

## **IC 3-11-8**

### **Chapter 8. Voting Procedures Generally**

#### **IC 3-11-8-0.1**

##### **Effect of certain amendments to chapter**

Sec. 0.1. The amendments made to sections 2 and 6 of this chapter by P.L.4-1991 apply to elections held after December 31, 1991.

*As added by P.L.220-2011, SEC.13.*

#### **IC 3-11-8-1**

##### **Application of chapter**

Sec. 1. This chapter applies to each precinct.

*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-8-1.2**

##### **"Facility" and "accessible facility"; facility standards**

Sec. 1.2. (a) As used in this section, "facility" refers to the facility in which a polling place is located.

(b) For purposes of this chapter, a facility is an "accessible facility" for elderly voters and voters with disabilities only if the following apply:

(1) The facility meets the standards for accessibility for elderly voters and voters with disabilities established under 52 U.S.C. 20101 through 52 U.S.C. 20107.

(2) All the following are accessible to elderly voters and voters with disabilities in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters:

(A) Parking spaces marked and available to conform with IC 5-16-9.

(B) The path to the facility that an individual must travel on the property where the facility is located.

(C) The entrances of the facility to be used by voters.

(D) The paths of travel within the facility to the rooms or areas where the voting systems are located.

(E) The rooms or areas in the facility where the voting systems are located.

(c) The requirements of subsection (b) are satisfied if a facility will comply with subsection (b) by implementing temporary measures.

*As added by P.L.116-2003, SEC.3. Amended by P.L.128-2015, SEC.174.*

#### **IC 3-11-8-2**

##### **Voting in precinct of residence**

Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

*As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.107; P.L.4-1991, SEC.86; P.L.17-1993, SEC.13; P.L.12-1995, SEC.80; P.L.116-2003, SEC.4; P.L.225-2011, SEC.56.*

### **IC 3-11-8-3**

#### **County executive secures voting polls; accessible facility; inapplicability to vote center counties**

Sec. 3. (a) This section does not apply to a county using vote centers under IC 3-11-18.1.

(b) Before each election each county executive shall secure for each precinct of the county an accessible facility in which to hold the election.

(c) Unless the county election board adopts an order under IC 3-11-8-4.3, if an accessible facility is not available within the precinct, then the polls may be located in another precinct in the county if the polls are:

(1) either:

(A) not more than five (5) miles from the closest boundary of the precinct for which it is the polls; or

(B) located in the same township as the precinct that does not have an accessible facility available; and

(2) located in an accessible facility.

(d) If the county election board, by a unanimous vote of its entire membership, determines that an accessible facility is not available under subsection (c), the board may locate the polls in the most convenient available accessible facility in the county.

(e) If the county election board, by unanimous vote of its entire membership, determines that:

(1) an accessible facility is not available under subsection (c) or (d); and

(2) the most convenient accessible facility is located in an adjoining county;

the board may locate the polls in the facility described in subdivision (2) with the unanimous consent of the entire membership of the county election board of the county in which the facility is located.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.251; P.L.3-1993, SEC.144; P.L.1-1994, SEC.5; P.L.2-1996, SEC.183; P.L.3-1997, SEC.295; P.L.116-2003, SEC.5; P.L.230-2005, SEC.52; P.L.258-2013, SEC.72; P.L.169-2015, SEC.108.*

### **IC 3-11-8-3.1**

#### **Designation of polls**

Sec. 3.1. (a) A county executive shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

(b) The designation of a polling place under this section remains in effect until:

(1) the location of the polling place is altered by an order of the county executive or county election board under this chapter; or

- (2) a precinct establishment order issued under IC 3-11-1.5:
  - (A) designates a new polling place location; or
  - (B) combines the existing precinct with another precinct established by the order.

