is required to submit the names of all registered voters in Indiana to the USPS National Change of Address Service and to notify the county voter registration offices at least once each month regarding any address changes reported by the NCOA program. (IC 3-7-38.2-5; IC 3-7-38.2-8)

#### County Voter List Maintenance Mailer

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 "active" 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.

#### Federal District Court Jury Notice Mailings

No later than January 31 of each even-numbered year, the state requests information from the clerks of the Northern and Southern federal district courts regarding federal jury notices returned as undeliverable and passes along that information to the appropriate county. The Election Division shall provide this information not later than 28-days following the primary election. The county shall send an address confirmation notice (NCOA notice) to the voter identified in the report not later than forty-two (42) days after the primary election. (IC 3-7-38.2-16)

#### Military/Overseas Voters with Army Post Office Addresses or Fleet Post Office Addresses

If in conducting voter list maintenance a county voter registration office is advised that a military/overseas voter's residence may have changed, and if the voter's address in the county voter registration record does not include an "APO" (Army Post Office Address) or "FPO" (Fleet Post Office) designation, then the voter registration office may disregard the notification of change of residence and is not required to act further to take the steps necessary to designate the voter's registration as "inactive."

#### Social Security Administration Death Records

A county voter registration office may cancel the record of a voter who is shown by Social Security Administration records (Death Master File) as deceased, unless the county determines that additional documentation is necessary before cancelling a voter record. These records are provided by Social Security Administration to the Bureau of Motor Vehicles pursuant to an agreement between the two agencies. Death records are also provided directly to the Indiana Election Division through monthly Death Master File reports.

Please be careful when cancelling a voter registration because of a voter's death reported by the Social Security Administration. The cancellation of the registration record of a living voter mistakenly identified as deceased can result in serious difficulties for the voter. However, a voter mistakenly identified as deceased can still vote a regular ballot if the county determines that a certificate of error should be issued. Alternatively, the voter may cast a provisional ballot if willing, which would allow the county election board to review the information on the challenge affidavit to determine if the individual was an eligible voter of the precinct.

# VOTING HISTORY & REDISTRICTING

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## Posting the Vote

Each day after absentee voting concludes at the circuit court clerk's office, a satellite office, or a vote center, the county election board shall direct that absentee vote history be uploaded from each electronic poll list into the SVRS. (IC 3-11-10-29.5) Counties that do not use electronic poll books must keep a record of absentee voting activity in the SVRS. (IC 3-11-4-17)

A county voter registration official is also required by law to update a voter's vote history in SVRS not later than sixty (60) days following each election, unless the county is subject to a post-election recount or contest. If a county experiences a post-election recount or contest, the county shall update SVRS not later than sixty (60) days following the conclusion of the recount or contest and the issuance of the order. (IC 3-10-1-31.2)

In a primary election within an election district in which more than one (1) political party chooses the party's nominees or in which a nonpartisan ballot is available for a voter to vote for an office or on a public question, a voter whose political party is not recorded on the poll list shall be shown on the voter's registration record as having cast an unknown ballot in that primary.

However, if a primary election within an election district in which only one (1) political party chooses its nominees and a nonpartisan ballot is not available, then a voter:

- 1) whose political party recorded on the poll list is not the political party conducting a primary within the election district;
- 2) who is indicated on the poll list as having requested a nonpartisan ballot; or
- 3) whose political party is not recorded on the poll list;

shall be shown on the voter's registration record as having cast a ballot for the political party choosing that political party's nominees in that primary election. (IC 3-10-1-31.3)

## Updating SVRS when Precincts or Election Districts Change

Every voter record is assigned to a precinct, and from there, assigned to the appropriate election districts. Over time, the precinct and election district boundaries will change, and voter records will need to be updated in SVRS.

County commissioners, as the county executive, can alter precinct boundaries pursuant to IC 3-11-1.5. While a county executive may propose precinct boundary changes at any time, the order may not go into effect:

- 1) In even numbered years - from the first day to file a declaration of candidacy in a primary election until the day after a general election.
- 2) In a year when a municipality holds an election to elect municipal officials – January 31 until the day after the municipal election. This only applies to a precinct located wholly or partially in the municipality.

It may be possible for a precinct to be identified as containing a "split," in other words, the precinct boundaries remain the same but part of the precinct is included in another election district.

For example, three county properties in precinct 1 are annexed by Small City. Prior to this annexation, Small City was wholly contained in precinct 2. Rather than draw new precinct boundaries to transfer the three annexed county properties from precinct 1 to precinct 2, the county may choose to create a split "B" in precinct 1 to identify those three properties as within the city, but the remaining part of precinct 1 is now in split "A." In this example, this split tells poll

workers that those living in precinct 1, split A do not vote in the city election but the voters in precinct 1, split B are entitled to vote in the city election.

The Indiana General Assembly is required to reapportion the Congressional Districts and redraw the legislative districts every ten (10) years, in the first year following the decennial census. The next decennial census will be conducted in 2020; therefore, Congressional and state legislative district lines will be redrawn in 2021.

With the exception of Marion, Lake, and St. Joseph counties, the county executive is required to reapportion the four (4) single member county council districts and three (3) county commissioner districts, or certify that the current districts comply with state statute, every ten (10) years in the first year following the decennial census and file a copy of the ordinance adopting or recertifying the districts with the circuit court clerk. (IC 36-2-2-4; IC 36-2-3-4)

With the exception of Marion County, city and town councils are required to reapportion city or town council districts, or certify current districts comply with state statute, every ten (10) years in the second year following a decennial census.

All Indiana school corporations are required to divide or recertify the school board districts every ten (10) years in the first year following a decennial census if the school has districts where only voters who reside in the district may vote for a district representative.

