
HOUSE BILL No. 1028

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-40.5; IC 3-7; IC 3-10; IC 3-11; IC 3-11.5-4-16; IC 3-11.7.

Synopsis: Election day voter registration; voter identification. Permits a voter to register at the polls by completing a voter registration form and an affirmation that the person has not voted elsewhere in the election and by providing proof of identification. Requires that voter registration forms executed at the polls be processed in the same manner as other registrations. Limits to: (1) voters who register on election day; and (2) voters required to provide proof of identification under federal law; the requirement that a voter provide proof of identification. (Under federal law, a voter who has registered by mail for the first time is required to provide proof of identification.) Changes the definition of "proof of identification" to reflect the standards set by federal law. Repeals statutes relating to the requirement that all voters present proof of identification.

Effective: July 1, 2007.

Day

January 8, 2007, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1028



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 40.5. "Proof of identification" refers to a
4 document that satisfies all the following:

- 5 (1) The document shows the name of the individual. ~~to whom the~~
6 ~~document was issued and the name conforms to the name in the~~
7 ~~individual's voter registration record.~~
- 8 (2) The document shows a ~~photograph~~ **the current address** of the
9 individual. ~~to whom the document was issued.~~
- 10 (3) The document includes an expiration date; and the document:
11 (A) is not expired; or
12 (B) expired after the date of the most recent general election.
- 13 (4) The document was issued by the United States or the state of
14 Indiana.
- 15 **is any of the following:**
- 16 (A) **A current and valid photo identification.**
- 17 (B) **A current utility bill.**



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- (C) A current bank statement.
- (D) A current government check.
- (E) A current paycheck.
- (F) A current government document.

SECTION 2. IC 3-7-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The registration period begins December 1 of each year (or the first Monday in December if December 1 falls on a Saturday or Sunday).

(b) The registration period continues through the twenty-ninth day before the date a primary election is scheduled under this title.

(c) The registration period resumes fourteen (14) days after primary election day and continues through the twenty-ninth day before the date a general or municipal election is scheduled under this article.

(d) This subsection applies in each precinct in which a special election is to be conducted. The registration period ceases in that precinct on the twenty-ninth day before a special election is conducted and resumes fourteen (14) days after the special election occurs.

(e) Notwithstanding subsections (b) through (d), a person may register or transfer registration on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49 or IC 3-10-11.

SECTION 3. IC 3-7-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. A person desiring to register or transfer a registration may do so:

- (1) at the office of the circuit court clerk or board of registration through the close of business on the twenty-ninth day before the election is scheduled to occur; **or**
- (2) on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49 or IC 3-10-11.**

SECTION 4. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

- (1) submits an application to register to vote by mail under IC 3-7-22; and
- (2) has not previously voted in:
 - (A) a general election in Indiana (or a special election for federal office in Indiana); or
 - (B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if a statewide voter registration

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1 system is not operational in accordance with the requirements
 2 of IC 3-7-26.3 and 42 U.S.C. 15483 on the date the application
 3 is received by the county voter registration office.

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

6 (1) The individual submits an application to register to vote by
 7 mail under this chapter and includes with that mailing a copy of
 8 (A) a current and valid photo identification; or
 9 (B) a current utility bill, bank statement, government check,
 10 paycheck, or government document;
 11 that shows the name and residence address of the voter stated on
 12 the voter registration application: **proof of identification.**

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

15 (A) the individual's Indiana driver's license number; or
 16 (B) the last four (4) digits of the individual's Social Security
 17 number;
 18 and the county voter registration office or election division
 19 matches the information submitted by the applicant with an
 20 existing Indiana identification record bearing the same number,
 21 name, and date of birth set forth in the voter registration
 22 application.

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

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

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

32 (c) When a county voter registration office receives a voter
 33 registration application by mail, the office shall determine whether the
 34 applicant is subject to the requirements to provide ~~additional~~
 35 ~~documentation under this section and 42 U.S.C. 15483:~~ **proof of**
 36 **identification.**

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

40 (e) If the county voter registration office determines that the
 41 applicant:
 42 (1) is not required to submit ~~additional documentation~~ **proof of**

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1 **identification** under this section; or
2 (2) has provided the ~~documentation~~ **proof of identification**
3 required under this section;
4 the county voter registration office shall process the application in
5 accordance with section 5 of this chapter.
6 (f) If the county voter registration office determines that the
7 applicant is required to submit ~~additional documentation under this~~
8 ~~section and 42 U.S.C. 15483~~, **proof of identification**, the office shall
9 process the application under section 5 of this chapter and, if the
10 applicant is otherwise eligible to vote, add the information concerning
11 ~~this documentation~~ **the proof of identification** to the voter's
12 computerized registration entry under IC 3-7-27-20.2.
13 (g) The county voter registration office shall remove the notation
14 described in subsection (f) after the voter votes in an election for a
15 federal office.
16 SECTION 5. IC 3-7-36-11 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) This section
18 applies only to a person described in subsection (b) who applies to
19 register to vote:
20 (1) after the date described in IC 3-7-13-11; and
21 (2) before the date that the certified list of voters is prepared
22 under IC 3-7-29-1.
23 (b) An absent uniformed services voter who is absent from Indiana
24 during the registration period described in ~~IC 3-7-13-10~~
25 **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would
26 be entitled to register to vote under Indiana law may, upon returning to
27 Indiana during the period described in subsection (a) following
28 discharge from service or reassignment, register to vote by doing the
29 following:
30 (1) Showing either of the following to the circuit court clerk or
31 board of registration:
32 (A) A discharge from service, dated not earlier than the
33 beginning of the registration period that ended on the date
34 described in IC 3-7-13-11, of:
35 (i) the voter;
36 (ii) the voter's spouse; or
37 (iii) the individual of whom the voter is a dependent.
38 (B) A copy of the government movement orders, with a
39 reporting date not earlier than the beginning of the registration
40 period that ended on the date described in IC 3-7-13-11, of:
41 (i) the voter;
42 (ii) the voter's spouse; or

