U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

This term is not used or defined in Indiana election law. There are statutesdescribing how ballots are to be counted when different types of over-votes occur. Indiana Code 3-12-1-7 sets forth several examples.

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

This term is not used or defined in Indiana election law.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

This term is not used or defined in Indiana election law.

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

This term is not defined in Indiana election law, but is used in Indiana Code 3-12-1 to describe several types of ballots which are considered "void":
IC 3-12-1-2. Ballot void if not properly endorsed; absentee ballots
Sec. 2. (a) This section does not apply to absentee ballots.
(b) The whole ballot may not be counted, subject to section 12 of this chapter, if the ballot is not endorsed or printed with the initials of the poll clerks in accordance with state law.
IC 3-12-1-3. Ballot void if it bears distinguishing mark or mutilation
Sec. 3. The whole ballot is void if the ballot bears any distinguishing mark (other than a voting mark) or a mutilation made by the voter or an election officer with the intent to enable a person to determine who cast the marked or mutilated ballot.
IC 3-12-1-4. Ballot void for extrinsic act; erasures
Sec. 4. (a) The whole ballot is void if a voter does any act extrinsic to the ballot, such as enclosing any paper or other article in the folded ballot, with the intent to enable a person to determine that the voter cast the ballot.
(b) An erasure by a voter does not make the whole ballot void unless made with the intent to enable a person to determine who cast the ballot, but it does not register a vote

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

"Provisional ballot" is defined at Indiana Code 3-5-2-40.6: Sec. 40.6. "Provisional ballot" refers to a ballot cast in accordance with the provisions of IC 3-11.7.

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term "absentee" is not defined in Indiana election law. The procedures and qualifications for voting by absentee ballot are described in detail at Indiana Code 3-11-4 and 3-11-10.

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term "early voting" is not defined or used in Indiana law. As discussed below, Indiana law provides for "no excuse needed" absentee balloting in the county election office before election day, not for "early voting."

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term "active voter" is used for two purposes in Indiana law: to define the maximum number of voters who may be included within a proposed precinct's boundaries (Indiana Code 3-11-1.5-3), and in Indiana Code 3-7-38.2 as part of the description of the National Voter Registration Act process for voter list maintenance. See IC 3-5-2-1.7.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term "inactive voter" is not defined in Indiana law. It is used in Indiana Code 3-7-38.2-2 and 3-7-38.2-10 as part of the description of the National Voter Registration Act process for voter list maintenance.

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Top-down.	

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
NA	

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

County voter registration offices move voters from active status to inactive status, and from inactive status to active status.
The only substantial change to the voter list maintenance process since 2012 is to require the state to perform a statewide outreach mailing every even-numbered year and to require the mailing to be sent only to active voters instead of all registered voters.
For detailed information concerning this process, seeIndiana Code 3-7-38.2.
Indiana Code 3-7-38.2-9 provides that if a county voter registration office determines that a UOCAVA voter is listed with an address that does not include an APO designation, and the county voter registration office is advised that the voter's residence may have changed, the voter registration office "may disregard the notification of change of residence and is not required to act" under IC 3-7-38.2 to reclassify this registration.

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

County voter registration offices move voters from active status to canceled status.
For detailed information concerning this process and the notices and confirmations used, see Indiana Code 3-7-38.2.
Other than as noted in B.2, a different process is not used for UOCAVA voters.

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The statewide voter registration system shares information electronically with the Bureau of Motor Vehicles (and with the federal Social Security Administration through a link via the BMV); with the Indiana Department of Health, and with the Indiana Department of Correction.
The Department of Health database is used to identify deceased voters. The Department of Correction database is used to identify voters who have been imprisoned following conviction.

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

For detailed information concerning the use of the National Change of Address Program, see Indiana Code 3-7-38.2, particularly 3-7-38.2-5 through 3-7-38.2-8.

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

(1) Convicted felons are allowed to register and vote while on parole or probation. A convicted felon is not allowed to register and vote during imprisonment for that crime.
(2) Voting rights are restored when the individual is released from lawful custody and reregisters. A previously cancelled registration is not automatically restored without the individual re-registering through their county Voter Registration office.
(3) No.

