

HOUSE BILL No. 1301

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7; IC 3-10-8-9; IC 3-11-8; IC 3-11.7-2-1.

Synopsis: Same day registration. Permits a voter to register at the polls by completing a voter registration form and an affirmation that the individual has not voted elsewhere in the election and by providing proof of residence. Requires the ballot of a voter who registers at the polls to be treated as a provisional ballot.

Effective: July 1, 2021.

Smith V

January 14, 2021, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1301

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-7-13-10.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 10.5. Notwithstanding section 10 of this chapter, an**
4 **individual may register or transfer registration on the day of a**
5 **primary, general, municipal, school district, or special election as**
6 **provided in IC 3-7-49.**

7 SECTION 2. IC 3-7-13-11 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. A person desiring
9 to register or transfer a registration may do so:

10 (1) at the office of the circuit court clerk or board of registration
11 through the close of business on the twenty-ninth day before the
12 election is scheduled to occur; **or**

13 (2) **on the day of a primary, general, municipal, school**
14 **district, or special election as provided in IC 3-7-49 or**
15 **IC 3-10-11.**

16 SECTION 3. IC 3-7-36-14, AS AMENDED BY P.L.76-2014,
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 14. (a) This section applies to a person described
2 in subsection (b) who applies to register to vote during the period:

- 3 (1) beginning on the seventh day before election day; and
4 (2) ending at noon election day.

5 (b) An absent uniformed services voter who is absent from Indiana
6 during the registration period applicable to the voter under this chapter
7 and who otherwise would be entitled to register to vote under Indiana
8 law may, upon returning to Indiana during the period described in
9 subsection (a) following discharge from service or reassignment,
10 register to vote by doing the following:

- 11 (1) Showing either of the following to the county voter
12 registration office:

13 (A) A discharge from service, dated not earlier than the
14 beginning of the registration period that ended on the eighth
15 day before election day, of:

- 16 (i) the voter;
17 (ii) the voter's spouse; or
18 (iii) the individual of whom the voter is a dependent.

19 (B) A copy of the government movement orders, with a
20 reporting date not earlier than the beginning of the registration
21 period that ended on the eighth day before election day, of:

- 22 (i) the voter;
23 (ii) the voter's spouse; or
24 (iii) the individual of whom the voter is a dependent.

- 25 (2) Completing a registration affidavit.

26 (c) **Except as provided in subsection (g)**, a voter who registers
27 under this section may vote at the upcoming election only by absentee
28 ballot at the office of the circuit court clerk at the time the voter
29 registers under this section or at any time after the voter registers under
30 this section and before noon on election day. A voter who wants to vote
31 under this subsection must do both of the following:

- 32 (1) Complete an application for an absentee ballot.
33 (2) Sign an affidavit that the voter has not voted at any other
34 precinct in the election.

35 The voter may vote at subsequent elections as otherwise provided in
36 this title.

37 (d) If the voter votes by absentee ballot under this section, the
38 circuit court clerk shall do the following:

- 39 (1) Certify in writing that the voter registered under this section.
40 (2) Attach the certification to the voter's absentee ballot envelope.

41 (e) If the county has a board of registration, the board of registration
42 shall promptly deliver the voter's registration affidavit to the circuit



1 court clerk to permit the voter to vote under subsection (c).

2 (f) If the voter chooses not to vote under subsection (c), the county
3 voter registration office shall register the voter on the first day of the
4 next registration period.

5 **(g) An individual described in subsection (c) may register and
6 vote on the day of a primary, general, municipal, school district, or
7 special election as provided in IC 3-7-49.**

8 SECTION 4. IC 3-7-48-1, AS AMENDED BY P.L.271-2013,
9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2021]: Sec. 1. (a) Except as otherwise provided by NVRA or
11 in this chapter, a person whose name does not appear on the
12 registration record may not vote, unless:

13 **(1) the county voter registration office issues a signed certificate
14 of error immediately available for inspection in the county voter
15 registration office showing that the voter is legally registered in
16 the precinct where the voter resides; or**

17 **(2) the voter has registered as provided in IC 3-7-49.**

18 (b) A person whose name does not appear on the registration record
19 may cast a provisional ballot as provided in IC 3-11.7.

