

HOUSE BILL No. 1151

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7; IC 9-24-2.5.

Synopsis: Voter registration. Provides that an application to obtain or renew a motor vehicle driver's license or permit or an identification card serves as a voter registration application unless the applicant expressly declines on the application to register to vote. Provides that a voter becomes registered to vote when the county voter registration office determines the voter appears to be eligible to vote at the address on the voter's voter registration application. Requires a county voter registration office to note that a voter is in inactive status if the notice of voter registration is returned by the United States Postal Service due to an unknown or insufficient address. Eliminates the seven day period during which a voter's voter registration application is considered pending.

Effective: January 1, 2017.

Wright

January 7, 2016, read first time and referred to Committee on Elections and Apportionment.



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. 1151

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 3-7-14-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) Except as provided in
3 ~~subsection subsections (b) and (c)~~, the definitions in IC 9-13-2 apply
4 to this chapter.

5 **(b) A reference to an "application" in this chapter is a reference**
6 **to an application to obtain or renew a motor vehicle driver's**
7 **license or permit or an identification card unless otherwise stated.**

8 ~~(b)~~ (c) A reference to the "commission" in this chapter is a reference
9 to the Indiana election commission unless otherwise stated.

10 SECTION 2. IC 3-7-14-4, AS AMENDED BY P.L.128-2015,
11 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JANUARY 1, 2017]: Sec. 4. (a) An application ~~to obtain or renew a~~
13 ~~motor vehicle driver's license, permit, or identification card~~ serves as
14 an application for voter registration:

- 15 (1) under this article; and
- 16 (2) as provided in 52 U.S.C. 20504(a)(1). ~~unless the applicant~~
17 ~~fails to sign~~



1 **(b) An individual's signature on an application is considered the**
 2 **individual's signature for the individual's** voter registration
 3 application.

4 SECTION 3. IC 3-7-14-5, AS AMENDED BY P.L.128-2015,
 5 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2017]: Sec. 5. **As provided in 52 U.S.C. 20504(c)(1);**
 7 The bureau of motor vehicles commission shall **design each**
 8 **application form to include the information required for** a voter
 9 registration application form as a part of the application for a driver's
 10 license prescribed under **IC 9-24: required by Indiana law.**

11 SECTION 4. IC 3-7-14-6, AS AMENDED BY P.L.169-2015,
 12 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2017]: Sec. 6. The **bureau of motor vehicles**
 14 **commission and the election division shall prescribe the jointly**
 15 **design of the registration application form** required under section 5 of
 16 this chapter.

17 SECTION 5. IC 3-7-14-7 IS REPEALED [EFFECTIVE JANUARY
 18 1, 2017]. Sec. 7. **As provided in 52 U.S.C. 20504(c)(2); the registration**
 19 **form described in section 5 of this chapter must meet the following**
 20 **requirements:**

21 (1) The form may not require information that duplicates
 22 information required in the driver's license application part of the
 23 form; except as set forth in subdivision (3):

24 (2) The form may require only the minimum amount of
 25 information necessary to do the following:

26 (A) Prevent duplication of voter registrations:

27 (B) Permit the circuit court clerk or board of registration to:

28 (i) assess the eligibility of the applicant; and

29 (ii) administer the election and voter registration system:

30 (3) The form must include a statement that does the following:

31 (A) Sets forth each eligibility requirement for registration
 32 (including citizenship):

33 (B) Contains an attestation that the applicant meets each of the
 34 eligibility requirements:

35 (C) Requires the signature of the applicant; under penalty of
 36 perjury:

37 (4) The form must include the following; in print that is identical
 38 to the print used in the attestation part of the application:

39 (A) Information setting forth the penalties provided by law for
 40 submission of a false voter registration application:

41 (B) A statement that; if an applicant declines to register to
 42 vote; the fact that the applicant has declined to register will



1 remain confidential and will be used only for voter registration
2 purposes.

3 (C) A statement that if an applicant does register to vote, the
4 office at which the applicant submits a voter registration
5 application will remain confidential and will be used only for
6 voter registration purposes.