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

precincts. Unless a county election board acts otherwise, all in-person votes and absentee ballots are counted by precinct election boards, except for Marion County, whose process was changed in 2013. (or at vote centers in the eight counties using this concept).
A county may choose, by bipartisan resolution, to count all absentee ballots at a central location in the county.
The validity of a provisional ballot is always determined by

2016 Response:

Indiana now has 29 vote center counties

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Votes from centrally counted ballots counted are added to the appropriate precinct's results.

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The results from absentee ballots are reported separately for each precinct.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA ballots are counted in the same manner as other ballots, with the exception that if a full regular absentee ballot is received from a UOCAVA voter after a federal or state write-in ballot is received from that voter, the full regular absentee ballot is counted, not the write-in ballot.
As required by 42 U.S.C. 1973ff-1(c), each county election board submits a report to the Indiana Election Division setting forth the combined number of absentee ballots transmitted by the county election board to absent uniformed

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

State law does not require a reason for voting absentee if a voter casts an absentee ballot in person at the county election board office.
Indiana Code 3-11-10-24 requires a reason for voting absentee if a voter requests an absentee by mail.
Indiana Code 3-11-10-25 requires a reason for voting absentee if a voter requests to cast before an absentee ballot board that visits the voter's place of confinement, residence

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Indiana law permits any voter to cast an absentee ballot in person at the county election office. Some people refer to this procedure as "early voting", although the term is not used in Indiana law. Like all absentee ballots, if an "early voter" is subsequently disqualified before election day (due to death, for example), the absentee ballot of that voter is not counted. These absentee ballots are counted and reported in the same manner as other types of absentee ballots (see paragraph C1).

2016 Response:

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

When an individual is challenged as not eligible to vote (Indiana Code 3-11.7-2-1(a)(1) or (a)(2)).
When an individual seeks to vote in an election as the result of a court order (or other order) extending the time established by state law for closing the polls (Indiana Code 3-11.7-2-1(a)(3))
When an individual is unable or declines to present required proof of identification (Indiana Code 3-11.7-5-2.5)
When an individual has registered to vote by mail, has not previously voted in a general election (or special federal election) in Indiana, and has not presented the additional documentation required by 42 U.S.C. 15483 (Indiana Code 3-11.7-2-1(b))

2016 Response:

When an individual has registered to vote by mail, has not previously voted in a general election (or special federal election) in Indiana, and has not presented the additional documentation required by 52 U.S.C. 21083 (Indiana Code 3-11.7-2-1(b))

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Indiana law provides for recounts upon the request of a candidate or political party chairman involved in any election. Post-election auditing is the core function of a recount. Indiana law also permits a county election board to correct errors in tabulation if the errors are discovered before the final date and hour for filing for a recount (Indiana Code 3-12-5-14).
Audit Process for Direct Record Electronic Voting Systems that show a Discrepancy of 5 or more votes-
At the close of the polls, and after each electronic voting system has been secured and vote total printouts obtained, the inspector shall announce the total number of votes cast on all electronic voting systems and the number of absentee ballots cast and determine whether these totals exceed the number of voters entered into the poll book as either having voted on election day or by absentee ballot. If the number of voters recorded as having voted on the electronic voting system and the number of absentee ballots cast differ from the total number of voters shown on the poll lists as having voted, the inspector and judge of the opposite party shall report this fact in writing to the county election board together with the reasons for the discrepancy, if known, at the time that the inspector and judge return the precinct poll list to the board.
If the total number of votes cast on the electronic voting system and by absentee ballot differ from the number of voters entered on the poll book by 5 or more then the county election board shall order an audit of the votes cast in that precinct.
The county election board shall conduct an audit to confirm that the votes cast for each candidate and on each public question on the electronic voting system were correctly counted. The audit shall employ tests and procedures that are approved by the commission and independent of the provider of the direct record electronic voting system being audited.
The county election board shall certify the results of the audit not later than noon 12 days after the election. The certification must be on the form prescribed by the commission.
One copy of the certified results of the audit shall be filed with the election returns, and one copy must be delivered to the election division.
Public notice of the time and place of an audit shall be given