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1 (iii) the individual of whom the voter is a dependent.
 2 (2) Completing a registration affidavit.
 3 (c) A voter who registers under this section may vote at the
 4 upcoming election as provided in this title.
 5 SECTION 6. IC 3-7-36-14 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section
 7 applies to a person described in subsection (b) who applies to register
 8 to vote during the period:
 9 (1) beginning on the date that the certified list of voters is
 10 prepared under IC 3-7-29-1; and
 11 (2) ending at noon election day.
 12 (b) An absent uniformed services voter who is absent from Indiana
 13 during the registration period described in ~~IC 3-7-13-10~~
 14 **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would
 15 be entitled to register to vote under Indiana law may, upon returning to
 16 Indiana during the period described in subsection (a) following
 17 discharge from service or reassignment, register to vote by doing the
 18 following:
 19 (1) Showing either of the following to the county voter
 20 registration office:
 21 (A) A discharge from service, dated not earlier than the
 22 beginning of the registration period that ended on the date
 23 described in IC 3-7-13-11, of:
 24 (i) the voter;
 25 (ii) the voter's spouse; or
 26 (iii) the individual of whom the voter is a dependent.
 27 (B) A copy of the government movement orders, with a
 28 reporting date not earlier than the beginning of the registration
 29 period that ended on the date described in IC 3-7-13-11, of:
 30 (i) the voter;
 31 (ii) the voter's spouse; or
 32 (iii) the individual of whom the voter is a dependent.
 33 (2) Completing a registration affidavit.
 34 (c) **Except as provided in subsection (g)**, a voter who registers
 35 under this section may vote at the upcoming election only by absentee
 36 ballot at the office of the circuit court clerk at the time the voter
 37 registers under this section or at any time after the voter registers under
 38 this section and before noon on election day. A voter who wants to vote
 39 under this subsection must do both of the following:
 40 (1) Complete an application for an absentee ballot.
 41 (2) Sign an affidavit that the voter has not voted at any other
 42 precinct in the election.

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

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

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

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

7 (e) If the county has a board of registration, the board of registration
8 shall promptly deliver the voter's registration affidavit to the circuit
9 court clerk to permit the voter to vote under subsection (c).

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

13 **(g) A person described in subsection (b) may register and vote**
14 **on the day of a primary, general, municipal, school district, or**
15 **special election as provided in IC 3-7-49.**

16 SECTION 7. IC 3-7-48-1 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as otherwise provided
18 by NVRA or in this chapter, a person whose name does not appear on
19 the registration record may not vote, unless:

20 (1) the circuit court clerk or board of registration provides a
21 signed certificate of error in the office where the permanent
22 registration record is kept showing that the voter is legally
23 registered in the precinct where the voter resides;

24 (2) **the voter has registered as provided in IC 3-7-49; or**

25 (3) **the voter has transferred the voter's registration as**
26 **provided in IC 3-10-11.**

27 (b) A person:

28 (1) whose name does not appear on the registration record; **and**

29 (2) **who does not register as provided in IC 3-7-49;**

30 may cast a provisional ballot as provided in IC 3-11.7.

31 SECTION 8. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS
32 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2007]:

34 **Chapter 49. Election Day Registration**

35 **Sec. 1. (a) An individual who is not registered to vote but is**
36 **otherwise qualified to vote shall be allowed to vote at the polls in a**
37 **primary, general, municipal, school district, or special election if**
38 **the individual registers at the polls under this chapter.**

39 **(b) In order to register to vote at a precinct under this chapter,**
40 **the individual:**

41 (1) **must be a resident of the precinct;**

42 (2) **must be otherwise legally qualified to vote under**

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- 1 **IC 3-7-13-1;**
- 2 **(3) may not be registered to vote under IC 3-7-14 through**
- 3 **IC 3-7-23;**
- 4 **(4) may not be qualified to vote under IC 3-7-39-7,**
- 5 **IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12;**
- 6 **and**
- 7 **(5) may not have already voted in the election.**

8 **(c) Before allowing the individual to vote, the poll clerk or other**
 9 **precinct election officer shall require the individual to do the**
 10 **following:**

