

# HOUSE BILL No. 1097

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2-11.3; IC 3-7; IC 3-10-8-9; IC 3-11; IC 3-11.7-2-1; IC 3-12-4-6.

**Synopsis:** Same day registration; close of the polls. Provides that the polls close at 8 p.m. (Under current law, the polls must close at 6 p.m.) 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 residence.

**Effective:** January 1, 2017.

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January 19, 2016, read first time and referred to Committee on Elections and Apportionment.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1097

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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 3-5-2-11.3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2017]: **Sec. 11.3. "Close of the polls" refers to the**  
4 **time that the polls are set to close under IC 3-11-8-8.**

5 SECTION 2. IC 3-7-13-10.5 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
7 JANUARY 1, 2017]: **Sec. 10.5. Notwithstanding section 10 of this**  
8 **chapter, an individual may register or transfer registration on the**  
9 **day of a primary, general, municipal, school district, or special**  
10 **election as provided in IC 3-7-49.**

11 SECTION 3. IC 3-7-13-11 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 11. A person  
13 desiring to register or transfer a registration may do so:

- 14 (1) at the office of the circuit court clerk or board of registration  
15 through the close of business on the twenty-ninth day before the  
16 election is scheduled to occur; **or**  
17 (2) **on the day of a primary, general, municipal, school**



1           **district, or special election as provided in IC 3-7-49 or**  
 2           **IC 3-10-11.**

3           SECTION 4. IC 3-7-36-14, AS AMENDED BY P.L.76-2014,  
 4           SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5           JANUARY 1, 2017]: Sec. 14. (a) This section applies to a person  
 6           described in subsection (b) who applies to register to vote during the  
 7           period:

- 8                   (1) beginning on the seventh day before election day; and  
 9                   (2) ending at noon election day.

10           (b) An absent uniformed services voter who is absent from Indiana  
 11           during the registration period applicable to the voter under this chapter  
 12           and who otherwise would be entitled to register to vote under Indiana  
 13           law may, upon returning to Indiana during the period described in  
 14           subsection (a) following discharge from service or reassignment,  
 15           register to vote by doing the following:

16                   (1) Showing either of the following to the county voter  
 17                   registration office:

18                           (A) A discharge from service, dated not earlier than the  
 19                           beginning of the registration period that ended on the eighth  
 20                           day before election day, of:

- 21                                   (i) the voter;  
 22                                   (ii) the voter's spouse; or  
 23                                   (iii) the individual of whom the voter is a dependent.

24                           (B) A copy of the government movement orders, with a  
 25                           reporting date not earlier than the beginning of the registration  
 26                           period that ended on the eighth day before election day, of:

- 27                                   (i) the voter;  
 28                                   (ii) the voter's spouse; or  
 29                                   (iii) the individual of whom the voter is a dependent.

30                   (2) Completing a registration affidavit.

31           (c) **Except as provided in subsection (g)**, a voter who registers  
 32           under this section may vote at the upcoming election only by absentee  
 33           ballot at the office of the circuit court clerk at the time the voter  
 34           registers under this section or at any time after the voter registers under  
 35           this section and before noon on election day. A voter who wants to vote  
 36           under this subsection must do both of the following:

- 37                   (1) Complete an application for an absentee ballot.  
 38                   (2) Sign an affidavit that the voter has not voted at any other  
 39                   precinct in the election.

40           The voter may vote at subsequent elections as otherwise provided in  
 41           this title.

42           (d) If the voter votes by absentee ballot under this section, the



1 circuit court clerk shall do the following:

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

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

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

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

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

13 SECTION 5. IC 3-7-48-1, AS AMENDED BY P.L.271-2013,  
14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JANUARY 1, 2017]: Sec. 1. (a) Except as otherwise provided by  
16 NVRA or in this chapter, a person whose name does not appear on the  
17 registration record may not vote, unless:

18 (1) the county voter registration office issues a signed certificate  
19 of error immediately available for inspection in the county voter  
20 registration office showing that the voter is legally registered in  
21 the precinct where the voter resides; **or**