2016 Response:

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

State law (Indiana Code 3-6-6-40) requires that the poll worker in charge of each polling place (the inspector) attend training conducted by each county election board. Under this law, a county election board can require other poll workers to attend this training.
The training must include information relating to the voting systems used in the county and relating to making polling places and voting systems accessible to elderly voters and voters with a disability.
State law (Indiana Code 3-6-6.5) also created a state certified election worker program, which provides for required course content and recertification after four years. Participation in the state certified election worker program is encouraged, but not required by law.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

State law does not require counties to report the number of "over-votes" or "under-votes" cast at an election for any specific office or for all offices or public questions.

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Additional documentation is required by HAVA for individuals who submit an application to register to vote by mail and who have not previously voted in a general election in Indiana (or a special election for federal office in Indiana). However, if the additional documentation is not presented with the voter registration application, the application is still processed.
On July 1, 2010, Online Voter Registration was added to the IndianaVoters.com website. In order to use the new Online Voter Registration Solution, an applicant must (1) possess a valid and current Indiana Driver License or Indiana State ID that is issued by the Indiana Bureau of Motor Vehicles and (2) the Indiana Bureau of Motor Vehicles must have a signature on-file for the applicant. State law (IC 3-7-32-2) does not require an additional signature by the voter as part of the online registration process. Instead, the applicant's BMV signature is attached by the Online Voter Registration

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Generally speaking, a person voting in person at the polls must present proof of identification that: (1) shows the name of the individual to whom the document was issued, and the voter's name conforms to the name in the individual's voter registration record; (2) shows a photograph of the individual to whom the document was issued; (3) includes an expiration date, and the document is not expired or expired after the date of the most recent federal general election; and (4) was issued by the United States or the State of Indiana. For additional specific information regarding exemptions, procedures, and requirements, see www.in.gov/sos/photoid/
The voter is also required to sign the precinct list of voters (the poll list).

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

For absentee voters casting their ballot by mail: None
For absentee voters casting their ballot before an absentee board in the office of the circuit court clerk: The same identification required for casting an in-person ballot at the polls.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No additional identification is required for a voter casting an absentee ballot under UOCAVA.

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

NA

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Indiana law (Indiana Code 3-11-8-15) lists the individuals who are permitted to be in the polls during an election. Under the definition of "election observer" used in this question, the following individuals would be "election observers" who could be authorized to enter the polls: (1) the Secretary of State (unless that person is a candidate for office); (2) political party county chairman or vice-chairman; (3) watchers, pollbook holders, and challengers; (4) minor children accompanying a voter; and (5) an individual authorized to assist a voter under federal and state law.
All election observers in a polling place are required to possess and present credentials. The Secretary of State has designated deputy secretaries to enter polls as election observers. The Indiana Election Division issues credentials to media watchers who wish to have election observers in multiple counties. County election boards issue credentials to political party chairmen and vice-chairmen. County chairmen of political parties, and in some cases independent candidates, may issue credentials to watchers, challengers, and pollbook holders. County election boards also issue credentials to media watchers who will be observing only within that county.
In 2013, the Indiana General Assembly permitted the state party chairpersons from each political party to appoint a "watcher" in addition to the "watcher" appointed by a county party chairperson.

2016 Response:

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Section 402 grievance procedures were codified at Indiana Code 3-6-4.5. These statutes have not been amended since their enactment in 2003.

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

NA

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

A.2.

Voter Registration

Deadline for third-party delivery of voter registration applications is clarified. IC 3-7-32-8 requires an individual who received the completed voter registration application of another individual to file it within 10 days of receipt and was clarified in 2015 as follows:

1. The 10 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.

2. The 10 day deadline to file a completed registration applies whether a person received a completed a mail-in registration form prescribed by the *United States Election Assistance Commission* (federal form) or by the Election Division.

Voter list maintenance procedures are clarified and expanded. A county voter registration office is required to send county voter registration confirmation mailings to the *mailing* address listed on the voter's registration application for each voter if the voter provides a mailing address that is different than the residence address.