11 **(1) Complete a voter registration form prescribed by**
 12 **IC 3-7-18, along with the affirmation described in section 3 of**
 13 **this chapter, and sign the form in the presence of two (2)**
 14 **precinct election officers who must be from different political**
 15 **parties. If the county election board has not appointed**
 16 **precinct election officers from more than one (1) political**
 17 **party to the precinct election board, the inspector for the**
 18 **precinct shall sign the form as the second precinct election**
 19 **officer.**

20 **(2) Provide proof of identification.**

21 **Sec. 2. (a) If the individual presents proof of identification as**
 22 **required in section 1 of this chapter, the poll clerk shall add a**
 23 **notation to the poll list indicating the type of document presented**
 24 **by the individual. The election division shall prescribe a**
 25 **standardized coding system to classify documents presented under**
 26 **this subsection for entry into the county voter registration system.**

27 **(b) If an individual is unable to present proof of identification**
 28 **to the poll clerk while present in the polls, the poll clerk shall notify**
 29 **the precinct election board. The board shall provide a provisional**
 30 **ballot to the individual under IC 3-11.7-2.**

31 **(c) The precinct election board shall advise the individual that**
 32 **the individual may file a copy of the proof of identification with:**

- 33 **(1) the county voter registration office; or**
 - 34 **(2) the precinct election board in the voter's precinct;**
- 35 **to permit the provisional ballot to be counted under IC 3-11.7.**

36 **Sec. 3. The commission shall prescribe the affirmation required**
 37 **by section 1(c)(1) of this chapter. The affirmation must include a**
 38 **statement that the individual has not already voted in the election**
 39 **for which the individual is registering to vote.**

40 **Sec. 4. An individual who registers to vote under this chapter:**

- 41 **(1) may not be challenged on the grounds that the individual's**
 42 **registration does not appear in the precinct registration book**

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or poll list; and
(2) is not required to obtain a certificate of error under IC 3-7-48 to vote.

Sec. 5. Before each primary, general, municipal, school district, or special election, the county election board shall provide each precinct election board with a sufficient number of registration forms, affirmations, and statements to meet the reasonable need for the forms under this chapter.

Sec. 6. The precinct election board shall attach the completed registration forms, affirmations, and statements to the poll list for processing by the county voter registration office under IC 3-10-1-31.1.

Sec. 7. (a) The precinct election board shall add the name and address of an individual who registers to vote under this chapter to the poll list of the precinct.

(b) The county voter registration office shall add the name of an individual who registers to vote under this chapter to the registration record of the county.

Sec. 8. The county voter registration office shall process under IC 3-7-33-5 the voter registration forms completed under section 1 of this chapter.

Sec. 9. If a notice mailed under IC 3-7-33-5 to an individual who registered under this chapter is returned as undeliverable, the county voter registration office shall initiate steps under IC 3-7-33-6 to remove the individual from the registration rolls.

Sec. 10. A registration completed under this chapter for which the notice mailed under IC 3-7-33-5 is not returned is effective to the same extent as if the registration had been completed under IC 3-7-14 through IC 3-7-23.

SECTION 9. IC 3-10-1-31.1, AS AMENDED BY P.L.230-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots and other material during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the

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1 election. Except as provided in subsection (d), after the recount or
 2 contest filing period, the election material (except for ballots, which
 3 remain confidential) shall be made available for copying and inspection
 4 under IC 5-14-3. The circuit court clerk shall carefully preserve the
 5 sealed ballots and other material for twenty-two (22) months, as
 6 required by 42 U.S.C. 1974, after which the sealed ballots and other
 7 material are subject to IC 5-15-6 unless an order issued under:

- 8 (1) IC 3-12-6-19 or IC 3-12-11-16; or
 9 (2) 42 U.S.C. 1973;

10 requires the continued preservation of the ballots or other material.

11 (d) If a petition for a recount or contest is filed, the material for that
 12 election remains confidential until completion of the recount or contest.

13 (e) Upon delivery of the poll lists, the county voter registration
 14 office may unseal the envelopes containing the poll lists. For the
 15 purposes of:

- 16 (1) a cancellation of registration conducted under IC 3-7-43
 17 through IC 3-7-46;
 18 (2) a transfer of registration conducted under IC 3-7-39,
 19 IC 3-7-40, or IC 3-7-42;
 20 (3) a change of name made under IC 3-7-41;
 21 (4) adding the registration of a voter under IC 3-7-48-8 or
 22 **IC 3-7-49**; or
 23 (5) recording that a voter subject to IC 3-7-33-4.5 submitted ~~the~~
 24 ~~documentation required under 42 U.S.C. 15483 and IC 3-11-8 or~~
 25 ~~IC 3-11-10~~; **proof of identification**;

26 the county voter registration office may inspect the poll lists and update
 27 the registration record of the county. The county voter registration
 28 office shall use the poll lists to update the registration record to include
 29 the voter's voter identification number if the voter's voter identification
 30 number is not already included in the registration record. Upon
 31 completion of the inspection, the poll list shall be preserved with the
 32 ballots and other materials in the manner prescribed by subsection (c)
 33 for the period prescribed by subsections (c) and (d).

34 (f) This subsection does not apply to ballots. Notwithstanding
 35 subsection (c), if a county voter registration office determines that the
 36 inspection and copying of precinct election material would reveal the
 37 political parties, candidates, and public questions for which an
 38 individual cast an absentee ballot, the county voter registration office
 39 shall keep confidential only that part of the election material necessary
 40 to protect the secrecy of the voter's ballot.

