

IC 3-10-11

Chapter 11. Special Procedures for Certain Indiana Voters to Vote in Precinct of Former Residence

IC 3-10-11-1

Applicability of chapter

Sec. 1. This chapter:

- (1) applies to a general, municipal, primary, school district, and special election; and
- (2) is enacted to implement Article 2, Section 2(c) of the Constitution of the State of Indiana.

As added by P.L.12-1995, SEC.69. Amended by P.L.176-1999, SEC.63.

IC 3-10-11-2

Conditions for applicability of voting procedures

Sec. 2. This chapter applies to a person who satisfies all of the following conditions:

- (1) The person resided in a precinct in Indiana.
- (2) The person currently resides in Indiana.
- (3) The person lost residency in the precinct of the person's former residence less than thirty (30) days before the election.
- (4) The person was a qualified and registered voter of the precinct of the person's former residence.
- (5) The person is otherwise legally qualified to vote.
- (6) The person is not registered in the precinct of the person's present residence.
- (7) The person requests a transfer of the person's registration.

As added by P.L.12-1995, SEC.69. Amended by P.L.194-2013, SEC.36.

IC 3-10-11-3

Precinct of person's former residence

Sec. 3. As used in this chapter, "precinct of the person's former residence" refers to the precinct in which the person resided on the thirty-first day before the election.

As added by P.L.12-1995, SEC.69.

IC 3-10-11-4

Voting in precinct of former residence; affidavit; municipal elections

Sec. 4. (a) Notwithstanding other provisions of this title concerning residency requirements for voting, but subject to subsection (b), a person described in section 2 of this chapter may vote in the precinct of the person's former residence by executing an affidavit described in this chapter.

(b) A person who changes residence from a location:

- (1) outside a municipality to a location within a municipality; or

(2) within a municipality to a location outside a municipality; less than thirty (30) days before a municipal primary election, municipal election, or special election held only within the municipality may not vote in the municipal primary election, municipal election, or special election held only within the municipality in the precinct of the person's former residence.

(c) This subsection applies to a county that has adopted an order under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1-1. A voter may make a written affirmation under this section on election day using the affidavit described by this section. If the voter makes an oral affirmation, the poll clerks shall reduce the substance of the affirmation to writing using the affidavit described by this section and initial the affirmation.

As added by P.L.12-1995, SEC.69. Amended by P.L.194-2013, SEC.37; P.L.169-2015, SEC.84.

IC 3-10-11-4.5

Voter executing affidavit challenged as ineligible; provisional ballot; sufficiency of affidavit

Sec. 4.5. If a voter executes an affidavit under this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.

As added by P.L.164-2006, SEC.78.

IC 3-10-11-5

Affidavit; required information

Sec. 5. An affidavit executed under this chapter must contain the following information:

- (1) The person's last, first, and middle name, in that order.
- (2) The person's date of birth.
- (3) Whether the person is a United States citizen.
- (4) The person's current address, including the county. If the person resides in a municipality, the address must include the street address, including apartment number or other designation, or the name and room number of the hotel or lodging house. If the person does not reside in a municipality, the address must include the mailing address and the street or road.
- (5) The address of the person's previous residence, including the county.
- (6) The person's statement that the person satisfies the conditions set forth in section 2 of this chapter.
- (7) Responses to the questions listed in IC 3-7-22-5(3) and IC 3-7-22-5(4).
- (8) The person's voter identification number to permit transfer of the registration under IC 3-7-13-13.

As added by P.L.12-1995, SEC.69. Amended by P.L.209-2003,

SEC.103; P.L.164-2006, SEC.79; P.L.64-2014, SEC.38; P.L.169-2015, SEC.85.

IC 3-10-11-6

Affidavit; form

Sec. 6. The election division shall prescribe the form of the affidavit required by this chapter that must permit the person to execute a request for transfer of the person's registration.

As added by P.L.12-1995, SEC.69. Amended by P.L.2-1996, SEC.125; P.L.169-2015, SEC.86.

IC 3-10-11-7

Affidavit; methods of execution

Sec. 7. The affidavit required by this chapter may be executed as follows:

- (1) At the office of the circuit court clerk or the board of registration for the county of the precinct of the person's former residence, not later than 4 p.m. on the day before the election.
- (2) Before the inspector of the precinct of the person's former residence, if the application and statement are executed on the day of the election.
- (3) When the application for an absentee ballot is filed with the county election board of the county of the precinct of the person's former residence.

As added by P.L.12-1995, SEC.69.

IC 3-10-11-8

Affidavit; presentation required

Sec. 8. If the person executes the affidavit under this chapter at the office of the circuit court clerk or board of registration before the day of the election, the clerk or board shall furnish a copy of the affidavit to the person. The person shall present the copy to the inspector of the precinct of the person's former residence when the person offers to vote in that precinct under IC 3-11-8.

As added by P.L.12-1995, SEC.69.

IC 3-10-11-9

Affidavit; attached to absentee ballot

Sec. 9. If the person executes the affidavit under this chapter when filing an application for an absentee ballot, the county election board shall attach the original or a copy of the affidavit to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

As added by P.L.12-1995, SEC.69.

IC 3-10-11-10

Affidavit; execution in presence of inspector; providing voter registration application

Sec. 10. If the person executes the affidavit under this chapter before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall do both of the following:

(1) Provide the person with a voter registration application, and request that the person complete and sign the application.

(2) Return the original affidavit and any completed voter registration application to the county voter registration office after the closing of the polls.

As added by P.L.12-1995, SEC.69. Amended by P.L.194-2013, SEC.38.