The Election Division shall provide county voter registration officials information in even numbered years concerning any registered voter who appears to no longer reside at the address set forth in the voter's registration record due to a mailing returned to the district courts not later than 28 days following the primary election. The county voter registration office shall send an address confirmation notice to the voter at the voter's mailing address not later than 42 days following the primary election conducted in that year. The requirement to use only information regarding mailings returned to the district courts as "undeliverable due to an unknown or insufficient address" is repealed.

A county voter registration office shall also send an address confirmation notice to an Indiana voter if the BMV provides information indicating that the voter has moved from Indiana to another state.

The current law requiring a county voter registration office to process voter list maintenance mailing responses from voters to update or cancel voter registration records after registration reopens is repealed. A county voter registration office is not required to wait until registration reopens to process updates or cancellation requests on late voter list maintenance mailing responses before the election.

(SEA 466 § 40, 42, 45; Effective date: May 5, 2015 (§ 40, 42), July 1, 2015 (§ 45); Citations affected: IC 3-7-38.2-2, IC 3-7-38.2-16, IC 3-7-39-10)

The statewide voter registration confirmation mailing sent by the Election Division in even numbered years is required to be sent to the *mailing* address listed on the voter's registration application for each voter if the voter provides a mailing address that is different than the residence address.

(SEA 466 § 42; Effective date: May 5, 2015; Citation affected: IC 3-7-38.2-16)

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

The amended law provides that this applies to military overseas voters with "APO" (Army Post Office) designations as well.

(HEA 1139 § 4; Effective date: May 7, 2015; Citation affected: 3-7-38.2-9)

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 multi-state voter registration data sharing program to the county voter registration office if the first name, last name, and date of birth of the Indiana voter is identical to the first name, last name, and date of birth of the voter in the other state.

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

(SEA 466 §§ 29, 41; Effective date: May 5, 2015; Citations affected: IC 3-7-26.4-4, IC 3-7-38.2-5)

A county voter registration office may cancel the record of a voter who is shown by Social Security Administration records 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.

(SEA 466 § 164; Effective date: May 5, 2015; Citation affected: IC 9-24-2.5-13)

Standards for determining a voter's residence are clarified. A person does not gain residence in a precinct "in which the person **is physically present** (as opposed to "*moves into*") for temporary employment, educational purposes, preparing to purchase or occupy a residence, or other purposes if the person does not intend to make a permanent home in the precinct.

A student attending a postsecondary educational institution in Indiana has only one residence address for purposes of the election code, and may register at either of the following addresses but not both:

1. The address where the student lives when the student attends the postsecondary educational institution where the student pursues the student's education.

2. The address where the student lives when the student is not attending the postsecondary educational institution where the student pursues the student's education.

These amendments to the residence standards do not affect any rights accrued, penalties incurred, violations committed, or proceedings begun before July 1, 2015.

(SEA 466 §§ 5 and 6; Effective date: May 5 and July 1, 2015, respectively; Citations affected: IC 3-5-5-0.3[new], IC 3-5-5-7)

Voter Qualifications and Voting Procedures

The right to vote for political party offices is extended to some 17 year-olds. 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 the 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.

(SEA 59 § 1; Effective date: July 1, 2015; Citation affected: IC 3-7-13-3)

Method for determining voters who are eligible to vote when polls close is established. At the close of the polls on election day the circuit court clerk shall designate a person to determine the end of the line of voters at 6:00 p.m. prevailing local time so that the voters in line at that time may vote. The clerk's designee shall make the determination of eligible voters by one of the following methods:

1. Writing down the names of these voters.

2. Stamping the hand of each voter.

3. Standing, or having another individual stand, in line immediately behind the last voter eligible to vote.

(SEA 466 § 111; Effective date: July 1, 2015; Citation affected: IC 3-11-8-11)

Procedures for certain absentee voters to vote on election day are established. A voter who has been mailed, but not received an absentee ballot, may cast a ballot on election day if the voter executes an affidavit affirming that the voter has not received the absentee ballot.