20 SECTION 5. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS
21 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2021]:

23 **Chapter 49. Election Day Registration**

24 **Sec. 1. (a) An individual who is not registered to vote but is
25 otherwise qualified to vote shall be allowed to vote at the polls in a
26 primary, general, municipal, school district, or special election if
27 the individual registers at the polls under this chapter.**

28 **(b) In order to register to vote at a precinct under this chapter,
29 an individual:**

30 **(1) must be a resident of the precinct;**

31 **(2) must be otherwise legally qualified to vote under
32 IC 3-7-13-1;**

33 **(3) may not be registered to vote under IC 3-7-14 through
34 IC 3-7-22;**

35 **(4) may not be qualified to vote under IC 3-7-39-7,
36 IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12;
37 and**

38 **(5) may not have already voted in the election.**

39 **(c) Before allowing an individual to vote under this chapter, the
40 poll clerk or other precinct election officer shall require the
41 individual to do the following:**

42 **(1) Complete a voter registration form prescribed by**



1 **IC 3-7-18, along with the affirmation described in section 3 of**
 2 **this chapter, and sign the form in the presence of two (2)**
 3 **precinct election officers who must be from different political**
 4 **parties. If the county election board has not appointed**
 5 **precinct election officers from more than one (1) political**
 6 **party to the precinct election board, the inspector for the**
 7 **precinct shall sign the form as the second precinct election**
 8 **officer.**

9 **(2) Provide acceptable proof of residence.**

10 **Sec. 2. (a) For purposes of this chapter, one (1) of the following**
 11 **forms of identification is acceptable as proof of residence:**

12 **(1) A current and valid photo identification.**

13 **(2) A current utility bill, bank statement, government check,**
 14 **paycheck, or government document that shows the name and**
 15 **address of the individual registering to vote.**

16 **(3) A statement signed by any other voter in the precinct that**
 17 **corroborates the information on the voter's registration form**
 18 **concerning the residency of the individual registering to vote.**
 19 **The corroborator must provide the identification listed in**
 20 **subdivision (1) or (2) as proof of the corroborator's residence**
 21 **and must sign the statement in the presence of two (2)**
 22 **precinct election officers who must be from different political**
 23 **parties. If the county election board has not appointed**
 24 **precinct election officers from more than one (1) political**
 25 **party to the precinct election board, the inspector for the**
 26 **precinct shall sign the form as the second precinct election**
 27 **officer. The commission shall prescribe the form of the**
 28 **statement.**

29 **(b) If an individual presents a document under subsection (a),**
 30 **the poll clerk shall add a notation to the poll list indicating the type**
 31 **of document presented by the individual. The election division shall**
 32 **prescribe a standardized coding system to classify documents**
 33 **presented under subsection (a) for entry into the county voter**
 34 **registration system.**

35 **(c) If an individual is unable to present the documentation**
 36 **required under subsection (a) to the poll clerk while present at the**
 37 **polls, the poll clerk shall notify the precinct election board.**

38 **(d) The precinct election board shall advise the individual that**
 39 **the individual must file a copy of the documentation required**
 40 **under subsection (a) with:**

41 **(1) the county voter registration office; or**

42 **(2) the precinct election board in the voter's precinct;**



1 to permit the individual's provisional ballot to be counted under
2 IC 3-11.7.

3 **Sec. 3.** The commission shall prescribe the affirmation required
4 under section 1(c)(1) of this chapter. The affirmation must include
5 a statement that the individual has not already voted at the election
6 for which the individual is registering to vote.

7 **Sec. 4.** An individual who registers to vote under this chapter:

8 (1) may not be challenged on the grounds that the individual's
9 registration does not appear in the precinct registration book
10 or poll list; and

11 (2) is not required to obtain a certificate of error under
12 IC 3-7-48 to vote.

13 **Sec. 5.** Before each primary, general, municipal, school district,
14 or special election, the county election board shall provide each
15 precinct election board with a sufficient number of registration
16 forms, affirmations, and statements to meet the reasonable need
17 for the forms, affirmations, and statements under this chapter.

18 **Sec. 6.** The precinct election board shall attach the completed
19 registration forms, affirmations, and statements to the poll list for
20 processing by the county voter registration office under
21 IC 3-10-1-31.1.

22 **Sec. 7. (a)** The precinct election board shall add to the poll list
23 of the precinct the name and address of an individual who registers
24 to vote under this chapter.

25 (b) The county voter registration office shall add to the
26 registration record of the county the name of an individual who
27 registers to vote under this chapter.

28 **Sec. 8.** The county voter registration office shall process under
29 IC 3-7-33-5 the voter registration forms completed under section
30 1 of this chapter.

31 **Sec. 9.** If a notice mailed under IC 3-7-33-5 to an individual who
32 registered under this chapter is returned as undeliverable, the
33 county voter registration office shall initiate steps under
34 IC 3-7-33-6 to remove the individual from the registration rolls.

35 **Sec. 10.** A registration completed under this chapter for which
36 the notice mailed under IC 3-7-33-5 is not returned is effective to
37 the same extent as if the registration had been completed under
38 IC 3-7-14 through IC 3-7-22.