City and town ordinances establishing council districts or certifying existing districts are required to be filed with the circuit court clerk of the county containing the greatest population of the city or town (IC 36-1-6-10; IC 36-4-6-3; IC 36-4-6-4; IC 36-4-6-5; IC 36-5-2-4.1) In the case of a precinct order, the county must follow the process established by IC 3-11-1.5 and work closely with the Election Division on those proposed precinct boundary changes. To create a "precinct split," the circuit court clerk may file a request with the state HAVA administrator to request Election Division co-director approval to authorize the voter records to be designated in a new split precinct.

The county voter registration official is required to update a voter's record in SVRS to reflect any change to precinct or election district assignment.

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure EM 10.2 Posting the Vote in SVRS***
- ***Standard Operating Procedure VRG 53.2 Handling VR Updates on Poll Book without a VRG 4/12 Form in SVRS.***
- ***Standard Operating Procedure VRG 58.2 Voter List Maintenance***



# FAIL SAFE PROCEDURES

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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.

## Fail Safe Procedures Where the Voter's Name Does Not Appear on the Poll List

### 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 after the county "issues" a certificate of error. The voter is not required to wait until the certificate of error arrives at the polling place. In a county using an electronic poll list, the county voter registration official can transmit the certificate of error to a precinct through the electronic poll list. In a county using traditional paper poll lists, the county voter registration official can confirm the issuance of the certificate of error by phone or electronic communication with a poll worker. (IC 3-7-48-1; 3-7-48-2; 3-7-48-3; 3-7-48-4) (Certificate of Error available through SVRS)

A county voter registration office may issue a certificate of error at any time after the poll list for the precinct has been printed or data has been downloaded into an electronic poll book for use on Election Day. 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.

### County Voter Registration Officials, additional resources are available:

- ***Standard Operating Procedure VRG 35.2 Certificates of Error***

### Cancelled Voter

The voter's name is not on the poll list but the county has a record of the voter at the address the voter claims 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) In a county using electronic poll books, the written affirmation by the voter is made on the VRG 4/12 and an oral affirmation by the voter may be documented by the poll clerks on the VRG 4/12. If the electronic poll book can accommodate the addition of a voter's information, the VRG 4/12 is not necessary and the poll workers can add the voter's information, and the voter will sign the electronic poll book.

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)

### Receipt Showing Timely Registration at BMV or Full Service Agency

The voter's name is not on the poll list but the voter appears at a polling place with a receipt from the BMV or other "full service" registration agency (VRG-6) indicating that the voter submitted a registration 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, FSSA, law enforcement agency, or DWD office) they have a right to vote a regular ballot (unless otherwise challenged) if: 1) The date on the receipt indicates the voter applied to register 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. If the county voter registration office determines that the registration application was properly rejected, the voter must be offered the opportunity to 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, the county voter registration office must issue a certificate of error. If the voter produces a timely receipt of registration and the county voter 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 INSERT MONTH/DAY/YEAR, which was within the registration period. Receipt stated registration office address or ID # as INSERT LOCATION, and agency employee as INSERT EMPLOYEE NAME.”

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 to determine why the voter has a receipt but the county received no registration application. (IC 3-7-48-9)

## **Fail Safe Procedures Where the Voter's Name Appears on the Poll List but the Voter's Name or Address Has Changed**

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 located within the same precinct or new name (for example, a new married name). The voter's registration record must be updated to include the new address or new name after the election. In counties using electronic poll books, the voter shall use a VRG 4/12 to update the voter's name or indicate a change of address within the same precinct. (IC 3-7-39-7; IC 3-7-41-2; IC 3-10-1-31.1(e))

In general, a voter who moves from one address within a precinct to another address within the same precinct may vote under a fail-safe provision by indicating their new address in the same precinct in the poll book (or on a VRG 4/12 in counties using electronic poll books). However, if a precinct is partly in a municipality and partly outside of a municipality, and a person moves within the precinct from the part of the precinct within the municipality to the part of the precinct outside the municipality, then the person may not vote a regular ballot in a municipal election under this fail-safe provision. However, the voter could request to vote a provisional ballot. (IC 3-7-39-7)

**County Voter Registration Officials, additional resources are available:**

- **Standard Operating Procedure VRG 41.1 Transfer Within Precinct on Absentee Ballot Application**

Moves Occurring Less than 30-days Before Election

If the voter moved outside of the precinct shown on their registration record to any other precinct in Indiana less than 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* (VRG-4/12 form) and then the voter may proceed to vote a regular ballot in the precinct of their former residence, unless otherwise challenged. (IC 3-10-11-6)

However, in a municipal election year (for example, 2023), a person who moves from outside a municipality to a location inside a municipality or from within a municipality to outside the municipality may not vote in the precinct of the person's former residence in an election held entirely within the municipality. (IC 3-10-11-4) Further clarification on voters moving in or out of a municipality in a split precinct is covered in the section above. (IC 3-7-39-7)

If the voter completes a VRG 4/12 under this fail safe provision, the inspector shall provide the voter with a voter registration application (state VRG-7 or VRG-11, for example) and request that the voter complete and sign the application. If the voter completes the voter registration application, the inspector shall return the application to the county voter registration office.

**NOTE 1:** If the voter indicates that the voter's current residence is located within another county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. The precinct election board shall provide the voter with a voter registration application for the voter to complete and file with the county voter registration office of the county where the voter's current residence address is located. (IC 3-11-8-25.1)

**NOTE 2:** The county that administered the election must mail the 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 (and any new registration application if submitted), to the county in Indiana where the person now resides within thirty (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 must be processed after the election. (IC 3-7-39-5; IC 3-10-1-31.1(e); IC 3-11-8-25.1)

**County Voter Registration Officials, additional resources are available:**

- **Standard Operating Procedure VRG 37.1 Handling VRG 4/12 of Affirmation**

Moves Within the Same County and Same Congressional District

*(Affidavit of Request for Transfer of Voter Registration form VRG 4/12 process)*

**In general election (or even-numbered) years**, if the voter moved 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* (VRG-4/12 form), and then the voter may proceed to vote a regular ballot in the precinct of their former residence, unless otherwise challenged. 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 shall reduce the substance of the affirmation to writing at an appropriate location on the poll list and initial the affirmation. (IC 3-10-12-3.4(e))

In a county using an electronic poll book, the voter may complete the VRG 4/12 or make an oral affirmation that the poll clerks document the oral affirmation on the VRG 4/12 and initial the VRG 4/12. If the electronic poll book has the ability to do so, the oral affirmation may also be captured on the electronic poll book instead of on the VRG 4/12.