41 (g) After the expiration of the period described in subsection (c) or
 42 (d), the ballots may be destroyed in the manner provided by

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1 IC 3-11-3-31 or transferred to a state educational institution as
2 provided by IC 3-12-2-12.

3 SECTION 10. IC 3-10-8-9 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) If the special
5 election occurs during the period when registration is open under
6 IC 3-7-13, the registration period continues through the twenty-ninth
7 day before the special election occurs and resumes on the date
8 specified by IC 3-7-13-10(d), **except that a person may register or**
9 **transfer registration on the day of a special election as provided in**
10 **IC 3-7-49 or IC 3-10-11.**

11 (b) The election board conducting the special election shall provide
12 poll lists for use at the precincts that include the names of voters in the
13 precinct who:

- 14 (1) have registered through the twenty-ninth day before the
- 15 special election is to be conducted; or
- 16 (2) are absent uniformed services voters or overseas voters
- 17 registered under IC 3-7-36.

18 (c) This subsection applies when a special election is ordered by a
19 court under IC 3-12-8-17 or the state recount commission under
20 IC 3-12-11-18. A candidate may not be placed on the special election
21 ballot unless the candidate was on the ballot or was a declared write-in
22 candidate for the office at the general election preceding the special
23 election.

24 (d) The restrictions on the sale of alcoholic beverages set forth in
25 IC 7.1-5-10-1 apply in each precinct in which the special election is
26 conducted.

27 SECTION 11. IC 3-11-8-15, AS AMENDED BY P.L.230-2005,
28 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2007]: Sec. 15. (a) Only the following persons are permitted
30 in the polls during an election:

- 31 (1) Members of a precinct election board.
- 32 (2) Poll clerks and assistant poll clerks.
- 33 (3) Election sheriffs.
- 34 (4) Deputy election commissioners.
- 35 (5) Pollbook holders and challengers.
- 36 (6) Watchers.
- 37 (7) Voters for the purposes of:
 - 38 (A) voting; or
 - 39 (B) for a voter registering to vote on election day under
 - 40 **IC 3-7-49, filing a copy of the voter's proof of identification**
 - 41 **with the precinct election board in the voter's precinct, so**
 - 42 **that the individual's provisional ballot may be counted**

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under IC 3-11.7.

(8) Minor children accompanying voters as provided under IC 3-11-11-8.

(9) An assistant to a precinct election officer appointed under IC 3-6-6-39.

(10) An individual authorized to assist a voter in accordance with IC 3-11-9.

(11) A member of a county election board, acting on behalf of the board.

(12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).

(13) Either of the following who have been issued credentials signed by the members of the county election board:

- (A) The county chairman of a political party.
- (B) The county vice chairman of a political party.

(14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 12. IC 3-11-8-16, AS AMENDED BY P.L.230-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. A person may not remain within a distance equal to the length of the chute (as defined in IC 3-5-2-10) of the entrance to the polls except for the purpose of:

- (1) offering to vote; or
- (2) for a voter registering to vote on election day under IC 3-7-49, filing a copy of the voter's proof of identification with the precinct election board in the voter's precinct, so that the individual's provisional ballot may be counted under IC 3-11.7.**

SECTION 13. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25.1. (a) Except as provided in

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1 subsection (e), a voter who desires to vote an official ballot at an
 2 election shall provide proof of identification.

3 (b) Except as provided in subsection (e), before the voter proceeds
 4 to vote in the election, a member of the precinct election board shall
 5 ask the voter to provide proof of identification. The voter shall produce
 6 the proof of identification before being permitted to sign the poll list.

7 (c) If:

8 (1) the voter is unable or declines to present the proof of
 9 identification; or

10 (2) a member of the precinct election board determines that the
 11 proof of identification provided by the voter does not qualify as
 12 proof of identification under IC 3-5-2-40.5;

13 a member of the precinct election board shall challenge the voter as
 14 prescribed by this chapter.

15 (d) If the voter executes a challenged voter's affidavit under section
 16 22.1 of this chapter, the voter may:

17 (1) sign the poll list; and

18 (2) receive a provisional ballot.

19 (e) A voter who votes in person at a precinct polling place that is
 20 located at a state licensed care facility where the voter resides is not
 21 required to provide proof of identification before voting in an election.

22 (f) After a voter has passed the challengers or has been sworn in, the
 23 voter shall be instructed by a member of the precinct election board to
 24 proceed to the location where the poll clerks are stationed. The voter
 25 shall announce ~~the voter's name~~ to the poll clerks or assistant poll
 26 clerks **the voter's name and whether the voter wants to register to**
 27 **vote at the polls. If the voter wants to register and meets the**
 28 **conditions set forth in IC 3-7-49, the poll clerk or other precinct**
 29 **election officer shall register the voter in accordance with**
 30 **IC 3-7-49. If the voter is already registered,** a poll clerk, an assistant
 31 poll clerk, or a member of the precinct election board shall require the
 32 voter to write the following on the poll list:

33 (1) The voter's name.