7 SECTION 6. IC 3-7-14-7.1 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
9 JANUARY 1, 2017]: **Sec. 7.1. The application form described in
10 section 5 of this chapter must meet the following requirements:**

11 **(1) The form must obtain all information required for a
12 driver's license or permit or an identification card.**

13 **(2) The form may require only the minimum amount of
14 information necessary to do the following:**

15 **(A) Prevent duplication of voter registrations.**

16 **(B) Permit the circuit court clerk or board of registration
17 to:**

18 **(i) assess the eligibility of the applicant; and**

19 **(ii) administer the election and voter registration system.**

20 **(3) The form must set forth each eligibility requirement for
21 voter registration, including citizenship.**

22 **(4) The form must contain each of the following options, one
23 (1) of which an applicant may select as provided on the form:**

24 **(A) The applicant meets the eligibility requirements for
25 voter registration and wishes to register to vote or to
26 update the applicant's voter registration record.**

27 **(B) The applicant does not wish to register to vote or
28 update the applicant's voter registration record.**

29 **(5) The form must inform the applicant that if the applicant
30 does not select an option set forth under subdivision (4), the
31 applicant will be considered to have chosen the option that the
32 applicant:**

33 **(A) meets the eligibility requirements for voter
34 registration; and**

35 **(B) wishes to register to vote or to update the applicant's
36 voter registration record.**

37 **(6) The form must require the signature of the applicant,
38 under the penalties for perjury.**

39 **(7) The form must include the following, in print that is
40 identical to the print used in the attestation part of the
41 application:**

42 **(A) Information setting forth the penalties provided by law**



1 **for submission of a false voter registration application.**

2 **(B) A statement that, regardless of the applicant's decision**
 3 **regarding registration to vote or updating the applicant's**
 4 **voter registration record, that fact will remain confidential**
 5 **and will be used only for voter registration purposes.**

6 SECTION 7. IC 3-7-14-8 IS REPEALED [EFFECTIVE JANUARY
 7 1, 2017]. Sec. 8: To register under this chapter, an individual must do
 8 the following while on the premises of the license branch:

9 (1) ~~Complete the voter registration application under section 4 of~~
 10 ~~this chapter.~~

11 (2) ~~Present the application to an employee of the license branch.~~

12 SECTION 8. IC 3-7-14-9, AS AMENDED BY P.L.164-2006,
 13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2017]: Sec. 9. (a) An employee of the bureau of motor
 15 vehicles commission who provides an individual with a ~~driver's license~~
 16 ~~or identification card~~ **an application shall do the following:**

17 (1) Inform each individual who ~~applies for a driver's license or an~~
 18 ~~identification card~~ **seeks to complete an application** that the
 19 information the individual provides on the individual's application
 20 will be used to register the individual to vote unless **any of the**
 21 **following applies:**

22 (A) The individual is not eligible to vote.

23 (B) The individual declines to register to vote. ~~or fails to~~
 24 ~~complete the voter registration part of the application;~~ **or The**
 25 **employee shall explain to the individual that if the**
 26 **individual does not select an option set forth under section**
 27 **7.1(4) of this chapter, the individual will be considered to**
 28 **have selected the option that the individual:**

29 (i) **meets the eligibility requirements for voter**
 30 **registration; and**

31 (ii) **wishes to register to vote or to update the individual's**
 32 **voter registration record.**

33 (C) The individual answers "no" to either question described
 34 by IC 3-7-22-5(3) or IC 3-7-22-5(4).

35 (2) Provide each individual who ~~indicates a desire to register or~~
 36 ~~transfer registration~~ with assistance in filling out the ~~voter~~
 37 ~~registration~~ application if requested to do so by the individual.

38 (3) Check the completed ~~voter registration~~ form for legibility and
 39 completeness.

40 (4) Inform the individual that the individual will receive a mailing
 41 from the county voter registration office of the county where the
 42 individual resides concerning the disposition of the voter



1 registration application.

2 (5) Inform each individual who submits a change of address for
3 a driver's license or identification card that the information serves
4 as notice of a change of address for voter registration unless the
5 applicant **states in writing indicates** on the form that the change
6 of address is not for voter registration purposes.

7 (b) The bureau of motor vehicles commission shall transmit a voter
8 registration **form information** to the election division for transmittal
9 to the appropriate county voter registration office in accordance with
10 IC 3-7-26.3.

11 SECTION 9. IC 3-7-14-10 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 10. If an
13 individual is ~~registering to vote~~ **completes an application** after the
14 twenty-ninth day before the date that a primary, general, municipal, or
15 special election is scheduled in the precinct where the ~~voter individual~~
16 resides, the employee of the bureau of motor vehicles commission who
17 provides an individual with a ~~driver's license or an identification card~~
18 application shall do the following:

19 (1) Inform the individual that license branch registration will not
20 permit the individual to vote in the next election.

21 (2) Inform the individual of other procedures the individual may
22 follow to vote in the next election.