*As added by P.L.13-1988, SEC.8. Amended by P.L.4-1991, SEC.87; P.L.12-1995, SEC.81; P.L.3-1997, SEC.296; P.L.116-2003, SEC.6; P.L.225-2011, SEC.57.*

### **IC 3-11-8-3.2**

#### **Polls; notice of location; change of location**

Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must state whether the polls are located in an accessible facility.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

*As added by P.L.13-1988, SEC.9. Amended by P.L.3-1993, SEC.145; P.L.116-2003, SEC.7; P.L.225-2011, SEC.58.*

### **IC 3-11-8-3.4**

#### **County applications to Secretary of Health and Human Services to make polling places accessible and provide information to voters with disabilities**

Sec. 3.4. (a) As authorized under 52 U.S.C. 21021, a county election board may apply on behalf of a county to the Secretary of Health and Human Services for payments under HAVA (52 U.S.C. 21021 through 52 U.S.C. 21025) to do the following:

- (1) Make polling places (including the path of travel, entrances, exits, and voting areas of each polling place) more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters.
- (2) Provide individuals with disabilities and other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and

election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

(b) If a county election board submits an application under subsection (a), the application must:

(1) comply with 52 U.S.C. 21023; and

(2) be filed with the election division not later than the submission of the application under subsection (a).

(c) If a county election board receives payments from the Secretary of Health and Human Services under 52 U.S.C. 21021 through 52 U.S.C. 21025, the payments shall be deposited in the county general fund and appropriated to the county election board for the purposes described in the application. The county election board shall spend the money for the purposes described in the application.

(d) As required by 52 U.S.C. 21025, the county election board shall file a report with the Secretary of Health and Human Services regarding the activities conducted with these funds and the expenditures made with respect to the categories listed in subsection (a)(1) and (a)(2). The county election board shall file a copy of the report with the election division and the state board of accounts not later than the date the report is submitted under this subsection.

*As added by P.L.209-2003, SEC.128. Amended by P.L.128-2015, SEC.175.*

#### **IC 3-11-8-4**

##### **Public buildings to be available for holding election**

Sec. 4. School buildings, fire stations, and all other public buildings shall be made available without charge to a county for holding an election. The county may not be required to sign any agreement assuming liability as a precondition for use of the public building.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1997, SEC.297.*

#### **IC 3-11-8-4.1**

##### **Location of polls; one place per precinct; inapplicability to vote center counties**

Sec. 4.1. (a) This section does not apply to a county using vote centers under IC 3-11-18.1.

(b) The polls for each precinct may be located in only one (1) place.

*As added by P.L.13-1988, SEC.10. Amended by P.L.258-2013, SEC.73.*

#### **IC 3-11-8-4.2**

##### **Repealed**

*(As added by P.L.13-1988, SEC.11. Repealed by P.L.116-2003, SEC.11.)*

#### **IC 3-11-8-4.3**

### **Location of polls in adjoining precinct**

Sec. 4.3. (a) If the county election board adopts an order by the unanimous vote of the entire membership of the board, the county executive may locate the polls for the precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct.

(b) An order adopted under this section expires December 31 after the date the order was adopted.

(c) If a precinct election board administers more than one (1) precinct under this section, the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

*As added by P.L.13-1988, SEC.12. Amended by P.L.5-1989, SEC.53; P.L.12-1995, SEC.82; P.L.14-2004, SEC.115; P.L.230-2005, SEC.53.*

### **IC 3-11-8-5**

#### **Election not to be held in room where alcoholic beverages kept or sold**

Sec. 5. An election may not be held in a room in which alcoholic beverages are kept or sold.

*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-8-6**

#### **Requirement to locate polls in accessible facility**

Sec. 6. The county executive shall locate the polls for each precinct in an accessible facility.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.252; P.L.10-1988, SEC.108; P.L.4-1991, SEC.88; P.L.2-1996, SEC.184; P.L.3-1997, SEC.298; P.L.38-1999, SEC.42; P.L.116-2003, SEC.8; P.L.225-2011, SEC.59.*

### **IC 3-11-8-6.3**

#### **Polls may not be located in facility in which polls or chute contain a display visible to voter of political preference, party allegiance, or pictures, photographs, or other likeness of currently elected official**

Sec. 6.3. (a) The polls may not be located in a structure on or in which is affixed any display visible to a voter of political preference or party allegiance. Except as provided in subsection (b), this section does not prohibit the location of the polls in a structure that includes any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

(b) The polls may not be located in a structure in which the polls or chute contain any display visible to the voter of political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or

local official.

