



Helping Voters Register Under Indiana Law

Important: Voter registration drives in Indiana have to follow certain state laws and rules, such as a requirement that drives turn in applications within a specific timeframe and information the canvasser must place on the completed application. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Indiana, an individual may register to vote if they are:¹

- A U.S. Citizen;
- Will have been a resident of Indiana and of the precinct in which they wish to vote for at least 30 days prior to the election;
- Will be at least 18 years of age on or before the next general, municipal, or special election; and
- Is not currently imprisoned or otherwise currently subject to post-conviction lawful detention after being convicted of a crime and imprisoned²
- A person who, on the day of the next general, municipal, or special election, will meet the age and residency requirements may register and vote in the primary election.³

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: For those voters who have a nontraditional residence (those who are currently homeless, mobile or live at a place where the post office does not deliver mail), applicants should list the closest intersection to where you live in the box to the left marked "Residence Address", then list the address of a friend or shelter, within your county of residence, who is willing to receive mail for you in the box marked "Mailing Address."⁴ An individual with a nontraditional residence whose residence is within a precinct, but is not fixed or permanent, resides in that precinct.⁵ If the postal service does not deliver mail directly to an individual with a nontraditional residence in the precinct where the individual resides, the individual may use a mailing address within a precinct in

the county to complete the registration affidavit. However, if the person uses such an address, the registration affidavit must also state the precinct in which the individual with a nontraditional residence resides.⁶

Felony Convictions: Persons who have been convicted of a crime and imprisoned may register and vote if they are not currently imprisoned or otherwise currently subject to post-conviction lawful detention.⁷ Persons who may register if not imprisoned include persons on probation, on parole, subject to home detention, or placed in a community corrections program, as long as they are otherwise qualified.⁸

College Students: A student attending a postsecondary educational institution in Indiana may have only one residence for election purposes. The student may state the student's residence as either of the following, but not both: either the address where the student lives when the student attends the postsecondary educational institution where the student pursues the student's education, or the address where the student lives when the student is not attending the postsecondary educational institution where the student pursues the student's education.⁹ The intent of where students plan to return after attending college, or during summer and winter breaks, is not to be factored into the decision to approve their registration.¹⁰

PART 3: FILLING OUT AN APPLICATION

Under Indiana law, applications are considered incomplete unless the following information is provided:¹¹

- Name of the applicant
- Residence Address of the applicant, other than the ZIP code¹²
 - A map, description or diagram sufficient to permit locating the voter's residence (if the applicant has no residence address with a street number or name included on this application).
- Mailing address of the applicant, other than the ZIP code, unless the applicant provides a residence address at which the United States Postal Service mail delivery for the applicant can be received¹³
- Date of birth
- The applicant's Identification number or a statement that the applicant has no voter identification number¹⁴
 - An applicant's voter identification number includes:
 - An Indiana driver's license number, or if the applicant does not have an Indiana driver's license, the last four digits of the social security number. If the applicant has neither, they will be assigned an ID number when the application is processed.¹⁵
- Response to the checkboxes regarding citizenship and age
- Signature of the applicant, under penalty of perjury, affirming:¹⁶
 - The applicant meets all the requirements for approval of the application;
 - The information and all other statements on the application are true; and
 - The applicant understands that if the applicant signs the statement knowing that the statement is not true, the application is committing perjury, and understands the penalties for committing perjury.
- If a person received a completed application from an applicant:
 - The name and residence address of the individual who received the application.
 - The date on which the individual received the application from the applicant.
 - The signature of the individual certifying this information.

However, in determining the eligibility of the applicant, the county voter registration office may not reject the application solely on the ground that the individual who received the completed application from the voter failed to complete the application with the information or signature described above.¹⁷

In addition, the following additional fields are not designated as optional on the Indiana voter registration form:¹⁸

- Gender
- Previous registration information
- Former name

PART 4: VOTER REGISTRATION DEADLINE

- Applications must be submitted in person not later than 5pm on the 29th day before an election or postmarked on that day for an applicant to vote in that election.¹⁹ Online applications are timely if submitted no later than midnight on the 29th day before the election.²⁰
- Exceptions may apply to certain overseas and military voters.
- **A specific turn-around-time applies to voter registration drives turning in applications they collect. See below.**

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	No.
<i>Are there restrictions on getting voter registration forms?</i>	Only the version of the state and county registration forms published on the state website will be accepted by county officials, along with the federal form. Older versions of the state or county forms will not be accepted for processing. ²¹
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	Indiana law does not address that issue.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	No.
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	Indiana law does not address this issue.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Federal law and Indiana law both have restrictions regarding payment for voter registration, see question A below.