If the voter completes a VRG 4/12 under this fail safe provision, the inspector shall provide the voter with a voter registration application (VRG 7 or 11, for example) and request that the voter complete and sign the application. If the voter completes the voter registration application the inspector shall return the application to the county voter registration office.

**NOTE:** 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. The next municipal election year is 2023. (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 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.

This fail-safe provision may also apply for certain types of public questions if the voter continues to reside within the jurisdiction in which the public question applies.

See *Appendix* for "flow" chart outlining the scenarios above. Contact the County Election Board or Indiana Election Division for more information.

#### Presidential Only Ballot (VRG-15 form)

If the voter moved from an Indiana precinct to a new residence outside of Indiana and moved less than thirty (30) days before the general Election Day in presidential election years (for example, 2020), the voter must produce, or sign before the inspector or a judge, or submit with an absentee ballot application, *an Affidavit for Presidential Voting Only (VRG-15)*. Only then may the voter proceed to vote on a ballot in their precinct of their former residence. However, the voter may only be given a ballot to vote for electors for president and vice-president. (IC 3-10-10) This ballot is known as a "presidential-only" ballot, and should only be given to a voter in this specific example.

**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)** When a voter indicates at the polls that the voter's current residence is located outside Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. (IC 3-11-8-25.1(m))

### **Accessing Voter Registration Documents and Poll Lists after an Election**

Although, in general, election records are to be maintained under seal until the time for the filing of a recount or contest has expired, or if a recount or contest is filed until the recount or contest is completed, the county voter registration office may unseal the envelopes containing the poll lists and transfer affidavits to update the registration records of the county beginning immediately after the election. 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 as described above. (IC 3-10-1-31.1) See the "Retention of Election Records" tab of the current version of the *Election Administrator's Manual* for additional discussion of public access to election records.

# PUBLIC RECORDS

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## 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)

Further, the state or a county has discretion whether to disclose administrative or technical information that would jeopardize the statewide voter registration system, or infrastructure information which would disclose the configuration of the statewide voter registration system, in response to a public records request. (IC 5-14-3-4)

In addition, though voter registration applications do not request a full social security number, to the extent a voter registration application or record contains a full social security number the number must be redacted except for the last four digits. (IC 5-14-3-4(a)(12))

A county voter registration office shall, with regard to voter registration information concerning voters of the county in SVRS, act in accordance with the non-discriminatory uniform policy adopted by the county election board regarding providing duplicate copies of a computer disc 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 electronic copies then it must do so according to the non-discriminatory uniform policy. (IC 3-7-27-6(c); IC 5-14-3-3(g)) **The policy should be in written form in the minutes of the county election board.**

**A person requesting any information out of SVRS from a county voter registration office must submit the 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 is not required to create and provide a list, report, or record that has not otherwise been created unless state statute imposes a duty on the county voter registration office to create the list, report, or record. However, if a list, report, or record 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; IC 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 for the unrestricted voter registration file 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 and the clerks of the Northern and Southern District Courts, who are 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 unrestricted voter registration file.

The Indiana Election Division is permitted to provide parts and reports from the voter registration information maintained on the statewide voter registration system to an individual to confirm that voter's registration status, and for certain purposes listed 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, except when the part or report is to be provided to a person who has already paid for an annual subscription for this data. The Election Division can also provide reports which include this restricted information, but do not permit the identification of any individual voter as the result of providing the compilation. (IC 3-7-26.4-4; IC 3-7-26.4-8)

Finally, the state or a county has discretion whether to disclose administrative or technical information that would jeopardize the statewide voter registration system, or infrastructure information which would disclose the configuration of the statewide voter registration system, in response to a public records request. (IC 5-14-3-4)

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure GEN 1.1***

**Attorney General's Address Confidentiality Program for Victims of Domestic Abuse**

Indiana law establishes an address confidentiality program for persons who are victims of domestic abuse, stalking or sexual assault. A person who applies to the Indiana Attorney General and qualifies under this program may designate an address provided by the Attorney General as his or her address for service of process and receipt of mail. **This confidentiality program does not apply automatically to every person who is granted a protective order by a court.**

Like an absent uniformed services voter, a participant in this program is entitled to an absentee ballot in any election that is conducted during the year in which the applicant applied for an absentee ballot. (ABS-Attorney General) The absentee ballot application allows the program participant to provide the address designated by the Attorney General as the mailing address for receipt of the absentee ballot. The name, address, telephone number, and any other identifying information relating to a program participant, as contained in a voting registration record, is confidential for purposes of Indiana's public records law. The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record except (1) To a law enforcement agency, upon written request and (2) as directed by a court order. (IC 3-11-4-6; IC 5-26.5; IC 5-14-3-4(a)(1))

**Address Confidentiality for Elected Officials & Law Enforcement Officers**

Under Indiana law, certain law enforcement officers and public officials may apply to have their home address restricted from disclosure on a "public property database website" maintained by a county, municipality, or township government. (IC 36-1-8.5-7) A "public property database website" refers to an internet website that is:

- 1) available to general public over the Internet;
- 2) does not require registration, subscription, or the creation of a user name and password to search the web site; and
- 3) connects the law enforcement officer or public official's home address to their name, so that a search of the web site for the person's name discloses the covered person's home address. (IC 36-1-8.5-5)

In a primary election, the county election board is required to publish a public notice of election, which includes the name, address, and office sought of each candidate seeking nomination. If a candidate on the primary election ballot has their home address restricted from a "public property database website," then their home address would not be included in the notice of primary election created under IC 3-8-2-19.