*As added by P.L.194-2013, SEC.56. Amended by P.L.258-2013, SEC.74.*

### **IC 3-11-8-6.5**

#### **Repealed**

*(As added by P.L.116-2003, SEC.9. Repealed by P.L.225-2011, SEC.93.)*

### **IC 3-11-8-7**

#### **Preparation of polls for election**

Sec. 7. In preparing the polls for an election, the county executive shall:

- (1) have placed within the room a railing separating the part of the room to be occupied by the precinct election board from that part of the room to be occupied by the ballot card voting systems, electronic voting systems, and the three (3) or more booths or compartments for marking paper ballots, whenever either or two (2) of these voting systems are used;
- (2) ensure that the portion of the room set apart for the precinct election board includes a designated area before the voter approaches the precinct election board at which each voter appears for challenge; and
- (3) provide a method or material for designating the boundaries of the chute, such as a railing, rope, or wire on each side, beginning a distance equal to the length of the chute (as defined in IC 3-5-2-10) away from and leading to the door for challenge and to the room in which the election is held.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.253; P.L.69-2003, SEC.4; P.L.221-2005, SEC.65; P.L.64-2014, SEC.44.*

### **IC 3-11-8-8**

#### **Poll time on election day**

Sec. 8. The polls in each precinct open at 6 a.m. and close at 6 p.m. on election day.

*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-8-9**

#### **Proclamation of opening and closing of polls**

Sec. 9. The inspector of each precinct shall proclaim the opening and closing of the polls to the people outside the polls in a loud tone of voice.

*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-8-10**

#### **Precinct record to be made by poll clerks; contents**

Sec. 10. The poll clerks of each precinct shall make a record of:

- (1) the inspector's proclamation of the closing of the polls; and

(2) the time the proclamation was made.  
The poll clerks shall enter the record required by this section on the tally papers. After the record has been made no more voters may vote except as provided in section 11 of this chapter.  
*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-8-10.3**

#### **Electronic poll book; requirements**

Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

(b) An electronic poll book must satisfy all of the following:

(1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll book.

(2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both of the following apply:

(A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.

(B) All data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

(3) An electronic poll book may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll book must be secure and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) the current local

- version of the electronic poll list; and
  - (B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.
- (5) The electronic poll book must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:
- (A) already received a ballot at the election;
  - (B) returned an absentee ballot; or
  - (C) submitted any additional documentation required under IC 3-7-33-4.5.
- (6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has received a ballot.
- (7) The electronic poll book must transmit the information in subdivision (6) to the county server so that:
- (A) the server may transmit the information immediately to every other polling place or satellite absentee office in the county; or
  - (B) the server makes the information immediately available to every other polling place or satellite office in the county.
- (8) The electronic poll book must permit reports to be:
- (A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and
  - (B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.
- (9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list (as defined in IC 3-7-26.3-2).
- (10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from:
- (A) the voter's registration application; or
  - (B) a more recent signature of a voter from an absentee application, poll list, electronic poll book, or registration document.
- (11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required

for retention under IC 3-10-1-31.1.

(12) The electronic poll book must include a bar code capturing device that:

- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and
- (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(14) The electronic poll book must be compatible with:

- (A) any hardware attached to the electronic poll book, such as signature capturing devices, bar code capturing devices, and network cards;
- (B) the statewide voter registration system; and
- (C) any software system used to prepare voter information to be included on the electronic poll book.

(15) The electronic poll book must have the ability to be used in conformity with this title for:

- (A) any type of election conducted in Indiana; or
- (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(16) The procedures for setting up, using, and shutting down an electronic poll book must be reasonably easy for a precinct election officer to learn, understand, and perform. After December 31, 2015, a 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 VSTOP (as described in IC 3-11-18.1-12).

(17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:

- (A) has been set up correctly;
- (B) is working correctly so as to verify the eligibility of the voter;
- (C) is correctly recording that a voter received a ballot; and
- (D) has been shut down correctly.

(18) The electronic poll book must include the following documentation:

- (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and

shut down the electronic poll book.