<p><i>Must the registration drive worker sign their name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i></p>	<p>The Indiana form requires a person who receives a completed application from an applicant to state on the application the name and residence address of the person and the date on which the person received the application from the applicant. There is also a rule for voters who are unable to sign the application. See details below, question B.</p>
<p><i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i></p>	<p>Indiana voter registration forms must contain a receipt to be given by a person receiving a completed application to the applicant when the individual receives the completed application. See details below, question C.</p>
<p><i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i></p>	<p>Indiana law does not address this issue. There are affirmative requirements for identifying information, see question B below.</p>
<p><i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i></p>	<p>Indiana law does not address this issue.</p>
<p><i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i></p>	<p>Yes. A person (other than exempted government workers) receiving a completed application must file the application with the appropriate county voter registration office or the election division no later than 12:00 p.m. on the 10th day after the person who initially received the completed application from the voter registration applicant received the application, or the state’s deadline for filing the application with the county voter registration office, whichever occurs first. See further details, question D below.</p>
<p><i>What are the consequences for failing to submit applications on time?</i></p>	<p>The county official must provide notice of the apparent violation to the county board for appropriate action under state statute. Reckless destruction or failure to deliver an application is a misdemeanor. See details below, question E.</p>

<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	Indiana election law does not address this issue.
<i>How will an applicant know whether the election official received the application?</i>	The applicant will receive notice, see details below, question F.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	The county election official is required to make an effort to contact the applicant, and/or the person who received the completed application, depending on which information is missing. See details below, question G.
<i>Who investigates and enforces the state rules?</i>	The Co-directors of the Election Commission are the chief state election official under the National Voter Registration Act. County election officials, the attorney general, and the prosecuting attorney have roles in enforcement. See details below, question H.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."²² At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."²³ Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²⁴

Indiana law also provides that it is a Level 6 felony to knowingly pay or offer to pay, or accept payment for registering to vote.²⁵ Indiana's voter registration drive guide states that prohibited benefits and rewards would include "balloons, candy, school credits, etc."²⁶

DURING THE DRIVE

B. Must the registration drive worker sign their name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?

The Indiana form requires a person who receives a completed application from an applicant to state on the application the name and residence address of the person and the date on which the person received the application from the applicant, with this statement being certified to by the person under the penalties for perjury.²⁷ Indiana law states that without this information (including the signature of the certifying person), a completed registration application received from the applicant by another individual is considered incomplete.²⁸ However, applications may not be rejected solely for lacking this information if the application is otherwise complete. However, the county voter registration office must, not later than three days after receipt of the application, provide notice of the failure to properly complete the application to the county election board for appropriate action under Indiana Code Section 3-6-5-31.²⁹

Indiana voter registration forms include a receipt requirement, see question C below.

Any version of the Indiana voter registration form approved before August 1, 2013 may not be used or accepted by a county voter registration officer.³⁰ Groups who wish to use federal forms should communicate with election officials regarding requirements for providing canvassers' information.

If the voter is unable to execute an original registration application, the voter may have another person assist with executing the application. If the voter is unable to sign the application, the person assisting the voter may write the voter's name in the space provided for the voter's signature. Unless the voter is physically unable to do so, the voter must also make the voter's mark in the space provided for the voter's signature. A person assisting the voter with the execution of the application must write their own name and residence address in the space indicated for that purpose.³¹

If the person subscribes the name of another person to an affidavit of registration or application for an absentee ballot, failure to write on it the person's own name and address as an attesting witness is a Level 6 Felony.³²

C. Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?