However, this would not entitle the person to have their address restricted or made confidential in the statewide voter registration system (SVRS). This is because under Indiana law, the SVRS database is owned and maintained by the State of Indiana through the Indiana Secretary of State and the Indiana Election Division and does not come within the law's definition of a "public property database website." (IC 3-7-26.3-3)

### **Certain Voter Registration Reports to be Provided to County Party Chairmen**

The county voter registration shall provide the following voter registration information to certain county chairmen and candidates as provided by state law:

- 1) A report containing information regarding all registration applications, excluding any confidential information, executed from the beginning of the registration period and ending sixty-five (65) days before a primary, general, or municipal election is to be forwarded not later than sixty (60) days before the election, upon request, to the Democratic, Libertarian, or Republican (bona fide political parties) party chairmen, if the party has at least one (1) candidate on the ballot in the election, and an independent candidate's committee if the candidate is on the ballot in the election. (IC 3-7-28-2)
- 2) A report containing information regarding all registration applications, excluding any confidential information, executed from the period beginning sixty-five (65) days before a primary, general, or municipal election and ending twenty-nine (29) days before the election is to be forwarded daily and within forty-eight (48) hours of the data on which the report was created, upon request, to the Democratic, Libertarian, or Republican (bona fide political parties) party chairmen, if the party has at least one (1) candidate on the ballot in the election, and an independent candidate's committee if the candidate is on the ballot in the election. (IC 3-7-28-3)
- 3) One (1) copy of the registered voter list prepared for the inspector of each precinct under IC 3-7-29-1 shall be furnished to the Democratic and Republican county chairmen, after the county election board receives a written request from the chairman. The copy shall be furnished to the county chairman as soon as the lists are prepared. (IC 3-7-28-4)
  - As soon as the registered voter list is prepared, a copy shall be furnished upon written request to the county chairman of any political party that has at least one (1) candidate on the ballot in the next election; the committee of a candidate whose name will appear on the ballot in the next election; and the county chairman of any other bona fide political party. (IC 3-7-28-5)
    - To qualify as a bona fide political party under IC 3-7-28-5, a political party must file a certification with the clerk of the circuit court of the county that the political party is a bona fide political party together with verifiable factual representations to support the certification. (IC 3-7-28-6)
  - **NOTE:** Notwithstanding IC 5-14-3-3(f), additional copies of the registration lists for the inspectors of each precinct shall be kept open to the public for inspection and copying in the same manner as other public records under IC 5-14-3 at the office of the circuit court clerk or board of registration as soon as the registration lists are completed. (IC 3-7-28-7)
- 4) A list of voters who are mailed voter list maintenance notices under IC 3-7 is to be provided to the following upon request: 1) Democratic and Republican county party chairmen, and 2) the chairmen of a bona fide political party of the county or 3) an independent candidate's committee, if the independent candidate is on the ballot for the next election to be conducted in the county. (IC 3-7-28-8)
- 5) Following the mailing of voter list maintenance notices and the cancellation of a voter's registration under IC 3-7, a master list of precincts showing all persons whose registrations have been cancelled is to be provided to the following upon request: 1) Democratic and Republican county party chairmen, and 2) the chairmen of a bona fide political party of the county or an independent candidate's committee, if the independent

candidate is on the ballot for the next general election to be conducted in the county. (IC 3-7-28-9; IC 3-7-28-10) The master list of copies shall be prepared and furnished not later than fifteen (15) days after a voter's registration has been canceled under the voter list maintenance program. (IC 3-7-28-11)

- 6) A list of deceased persons whose registrations have been canceled is to be provided to the following upon request: 1) Democratic and Republican county party chairmen, and 2) the chairmen of a bona fide political party of the county or an independent candidate's committee, if the independent candidate is on the ballot for the next election to be conducted in the county. A request filed for this report may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request. (IC 3-7-28-12)
- 7) A list of disfranchised voters (that is, individuals who were cancelled following imprisonment after conviction of a crime) whose registrations have been canceled is to be provided to the following upon request: 1) Democratic and Republican county party chairmen, and 2) the chairmen of a bona fide political party of the county or an independent candidate's committee, if the independent candidate is on the ballot for the next general election to be conducted in the county. A request filed for this report may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request. (IC 3-7-28-13)
- 8) A list of the names and addresses of all voters whose registrations have been canceled under IC 3-7 is to be provided to the following upon request: 1) Democratic and Republican county party chairmen, and 2) the chairmen of a bona fide political party of the county or an independent candidate's committee participating in a primary, general, or municipal election. Upon request, the county voter registration office shall report cancellations daily and within forty-eight (48) hours after the day the cancellations were made, until Election Day. A request filed for this report may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request. (IC 3-7-28-14)

## **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.

### Retention of Paper Voter Registration Records

The county voter registration office shall retain a voter's paper registration records associated with the address at which the voter is registered to vote until all of the following are satisfied:

- 4) The voter's registration at the residence address in the voter's registration application has been cancelled;  
and
- 5) The general election immediately following the cancellation of the voter's registration has occurred; and
- 6) Twenty-four (24) months have elapsed following the general election described in subdivision (2).