22 **(2) the voter has registered as provided in IC 3-7-49.**

23 (b) A person:

24 (1) whose name does not appear on the registration record; **and**  
25 **(2) who does not register as provided in IC 3-7-49;**

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

27 SECTION 6. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS  
28 A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE  
29 JANUARY 1, 2017]:

30 **Chapter 49. Election Day Registration**

31 **Sec. 1. (a) A person who is not registered to vote but is otherwise**  
32 **qualified to vote shall be allowed to vote at the polls in a primary,**  
33 **general, municipal, school district, or special election if the person**  
34 **registers at the polls under this chapter.**

35 **(b) In order to register to vote at a precinct under this chapter,**  
36 **a person:**

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

38 **(2) must be otherwise legally qualified to vote under**  
39 **IC 3-7-13-1;**

40 **(3) may not be registered to vote under IC 3-7-14 through**  
41 **IC 3-7-22;**

42 **(4) may not be qualified to vote under IC 3-7-39-7,**



1           **IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12;**  
 2           **and**

3           **(5) may not have already voted in the election.**

4           **(c) Before allowing a person to vote under this chapter, the poll**  
 5           **clerk or other precinct election officer shall require the person to**  
 6           **do the following:**

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

16           **(2) Provide acceptable proof of residence.**

17           **Sec. 2. (a) For purposes of this chapter, one (1) of the following**  
 18           **forms of identification is acceptable as proof of residence:**

19           **(1) A current and valid photo identification.**

20           **(2) A current utility bill, bank statement, government check,**  
 21           **paycheck, or government document that shows the name and**  
 22           **address of the person registering to vote.**

23           **(3) A statement signed by any other voter in the precinct that**  
 24           **corroborates the information on the voter's registration form**  
 25           **concerning the residency of the person registering to vote. The**  
 26           **corroborator must provide the identification listed in**  
 27           **subdivision (1) or (2) as proof of the corroborator's residence**  
 28           **and must sign the statement in the presence of two (2)**  
 29           **precinct election officers who must be from different political**  
 30           **parties. If the county election board has not appointed**  
 31           **precinct election officers from more than one (1) political**  
 32           **party to the precinct election board, the inspector for the**  
 33           **precinct shall sign the form as the second precinct election**  
 34           **officer. The commission shall prescribe the form of the**  
 35           **statement.**

36           **(b) If a person presents a document under subsection (a), the**  
 37           **poll clerk shall add a notation to the poll list indicating the type of**  
 38           **document presented by the person. The election division shall**  
 39           **prescribe a standardized coding system to classify documents**  
 40           **presented under subsection (a) for entry into the county voter**  
 41           **registration system.**

42           **(c) If a person is unable to present the documentation required**



1 under subsection (a) to the poll clerk while present at the polls, the  
 2 poll clerk shall notify the precinct election board. The board shall  
 3 provide a provisional ballot to the person under IC 3-11.7-2.

4 (d) The precinct election board shall advise the person that the  
 5 person must file a copy of the documentation required under  
 6 subsection (a) with:

7 (1) the county voter registration office; or

8 (2) the precinct election board in the voter's precinct;

9 to permit the provisional ballot to be counted under IC 3-11.7.

10 Sec. 3. The commission shall prescribe the affirmation required  
 11 under section 1(c)(1) of this chapter. The affirmation must include  
 12 a statement that the person has not already voted at the election for  
 13 which the person is registering to vote.

14 Sec. 4. A person who registers to vote under this chapter:

15 (1) may not be challenged on the grounds that the person's  
 16 registration does not appear in the precinct registration book  
 17 or poll list; and

18 (2) is not required to obtain a certificate of error under  
 19 IC 3-7-48 to vote.

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

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

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

32 (b) The county voter registration office shall add to the  
 33 registration record of the county the name of a person who  
 34 registers to vote under this chapter.

35 Sec. 8. The county voter registration office shall process under  
 36 IC 3-7-33-5 the voter registration forms completed under section  
 37 1 of this chapter.