(B) Training materials that:

- (i) may be in written or video form; and
- (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll book.

(D) Usability tests:

- (i) that are conducted by the manufacturer of the electronic poll book or an independent testing facility using individuals who are representative of the general public;
- (ii) that include the setting up, using, and shutting down of the electronic poll book; and
- (iii) that report their results using industry standard reporting formats.

(E) A clear model of the electronic poll book system architecture and the following documentation:

- (i) End user documentation.
- (ii) System-level and administrator level documentation.
- (iii) Developer documentation.

(F) Detailed information concerning:

- (i) electronic poll book consumables; and
- (ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll book.

(H) Repair and maintenance policies for the electronic poll book.

(I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:

- (i) A list of customers who are using or have previously used the vendor's electronic poll book.
- (ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.

(19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, including the use, alteration, storage, receipt, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.

(21) The electronic poll book must successfully perform in

accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.

(22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

(A) permit a voter to check in and sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature so that the signature may be assigned to the voter's registration record.

*As added by P.L.1-2011, SEC.2. Amended by P.L.271-2013, SEC.17; P.L.258-2013, SEC.75; P.L.219-2013, SEC.40; P.L.2-2014, SEC.5; P.L.55-2014, SEC.3; P.L.64-2014, SEC.45; P.L.76-2014, SEC.36; P.L.169-2015, SEC.109; P.L.149-2016, SEC.8.*

#### **IC 3-11-8-10.4**

##### **Requirements not applicable to counties that have adopted limited electronic poll book use**

Sec. 10.4. (a) This section applies to a county if the county election board has adopted an order under IC 3-7-29-6(a)(2) for the use of electronic poll books only at an office of the circuit court clerk and satellite offices established under IC 3-11-10-26.3.

(b) Notwithstanding section 10.3 of this chapter, the county election board is not required to do either of the following:

(1) Transmit information electronically from electronic poll books to precincts on election day.

(2) Generate reports for watchers, political parties, or independent candidates for election day.

*As added by P.L.169-2015, SEC.110.*

#### **IC 3-11-8-10.5**

##### **Recording name of voters who sign poll list; requirements**

Sec. 10.5. A poll clerk may record the names of individuals who have signed the poll list and make that record available to a watcher or pollbook holder who requests the information. However, the poll clerk must ensure that:

(1) a voter is not delayed in casting the voter's votes as a result of the preparation of the record, or by providing the information; and

(2) the poll clerk does not engage in electioneering (as defined under IC 3-14-3-16) in providing this information.

*As added by P.L.9-2004, SEC.18.*

### **IC 3-11-8-11**

#### **Closing of polls; persons permitted to vote; extension of voting hours by order; provisional ballots**

Sec. 11. (a) When the hour for closing the polls occurs, the precinct election board shall permit all voters who:

- (1) have passed the challengers and who are waiting to announce their names to the poll clerks for the purpose of signing the poll list;
- (2) have signed the poll list but who have not voted; or
- (3) are in the act of voting;

to vote.

(b) At the time described in subsection (a), an individual designated by the circuit court clerk shall:

- (1) determine the end of the line of voters who are waiting to vote, but have not yet passed the challengers; and
- (2) use one (1) of the following methods to identify the voters in the line who may vote if otherwise qualified to vote according to law:
  - (A) Write down the name of each voter.
  - (B) Stamp each voter's hand.
  - (C) Stand, or designate another individual to stand, immediately behind the last voter who may vote.

(c) This subsection applies if a court order (or other order) has been issued to extend the hours that the polls are open under section 8 of this chapter. As provided in 52 U.S.C. 21082, the inspector shall identify the voters who would not otherwise be eligible to vote after the closing of the polls under subsection (a) and shall provide a provisional ballot to the voters in accordance with IC 3-11.7.