For example, if a voter's registration is cancelled July 1, 2020, the voter's paper registration records associated with the voter's registration at that address may be disposed of as provided in state law and the county's retention schedule after November 8, 2022. Alternatively, if the voter's registration was cancelled on September 30, 2019, then the cancelled registration can be disposed of after November 8, 2022. (IC 3-10-1-31.1)



**It is critically important to always keep both the original voter registration application and any later documentation related to that registration, such as a VRG 4/12 for any voter who is “active” or “inactive” until the registration is cancelled.** Once cancelled for any reason (death, request for cancellation, voter list maintenance programs, and imprisonment following conviction), most of the documents concerning the cancelled registration (including but not limited to VRG 4/12; VRG-7; VRG-11; VRG-14; federal voter registration form; statewide address confirmation notice [SAMC; formerly known as the NCOA mailer]; a voter completed voter response card [VRC under the statewide voter list maintenance program in IC 3-7-38.2-17] must be kept by the county voter registration official until the following are satisfied:

- 1) The voter's registration at the residence address in the voter's registration application has been cancelled; and
- 2) The general election immediately following the cancellation of the voter's registration has occurred; and twenty-four (24) months have elapsed following the general election described in subdivision (2).(IC 3-10-1-31.1)

#### Retention of Poll Lists & Other Voter Registration Documents

Other documents that must be kept for two (2) years from the date the document was created or received are:

- 1) rejected registration applications;
- 2) declinations to register to vote using the VRG-6 form from full-service agencies;
- 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 or created during the course of a voter list maintenance program (other than a completed voter response card (VRC from a statewide voter list maintenance program or SAMC card);
- 6) any document that identifies the full service voter registration agency where an applicant completed a voter registration application;
- 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 twenty-two (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 twenty-four (24) months. Further, a county may decide it is easier to batch records for destruction according to the year to which they pertain. For example, a policy might state all documents that pertain to the 2020 election may be destroyed on January 1, 2023, which is longer than the minimum 22-month requirement for primary or general election materials such as ballots, poll lists, and tabulator print-outs.

Though not a voter registration document or form, **minutes from the county election board meetings** and certified election results may never be destroyed. Original records must remain on file with the county election official in perpetuity.

## **Scanning Voter Registration Records**

A county voter registration office shall scan a paper document and attach the scanned image of the document to the voter's file in the statewide voter registration system (SVRS) if the paper document creates, amends, or cancels the voter's registration record. In addition, the county voter registration office shall scan a voter registration application that is subsequently rejected and associate it with the rejected record in the SVRS. (IC 3-7-33-8)

**County Voter Registration Officials, additional resources are available:**

- ***Standard Operating Procedure VRG 27.1 Maintaining Voter History***
- ***Standard Operating Procedure VRG 48.1 Storage and Retainage of VR Records***
- ***Current Version of Election Administrator's Manual on "Retention of Election Records"***

# PROCESSING CANDIDATE PETITIONS

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Major party candidates, like candidates running in a primary as a candidate for nomination as President of the United States, U.S. Senator, or Governor, all minor party candidates (other than Libertarian Party candidates), all independent candidates, and all candidates for school board, gain access to the ballot by gathering signatures of registered voters on petition forms. These candidates are required to submit the petitions to the county voter registration office during specified filing periods. Counties are required to certify the number of valid signatures on the petition. In doing so, counties apply the standards for certifying signatures set forth in IC 3-5-6.

Candidates must always use the most current version of the form for filing. (IC 3-5-4-8) The “2020 Forms List” shared on the SVRS county portal contains the forms used in each election and includes the current version number, which is found in the upper corner of the form near the seal of Indiana.

Please note: The content of a petition of nomination will vary slightly depending on the office sought, but the forms are substantially similar with the exception of the CAN-34 used by school board candidates. The images in the examples found in this chapter come from the 2018 CAN-4 petition of nomination for primary ballot placement as a candidate for U.S. Senator. No significant changes have been made for the 2020 versions of the petitions forms with the exception of creating a new petition form for independent candidates running for local office (CAN-21) to separate it from independent candidates running for federal, state legislative, or statewide office (CAN-19). General updates to the forms include revised deadline dates and revision numbers.

The Indiana Election Division publishes an *Indiana Candidate Guide*, which details the filing requirements for the offices on the ballot in the election cycle that year. Generally speaking, a candidate who is nominated by petition must file certified petitions of nomination, a declaration of candidacy or candidate consent form, and in most cases, a statement of economic interests no later than the final date and time set by state law for filing. Filings received after this deadline must be rejected. (IC 3-5-4-1.9)

Candidate filings must be original. No copies or faxed or scanned documents may be accepted for filing, with the exception of the “receipts” provided by certain state agencies, the clerk of the Indiana House or Representatives, and the secretary of the Indiana Senate. (IC 3-5-4-1.7)

Please refer to the *Candidate Guide* to learn more about the filing requirements for each office type.

Effective July 1, 2019, it is a Level 6 felony to pay or offer to pay an individual any property based on the number of petition signatures obtained to place a candidate or public question on a ballot. An individual may continue to be paid for this political activity, but not “directly or indirectly” based on the number of signatures or applications obtained. (IC 3-14-2-1)

## Required Number of Petition Signatures

### Major Party Candidates for U.S. President, U.S. Senate & Indiana Governor

Democratic or Republican candidates seeking nomination in a primary election for U.S. President, U.S. Senate or Indiana governor must collect at least 500 signatures of registered voters in each of Indiana’s nine Congressional district for a minimum amount totaling at least 4,500 statewide. (IC 3-8-3-2; IC 3-8-2-8) The office of U.S. Senate is not on the ballot in 2020. The petition form used by Democratic and Republican presidential primary candidates is CAN-8; the CAN-25 is used for Democratic and Republican primary candidates for governor.

### Minor Party or Independent Candidates

A minor party (other than the Libertarian Party), or independent candidate in Indiana is nominated for placement on the general election ballot by petition of nomination. The candidate must collect signatures of registered voters in the election district that total at least 2% of the total votes cast in the 2018 Secretary of State's race in the election district the candidate wishes to represent to have their name printed on the ballot. (IC 3-8-6-3)

Minor party and independent candidates for local office should request from the county election board the number of certified signatures to qualify for the ballot; candidates for judicial office, including prosecuting attorney, and state legislative, statewide, or federal office should contact the Indiana Election Division for this information.

The Indiana Election Division computes the number of signatures an independent or minor party candidate would need to collect when running for a countywide local office, and publishes the totals in the "Indiana Candidate Guide." However, it is important to note that county election officials should refer to the precinct-level results from the 2018 Secretary of State's race for those local offices that are not comprised of the entire county.