Indiana voter registration forms must require that a person receiving a completed application give to the applicant a receipt stating the name and residence address of the person and the date on which the person took custody of the application. Any Indiana form that does not comply with this requirement may not be used or accepted by a county voter registration officer.³³

D. Is there a time limit for voter registration groups to submit the voter registration applications they collect?

Yes. A person (other than exempted government workers) receiving a completed application must file the application with the appropriate county voter registration office or the election division no later than 12:00 p.m. on the 10th day after the person who initially received the completed application from the voter registration applicant received the application, or the state's deadline for filing the application with the county voter registration office, whichever occurs first. The ten-day filing requirement applies to the delivery of a mail registration form whether prescribed by the United State Election Assistance Commission (federal form) or the election division. This ten-day requirement does not apply to members of the applicant's household or the applicant's attorney-in-fact.³⁴

In addition, if a person receiving a completed application has reason to believe the application is materially false, fictitious, or fraudulent, the person must deliver the application to the appropriate county election board by the relevant deadline, along with a statement sworn or affirmed to under the penalties for perjury setting forth the reasons why the person believes the application may be materially false, fictitious, or fraudulent.³⁵

E. What are the consequences for failing to submit voter registration applications on time?

A county voter registration office may not reject the application solely on the ground that an individual who received the application from the applicant failed to comply with the deadline for persons receiving completed applications from applicants (see question D above). However, the county voter registration office must, not later than three days after receipt of the application, provide notice of the apparent violation to the county election board for appropriate action under IC 3-6-5-31.³⁶

A person who recklessly destroys or fails to file or deliver to the proper officer a registration affidavit or form of registration after the affidavit or form has been executed commits a Class A misdemeanor.³⁷

F. How will an applicant know whether the election official received the application?

When the county voter registration office receives an application, the office must determine if the applicant appears to be eligible to register to vote based on the information in the application. The office must notify the applicant that the application has been received, and if accepted, the notice will contain precinct and polling place information, and the applicant will be considered registered when the notice card is received. If the applicant has been rejected, the office must send a notice denying registration along with the reasons for the denial.³⁸

G. How may an applicant correct an incomplete application after it has been submitted to election officials?

When an application is not fully and properly completed so that the county registration office can determine if the applicant is eligible, or the applicant fails to answer the questions regarding citizenship and age of eligibility, the county voter registration office must promptly make an effort to contact the voter by mail, and if a phone number is listed, by phone.³⁹ If the application is incomplete because the applicant did not answer the citizenship and age checkboxes, and if the county voter registration office obtains a written statement from the applicant answering either or both of the questions that were not answered on the original form before the registration deadline, the office must then process the application form. If the application is incomplete because of some other reason (other than the citizenship and age checkboxes), and if the office obtains information that permits the office to complete the form, including by phone, the office must process the application form. Election offices must document information received by phone.⁴⁰

If the application contains all the information required to be supplied by the voter but is incomplete because a person who received it from the applicant did not include the required information (see above question A) or the person's signature, the county voter registration office must promptly make one effort to contact the individual who received the completed application from the voter, if possible, and one effort to contact the voter to obtain the missing information or the signature in the case of the individual who received the completed application from the voter. The county voter registration office must process the application if the county voter registration office either obtains the information or signature, or cannot obtain the information or signature of the individual who had custody of the application and the application is otherwise complete.⁴¹

When the county prepares the certified voter list, it must also certify a list of remaining incomplete applications that do not permit the voter registration office to determine if the applicant is eligible to register. When this list is certified, the applications are rejected.⁴²

H. Who is responsible for investigating and enforcing the state rules?

The co-directors of the election commission are jointly designated as the chief state election official responsible for the coordination of state responsibilities under the National Voter Registration Act (NVRA).⁴³ If a county election board determines that there is substantial reason to believe an election law violation has occurred, it must expeditiously make an investigation. If in the judgment of the board, after

affording due notice and an opportunity for a hearing, a person has engaged or is about to engage in an act or practice that constitutes or will constitute a violation of a provision of this title or of a rule or order issued under this title, the board shall take the action it considers appropriate under the circumstances, including referring the matter to the attorney general or the appropriate prosecuting attorney.⁴⁴ After referral from a county board, the attorney general or prosecuting attorney shall institute on behalf of the state a civil action for relief.⁴⁵