34 (2) Except as provided in subsection (k), the voter's current
 35 residence address.

36 (g) The poll clerk, an assistant poll clerk, or a member of the
 37 precinct election board shall:

38 (1) ask the voter to provide or update the voter's voter
 39 identification number;

40 (2) tell the voter the number the voter may use as a voter
 41 identification number; and

42 (3) explain to the voter that the voter is not required to provide or

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1 update a voter identification number at the polls.

2 (h) The poll clerk, an assistant poll clerk, or a member of the
3 precinct election board shall ask the voter to provide proof of
4 identification.

5 (i) In case of doubt concerning a voter's identity, the precinct
6 election board shall compare the voter's signature with the signature on
7 the affidavit of registration or any certified copy of the signature
8 provided under IC 3-7-29. If the board determines that the voter's
9 signature is authentic, the voter may then vote. If either poll clerk
10 doubts the voter's identity following comparison of the signatures, the
11 poll clerk shall challenge the voter in the manner prescribed by section
12 21 of this chapter.

13 (j) If, in a precinct governed by subsection (g):
14 (1) the poll clerk does not execute a challenger's affidavit; or
15 (2) the voter executes a challenged voter's affidavit under section
16 22.1 of this chapter or executed the affidavit before signing the
17 poll list;
18 the voter may then vote.

19 (k) Each line on a poll list sheet provided to take a voter's current
20 address must include a box under the heading "Address Unchanged"
21 so that a voter whose residence address shown on the poll list is the
22 voter's current residence address may check the box instead of writing
23 the voter's current residence address on the poll list.

24 SECTION 14. IC 3-11-8-25.2, AS AMENDED BY P.L.164-2006,
25 SECTION 101, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2007]: Sec. 25.2. (a) The poll clerk or assistant
27 poll clerk shall examine the list provided under IC 3-7-29-1 to
28 determine if the county election board has indicated that the voter is
29 required to provide ~~additional personal~~ **proof of** identification under 42
30 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or
31 a certification concerning absentee voters under IC 3-11-10-12)
32 indicates that the voter is required to present ~~this~~ **proof of**
33 identification before voting in person, the poll clerk shall advise the
34 voter that the voter must present ~~in addition to the~~ proof of
35 identification required by section 25.1(a) of this chapter; a piece of
36 identification described in subsection (b) to the poll clerk.

37 (b) ~~As required by 42 U.S.C. 15483; and in addition to the proof of~~
38 ~~identification required by section 25.1(a) of this chapter; a voter~~
39 ~~described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5~~
40 ~~before appearing at the polls on election day must present one (1) of the~~
41 ~~following documents to the poll clerk:~~
42 (1) ~~A current and valid photo identification.~~

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1 (2) A current utility bill, bank statement, government check,
2 paycheck, or government document that shows the name and
3 address of the voter.

4 ~~(c)~~ **(b)** If a voter presents a document under subsection (b); **proof of**
5 **identification**, the poll clerk shall add a notation to the list indicating
6 the type of document presented by the voter. The election division shall
7 prescribe a standardized coding system to classify documents presented
8 under this subsection for entry into the county voter registration system.

9 ~~(d)~~ **(c)** If a voter required to present ~~documentation~~ **proof of**
10 **identification** under ~~subsection (b)~~ **this section** is unable to present the
11 ~~documentation~~ **proof of identification** to the poll clerk while present
12 in the polls, the poll clerk shall notify the precinct election board. The
13 board shall provide a provisional ballot to the voter under IC 3-11.7-2.

14 ~~(e)~~ **(d)** The precinct election board shall advise the voter that the
15 voter may file a copy of ~~the documentation~~ **proof of identification**
16 with the county voter registration office to permit the provisional ballot
17 to be counted under IC 3-11.7.

18 SECTION 15. IC 3-11-8-25.5, AS AMENDED BY P.L.164-2006,
19 SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25.5. **(a)** If an individual signs the
20 individual's name and either:
21 individual's name and either:

- 22 (1) signs the individual's address; or
23 (2) checks the "Address Unchanged" box;
24 on the poll list under section 25.1 of this chapter and then leaves the
25 polls without casting a ballot or after casting a provisional ballot, the
26 voter may not be permitted to reenter the polls, ~~to cast a ballot at the~~
27 ~~election.~~ **except as provided by subsection (b).**

28 **(b) An individual who:**
29 **(1) registers to vote on election day under IC 3-7-49; and**
30 **(2) casts a provisional ballot under IC 3-11.7, because the**
31 **individual is unable to present proof of identification;**
32 **is entitled to reenter the polls solely to file a copy of proof of**
33 **identification with the precinct election board in the voter's**
34 **precinct, so that the individual's provisional ballot may be counted**
35 **under IC 3-11.7.**

36 SECTION 16. IC 3-11-10-22, AS AMENDED BY P.L.109-2005,
37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2007]: Sec. 22. (a) If an absentee ballot is challenged under
39 section 21 of this chapter, the absentee voter's application for an
40 absentee ballot shall be considered as the affidavit required to be made
41 by a voter when challenged at the polls while voting in person.