A minor party or independent candidate for federal, statewide, state legislative, or judicial office in 2020 will use the CAN-19 petition form; the CAN-21 will be used by minor party or independent candidates for local office other than candidates for judge or prosecuting attorney. Candidates belonging to the same minor party may include multiple names on the petition of nomination as long as all candidates on the petition are running statewide, in the same congressional or state legislative district, or in the same political subdivision. Independent candidates may only collect signatures on the petition of nomination forms for one independent candidate, as an independent candidate does not affiliate with a political party. (IC 3-8-6-4)

Finally, a petition of nomination is used by a minor party or independent candidate when the candidate wants their name printed on the ballot. Independent or minor party candidates may run as a write-in candidate. That process does not require a petition of nomination (CAN-3). **A write-in candidate's name is never printed on the ballot.**

### **Petitions of Nomination for Federal, State & Local Office**

Petition of nominations for federal, state, and local office are filed with the county voter registration official for certification, unless the county has a separate bi-partisan board of registration. In those counties, the petition of nomination would be filed with the board of voter registration and a declaration of candidacy or candidate consent form would be filed with the county election board or Indiana Election Division, whichever agency is responsible for receiving the filing. Except for federal candidates, candidates for statewide, state legislative, local, school board, and judicial offices, including prosecuting attorney, must also file a statement of economic interests with the appropriate office in order for the filing to be perfected. (*The Indiana Candidate Guide offers those details.*)

When a county receives a petition of nomination, a "master petition" must be set-up within SVRS to assist counties with tracking the number of certified signatures. County users are able to set-up a master petition for local candidates within the SVRS module. If a county office is the first county to receive a petition of nomination for a candidate running for judicial office, prosecuting attorney, and state legislative, statewide, or federal offices, then the county should notify the state HAVA administrator so that a master petition can be set up statewide for all counties to use.

**Figure A** below shows the top third of the CAN-4 petition of nomination, which is substantially similar to other petitions of nomination with the exception of school board (CAN-34). In the space provided, the candidate should provide their name, address and office sought. The name and address of the candidate on the petition of nomination does not necessarily need to reflect the candidate's ballot name or voter registration address, though it is preferred because it is helpful to county election administrators when setting up the "master petition" in SVRS.



At the top of the form the candidate should include their name as the candidate would like for it to appear on the ballot, the candidate's residence address, and the office sought. These are important elements for county election officials and provide necessary guidance for building a ballot. The lower portion of the front page is substantially similar to other petition of nomination for registered voters of the election district to sign.

Unlike the petitions used for major party candidates running for some statewide offices and petition forms used by minor party or independent candidates, the CAN-34 also serves as the candidate's consent to run for office should she procure the required number of certified petition signatures. The back of the form requires the candidate to answer a few questions and include their notarized signature. It is not necessary for the candidate to complete the consent on each petition submitted, if the candidate intends to submit multiple petition pages. Instead, only one consent must be completed.

Finally, a school board candidate must also submit the CAN-12 Statement of Economic Interests:

- at the time of filing the CAN-34 petition for review in counties where the circuit court clerk is the county voter registration office; or
- at the time of filing the CAN-34 petition with the circuit court clerk after the petition has been reviewed by the county board of voter registration (IC 3-8-9-5)

### Processing Petitions of Nomination

Candidates must file petitions of nomination during specific periods of time in the election calendar. **A county voter registration official may not accept a petition before filing opens or after filing closes.** (IC 3-5-4-1.9; IC 3-8-2-10; IC 3-8-2.5-4; IC 3-8-3-1; IC 3-8-6-10). Please consult the current version of the *Indiana Election Calendar: Election Administrator's Edition* for those specific dates and times in 2020.

#### Petition Carriers

Before processing a candidate's petition, a county voter registration official should first look to the bottom of the petition and confirm the petition carrier information is complete (**Figure B**). Each petition submitted to a county voter registration official must have this section completed or the petition may not be processed until it is perfected. (IC 3-6-12, generally)

The petition carrier MUST including the following (IC 3-6-12-7):

- Signature
- Date signed
- Printed name
- Date of birth
- Full address, including the ZIP code

Figure B

Petition Carrier Certification			
I affirm under the penalties for perjury that I have no reason to believe that any individual whose signature appears on this page is ineligible to sign this petition or did not properly complete and sign this page.			
CARRIER'S SIGNATURE _____	CARRIER'S PRINTED NAME _____	CARRIER'S DATE OF BIRTH (month, day, year) _____	DATE SIGNED BY CARRIER (month, day, year) _____, 20__
CARRIER'S FULL ADDRESS, INCLUDING ZIP CODE (number and street, city, state, and ZIP code) _____			

If the petition carrier does NOT comply with these requirements, voter registration officials must accept the filing but do NOT determine the validity of the signatures (IC 3-6-12-8) and give the petition carrier the best possible notice the certification is incomplete (IC 3-6-12-9). The petition carrier has until the petition filing deadline date and hour to correct the error (IC 3-6-12-9(b)). If deadline date passes AND the petition carrier's error has NOT been corrected, then the signatures will not count pursuant to IC 3-6-12-8.

To prevent issues with the petition carrier certification, the Division's advice for counties is to review each signature page before the petition carrier leaves or inform the petition carrier to double check their work before filing to prevent bigger hurdles later in the process.

**NOTE:** A candidate circulating a petition for the candidate's placement on the ballot is considered a petition carrier for purposes of the state law requiring a petition carrier to include the carrier's information on the petition. (IC 3-6-12-2)

Review of petitioner's information & signature

County voter registration officials should consult IC 3-5-6, generally, for guidance on reviewing and certifying petition signatures. State law (IC 3-8-3-2; IC 3-8-2-8) requires a petitioner to include each of the following:

- Petitioner's signature
- Printed name of petitioner
- Residence address of petitioner, as noted in the statewide voter registration system

The petition forms include a field for date of birth, but it is not a required field for the voter to complete. It is an additional data point provided to assist county voter registration officials in searching for the voter in SVRS, but a missing or inaccurate date of birth is not, by itself, a legal reason to reject a signature.