23 SECTION 10. IC 3-7-14-11, AS AMENDED BY P.L.164-2006,
24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JANUARY 1, 2017]: Sec. 11. **Unless the applicant declines to**
26 **register under section 7.1 of this chapter**, whenever an applicant
27 completes a ~~voter registration~~ **an application** under section 4 of this
28 chapter, the bureau of motor vehicles commission shall provide the
29 applicant with a written acknowledgment that the applicant has
30 completed a voter registration application at a license branch. The
31 acknowledgment:

32 (1) may be:

33 (A) a detachable part; or

34 (B) an electronic version;

35 of the ~~registration application~~ **form prescribed designed** under
36 section ~~4 5~~ of this chapter; and

37 (2) must set forth the name and residential address of the
38 applicant and the date that the application was completed.

39 SECTION 11. IC 3-7-14-12, AS AMENDED BY P.L.128-2015,
40 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JANUARY 1, 2017]: Sec. 12. (a) An applicant who completes a ~~voter~~
42 ~~registration~~ **an application** under section 4 of this chapter is not



1 required to submit the application to a county voter registration office.

2 (b) The bureau of motor vehicles commission shall forward the
3 voter registration ~~part of information on~~ the application to the election
4 division for transmittal to the appropriate county voter registration
5 office on an expedited basis in accordance with IC 3-7-26.3,
6 IC 9-24-2.5, and 52 U.S.C. 20504(c)(2)(E).

7 SECTION 12. IC 3-7-14-14, AS AMENDED BY P.L.128-2015,
8 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JANUARY 1, 2017]: Sec. 14. Except as provided in section 15 of this
10 chapter, an application under section 4 of this chapter authorizes a
11 county voter registration office to update the voter registration record
12 of the applicant:

13 (1) under 52 U.S.C. 20504(a)(2) unless the applicant ~~fails to sign~~
14 **declines** the voter registration application **as provided under**
15 **section 7.1 of this chapter**; or

16 (2) in a manner authorized under IC 3-7-26.3.

17 SECTION 13. IC 3-7-14-15, AS AMENDED BY P.L.128-2015,
18 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2017]: Sec. 15. As provided in 52 U.S.C. 20504(d), a
20 circuit court clerk or board of registration may update the address in the
21 voter registration of an applicant, unless the applicant indicates on an
22 application to ~~obtain or renew a motor vehicle driver's license~~ or any
23 other change of address form submitted to the clerk or board by the
24 bureau of motor vehicles commission that the change of address of the
25 applicant is not for voter registration purposes.

26 SECTION 14. IC 3-7-33-3, AS AMENDED BY P.L.128-2015,
27 SECTION 112, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) This section applies to
29 a voter registration application that is:

30 (1) completed as part of a ~~driver's license an~~ application under
31 IC 3-7-14; or

32 (2) submitted at a voter registration agency under this article.

33 (b) As provided in 52 U.S.C. 20507(a)(1), an eligible applicant
34 whose application is accepted by the bureau of motor vehicles or a
35 voter registration agency not later than twenty-nine (29) days before the
36 election shall be registered to vote in the election.

37 SECTION 15. IC 3-7-33-5, AS AMENDED BY P.L.169-2015,
38 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JANUARY 1, 2017]: Sec. 5. (a) When the county voter registration
40 office receives an application for a new registration or an application
41 with information that revises or adds information to the applicant's
42 current voter registration record, the county voter registration office



1 shall determine if the applicant appears to be eligible to register to vote
2 based on the information in the application.

3 (b) This subsection does not apply to a voter who indicates:

4 (1) under IC 3-7-39-7 or on an absentee application submitted
5 under IC 3-11-4 that the voter has changed the voter's residence
6 to an address within the same precinct where the voter's former
7 address was located; or

8 (2) under IC 3-7-41 or an absentee application submitted under
9 IC 3-11-4 that the voter has changed the voter's name.

10 As required under 52 U.S.C. 20507(a)(2), the county voter registration
11 office shall send a notice to each person from whom the county voter
12 registration office receives a voter registration application. The county
13 voter registration office shall send a notice to the applicant at the
14 mailing address provided in the application.

15 (c) The notice required by subsection (b) must set forth the
16 following:

17 (1) A statement that the application has been received.

18 (2) The disposition of the application by the county voter
19 registration office.

20 (3) If the county voter registration office determines that the
21 applicant appears to be eligible, the notice must state the
22 following:

23 (A) ~~Except as provided under subsection (g);~~ The applicant is
24 registered to vote under the residence address when the
25 applicant receives the notice. ~~An applicant is presumed to~~
26 ~~have received the notice unless the notice is returned by the~~
27 ~~United States Postal Service due to an unknown or insufficient~~
28 ~~address and received by the county voter registration office not~~
29 ~~later than seven (7) days after the notice is mailed to the~~
30 ~~applicant.~~

31 (B) The name of the precinct in which the voter is registered.