(SEA 466 §§ 125 and 140; Effective date: July 1, 2015 and May 5, 2015, respectively; Citations affected: IC 3-11-10-31, IC 3-11-1.5-4-18)

In a county that counts absentee ballots at a central location, a voter who has been mailed an absentee ballot and received the ballot, but not returned the absentee ballot before election day, may return the absentee ballot to the inspector and vote at the polls (prior law required a voter to return the absentee ballot to the county election board).

(SEA 466 § 140; Effective date: May 5, 2015; Citation affected: IC 3-11-1.5-4-18)

New fail-safe procedures for counties that use electronic poll books are established. In a county that uses an electronic poll books, a voter may make either a written affirmation, or an *oral* affirmation, that the voter has changed residence within the last 30 days before the election or changed residence within the same county or congressional district (and within the same municipality during municipal elections). The written affirmation shall be made on a VRG 4/12. An oral affirmation shall be documented in writing on the VRG 4/12 by the poll clerks who shall initial the writing on the VRG 4/12.

A voter in a county that uses electronic poll books may indicate a name change on the VRG 4-12 affidavit form provided to the precincts or make an oral affirmation of the change to the poll clerks who document the oral affirmation in writing on the VRG 4/12 and initial the writing on the VRG 4/12.

(SEA 466 §§ 43, 47, 84, 87; Effective date: July 1, 2015; Citations affected: IC 3-7-39-6, IC 3-7-41-3, IC 3-10-11-4, IC 3-10-12-4)

Changes are made to the content of fail-safe affidavits. The requirement that the VRG 15 form used by a voter who moves from Indiana to another state less than 30 days before a presidential election to vote for president only contain the voter's birthplace is repealed. In addition, the VRG 4/12 form used for voters who move from one precinct to another precinct in Indiana less than 30 days before the election in order to vote

in the voter's former precinct of residence must contain the following two questions: "Are you a citizen of the United States of America?" and "Will you be at least 18 years of age on or before election day?"

(SEA 466 §§ 82 and 85; Effective date: July 1, 2015; Citation affected: IC 3-10-10-7; IC 3-10-11-5)

More recent voter signatures may be used for signature comparison on election day. A precinct election board may use a more recent signature of the voter from an absentee ballot application, poll list, electronic poll list or registration document provided by the county voter registration office to compare with the voter's signature on a poll list or electronic poll book to confirm the voter's identity (prior law only permitted comparison using a voter's signature on the voter's application for registration or on the paper poll list).

(SEA 466 § 115; Effective date: July 1, 2015; Citation affected: IC 3-11-8-25.1)

Cell phones and other devices are permitted in the polls and voters may consult lists of candidates when voting. Voters are permitted to possess cell phones and other electronic devices in the polls as long as electioneering or disruptive conversations do not occur. A voter may also bring into the polling place a list of candidates and public questions for the voter's use in voting, including a list stored on a cellular telephone or similar electronic device, as long as electioneering does not occur.

In addition, a voter may converse with others in the polls but may not do so in a loud or disruptive manner (prior law prohibited any conversation other than with the precinct election board).

(SEA 466 §§ 112-114; Effective date: July 1, 2015; Citations affected: IC 3-11-8-17.5[new], IC 3-11-8-18, IC 3-11-8-18.5[new])

Absentee Voting Procedures

Time for voting by absentee travel board expanded. An absentee travel board may visit a voter with illness or injury, or a voter caring for a voter with illness or injury, at the voter's place confinement or residence during any of the 19 days before election day (rather than during the 12 days before election day under prior law).

(SEA 466 § 120; Effective date: July 1, 2015; Citation affected: IC 3-11-10-25)

Method for submitting an absentee ballot application is expanded. Any voter (rather than only a military or overseas voter) may submit an absentee ballot application to the county election board by electronic mail with a digital image of the application and signature of the applicant.

(SEA 466 § 98; Effective date: Effective date: July 1, 2015; Citations affected: IC 3-11-4-4)

An additional procedure provided for a voter who is unable to sign absentee ballot application. If a voter is unable to sign an absentee ballot application, and has not designated an attorney in fact, then the voter may designate any individual to assist the voter (other than the voter's employer or union representative) to sign the application on behalf of the voter and add the individual's name to the application. (Prior law permitted the county election board to designate an individual to do so.)

