

IC 3-7-45

Chapter 45. Removal From Registration Records Due to Death

IC 3-7-45-1

Removal of name

Sec. 1. The name of a voter who dies shall be removed from the registration records as provided in this chapter.

As added by P.L.12-1995, SEC.55.

IC 3-7-45-2

Repealed

(As added by P.L.12-1995, SEC.55. Amended by P.L.4-1996, SEC.22; P.L.199-2001, SEC.12; P.L.209-2003, SEC.76. Repealed by P.L.164-2006, SEC.143.)

IC 3-7-45-2.1

Coordination of statewide voter registration list with state department of health to remove names of deceased voters; cancellation of voter registration of deceased voters

Sec. 2.1. (a) As required under 52 U.S.C. 21083, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the state department of health to permit a county voter registration office to cancel the registration records of deceased individuals on an expedited basis.

(b) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons who:

- (1) died within Indiana but outside the county of residence; and
- (2) maintained a residence address within the county during the two (2) years preceding the date of death.

(c) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

- (1) who have died within the jurisdiction of the officer; or
- (2) for whom burial permits have been issued by the officer.

The state department of health shall report this information to the election division.

(d) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

- (1) who died outside Indiana;
- (2) who maintained a residence address within the county during the two (2) years preceding the date of death; and
- (3) whose names were supplied to the state department of health under an agreement made under section 5 of this chapter.

(e) The county voter registration office shall request a copy of the

death records filed quarterly by the local health department with the county auditor under IC 16-37-3-9(c). If a voter is identified as deceased in the death records, the county voter registration office shall cancel the voter registration record of that individual in conformity with section 3 of this chapter.

As added by P.L.209-2003, SEC.77. Amended by P.L.164-2006, SEC.45; P.L.64-2014, SEC.30; P.L.128-2015, SEC.136.

IC 3-7-45-2.2

Cancellation of voter registration based on information from bureau of motor vehicles

Sec. 2.2. The election division shall coordinate the computerized list described in section 2.1 of this chapter with the bureau of motor vehicles to permit a county voter registration office to cancel on an expedited basis the registration record of an individual who is reported deceased by the bureau of motor vehicles.

As added by P.L.64-2014, SEC.31.

IC 3-7-45-3

Cancellation of registration

Sec. 3. As required by 52 U.S.C. 21083, after receipt of the reports required by section 2.1 or 2.2 of this chapter, each county voter registration office shall cancel the registration of each deceased person listed in the reports.

As added by P.L.12-1995, SEC.55. Amended by P.L.209-2003, SEC.78; P.L.164-2006, SEC.46; P.L.64-2014, SEC.32; P.L.128-2015, SEC.137.

IC 3-7-45-4

Cancellation after receipt of death certificate or certain other information

Sec. 4. (a) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under 52 U.S.C. 21083. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.

(b) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of an obituary, notice of estate administration, or other notice of death of that person published in a newspaper in which a legal notice may be published under IC 5-3-1.

(c) A county voter registration office may require additional written information before canceling the registration of a person under subsection (a) or (b) if the information contained in the death certificate or notice of death is insufficient to identify the person whose registration is to be canceled. If:

(1) additional written information is not given to the county voter registration office; or
(2) the additional written information is insufficient to identify the person whose registration is to be canceled;
the county voter registration office is not required to cancel the person's registration.

As added by P.L.4-1996, SEC.23. Amended by P.L.209-2003, SEC.79; P.L.164-2006, SEC.47; P.L.258-2013, SEC.65; P.L.219-2013, SEC.15; P.L.128-2015, SEC.138.

IC 3-7-45-5

Acquiring information from other states, STEVE, and EVVE

Sec. 5. (a) The state department of health shall acquire information regarding the deaths of Indiana residents occurring in each of the other states from those states or from the State and Territorial Exchange of Vital Events (STEVE) System and Electronic Verification of Vital Events (EVVE) System, administered by the National Association for Public Health Statistics and Information Systems. The state department of health may offer to share with each other state information regarding the deaths of the other state's residents in Indiana.

(b) At least once each month, the state department of health shall forward that information as provided in section 2.1 of this chapter.

As added by P.L.4-1996, SEC.24. Amended by P.L.209-2003, SEC.80; P.L.164-2006, SEC.48; P.L.258-2013, SEC.66.

IC 3-7-45-6

Repealed

(As added by P.L.38-1999, SEC.19. Amended by P.L.209-2003, SEC.81. Repealed by P.L.164-2006, SEC.143.)

IC 3-7-45-6.1

Information regarding deceased voters from Social Security Administration; cancellation of registrations

Sec. 6.1. (a) At least once each month, the election division shall obtain information regarding Indiana residents identified as deceased by the federal Social Security Administration as required by 52 U.S.C. 21083 and in conformity with IC 3-7-26.3.

(b) Not later than thirty (30) days after receiving a report obtained under subsection (a), the election division shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county.

(c) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (b).

(d) If the election division does not perform a duty in accordance with this section, the secretary of state shall perform the duty.

As added by P.L.209-2003, SEC.82. Amended by P.L.164-2006,

SEC.49; P.L.153-2013, SEC.4; P.L.258-2013, SEC.67; P.L.128-2015, SEC.139.

IC 3-7-45-7

Voter erroneously identified as deceased

Sec. 7. (a) If a county voter registration office determines that:

- (1) a voter has been identified as deceased in a list or report described by this chapter; and
- (2) the identification is in error;

the voter registration office may decline to cancel the registration and shall note the apparent error on the voter registration record.

(b) If a county voter registration office determines that a registration has been previously canceled in error due to a report that the voter is deceased, the voter registration office shall reinstate the registration by:

- (1) correcting the registration record before a certified list of voters is prepared under IC 3-7-29-1; or
- (2) issuing a certificate of error under IC 3-7-48.

As added by P.L.38-1999, SEC.20.

IC 3-7-45-8

Notice of names of deceased voters

Sec. 8. (a) At least once each month, the NVRA official shall notify each county voter registration office of the names of deceased persons obtained under this chapter.

(b) If the NVRA official does not perform a duty in accordance with this section, the secretary of state shall perform the duty.

As added by P.L.199-2001, SEC.13. Amended by P.L.209-2003, SEC.83; P.L.153-2013, SEC.5; P.L.258-2013, SEC.68.