32 (C) The address of the polling place for the precinct in which
33 the voter is registered.

34 (4) In accordance with 52 U.S.C. 20302(d), if the county voter
35 registration office has denied the application, the notice must
36 include the reasons for the denial.

37 (d) The notice required by subsection (b) may not include a voter
38 identification number.

39 (e) The notice required by subsection (b) may include a voter
40 registration card.

41 (f) If the notice is returned by the United States Postal Service due
42 to an unknown or insufficient address, the county voter registration



1 office shall ~~determine~~ **indicate on the computerized list maintained**
 2 **under IC 3-7-26.3** that the applicant is ineligible and deny the
 3 application. **applicant's registration is inactive.**

4 (g) ~~During the seven (7) days following the mailing of the notice to~~
 5 ~~the voter under this section; the county voter registration office shall~~
 6 ~~indicate in the computerized list maintained under IC 3-7-26.3 that the~~
 7 ~~application is pending. If the notice:~~

8 (1) is not returned by the United States Postal Service and
 9 received by the county voter registration office at; or

10 (2) is received by the applicant by United States Postal Service
 11 delivery and presented in person by the applicant to the county
 12 voter registration office before;

13 the expiration of the seven (7) day period under subsection (c); the
 14 county voter registration office shall indicate in the computerized list
 15 that the applicant is a registered voter.

16 (h) This subsection applies if the notice is mailed by the county
 17 voter registration office after the certified list is prepared under
 18 ~~IC 3-7-29. If:~~

19 (1) the seven (7) day period under subsection (c) expires before
 20 election day;

21 (2) the applicant has not presented the notice mailed under
 22 subsection (b) to the county voter registration office as provided
 23 under subsection (g); and

24 (3) the applicant would otherwise have been included on the
 25 certified list;

26 the county voter registration office shall prepare a certificate of error
 27 under ~~IC 3-7-48~~ to note the addition of the voter to the certified list.

28 (i) This subsection applies if the notice is mailed by the county voter
 29 registration office after the certified list is prepared under ~~IC 3-7-29. If:~~

30 (1) the seven (7) day period has not expired before election day;
 31 and

32 (2) the applicant has not presented the notice mailed under
 33 subsection (b) to the county voter registration office as provided
 34 under subsection (g);

35 the county voter registration office shall notify the county election
 36 board. The county election board shall certify to the inspector of the
 37 precinct where the applicant resides that the applicant's voter
 38 registration application is pending; and that the voter, subject to
 39 fulfilling the requirements of ~~IC 3-11.7~~, is entitled to cast a provisional
 40 ballot.

41 SECTION 16. IC 9-24-2.5-4, AS AMENDED BY P.L.128-2015,
 42 SECTION 223, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JANUARY 1, 2017]: Sec. 4. (a) As required under 52
 2 U.S.C. 20504(e)(1), the manager or designated license branch
 3 employee shall transmit a copy of the ~~completed~~ voter registration
 4 ~~portion of information from~~ each application ~~or renewal~~ for a driver's
 5 license or an identification card for nondrivers issued under this article
 6 to the county voter registration office of the county in which the
 7 individual's residential address (as indicated on the application) is
 8 located.

9 (b) The voter registration ~~application~~ **information** shall be
 10 transmitted to the county voter registration office in an electronic
 11 format and on an expedited basis (as defined by IC 3-5-2-23.2) using
 12 the computerized list established under IC 3-7-26.3. ~~Except in the case~~
 13 ~~of applications submitted online under IC 3-7-26.7, the paper copy of~~
 14 ~~the application shall be transmitted under subsection (a) to the county~~
 15 ~~voter registration office not later than five (5) days after the application~~
 16 ~~is accepted at the license branch.~~

17 SECTION 17. IC 9-24-2.5-6, AS AMENDED BY P.L.64-2014,
 18 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2017]: Sec. 6. (a) A manager or an employee may use
 20 any of the following methods to transmit paper copies of voter
 21 registration applications under section 4 of this chapter:

- 22 (1) Hand delivery to the county voter registration office.
- 23 (2) Delivery by the United States Postal Service, using first class
 24 mail.

25 (b) A county voter registration office

- 26 ~~(1)~~ shall process a voter registration **application information**
 27 transmitted in electronic format from a license branch. ~~and~~
 28 ~~(2) is not required to receive the paper copy of a voter registration~~
 29 ~~application from a license branch before:~~

30 ~~(A) approving or denying the application; and~~

31 ~~(B) mailing a notice of approval or denial to the applicant.~~

32 (c) After January 1, 2015, a county voter registration office shall
 33 scan an image of the paper copy of the registration application form
 34 into the computerized list established under IC 3-7-26.3.