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

42 Sec. 10. A registration completed under this chapter for which



1 **the notice mailed under IC 3-7-33-5 is not returned is effective to**  
 2 **the same extent as if the registration had been completed under**  
 3 **IC 3-7-14 through IC 3-7-22.**

4 SECTION 7. IC 3-10-8-9, AS AMENDED BY P.L.10-2010,  
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JANUARY 1, 2017]: Sec. 9. (a) If the special election occurs during  
 7 the period when registration is open under IC 3-7-13, the registration  
 8 period continues through the twenty-ninth day before the special  
 9 election occurs and resumes on the date specified by IC 3-7-13-10(d),  
 10 **except that a person may register or transfer registration on the**  
 11 **day of a special election as provided in IC 3-7-49.**

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

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

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

25 SECTION 8. IC 3-11-4-18, AS AMENDED BY P.L.169-2015,  
 26 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JANUARY 1, 2017]: Sec. 18. (a) If a voter satisfies any  
 28 of the qualifications described in IC 3-11-10-24 that entitle a voter to  
 29 cast an absentee ballot by mail, the county election board shall, at the  
 30 request of the voter, mail the official ballot, postage fully prepaid, to  
 31 the voter at the address stated in the application.

32 (b) If the county election board mails an absentee ballot to a voter  
 33 required to file additional documentation with the county voter  
 34 registration office before voting by absentee ballot under this chapter,  
 35 the board shall include a notice to the voter in the envelope mailed to  
 36 the voter under section 20 of this chapter. The notice must inform the  
 37 voter that the voter must file the additional documentation required  
 38 under IC 3-7-33-4.5 with the county voter registration office not later  
 39 than noon on election day for the absentee ballot to be counted as an  
 40 absentee ballot, and that, if the documentation required under  
 41 IC 3-7-33-4.5 is filed after noon and before ~~6 p.m.~~ **the close of the**  
 42 **polls** on election day, the ballot will be processed as a provisional



1 ballot. The election division shall prescribe the form of this notice  
2 under IC 3-5-4-8.

3 (c) Except as provided in this subsection, section 18.5 of this  
4 chapter, or IC 3-11-10-26.5, the ballot shall be transmitted:

- 5 (1) on the day of the receipt of the voter's application; or  
6 (2) not more than five (5) days after the date of delivery of the  
7 ballots under section 15 of this chapter;

8 whichever is later. If the election board determines that the county  
9 voter registration office has received an application from the applicant  
10 for registration at an address within the precinct indicated on the  
11 application, and the election board determines that this application is  
12 pending under IC 3-7-33, the ballot shall be mailed on the date the  
13 county voter registration office indicates under ~~IC 3-7-33-5(f)~~  
14 **IC 3-7-33-5** that the applicant is a registered voter.

15 (d) As required by 52 U.S.C. 21081, an election board shall  
16 establish a voter education program (specific to a paper ballot or  
17 optical scan ballot card provided as an absentee ballot under this  
18 chapter) to notify a voter of the effect of casting multiple votes for a  
19 single office.

20 (e) As provided by 52 U.S.C. 21081, when an absentee ballot is  
21 transmitted under this section, the mailing must include:

- 22 (1) information concerning the effect of casting multiple votes for  
23 an office; and  
24 (2) instructions on how to correct the ballot before the ballot is  
25 cast and counted, including the issuance of replacement ballots.

26 SECTION 9. IC 3-11-8-8 IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JANUARY 1, 2017]: Sec. 8. The polls in each precinct  
28 open at 6 a.m. and close at ~~6~~ **8** p.m. on election day.

29 SECTION 10. IC 3-11-8-15, AS AMENDED BY P.L.194-2013,  
30 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JANUARY 1, 2017]: Sec. 15. (a) Only the following persons are  
32 permitted in the polls during an election:

- 33 (1) Members of a precinct election board.  
34 (2) Poll clerks and assistant poll clerks.  
35 (3) Election sheriffs.  
36 (4) Deputy election commissioners.  
37 (5) Pollbook holders and challengers.  
38 (6) Watchers.  
39 (7) Voters for the purposes of:  
40 (A) voting; **or**  
41 (B) **for voters registering to vote on election day under**  
42 **IC 3-7-49, filing a copy of the documentation required by**