Sometimes a voter's name on the petition does not match the voter's registration record. It is the Division's advice that state law requires the name on the petition **reasonably conform** to the name on the registration record; in other words, the names need not exactly match. (IC 3-5-6-6)

Address variations are left to the county voter registration officials to determine whether or not to accept the voter's signature. State law provides guidance on **whether to approve a voter's signature on a petition if the voter writes** a minor or substantial variation from the voter's address on the voter registration record. One example would be how to handle a situation where a voter left off "North" on their address. (IC 3-5-6-4; IC 3-5-6-5) The county voter registration office must use their judgment based upon the specific facts in each case.

Registration officials should give consideration to the possibility that a signature may not be a perfect match with the signature on file. (IC 3-5-6-6) People get older, become ill or infirm or have a disability, which may impact their ability to write legibly. Additionally, any person can provide assistance to a petitioner who is unable to sign or make their mark (no Power of Attorney (POA) is required), including writing in their signature. In this case, check the back of the petition to see if the individual in question was provided assistance and this assistance was properly documented on the petition form (see **Figure C**).

Figure C

Affidavit of Assistance Provided to Petitioner(s)		
I affirm under the penalties for perjury that I assisted the following petitioners, due to disability, in writing the petitioner's signature, printed name, and residence address on this petition:		
Names of Petitioners Assisted by me: _____		
_____, 20____		
DATE ASSISTANCE PROVIDED (month, day, year)		
_____ ASSISTERS'S SIGNATURE	_____ ASSISTERS'S PRINTED NAME	_____ ASSISTERS'S ADDRESS (number and street, city, state, and ZIP code)

**Figure D** is an example of the signature lines from a petition prescribed by the Indiana Election Division. County voter registration officials are encouraged to use the shaded area to the right of the petitioner's signature and information to aid with certification (the content in the shaded boxes will vary depending on the type of petition of nomination).

Many county officials will also place a checkmark or an “x” on the line number (found on the far left) to aid with their county. **Please avoid marking through the entire line containing the petitioner’s signature and residence information!** Should a challenge be filed, it is important that all lines on the petition remain legible for county election board or Indiana Election Commission scrutiny.

Figure D

	SIGNATURE	PRINTED NAME		DATE OF BIRTH MM/DD/YYYY	RESIDENCE ADDRESS (No P.O. Boxes)			CITY or TOWN & ZIP CODE	Office Use Only Precinct/Ward	Office Use Only Congress District
		First	Last		Number	Street	Apartment			
1										
2										
3										

When processing a petition of nomination for a major party candidate for U.S. President, U.S. Senate, or Indiana Governor seeking the party’s nomination in the June primary election, the county voter registration official must include the Congressional District of each voter as provided for on the form. These candidates must collect 500 signatures in each Congressional District, and this notation is critical when determining if the candidate met this threshold.

While SVRS is designed to “attach” a voter record to a petition within the SVRS petition module, the reporting functions contained within SVRS are a guide and not the final certification made by the county voter registration official. Instead, each type of petition issued by the Indiana Election Division contains an area where the county voter registration official certifies the number of valid signatures contained on each petition, which is the official count for purposes of qualifying for a ballot. **Figure E** below is an example of such an affidavit found on one type of petition of nomination prescribed by the Indiana Election Division.

Figure E

County Voter Registration Office Certification			
County:		Number of Valid Signatures:	
I certify that, in accordance with IC 3-8-2-9, I have reviewed the registration records of the petitioners on this petition and certify the above number to be registered voters of this County.			
I also certify the following Congressional District breakdown of petitioners on this petition who are registered voters:		Number of Voters	Congressional District
Witness my/our hand and seal this		COUNTY SEAL HERE	
_____ day of _____, 2018, at _____, Indiana.			
Signature 1		<input type="checkbox"/> Clerk of the Circuit Court or <input type="checkbox"/> Member of the Board of Registration	
Signature 2		<input type="checkbox"/> Member of the Board of Registration	
County Voter Registration Office Certification			

Note the designation of the “clerk of the circuit court” or “member of the board of registration.” Only a few counties in Indiana have a separate, bi-partisan Board of Registration. In those counties, the co-directors of the board of registration are to sign the certification. For all other counties, the county clerk should sign the certification.

After certifying a petition of nomination, the county voter registration office may, upon the request of the candidate named on the petition, return the original petition to the candidate for filing with the appropriate office. (IC 3-8-2-10(b); IC 3-8-3-4(b); IC 3-8-6-11(e)) Candidates should make arrangements and leave contact information with the county voter registration office, if the candidate would like the original petitions returned to them so that they may prepare for filing with the county election board or Indiana Election Division, whichever office receives their filing under law.

If a candidate for federal, statewide, state legislative, or judicial office, including prosecuting attorney, does not provide direction to the county voter registration official on whether or not the petition is to be returned to the candidate or her



representative, then the county voter registration official may mail certified petitions to the Indiana Election Division. However, the petitions must be received by the Election Division no later than the final date and time set for filing a declaration of candidacy.

Alternatively, a county voter registration may certify and file a petition of nomination for independent or minor party candidates with the public official authorized to place names on the ballot and the town clerk-treasurer, if the petition of nomination is for a town office, not later than the final date and time set for filing a declaration of candidacy. (IC 3-8-6-10(c))

A candidate must file the original certified petitions of nomination with at least the minimum number of certified signatures required by law for the office, and an original declaration of candidacy not later than the final date and time for filing set in state law. **(Faxed, scanned, emailed, or photocopied petitions or declaration of candidacy must be rejected for filing pursuant to state law.)**

Only in a primary election held in even-numbered years will the Indiana Election Division receive certified petitions and declaration of candidacies for U.S. President, U.S. Senator, or Indiana Governor, depending on the election cycle. The Indiana Election Division will notify the candidate if they have qualified for placement on the primary election ballot statewide.