42 **(b) Except as provided in subsection (c);** The challenge procedure

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1 under this section is the same as though the ballot was cast by the voter
2 in person.

3 ~~(c)~~ An absentee voter is not required to provide proof of
4 identification.

5 ~~(d)~~ (e) If a proper affidavit is made that would entitle the absentee
6 voter to vote if the absentee voter had personally appeared, then the
7 absentee ballot shall be placed in the ballot box.

8 SECTION 17. IC 3-11-10-26, AS AMENDED BY P.L.164-2006,
9 SECTION 109, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) As an alternative to voting
11 by mail, a voter is entitled to cast an absentee ballot before an absentee
12 voter board:

13 (1) in the office of the circuit court clerk (or board of elections
14 and registration in a county subject to IC 3-6-5.2); or

15 (2) at a satellite office established under section 26.3 of this
16 chapter.

17 (b) The voter must

18 ~~(1)~~ sign an application on the form prescribed by the commission
19 under IC 3-11-4-5.1 ~~and~~

20 ~~(2)~~ provide proof of identification;

21 before being permitted to vote. The application must be received by the
22 circuit court clerk not later than the time prescribed by IC 3-11-4-3.

23 (c) The voter may vote before the board not more than twenty-nine
24 (29) days nor later than noon on the day before election day.

25 (d) An absent uniformed services voter who is eligible to vote by
26 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
27 may vote before the board not earlier than twenty-nine (29) days before
28 the election and not later than noon on election day. If a voter described
29 by this subsection wishes to cast an absentee ballot during the period
30 beginning at noon on the day before election day and ending at noon on
31 election day, the county election board or absentee voter board may
32 receive and process the ballot at a location designated by resolution of
33 the county election board.

34 (e) The absentee voter board in the office of the circuit court clerk
35 must permit voters to cast absentee ballots under this section for at
36 least seven (7) hours on each of the two (2) Saturdays preceding
37 election day.

38 (f) Notwithstanding subsection (e), in a county with a population of
39 less than twenty thousand (20,000), the absentee voter board in the
40 office of the circuit court clerk, with the approval of the county election
41 board, may reduce the number of hours available to cast absentee
42 ballots under this section to a minimum of four (4) hours on each of the

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1 two (2) Saturdays preceding election day.
 2 (g) As provided by 42 U.S.C. 15481, a voter casting an absentee
 3 ballot under this section must be:
 4 (1) permitted to verify in a private and independent manner the
 5 votes selected by the voter before the ballot is cast and counted;
 6 (2) provided with the opportunity to change the ballot or correct
 7 any error in a private and independent manner before the ballot is
 8 cast and counted, including the opportunity to receive a
 9 replacement ballot if the voter is otherwise unable to change or
 10 correct the ballot; and
 11 (3) notified before the ballot is cast regarding the effect of casting
 12 multiple votes for the office and provided an opportunity to
 13 correct the ballot before the ballot is cast and counted.
 14 (h) As provided by 42 U.S.C. 15481, when an absentee ballot is
 15 provided under this section, the board must also provide the voter with:
 16 (1) information concerning the effect of casting multiple votes for
 17 an office; and
 18 (2) instructions on how to correct the ballot before the ballot is
 19 cast and counted, including the issuance of replacement ballots.
 20 (i) If:
 21 (1) the voter is unable or declines to present the proof of
 22 identification; or
 23 (2) a member of the board determines that the proof of
 24 identification provided by the voter does not qualify as proof of
 25 identification under IC 3-5-2-40.5;
 26 the voter shall be permitted to cast an absentee ballot and the voter's
 27 absentee ballot shall be treated as a provisional ballot.
 28 SECTION 18. IC 3-11.5-4-16, AS AMENDED BY P.L.164-2006,
 29 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) If an absentee ballot is
 31 challenged under section 15 of this chapter, the absentee voter's
 32 application for an absentee ballot shall be considered as the affidavit
 33 required to be made by a voter when challenged at the polls while
 34 voting in person.
 35 (b) Except as provided in subsection (c); The challenge procedure
 36 under this section is the same as though the ballot was cast by the voter
 37 in person.
 38 (c) An absentee voter is not required to provide proof of
 39 identification.
 40 (d) (c) If a proper affidavit by a qualified person in the form
 41 required by IC 3-11-8-22.1 is made that would entitle the absentee
 42 voter to vote if the absentee voter had personally appeared, the couriers

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1 shall return the affidavit to the county election board in the same
2 envelope as the certificate returned under section 9 of this chapter.

3 ~~(c)~~ (d) The absentee ballot cast by the challenged voter shall be
4 counted if the county election board makes the findings required under
5 section 11 of this chapter.

6 SECTION 19. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006,
7 SECTION 121, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As provided by 42 U.S.C.
9 15482, this section applies to the following individuals:

10 (1) An individual:

- 11 (A) whose name does not appear on the registration list; and
- 12 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the
- 13 voter makes an oral or a written affirmation under IC 3-7-48-5
- 14 or IC 3-7-48-7 or after the voter produces a certificate of error
- 15 under IC 3-7-48-1.

16 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
17 IC 3-11-8-27.5 who is challenged as not eligible to vote.