39 **Sec. 11.** An individual who registers to vote under this chapter
40 shall be given a provisional ballot to vote at the election if the
41 individual wishes to vote at that election.

42 SECTION 6. IC 3-10-8-9, AS AMENDED BY P.L.10-2010,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2021]: Sec. 9. (a) If the special election occurs during the
 3 period when registration is open under IC 3-7-13, the registration
 4 period continues through the twenty-ninth day before the special
 5 election occurs and resumes on the date specified by IC 3-7-13-10(d),
 6 **except that an individual may register or transfer registration on**
 7 **the day of a special election as provided in IC 3-7-49.**

8 (b) The election board conducting the special election shall provide
 9 poll lists for use at the precincts that include the names of voters in the
 10 precinct who:

11 (1) have registered through the twenty-ninth day before the
 12 special election is to be conducted; or

13 (2) are absent uniformed services voters or overseas voters
 14 registered under IC 3-7-36.

15 (c) This subsection applies when a special election is ordered by a
 16 court under IC 3-12-8-17 or the state recount commission under
 17 IC 3-12-11-18. A candidate may not be placed on the special election
 18 ballot unless the candidate was on the ballot or was a declared write-in
 19 candidate for the office at the general election preceding the special
 20 election.

21 SECTION 7. IC 3-11-8-15, AS AMENDED BY P.L.194-2013,
 22 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2021]: Sec. 15. (a) Only the following persons are permitted
 24 in the polls during an election:

25 (1) Members of a precinct election board.

26 (2) Poll clerks and assistant poll clerks.

27 (3) Election sheriffs.

28 (4) Deputy election commissioners.

29 (5) Pollbook holders and challengers.

30 (6) Watchers.

31 (7) Voters for the purposes of:

32 (A) voting; or

33 (B) **registering to vote on election day under IC 3-7-49, or**
 34 **filing a copy of the documentation required by**
 35 **IC 3-7-49-2(a) with the precinct election board in the**
 36 **voter's precinct so that the voter's provisional ballot may**
 37 **be counted under IC 3-11.7.**

38 (8) Minor children accompanying voters as provided under
 39 IC 3-11-11-8.

40 (9) An assistant to a precinct election officer appointed under
 41 IC 3-6-6-39.

42 (10) An individual authorized to assist a voter in accordance with



- 1 IC 3-11-9.
- 2 (11) A member of a county election board, acting on behalf of the
- 3 board.
- 4 (12) A mechanic authorized to act on behalf of a county election
- 5 board to repair a voting system (if the mechanic bears credentials
- 6 signed by each member of the board).
- 7 (13) Either of the following who have been issued credentials
- 8 signed by the members of the county election board:
- 9 (A) The county chairman of a political party.
- 10 (B) The county vice chairman of a political party.
- 11 However, a county chairman or a county vice chairman who is a
- 12 candidate for nomination or election to office at the election may
- 13 not enter the polls under this subdivision.
- 14 (14) The secretary of state, as chief election officer of the state,
- 15 unless the individual serving as secretary of state is a candidate
- 16 for nomination or election to an office at the election.
- 17 (b) This subsection applies to a simulated election for minors
- 18 conducted with the authorization of the county election board. An
- 19 individual participating in the simulated election may be in the polls for
- 20 the purpose of voting. A person supervising the simulated election may
- 21 be in the polls to perform the supervision.
- 22 (c) The inspector of a precinct has authority over all simulated
- 23 election activities conducted under subsection (b) and shall ensure that
- 24 the simulated election activities do not interfere with the election
- 25 conducted in that polling place.
- 26 SECTION 8. IC 3-11-8-16, AS AMENDED BY P.L.230-2005,
- 27 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2021]: Sec. 16. A person may not remain within a distance
- 29 equal to the length of the chute (as defined in IC 3-5-2-10) of the
- 30 entrance to the polls except for the purpose of:
- 31 **(1) offering to vote; or**
- 32 **(2) registering to vote on election day under IC 3-7-49, or**
- 33 **filing a copy of the documentation required by IC 3-7-49-2(a)**
- 34 **with the precinct election board in the voter's precinct so that**
- 35 **the voter's provisional ballot may be counted under IC 3-11.7.**
- 36 SECTION 9. IC 3-11-8-25.1, AS AMENDED BY P.L.157-2019,
- 37 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2021]: Sec. 25.1. (a) Except as provided in subsection (e), a
- 39 voter who desires to vote an official ballot at an election shall provide
- 40 proof of identification.
- 41 (b) Except as provided in subsection (e), before the voter proceeds
- 42 to vote in the election, a precinct election officer shall ask the voter to



1 provide proof of identification. One (1) of each of the precinct election
 2 officers nominated by each county chairman of a major political party
 3 of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter
 4 to provide proof of identification. The voter shall produce the proof of
 5 identification to each precinct officer requesting the proof of
 6 identification before being permitted to sign the poll list.