*As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.129; P.L.221-2005, SEC.66; P.L.128-2015, SEC.176; P.L.169-2015, SEC.111.*

### **IC 3-11-8-11.3**

#### **Repealed**

*(As added by P.L.252-2013, SEC.1. Repealed by P.L.64-2014, SEC.46.)*

### **IC 3-11-8-12**

#### **No adjournment or recess after opening of polls until closed**

Sec. 12. After the opening of the polls, there may be no adjournment or recess until after the polls have been closed and the inspector is ready to leave with the ballot box and other documents and papers to be delivered to the circuit court clerk.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.254.*

### **IC 3-11-8-13**

**Restrictions on inspector, judge, or poll clerk of precinct after closing of polls**

Sec. 13. An inspector, judge, or poll clerk of a precinct may not vote after the polls have closed nor make a statement concerning the result of the election before the closing of the polls.

*As added by P.L.5-1986, SEC.7.*

**IC 3-11-8-14**

**Reading of IC 3-14-4-7 to precinct election board; oath**

Sec. 14. At the opening of the polls, the inspector of each precinct shall read IC 3-14-4-7 to the precinct election board. Each member of the board shall take an oath that the member has not violated and will not violate IC 3-14-4-7.

*As added by P.L.5-1986, SEC.7.*

**IC 3-11-8-15**

**Persons permitted at polls during elections; simulated elections**

Sec. 15. (a) Only the following persons are permitted in the polls during an election:

- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders and challengers.
- (6) Watchers.
- (7) Voters for the purposes of voting.
- (8) Minor children accompanying voters as provided under IC 3-11-11-8.
- (9) An assistant to a precinct election officer appointed under IC 3-6-6-39.
- (10) An individual authorized to assist a voter in accordance with IC 3-11-9.
- (11) A member of a county election board, acting on behalf of the board.
- (12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).
- (13) Either of the following who have been issued credentials signed by the members of the county election board:
  - (A) The county chairman of a political party.
  - (B) The county vice chairman of a political party.

However, a county chairman or a county vice chairman who is a candidate for nomination or election to office at the election may not enter the polls under this subdivision.

- (14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(b) This subsection applies to a simulated election for minors

conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

*As added by P.L.5-1986, SEC.7. Amended by P.L.4-1991, SEC.89; P.L.3-1993, SEC.146; P.L.38-1999, SEC.43; P.L.66-2003, SEC.40; P.L.209-2003, SEC.130; P.L.97-2004, SEC.8; P.L.14-2004, SEC.116; P.L.230-2005, SEC.54; P.L.194-2013, SEC.57.*

### **IC 3-11-8-16**

#### **Only voters permitted near entrance to the polls**

Sec. 16. A person may not remain within a distance equal to the length of the chute (as defined in IC 3-5-2-10) of the entrance to the polls except for the purpose of offering to vote.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.147; P.L.3-1997, SEC.299; P.L.2-1998, SEC.7; P.L.38-1999, SEC.44; P.L.69-2003, SEC.5; P.L.230-2005, SEC.55.*

### **IC 3-11-8-17**

#### **Number of voters to be admitted to polls at one time; inapplicability to vote center counties**

Sec. 17. (a) This section does not apply to a county using vote centers under IC 3-11-18.1.

(b) In a precinct, as many voters may be admitted to the polls at one (1) time for the purpose of voting as there are stations for voting in the polls.

*As added by P.L.5-1986, SEC.7. Amended by P.L.258-2013, SEC.76.*

### **IC 3-11-8-17.5**

#### **Use of electronic devices by voters in the polls; prohibitions**

Sec. 17.5. (a) Voters may use cellular telephones or other electronic devices in the polls as long as electioneering or loud or disruptive conversations do not occur.

(b) A voter may not do the following:

(1) Take a digital image or photograph of the voter's ballot while the voter is in a polling place, an office of the circuit court clerk (under IC 3-11-10-26), a satellite office established under IC 3-11-10-26.3, or a vote center established under IC 3-11-18.1-4, except to document and report to a precinct election officer, the county election board, or the election division a problem with the functioning of the voting system.

(2) Distribute or share the image described in subdivision (1) using social media or by any other means.

*As added by P.L.169-2015, SEC.112.*

### **IC 3-11-8-18**

#### **Voter may not converse or communicate in a loud or disruptive manner**

Sec. 18. A voter or person offering to vote may not converse or communicate in a loud or disruptive manner while at the polls.