18 (3) An individual who seeks to vote in an election as a result of a
19 court order (or any other order) extending the time established for
20 closing the polls under IC 3-11-8-8.

21 **(4) An individual who is registering to vote at the polls but has**
22 **not presented proof of identification.**

23 (b) As required by 42 U.S.C. 15483, a voter who has registered to
24 vote but has not:

25 (1) presented **proof of identification required under 42 U.S.C.**
26 **15483** to the poll clerk before voting in person under
27 IC 3-11-8-25.1; or

28 ~~(2) filed a copy of the identification required under 42 U.S.C.~~
29 ~~15483 to the county voter registration office before the voter's~~
30 ~~absentee ballot is cast;~~

31 **(2) after July 1, 2007, presented proof of identification to the**
32 **poll clerk before voting in person under IC 3-11-8-25.1;**

33 is entitled to vote a provisional ballot under this article.

34 (c) A precinct election officer shall inform an individual described
35 by subsection (a)(1) or (a)(2) that the individual may cast a provisional
36 ballot if the individual:

- 37 (1) is eligible to vote under IC 3-7-13-1;
- 38 (2) submitted a voter registration application during the
- 39 registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if
- 40 the voter registered under that section); and
- 41 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

42 (d) A precinct election officer shall inform an individual described

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1 by subsection (a)(3) **or (a)(4)** that the individual may cast a provisional
2 ballot.

3 SECTION 20. IC 3-11.7-2-3, AS AMENDED BY P.L.109-2005,
4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2007]: Sec. 3. (a) The precinct election board shall affix to the
6 envelope the challenger's affidavit and the affidavit executed by the
7 provisional voter under section 1 of this chapter.

8 (b) The form of the envelope is prescribed under IC 3-6-4.1-14. The
9 envelope must permit a member of a precinct election board to indicate
10 whether the voter has been issued a provisional ballot as the result of
11 a challenge based on the voter's inability or declination to provide proof
12 of identification, **if required under this title.**

13 (c) Except as provided in subsection (d) and in accordance with 42
14 U.S.C. 15482, the precinct election board shall securely keep the sealed
15 envelope, along with the affidavits affixed to the envelope, in another
16 envelope or container marked "Provisional Ballots".

17 (d) This subsection applies to the sealed envelope and the affidavits
18 affixed to the envelope of a provisional voter described in section
19 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct
20 election board shall keep the sealed envelope or container separate
21 from the envelope or container described in subsection (c). The
22 envelope or container described in this subsection must be labeled
23 "Provisional Ballots Issued After Regular Poll Closing Hours".

24 SECTION 21. IC 3-11.7-5-1.5, AS AMENDED BY P.L.164-2006,
25 SECTION 123, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2007]: Sec. 1.5. (a) Subsection (c) applies to a
27 provisional ballot that the county election board determines, by a
28 majority vote of its members and in accordance with this title:

29 (1) has been marked and cast by a voter in compliance with this
30 title; but

31 (2) may not otherwise be counted solely as the result of the act or
32 failure to act of an election officer.

33 (b) Subsection (c) does not apply to either of the following:

34 (1) A provisional ballot cast by an individual who seeks to vote in
35 an election as the result of a court or other order extending the
36 time established for closing the polls under IC 3-11-8-8 if the
37 county election board determines or is directed under a court or
38 other order that all provisional ballots issued after regular poll
39 closing hours are not to be counted.

40 (2) A provisional ballot that is required to be rejected by a county
41 election board under section 2(b) of this chapter as the result of
42 information or lack of information provided by a voter registration

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agency.
(c) The sealed envelope containing a provisional ballot described in subsection (a) shall nevertheless be opened under section 4 of this chapter and the provisional ballot counted unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is demonstrated. The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

(d) Notwithstanding subsection (c), if the county election board, by a majority vote of its members, determines that there is evidence presented to the board demonstrating that the individual who cast the provisional ballot was ineligible to cast a regular ballot in that precinct, or evidence has been presented to the board demonstrating any other reason set forth in HAVA or this title not to count a provisional ballot, the provisional ballot may not be counted.

(e) This subsection applies to a provisional ballot cast by a voter after the voter was challenged solely because the voter was unable or declined to provide proof of identification **when required under this title** and not for any other reason. If the voter later complies with the requirements of this title for proof of identification, the provisional ballot cast by the voter shall be counted in accordance with sections 2 and 2.5 of this chapter.

(f) This subsection applies to a provisional ballot cast by a voter after the voter was challenged for any reason except the voter's inability or declination to provide proof of identification. If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

- (1) the affidavit of the voter who cast the provisional ballot; and
- (2) the affidavit of a challenger challenging the voter who cast the provisional ballot;

the provisional ballot shall be counted.

SECTION 22. IC 3-11.7-5-2, AS AMENDED BY P.L.103-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

- (1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.
- (2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under ~~IC 3-10-1~~, ~~IC 3-11-8~~, or ~~IC 3-11-10-26~~. **this title.**

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- 1 (3) Based on all the information available to the county election
- 2 board, including:
- 3 (A) information provided by the provisional voter;
- 4 (B) information contained in the county's voter registration
- 5 records; and
- 6 (C) information contained in the statewide voter registration
- 7 file;

8 the provisional voter registered to vote at a registration agency
 9 under this article on a date within the registration period.