- 1           **IC 3-7-49-2(a) with the precinct election board in the**  
 2           **voter's precinct so that the voter's provisional ballot may**  
 3           **be counted under IC 3-11.7.**  
 4           (8) Minor children accompanying voters as provided under  
 5           IC 3-11-11-8.  
 6           (9) An assistant to a precinct election officer appointed under  
 7           IC 3-6-6-39.  
 8           (10) An individual authorized to assist a voter in accordance with  
 9           IC 3-11-9.  
 10          (11) A member of a county election board, acting on behalf of the  
 11          board.  
 12          (12) A mechanic authorized to act on behalf of a county election  
 13          board to repair a voting system (if the mechanic bears credentials  
 14          signed by each member of the board).  
 15          (13) Either of the following who have been issued credentials  
 16          signed by the members of the county election board:  
 17                  (A) The county chairman of a political party.  
 18                  (B) The county vice chairman of a political party.  
 19          However, a county chairman or a county vice chairman who is a  
 20          candidate for nomination or election to office at the election may  
 21          not enter the polls under this subdivision.  
 22          (14) The secretary of state, as chief election officer of the state,  
 23          unless the individual serving as secretary of state is a candidate  
 24          for nomination or election to an office at the election.  
 25          (b) This subsection applies to a simulated election for minors  
 26          conducted with the authorization of the county election board. An  
 27          individual participating in the simulated election may be in the polls for  
 28          the purpose of voting. A person supervising the simulated election may  
 29          be in the polls to perform the supervision.  
 30          (c) The inspector of a precinct has authority over all simulated  
 31          election activities conducted under subsection (b) and shall ensure that  
 32          the simulated election activities do not interfere with the election  
 33          conducted in that polling place.  
 34          SECTION 11. IC 3-11-8-16, AS AMENDED BY P.L.230-2005,  
 35          SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36          JANUARY 1, 2017]: Sec. 16. A person may not remain within a  
 37          distance equal to the length of the chute (as defined in IC 3-5-2-10) of  
 38          the entrance to the polls except for the purpose of:  
 39                  **(1) offering to vote; or**  
 40                  **(2) for voters registering to vote on election day under**  
 41                  **IC 3-7-49, filing a copy of the documentation required by**  
 42                  **IC 3-7-49-2(a) with the precinct election board in the voter's**



1           **precinct so that the voter's provisional ballot may be counted**  
 2           **under IC 3-11.7.**

3           SECTION 12. IC 3-11-8-25.1, AS AMENDED BY P.L.169-2015,  
 4           SECTION 115, IS AMENDED TO READ AS FOLLOWS  
 5           [EFFECTIVE JANUARY 1, 2017]: Sec. 25.1. (a) Except as provided  
 6           in subsection (e), a voter who desires to vote an official ballot at an  
 7           election shall provide proof of identification.

8           (b) Except as provided in subsection (e), before the voter proceeds  
 9           to vote in the election, a precinct election officer shall ask the voter to  
 10          provide proof of identification. One (1) of each of the precinct election  
 11          officers nominated by each county chairman of a major political party  
 12          of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter  
 13          to provide proof of identification. The voter shall produce the proof of  
 14          identification to each precinct officer requesting the proof of  
 15          identification before being permitted to sign the poll list.

16          (c) If:

17           (1) the voter is unable or declines to present the proof of  
 18           identification; or

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

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

24          (d) If the voter executes a challenged voter's affidavit under section  
 25          22.1 of this chapter, the voter may:

26           (1) sign the poll list; and

27           (2) receive a provisional ballot.

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

31          (f) After a voter has passed the challengers or has been sworn in, the  
 32          voter shall be instructed by a member of the precinct election board to  
 33          proceed to the location where the poll clerks are stationed. In a vote  
 34          center county using an electronic poll list, two (2) election officers who  
 35          are not members of the same political party must be present when a  
 36          voter signs in on the electronic poll list. The voter shall announce ~~the~~  
 37          voter's name to the poll clerks or assistant poll clerks **the voter's name**  
 38          **and whether the voter wants to register to vote at the polls. If the**  
 39          **voter wants to register and meets the conditions set forth in**  
 40          **IC 3-7-49, the poll clerk or other precinct election officer shall**  
 41          **register the voter in accordance with IC 3-7-49. If the voter is**  
 42          **already registered,** a poll clerk, an assistant poll clerk, or a member



1 of the precinct election board shall require the voter to write the  
 2 following on the poll list or to provide the following information for  
 3 entry into the electronic poll list:

4 (1) The voter's name.