Independent and minor party candidates for federal, statewide, state legislative, and judicial office, including prosecuting attorney, will file with the Indiana Election Division the petitions certified by the county voter registration official, a declaration of candidacy, and a receipt showing the statement of economic interests has been timely filed with the appropriate agency. The Co-Directors of the Election Division will certify to the Secretary of State the required number of signatures to achieve ballot access and the number of certified signatures filed with the Division. The Secretary of State will then certify or deny the candidate's placement on the ballot.

A petition candidate for school board or other local office (other than judge or prosecuting attorney) in a county with a separate board of registration must file the candidate's statement of economic interests (CAN-12) with the circuit court clerk after the signatures on the petitions have been certified by the board of registration. In a county that does not have a separate board of registration, the candidate's statement of economic interests (CAN-12) must be filed with the circuit court clerk at the time the candidate's petitions are filed for review and certification. (IC 3-8-9-5)

Independent and minor party candidates running for local office will file certified petitions and a declaration of candidacy with the county election board. The county clerk must make the determination whether or not the candidate received sufficient number of signatures, and certify or deny the candidate's filing. If the circuit court clerk denies the candidate's certification, then the clerk shall notify the candidate immediately by certified mail. (IC 3-8-6-12(d); IC 3-8-6-12(h))

For school board candidates, the county clerk of the county in which the petitions were filed will certify or deny the certification. If the clerk with whom the petition was filed denies certification, then the clerk shall notify the candidate immediately 1) in person, if the candidate files the petition in person; or 2) by certified mail.

### **Disputing a Certified or Rejected Petition of Nomination**

A candidate may file a CAN-1 challenge to dispute the county voter registration official's failure to certify individual signers as qualified petitioners or the determination by the clerk that the petition has an insufficient number of signatures. The candidate may present their evidence at a hearing called by the county election board or Indiana Election Commission, wherever the petition of nomination is filed. (IC 3-8-1-2(f); IC 3-8-2.5-6)

If the county voter registration official certifies a petition that is lacking the required petition carrier certification, a qualified person (candidate, party chair, or voter in the election district) may file a CAN-1 challenge, which requires a hearing to be conducted by the county election board or Indiana Election Commission, wherever the petition of nomination is filed. (IC 3-6-12-10)

**County Voter Registration Officials, additional resources are available:**

- ***Master Petition Step by Step in SVRS***

# VIOLATIONS AND PENALTIES

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## 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 an evidentiary 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, such as an injunction, or to the county prosecuting attorney for criminal prosecution. (IC 3-6-5-31; IC 3-14-5-3)

**With one exception, 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 prosecuting attorney who will forward the affidavits to the foreman of the grand jury when the jury is next in session.** Those challenge affidavits issued due to a voter needing to provide additional HAVA documentation for certain first time voters need not be transmitted to the grand jury. 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))**

The prosecuting attorney shall preserve the affidavits and envelopes and return the affidavits and envelopes to the circuit court clerk after the completion of any proceeding resulting from the investigation of the affidavits or envelopes. (IC 3-14-5-2(f))

## Penalties

- 1) Indiana election law provides that the following offenses are Level 6 felonies, which subjects a person to up to two and one half years of imprisonment, a \$10,000 fine, or both, upon conviction. The laws cited below should be studied carefully, since they may contain requirements or exemptions that are not set forth in detail here:
- 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. (IC 3-14-2-1)
- 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. (IC 3-14-2-1)
- 5) Knowing that an individual is ineligible to register to vote or to vote, does either of the following: (A) solicits the individual to complete an absentee ballot application; or (B) solicits the individual to submit an absentee ballot application to a county election board. (IC 3-14-2-2.5)
- 6) Knowingly voting or offering to vote at an election when the person is not registered or authorized to vote. (IC 3-14-2-9)

- 7) 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 or knowingly making a false statement to a pollworker or when signing a poll list concerning the voter’s name, residence address or voter identification number. (IC 3-14-2-11)
- 8) Knowingly voting or applying to vote in a name other than the person’s own. (IC 3-14-2-12)
- 9) 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)
- 10) 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)
- 11) 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)
- 12) Knowingly omitting to perform a duty imposed by the election code, if a precinct election officer or public official. (IC 3-14-4-3)
- 13) Paying an individual any property based on the number of petition signatures obtained to place a candidate or public question on a ballot. (An individual may continue to be paid for this political activity, but not “directly or indirectly” based on the number of signatures obtained.) (IC 3-14-2-1)
- 14) Paying or offering to pay an individual any property based on the number of voter registration applications obtained by the individual. (An individual may continue to be paid for this political activity, but not “directly or indirectly” based on the number of applications obtained.) (IC 3-14-2-1)

Indiana election law provides that the following offense is a Class A misdemeanor, which subjects a person to up to one year of imprisonment, a \$10,000 fine, or both, upon conviction: 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)

# APPENDIX

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## **Resources:**

Sample Notice to Certain Voters Required to Provide Additional Documentation

Sample Jury Questionnaire with Voter Registration Questions

Fail Safe Decision Diagrams for Voters Moving Within or Out of State

Public Access Counselor Opinion regarding VRG-24

## **Forms:**

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 – Spanish (VRG-7 Spanish)

Indiana Voter Registration Material Receipt (VRG-8)

Indiana Voter Registration Material Transmittal (VRG-9)

Authorization to Cancel Registration (VRG-14)

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 (for military and overseas voters) (FPCA; Standard Form 76)

**NOTE: The Voter Registration Acknowledgment Notices (VRG-10 and VRG-13a); the Authorization to Cancel Registration (VRG-14); the Notice of Disfranchisement (VRG-17); and the Certificate of Error (VRG-22) are available in an electronic format within SVRS.**