*As added by P.L.5-1986, SEC.7. Amended by P.L.169-2015, SEC.113.*

### **IC 3-11-8-18.5**

#### **Voter use of lists to aid voting; prohibition on electioneering**

Sec. 18.5. A voter may 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.

*As added by P.L.169-2015, SEC.114.*

### **IC 3-11-8-19**

#### **Approach and entry to chute; announcement of voter's name to challengers**

Sec. 19. Voters shall approach and enter the chute in the order in which they appear for the purpose of voting. After entering the polls, the voter shall proceed to the designated area for challengers. A voter shall immediately announce the voter's full and true name to the challengers.

*As added by P.L.5-1986, SEC.7. Amended by P.L.64-2014, SEC.47.*

### **IC 3-11-8-20**

#### **Challenge of voter; reduction of challenge to affidavit form**

Sec. 20. If a voter offering to vote is challenged by a challenger or by a member of the precinct election board, the person challenging the voter shall reduce the challenge to affidavit form, setting forth succinctly the reasons for the challenge.

*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-8-21**

#### **Challenge of voter; challenger's affidavit**

Sec. 21. The affidavit of challenge prescribed by section 20 of this chapter must set forth under oath or affirmation the following:

- (1) The name of the challenger.
- (2) The name of the person being challenged.
- (3) The reasons the challenger believes the person being challenged is not a legal voter in the precinct.
- (4) The source of the information provided under subdivision (3).
- (5) A statement that the challenger understands that making a false statement on the affidavit is punishable under the penalties of perjury.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1995, SEC.103.*

## **IC 3-11-8-22**

### **Repealed**

*(As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.109; P.L.4-1991, SEC.90; P.L.17-1993, SEC.14; P.L.12-1995, SEC.83; P.L.126-2002, SEC.59; P.L.209-2003, SEC.131. Repealed by P.L.164-2006, SEC.142.)*

## **IC 3-11-8-22.1**

### **Challenge of voter; provisional ballot**

Sec. 22.1. (a) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct;  
and

(2) who produces a certificate of error issued under IC 3-7-48-1.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-1(b), if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(b) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct;  
and

(2) who makes an oral or a written affirmation in compliance with IC 3-7-48-5 that the voter continues to reside in the precinct at the address shown as the voter's former residence in the voter registration record.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(c) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct;  
and

(2) who produces a registration receipt that complies with IC 3-7-48-7.

If the county election board provides the precinct election board with the information required under IC 3-7-48-7(a)(2) and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(d) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct;  
and

(2) who is not described by subsection (a), (b), or (c).

If the voter is challenged under IC 3-10-1 or this chapter, the voter

shall be provided with a provisional ballot under IC 3-11.7 instead of a regular official ballot if the voter wishes to cast a ballot. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

(e) This subsection applies to a voter:

- (1) whose name appears on the poll list for the precinct; and
- (2) who no longer resides in the precinct but is entitled to vote at the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

If the voter executes an affidavit in compliance with IC 3-10-10, IC 3-10-11, or IC 3-10-12 and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot if the voter wishes to cast a ballot.

(f) This subsection applies to a voter:

- (1) whose name appears on the poll list for the precinct; and
- (2) who is not described in subsection (e).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

*As added by P.L.164-2006, SEC.97.*

### **IC 3-11-8-23**

#### **Challenge of voter; challenged voter's affidavit; when affidavit not required**

Sec. 23. (a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b) The affidavit of a challenged voter required by section 22.1 of this chapter must be sworn and affirmed and must contain the following:

- (1) A statement that the voter is a citizen of the United States.
- (2) The voter's date of birth to the best of the voter's information and belief.
- (3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.
- (4) The voter's name and a statement that the voter is generally known by that name.
- (5) A statement that the voter has not voted and will not vote in any other precinct in this election.

(6) The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.

(7) If applicable, that, when the voter was challenged to present proof of identification or an additional document to confirm the voter's identity and current residence, the voter presented proof of identification or the additional documentation that complied with IC 3-5-2-40.5 or IC 3-7-33-4.5.

(8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.

