

IC 3-10-12

Chapter 12. Special Procedures for Certain Indiana Voters to Vote in Precinct of Former Residence Under NVRA

IC 3-10-12-1

Purpose of chapter

Sec. 1. This chapter:

(1) prescribes the procedure for certain voters to cast ballots under 52 U.S.C. 20507(e)(2) in a precinct where the voter formerly resided; 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.70. Amended by P.L.176-1999, SEC.64; P.L.128-2015, SEC.153.

IC 3-10-12-2

Applicability of chapter

Sec. 2. This chapter applies to a general, municipal, primary, school district, and special election.

As added by P.L.12-1995, SEC.70.

IC 3-10-12-3

Repealed

(As added by P.L.12-1995, SEC.70. Amended by P.L.3-1995, SEC.92; P.L.176-1999, SEC.65; P.L.202-1999, SEC.18. Repealed by P.L.230-2005, SEC.91.)

IC 3-10-12-3.4

Voter who changes residence voting in municipal election

Sec. 3.4. (a) This section applies to a voter who:

(1) changes residence from a precinct in a county to another precinct:

(A) in the same county; and

(B) in the same congressional district;

as the former precinct; and

(2) does not notify the county voter registration office of the change of address before election day.

(b) A voter described by subsection (a) may:

(1) correct the voter registration record; and

(2) vote in the precinct where the voter formerly resided;

if the voter makes an oral affirmation as described in subsection (e) or a written affirmation as described in section 4 of this chapter of the voter's current residence address.

(c) A voter who moved outside of a municipality may not return to the precinct where the voter formerly resided to vote in a municipal election.

(d) A voter who moved from a location outside a municipality to a location within a municipality before a:

(1) municipal primary election;
(2) municipal election; or
(3) 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.

(e) A voter entitled to make a written affirmation under subsection
(b) may make an oral affirmation. The voter must make the oral
affirmation before the poll clerks of the precinct. After the voter
makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an
appropriate location on the poll list; and

(2) initial the affirmation.

*As added by P.L.230-2005, SEC.47. Amended by P.L.194-2013,
SEC.39.*

IC 3-10-12-3.5

Affirmation must include voter identification number

Sec. 3.5. The written affirmation described in section 3.4 of this
chapter must include the person's voter identification number to
permit transfer of the registration under IC 3-7-13-13.

*As added by P.L.209-2003, SEC.104. Amended by P.L.230-2005,
SEC.48; P.L.164-2006, SEC.80.*

IC 3-10-12-4

Execution of written affirmation; providing voter registration application

Sec. 4. (a) The written affirmation described in section 3.4 of this
chapter may be executed as follows:

(1) At the county voter registration office 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.

(b) If the person executes the affidavit under this section at the
county voter registration office before the day of the election, the
office shall furnish a copy of the affirmation 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.

(c) If the person executes the affirmation under this section when
filing an application for an absentee ballot, the county election board
shall attach the original or a copy of the affirmation 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.

(d) If the person executes the affirmation under this section 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, if the person's current address is located within the same county as the precinct of the person's former residence, and request that the person complete and sign the application.

(2) Return the original affirmation to the county election board. The county election board shall forward the affidavit and any completed voter registration application to the county voter registration office after the closing of the polls.

(e) 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 section 3.4 of this chapter on election day using the affidavit described by IC 3-10-11-4. If the voter makes an oral affirmation under section 3.4 of this chapter, the poll clerks shall reduce the substance of the affirmation to writing using the affidavit described by IC 3-10-11-4 and initial the affirmation.

As added by P.L.3-1995, SEC.93. Amended by P.L.230-2005, SEC.49; P.L.194-2013, SEC.40; P.L.169-2015, SEC.87.

IC 3-10-12-5

Voter making affirmation challenged as ineligible; provisional ballot; sufficiency of affidavit

Sec. 5. If a voter makes an oral or a written affirmation 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 oral or written affirmation made 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.81.