Regarding violations other than of the voter registration laws in chapter 3-7 and the NVRA, the election commission and each county election board must report each violation of the election law as a felony or misdemeanor to the appropriate prosecuting attorney and the alleged violator. The commission and boards may have the report transmitted and presented to the grand jury of the county in which the violation was committed. The commission and boards must furnish the grand jury any evidence at their command necessary in the investigation and prosecution of the violation.⁴⁶

WEB PAGE OF STATUTE

<https://iga.in.gov/legislative/laws/2015/ic/titles/003>/For more information, contact:

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The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

¹ Ind. Code Ann. § 3-7-13-1

² Ind. Code Ann. §§ 3-7-13-4, 3-7-13-5

³ Ind. Code Ann. § 3-7-13-2

⁴ Indiana Online Voter Registration, <https://indianavoters.in.gov/PublicSite/OVR/Introduction.aspx> (last visited Apr. 18, 2016)

⁵ Ind. Code Ann. § 3-5-5-18

⁶ Ind. Code Ann. § 3-7-37-1

⁷ Ind. Code Ann. §§ 3-7-13-4, 3-7-13-5

⁸ Ind. Code Ann. §§ 3-7-13-6

⁹ Ind. Code Ann. § 3-5-5-7

¹⁰ Ind. Sec'y. of State, <http://www.in.gov/sos/elections/2403.htm> (last visited Apr. 18, 2016).

¹¹ Ind. Code Ann. § 3-7-34-1.5

¹² Ind. Code Ann. § 3-7-34-1.5

¹³ Ind. Code Ann. § 3-7-34-1.5

¹⁴ Ind. Code Ann. § 3-7-34-1.5

¹⁵ Ind. Code Ann. § 3-7-13-13

¹⁶ Ind. Code Ann. § 3-7-34-1.5

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- ¹⁷ Ind. Code Ann. § 3-7-34-4.5
- ¹⁸ Indiana Voter Registration Form, available at <https://forms.in.gov/Download.aspx?id=9341> (last revised Mar. 2016).
- ¹⁹ Ind. Code Ann. § 3-7-33-3.7
- ²⁰ Ind. Code Ann. § 3-7-33-3.5
- ²¹ Ind. Sec’y. of State, <http://www.in.gov/sos/elections/2403.htm> (last visited Apr. 18, 2016).
- ²² 52 U.S.C. § 10307(c)
- ²³ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).
- ²⁴ California Secretary of State, Guide to Voter Registration Drives 11, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (Rev. Jan. 2016)
- ²⁵ Ind. Code Ann. § 3-14-2-1
- ²⁶ Ind. Sec’y of State, *Conducting a Voter Registration Drive*, at 1, www.in.gov/sos/elections/files/VoterRegistrationDriveFlyer.pdf (last visited Apr. 18, 2016).
- ²⁷ Ind. Code Ann. § 3-7-31-5
- ²⁸ Ind. Code Ann. § 3-7-34-1.5
- ²⁹ Ind. Code Ann. § 3-7-34-4.5
- ³⁰ Ind. Code Ann. § 3-7-31-5
- ³¹ Ind. Code Ann. § 3-7-32-7
- ³² Ind. Code Ann. § 3-14-2-3
- ³³ Ind. Code Ann. § 3-7-31-5; *see also* Indiana Voter Registration Form, available at <https://forms.in.gov/Download.aspx?id=9341> (last revised Mar. 2016)
- ³⁴ Ind. Code Ann. § 3-7-32-8
- ³⁵ Ind. Code Ann. § 3-7-32-8
- ³⁶ Ind. Code Ann. § 3-7-33-5.5
- ³⁷ Ind. Code Ann. § 3-14-2-5
- ³⁸ Ind. Code Ann. § 3-7-33-5
- ³⁹ Ind. Code Ann. § 3-7-34-2
- ⁴⁰ Ind. Code Ann. § 3-7-34-3
- ⁴¹ Ind. Code Ann. § 3-7-34-4.5
- ⁴² Ind. Code Ann. § 3-7-34-4
- ⁴³ Ind. Code Ann. § 3-7-11-1
- ⁴⁴ Ind. Code Ann. § 3-6-5-31
- ⁴⁵ Ind. Code Ann. § 3-6-5-32
- ⁴⁶ Ind. Code Ann. § 3-14-5-3