(9) If the individual's name does not appear on the registration list, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by IC 3-7-13-10.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.255; P.L.10-1988, SEC.110; P.L.4-1991, SEC.91; P.L.17-1993, SEC.15; P.L.12-1995, SEC.84; P.L.3-1995, SEC.104; P.L.126-2002, SEC.60; P.L.209-2003, SEC.132; P.L.164-2006, SEC.98; P.L.219-2013, SEC.41; P.L.64-2014, SEC.48.*

#### **IC 3-11-8-23.5**

##### **Challenged voter casting provisional ballot; affidavit**

Sec. 23.5. In accordance with 52 U.S.C. 21082, a voter challenged under section 21 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

*As added by P.L.209-2003, SEC.133. Amended by P.L.164-2006, SEC.99; P.L.128-2015, SEC.177.*

#### **IC 3-11-8-24**

##### **Repealed**

*(Repealed by P.L.4-1991, SEC.147.)*

#### **IC 3-11-8-25**

##### **Repealed**

*(As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.256; P.L.5-1989, SEC.54; P.L.7-1990, SEC.48; P.L.1-1991, SEC.5; P.L.12-1995, SEC.85; P.L.199-2001, SEC.21; P.L.209-2003, SEC.134; P.L.109-2005, SEC.3. Repealed by P.L.164-2006, SEC.143.)*

#### **IC 3-11-8-25.1**

##### **Admittance of voter to polls; procedure; proof of identification; challenge of voter; cancellation and reregistration of voter who has moved**

Sec. 25.1. (a) Except as provided in subsection (e), a voter who

desires to vote an official ballot at an election shall provide proof of identification.

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

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

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

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

- (1) sign the poll list; and
- (2) receive a provisional ballot.

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

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll list. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

- (1) The voter's name.
- (2) Except as provided in subsection (k), the voter's current residence address.

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

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

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

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

(j) If:

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

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

(l) If the voter indicates that the voter's current residence is located within another county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. The precinct election board shall provide the voter with a voter registration application for the voter to complete and file with the county voter registration office of the county where the voter's current residence address is located.

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

*As added by P.L.209-2003, SEC.135. Amended by P.L.2-2004, SEC.3; P.L.109-2005, SEC.4; P.L.164-2006, SEC.100; P.L.53-2009, SEC.2; P.L.219-2013, SEC.45; P.L.55-2014, SEC.4; P.L.64-2014, SEC.49; P.L.76-2014, SEC.37; P.L.109-2015, SEC.1; P.L.169-2015, SEC.115.*

### **IC 3-11-8-25.2**

#### **Additional documentation before voting; procedure; use of**

### **provisional ballot without documentation**

Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 52 U.S.C. 21083 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 52 U.S.C. 21083, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection (b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(e) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

*As added by P.L.14-2004, SEC.117. Amended by P.L.109-2005, SEC.5; P.L.164-2006, SEC.101; P.L.128-2015, SEC.178.*

### **IC 3-11-8-25.3**

#### **Voter has moved to new address within same precinct; transfer of voter's registration**

Sec. 25.3. If the voter makes:

- (1) a written affirmation on the poll list that the voter resides at an address that is within the same precinct, but not at the address shown on the poll list for the precinct; or
- (2) an oral affirmation of a change of address under IC 3-7-39-7;

the county election board shall direct the county voter registration

office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.

*As added by P.L.219-2013, SEC.46.*

### **IC 3-11-8-25.5**

#### **Voter who leaves poll without casting ballot or after casting provisional ballot**

Sec. 25.5. If an individual signs the individual's name and either:

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

on the poll list or provides the information for entry by the poll clerk into the electronic poll list under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

*As added by P.L.3-1997, SEC.300. Amended by P.L.209-2003, SEC.136; P.L.2-2004, SEC.4; P.L.109-2005, SEC.6; P.L.164-2006, SEC.102; P.L.271-2013, SEC.19.*

### **IC 3-11-8-25.7**

#### **Procedure for voting by member of the military or public safety officer called to duty while waiting to vote**

Sec. 25.7. (a) This section applies only to a voter who is a member of the military or public safety officer.