(SEA 466 § 96; Effective date: July 1, 2015; Citation affected: IC 3-11-4-2)

Reference in Indiana law modified to account for FAX and email transmission of ballots to military and overseas voters. References to an absentee ballot being "mailed" is updated to "transmitted" in recognition of the fact that absentee ballots may be provided to military and overseas voters by FAX or email as well as by mail.

(HEA 1139 § 21; Effective date: May 7, 2015; Citation affected: IC 3-11-4-18)

Procedure for assisting an absentee voter voting in-person is clarified. A person who assists a voter who is voting absentee in-person at the clerk's office or satellite office must sign the same affidavit as a person who assists a voter at the polls on election day.

(SEA 466 § 117; Effective date: July 1, 2015; Citation affected: IC 3-11-9-2)

Signature comparison procedure for voters voting absentee on electronic voting system is modified. For absentee votes cast on an electronic voting system, a county election board must adopt procedures for to compare the signature on the voter's absentee ballot application with the applicant's signature on a voter registration record (which may include the voter's signature on a paper poll list, electronic poll list, or other registration document). Under prior law, the comparison was required to be made with the signature on the voter's original voter registration application. This requirement does not apply if the county is using an electronic poll books in absentee voting, since in that case an absentee ballot application is not required.

(SEA 466 §§ 122; Effective date: July 1, 2015; Citation affected: IC 3-11-10-26.2)

Additional reasons are added for voters who request to vote absentee by mail. A voter who is a serious sex offender (as defined in IC 35-42-4-14(a)) is entitled to vote by mail. In addition, a voter prevented from voting due to the unavailability of transportation to the polls is entitled to vote absentee by mail.

(SEA 522 § 1 and 3; Effective date: July 1, 2015; Citations affected: IC 3-11-10-24, IC 35-42-4-14[new])
(SEA 466 § 119; Effective date: July 1, 2015; Citation affected: IC 3-11-10-24)

Absentee voting procedure for address confidentiality voters is modified. A reference to "residence" is stricken as a requirement for the absentee ballot application form used by Attorney General's address confidentiality program participants since these individuals use the Attorney General's office as their "legal" residence on their absentee ballot application even though they do not reside at the Attorney General's office.

(SEA 466 § 99; Effective date: May 5, 2015; Citation affected: IC 3-11-4-5.1)

Ballots, Voting Systems and Electronic Poll Books

Ballot instructions and vote tabulation logic for at-large races are modified. A voter who wishes to cast a ballot for a candidate for election to an at-large district in a general or municipal election for county council, township board, city common council, or town council on a ballot card voting system or an electronic voting system must make a voting mark for each individual candidate for whom the voter wishes to cast a vote in order for the vote to be counted. A ballot card voting system or electronic voting system may not count any straight party ticket voting mark as a vote for any candidate for at-large offices. At-large contests for county council, township board, city common council, or town council shall be listed on the ballot after all other offices and candidates and before school board offices and candidates.

The straight party voting instruction for ballot card voting systems and electronic voting systems that contain at-large races must conform as nearly as possible to the following:

(1) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, except for candidates described in (2) below, make a voting mark on or in this circle and do not make any other marks on this ballot.
(2) To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot), you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.

In a general election, the straight party instruction for a ballot card voting system may be placed on the ballot beside or above the party names and devices. The straight party instruction for an electronic voting system may be placed on the ballot beside or above the party names and devices or in a location within the voting booth that permits the voter to easily read the instructions.

In addition, a ballot card voting system and an electronic voting system that contains an at-large race on the ballot must include the following instruction immediately below the name of the office and above the name of the first candidate in the at-large race:

> Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.

(SEA 61 §§ 4-10, 15-20, 22- 25; Effective date: March 21, 2016; Citations affected: IC 3-11-2-10, IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.4[New], IC 3-11-2-12.9, IC 3-11-7-4, IC 3-11-7-11.5, IC 3-11-7.5-10, IC 3-11-13-11, IC 3-11-13-14, IC 3-11-13-31.7, IC 3-11-14-3.5, IC 3-11-14-23, IC 3-12-1-5, IC 3-12-1-7, IC 3-12-1-7.5, IC 3-12-1-8)

The definition of ballot is amended. The definition of "ballot" is amended to include the electronic display of candidates, offices, and parties on modern electronic touch screen voting systems.