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

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

9 (1) ask the voter to provide or update the voter's voter  
 10 identification number;

11 (2) tell the voter the number the voter may use as a voter  
 12 identification number; and

13 (3) explain to the voter that the voter is not required to provide or  
 14 update a voter identification number at the polls.

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

18 (i) In case of doubt concerning a voter's identity, the precinct  
 19 election board shall compare the voter's signature with the signature on  
 20 the voter's registration record provided by the county voter registration  
 21 office under IC 3-7-29. If the board determines that the voter's  
 22 signature is authentic, the voter may then vote. If either poll clerk  
 23 doubts the voter's identity following comparison of the signatures, the  
 24 poll clerk shall challenge the voter in the manner prescribed by section  
 25 21 of this chapter.

26 (j) If:

27 (1) the poll clerk does not execute a challenger's affidavit; or

28 (2) the voter executes a challenged voter's affidavit under section  
 29 22.1 of this chapter or executed the affidavit before signing the  
 30 poll list;

31 the voter may then vote.

32 (k) The electronic poll book (or each line on a poll list sheet  
 33 provided to take a voter's current address) must include a box under the  
 34 heading "Address Unchanged" so that the voter may check the box  
 35 instead of writing the voter's current address on the poll list, or if an  
 36 electronic poll book is used, the poll clerk may check the box after  
 37 stating to the voter the address shown on the electronic poll book and  
 38 receiving an oral affirmation from the voter that the voter's residence  
 39 address shown on the poll list is the voter's current residence address  
 40 instead of writing the voter's current residence address on the poll list  
 41 or reentering the address in the electronic poll book.

42 (l) If the voter indicates that the voter's current residence is located



1 within another county in Indiana, the voter is considered to have  
 2 directed the county voter registration office of the county where the  
 3 precinct is located to cancel the voter registration record within the  
 4 county. The precinct election board shall provide the voter with a voter  
 5 registration application for the voter to complete and file with the  
 6 county voter registration office of the county where the voter's current  
 7 residence address is located.

8 (m) If the voter indicates that the voter's current residence is located  
 9 outside Indiana, the voter is considered to have directed the county  
 10 voter registration office of the county where the precinct is located to  
 11 cancel the voter registration record within the county.

12 SECTION 13. IC 3-11-8-25.5, AS AMENDED BY P.L.271-2013,  
 13 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JANUARY 1, 2017]: Sec. 25.5. (a) If an individual signs the  
 15 individual's name and either:

- 16 (1) signs the individual's address; or  
 17 (2) checks the "Address Unchanged" box;

18 on the poll list or provides the information for entry by the poll clerk  
 19 into the electronic poll list under section 25.1 of this chapter and then  
 20 leaves the polls without casting a ballot or after casting a provisional  
 21 ballot, the voter may not be permitted to reenter the polls, ~~to cast a~~  
 22 ~~ballot at the election:~~ **except as provided by subsection (b).**

23 **(b) An individual who:**

- 24 **(1) registers to vote on election day under IC 3-7-49; and**  
 25 **(2) casts a provisional ballot under IC 3-11.7 because the**  
 26 **individual is unable to present the documentation required**  
 27 **under IC 3-7-49-2(a);**

28 **is entitled to reenter the polls solely to file a copy of the**  
 29 **documentation required under IC 3-7-49-2(a) with the precinct**  
 30 **election board in the individual's precinct so that the individual's**  
 31 **provisional ballot may be counted under IC 3-11.7.**