10 (b) If the provisional voter has provided information regarding the
 11 registration agency where the provisional voter registered to vote, the
 12 board shall promptly make an inquiry to the agency regarding the
 13 alleged registration. The agency shall respond to the board not later
 14 than noon of the first Friday after the election, indicating whether the
 15 agency's records contain any information regarding the registration. If
 16 the agency does not respond to the board's inquiry, or if the agency
 17 responds that the agency has no record of the alleged registration, the
 18 board shall reject the provisional ballot. The board shall endorse the
 19 ballot with the word "Rejected" and document on the ballot the inquiry
 20 and response, if any, by the agency.

21 (c) Except as provided in section 5 of this chapter, a provisional
 22 ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be
 23 counted if the county election board determines under this article that
 24 the voter filed ~~the documentation required under IC 3-7-33-4.5 and 42~~
 25 ~~U.S.C. 15483~~ **proof of identification** with the county voter registration
 26 office not later than the closing of the polls on election day.

27 SECTION 23. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005,
 28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2007]: Sec. 2.5. (a) A voter who:

- 30 (1) was ~~challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26~~
- 31 ~~as a result of the voter's inability~~ **unable** or ~~declination~~ **declined**
- 32 to provide proof of identification; and
- 33 (2) cast a provisional ballot;

34 may personally appear before the circuit court clerk or the county
 35 election board not later than the deadline specified by section 1 of this
 36 chapter for the county election board to determine whether to count a
 37 provisional ballot.

- 38 (b) Except as provided in subsection (c) or ~~(c)~~; **(d)**, if the voter:
- 39 (1) provides proof of identification to the circuit court clerk or
- 40 county election board; and
- 41 (2) executes an affidavit before the clerk or board, in the form
- 42 prescribed by the commission, affirming under the penalties of

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1 perjury that the voter is the same individual who:
2 (A) personally appeared before the precinct election board;
3 and
4 (B) cast the provisional ballot on election day;
5 the county election board shall find that the voter's provisional ballot
6 is valid and direct that the provisional ballot be opened under section
7 4 of this chapter and processed in accordance with this chapter.
8 (c) If the voter executes an affidavit before the circuit court clerk or
9 county election board, in the form prescribed by the commission,
10 affirming under the penalties of perjury that
11 ~~(1)~~ the voter is the same individual who:
12 ~~(A)~~ (1) personally appeared before the precinct election board;
13 and
14 ~~(B)~~ (2) cast the provisional ballot on election day; and
15 ~~(2)~~ the voter:
16 (A) is:
17 (i) indigent; and
18 (ii) unable to obtain proof of identification without the
19 payment of a fee; or
20 (B) has a religious objection to being photographed;
21 the county election board shall determine whether the voter has been
22 challenged for any reason other than the voter's inability or declination
23 to present proof of identification to the precinct election board.
24 ~~(d)~~ If the county election board determines that the voter described
25 in subsection (c) has been challenged solely for the inability or
26 declination of the voter to provide proof of identification, the county
27 election board shall:
28 (1) find that the voter's provisional ballot is valid; and
29 (2) direct that the provisional ballot be:
30 (A) opened under section 4 of this chapter; and
31 (B) processed in accordance with this chapter.
32 ~~(e)~~ (d) If the county election board determines that a voter described
33 in subsection (b) or (c) has been challenged for a cause other than the
34 voter's inability or declination to provide proof of identification, the
35 board shall:
36 (1) note on the envelope containing the provisional ballot that the
37 voter has complied with the proof of identification requirement;
38 and
39 (2) proceed to determine the validity of the remaining challenges
40 set forth in the challenge affidavit before ruling on the validity of
41 the voter's provisional ballot.
42 ~~(f)~~ (e) If a voter described by subsection (a) fails by the deadline for

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1 counting provisional ballots referenced in subsection (a) to:

2 (1) appear before the county election board; and

3 (2) execute an affidavit in the manner prescribed by subsection
4 (b) or (c);

5 the county election board shall find that the voter's provisional ballot
6 is invalid.

7 SECTION 24. IC 3-11.7-5-3, AS AMENDED BY P.L.103-2005,
8 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2007]: Sec. 3. (a) If the board determines that the affidavit
10 executed by the provisional voter has not been properly executed, that
11 the provisional voter is not a qualified voter of the precinct, that the
12 voter failed to provide proof of identification when required under
13 ~~IC 3-10-1, IC 3-11-8, or IC 3-11-10-26, this title~~, or that the
14 provisional voter did not register to vote at a registration agency under
15 this article on a date within the registration period, the board shall
16 make the following findings:

17 (1) The provisional ballot is invalid.

18 (2) The provisional ballot may not be counted.

19 (3) The provisional ballot envelope containing the ballots cast by
20 the provisional voter may not be opened.

21 (b) If the county election board determines that a provisional ballot
22 is invalid, a notation shall be made on the provisional ballot envelope:
23 "Provisional ballot determined invalid".

24 SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE
25 JULY 1, 2007]: IC 3-10-1-7.2; IC 3-11-10-1.2.

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