The amendment made to the definition of ballot does not affect any rights accrued, penalties incurred, violations committed, or proceedings begun before July 1, 2015.

(SEA 466 §§ 1 and 5; Effective date: May 5, 2015; Citations affected: IC 3-5-2-3, IC 3-5-5-0.3 [new])

Public testing procedures for hybrid voting systems specified. A public test of a voting system that includes features of both a ballot card and electronic voting system (hybrid) must be conducted by the entry of a preaudited group of ballots and at least 10 ballots cast by using the headphone or a sip/puff device so as to record a predetermined number of valid votes for each candidate and on each public question. The public test must also include at least 1 ballot for each office and public question that has votes in excess of the number allowed by law in order to test the ability of the voting system to reject the overvotes.

(SEA 466 § 128; Effective date: May 5, 2015; Citation affected: IC 3-11-13-24)

Testing procedures for reprogrammed or reprinted ballots are provided. If ballots have been reprinted or reprogrammed after the public test for the voting system because a candidate, political party, or public question was omitted from the ballot or a ballot vacancy has occurred and a successor candidate appointed, then an additional public test must be conducted for the reprinted or reprogrammed ballot for either a ballot card voting system, an electronic voting system, or a "hybrid" voting system with features of both an

electronic and ballot card voting system. If an additional public test is required, notice of the test must be given under the Open Door Law but that publication of a legal notice in a qualifying newspaper is not required for the additional public test.

(SEA 466 §§ 127, 130, 131; Effective date: May 5, 2015; Citations affected: IC 3-11-13-22, IC 3-11-14.5-1, IC 3-11-14.5-2)

Additional procedures for auditing electronic voting systems are enacted. Before a county election board orders an audit of an electronic voting system based on a discrepancy between the number of votes cast at the polls and the number of voters who received a ballot (or returned an absentee ballot), the county election board shall recheck the computations reported by the inspector and judge of the opposite party used to determine the existence of the discrepancy.

The county election board must certify the results of a post-election audit no later than 13 days after the election (rather than 12 days, since the 12th day after an election always falls on a Sunday).

(SEA 466 §§ 148; Effective date: July, 2015; Citation affected: IC 3-12-3.5-8)

Additional changes to electronic poll book standards and training requirements are made. An electronic poll book is required to receive information regarding when the voter received a ballot (rather than cast a ballot). In addition, an electronic poll book may display the voter's signature from the voter's registration signature or a more recent signature from an absentee ballot application, poll list, electronic poll book, or registration document.

Electronic poll book vendors required to train election officials. After December 31, 2015, an electronic poll book vendor shall provide sufficient training to election officials and poll workers to completely familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with Voting System Oversight Program.

(SEA 466 § 109; Effective date: May 5, 2015; Citation affected: IC 3-11-8-10.3)

Option is provided for counties to use electronic poll books for absentee voting only. A county election board may adopt an order to either use electronic poll books at all locations where voting will be conducted or only for absentee voting within the clerk's office and satellite absentee voting offices.

If a county has adopted an order to use electronic poll books only for absentee voting within the clerk's office and satellite absentee voting offices, then the county election board is not required to transmit information from electronic poll books to precincts on election day or to generate reports for political parties, watchers, or independent candidates on election day.

(SEA 466 §§ 34; Effective date: July 1, 2015; Citations affected: IC 3-7-29-6, IC 3-11-8-10.4[new])

Absentee ballot application is no longer required for in-person absentee voting in counties using electronic poll books.

(SEA 466 § 95; Effective date: July 1, 2015; Citation affected: IC 3-11-4-1.5[new])

A vendor is required to report problems with an electronic poll book. A vendor with a certified electronic poll book must file a written report with the Secretary of State within 48 hours after any anomaly

or problem is discovered with an electronic poll books on or after the date absentee ballots are first transmitted to voters. The report must describe the anomaly or problem.

(SEA 466 § 134; Effective date: May 5, 2015; Citation affected: IC 3-11-18.1-14)