(b) Notwithstanding section 25.5 of this chapter, if a voter signs the voter's name and either:

- (1) writes the voter's address; or
- (2) checks the "Address Unchanged" box;

on the poll list or provides the information for entry by the poll clerk into the electronic poll list under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may reenter the polls to cast a ballot at the election as provided in this section.

(c) A voter who leaves the polls to respond to an emergency in the voter's capacity as a member of the military or public safety officer must notify a precinct election officer that the voter is leaving the polls to respond to an emergency in the voter's capacity as a member of the military or public safety officer.

(d) A poll clerk or assistant poll clerk shall make a notation on the poll list with the voter's name indicating that the voter has left the polls as permitted by this section and the time the voter left the polls.

(e) If the voter returns to the polls, the voter shall be permitted to vote if the voter executes an affidavit stating all of the following:

- (1) The name of the voter.
- (2) That the voter is a member of the military or public safety officer.
- (3) The military or public safety position the voter holds.
- (4) That after the voter signed the poll list, but before the voter

voted, the voter was called to respond to an emergency in the voter's capacity as a member of the military or public safety officer.

(5) A brief description of the emergency to which the voter responded.

(6) The time at which the voter returned to the polls.

(f) The election division shall prescribe the form of the affidavit required by this section.

*As added by P.L.120-2009, SEC.7. Amended by P.L.271-2013, SEC.20; P.L.169-2015, SEC.116.*

### **IC 3-11-8-26**

#### **Repealed**

*(As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.257; P.L.1-1990, SEC.9; P.L.4-1991, SEC.92; P.L.199-2001, SEC.22; P.L.209-2003, SEC.137; P.L.14-2004, SEC.118. Repealed by P.L.164-2006, SEC.143.)*

### **IC 3-11-8-26.1**

#### **Procedure for voter who cannot sign name and address or who has disability related difficulty**

Sec. 26.1. (a) If a voter:

(1) cannot sign; or

(2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list or enter the information into the electronic poll book:

(1) The voter's name.

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

(c) The poll clerks shall:

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

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

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

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

(e) The poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll book is used, the poll clerk may check the box after

stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll book.

*As added by P.L.209-2003, SEC.138. Amended by P.L.2-2004, SEC.5; P.L.164-2006, SEC.103; P.L.271-2013, SEC.21; P.L.76-2014, SEC.38.*

### **IC 3-11-8-27**

#### **Challenge of voter by precinct election board member**

Sec. 27. If a member of a precinct election board is not satisfied that a person who offers to vote is the person who the person represents the person to be, the member may challenge the person and the person may vote only if the person signs the affidavit required to be signed by voters who are challenged under section 20 of this chapter.

*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-8-27.5**

#### **Challenged voter entitled to cast provisional ballot**

Sec. 27.5. In accordance with 52 U.S.C. 21082, a voter challenged under section 27 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

*As added by P.L.209-2003, SEC.139. Amended by P.L.164-2006, SEC.104; P.L.128-2015, SEC.179.*

### **IC 3-11-8-28**

#### **Repealed**

*(As added by P.L.5-1986, SEC.7. Repealed by P.L.230-2005, SEC.91.)*

### **IC 3-11-8-29**

#### **Poll list; precinct election board's copy**

Sec. 29. (a) This section does not apply to a list kept by a poll clerk under section 10.5 of this chapter.

(b) A precinct election board may not keep a poll list other than the poll list required by section 25.1 of this chapter.

*As added by P.L.5-1986, SEC.7. Amended by P.L.109-2005, SEC.7; P.L.164-2006, SEC.105.*

### **IC 3-11-8-30**

#### **Poll list; return to circuit court clerk; preservation**

Sec. 30. Each inspector shall return the poll lists, together with the oaths of the precinct election board members, in a sealed envelope separate from all other precinct election returns to the circuit court clerk. The clerk shall preserve the poll lists for the period required by

IC 3-10-1-31 or IC 3-10-1-31.1.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.148;  
P.L.14-2004, SEC.119.*

**IC 3-11-8-31**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-11-8-32**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-11-8-33**

**Repealed**

*(Repealed by P.L.4-1988, SEC.3.)*