32 SECTION 14. IC 3-11-10-11, AS AMENDED BY P.L.221-2005,  
 33 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JANUARY 1, 2017]: Sec. 11. (a) On election day each circuit court  
 35 clerk (or an agent of the clerk) shall visit the appropriate post office to  
 36 accept delivery of absentee envelopes at the latest possible time that  
 37 will permit delivery of the ballots to the appropriate precinct election  
 38 boards before ~~6 p.m.~~ **the close of the polls.**

39 (b) Not later than noon on election day, the county voter registration  
 40 office shall visit the appropriate post office to accept delivery of mail  
 41 containing documentation submitted by a voter to comply with  
 42 IC 3-7-33-4.5. The office shall immediately notify the county election



1 board regarding the filing of this documentation to permit the board to  
 2 provide certification of this filing to the appropriate precinct election  
 3 boards before ~~6 p.m.~~ **the close of the polls.**

4 SECTION 15. IC 3-11-14-19 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 19. Each county  
 6 election board shall be at its office from 5 a.m. until ~~6 p.m.~~ **the close of**  
 7 **the polls** on election day. Upon notice that an electronic voting system  
 8 is out of order or fails to work, the board shall be ready between those  
 9 hours to deliver to any precinct in the county:

- 10 (1) necessary paper ballots;
- 11 (2) election booths with an adequate number of stalls;
- 12 (3) ballot boxes; and
- 13 (4) all necessary supplies and equipment as required by law.

14 SECTION 16. IC 3-11.7-2-1, AS AMENDED BY P.L.128-2015,  
 15 SECTION 201, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) ~~As provided by 52~~  
 17 ~~U.S.C. 21082~~; This section applies to the following individuals:

- 18 (1) An individual:
  - 19 (A) whose name does not appear on the registration list; and
  - 20 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the
  - 21 voter makes an oral or a written affirmation under IC 3-7-48-5
  - 22 or IC 3-7-48-7 or after the voter produces a certificate of error
  - 23 under IC 3-7-48-1.
- 24 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
- 25 IC 3-11-8-27.5 who is challenged as not eligible to vote.
- 26 (3) An individual who seeks to vote in an election as a result of a
- 27 court order (or any other order) extending the time established for
- 28 closing the polls under IC 3-11-8-8.

29 **(4) An individual who is registering to vote at the polls but has**  
 30 **not presented identification required under IC 3-7-49-2.**

31 (b) ~~As required by 52 U.S.C. 21083~~; A voter who has registered to  
 32 vote but has not:

- 33 (1) presented identification required under 52 U.S.C. 21083 to the
- 34 poll clerk before voting in person under IC 3-11-8-25.1; ~~or~~
- 35 (2) filed a copy of the identification required under 52 U.S.C.
- 36 21083 to the county voter registration office before the voter's
- 37 absentee ballot is cast; ~~or~~
- 38 **(3) presented identification required under IC 3-7-49-2 to the**
- 39 **poll clerk before voting in person under IC 3-11-8-25.1;**

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

41 (c) A precinct election officer shall inform an individual described  
 42 by subsection (a)(1) or (a)(2) that the individual may cast a provisional



- 1 ballot if the individual:
- 2 (1) is eligible to vote under IC 3-7-13-1;
- 3 (2) submitted a voter registration application during the
- 4 registration period described by IC 3-7-13-10; and
- 5 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.
- 6 (d) A precinct election officer shall inform an individual described
- 7 by subsection (a)(3) that the individual may cast a provisional ballot.
- 8 SECTION 17. IC 3-12-4-6 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) At ~~6 p.m.~~
- 10 **the close of the polls** on each election day, the county election board
- 11 shall assemble in a room to canvass the certificates, poll lists, and tally
- 12 papers returned by each inspector in the county and to declare the
- 13 results of the election as provided in this chapter.
- 14 (b) The canvassing must be performed in public under IC 5-14-1.5.
- 15 However, the board may restrict access to parts of the room where
- 16 election material is being handled or transported to safeguard the
- 17 material.
- 18 (c) Except as provided in section 7 of this chapter, the county
- 19 executive shall provide a room in the courthouse that contains adequate
- 20 space to permit members of the public to witness the canvassing of
- 21 votes.