7 (c) If:

8 (1) the voter is unable or declines to present the proof of
 9 identification; or

10 (2) a member of the precinct election board determines that the
 11 proof of identification provided by the voter does not qualify as
 12 proof of identification under IC 3-5-2-40.5;

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

15 (d) If the voter executes a challenged voter's affidavit under section
 16 22.1 of this chapter, the voter shall:

17 (1) sign the poll list; and

18 (2) receive a provisional ballot.

19 (e) A voter who votes in person at a precinct polling place, vote
 20 center, or satellite office established under IC 3-11-10-26.3 that is
 21 located at a state licensed care facility where the voter resides is not
 22 required to provide proof of identification before voting in an election.

23 (f) After a voter has passed the challengers or has been sworn in, the
 24 voter shall be instructed by a member of the precinct election board to
 25 proceed to the location where the poll clerks are stationed. In a vote
 26 center county using an electronic poll list, two (2) election officers who
 27 are not members of the same political party must be present when a
 28 voter signs in on the electronic poll list. The voter shall announce ~~the~~
 29 ~~voter's name~~ to the poll clerks or assistant poll clerks **the voter's name**
 30 **and whether the voter wants to register to vote at the polls. If the**
 31 **voter wants to register and meets the conditions set forth in**
 32 **IC 3-7-49, the poll clerk or other precinct election officer shall**
 33 **register the voter in accordance with IC 3-7-49. If the voter is**
 34 **already registered,** a poll clerk, an assistant poll clerk, or a member
 35 of the precinct election board shall require the voter to write the
 36 following on the poll list or to provide the following information for
 37 entry into the electronic poll list:

38 (1) The voter's name.

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

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



- 1 (1) ask the voter to provide or update the voter's voter
2 identification number;
- 3 (2) tell the voter the number the voter may use as a voter
4 identification number; and
- 5 (3) explain to the voter that the voter is not required to provide or
6 update a voter identification number at the polls.
- 7 (h) The poll clerk, an assistant poll clerk, or a member of the
8 precinct election board shall ask the voter to provide proof of
9 identification.
- 10 (i) In case of doubt concerning a voter's identity, the precinct
11 election board shall compare the voter's signature with the signature on
12 the voter's registration record provided by the county voter registration
13 office under IC 3-7-29. If the board determines that the voter's
14 signature is authentic, the voter may then vote. If either poll clerk
15 doubts the voter's identity following comparison of the signatures, the
16 poll clerk shall challenge the voter in the manner prescribed by section
17 21 of this chapter.
- 18 (j) If:
- 19 (1) the poll clerk does not execute a challenger's affidavit; or
20 (2) the voter executes a challenged voter's affidavit under section
21 22.1 of this chapter or executed the affidavit before signing the
22 poll list;
23 the voter may then vote.
- 24 (k) The electronic poll book (or each line on a poll list sheet
25 provided to take a voter's current address) must include a box under the
26 heading "Address Unchanged". A voter whose address is unchanged
27 shall check the box instead of writing the voter's current address on the
28 poll list, or if an electronic poll book is used, the poll clerk shall check
29 the box after stating to the voter the address shown on the electronic
30 poll book and receiving an oral affirmation from the voter that the
31 voter's residence address shown on the poll list is the voter's current
32 residence address instead of writing the voter's current residence
33 address on the poll list or reentering the address in the electronic poll
34 book.
- 35 (l) If the voter indicates that the voter's current residence is located
36 within another county in Indiana, the voter is considered to have
37 directed the county voter registration office of the county where the
38 precinct is located to cancel the voter registration record within the
39 county. The precinct election board shall provide the voter with a voter
40 registration application for the voter to complete and file with the
41 county voter registration office of the county where the voter's current
42 residence address is located.



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

5 SECTION 10. IC 3-11-8-25.5, AS AMENDED BY P.L.271-2013,
 6 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2021]: Sec. 25.5. (a) If an individual signs the individual's
 8 name and either:

9 (1) signs the individual's address; or

10 (2) checks the "Address Unchanged" box;

11 on the poll list or provides the information for entry by the poll clerk
 12 into the electronic poll list under section 25.1 of this chapter and then
 13 leaves the polls without casting a ballot or after casting a provisional
 14 ballot, the voter may not be permitted to reenter the polls, ~~to cast a~~
 15 ~~ballot at the election.~~ **except as provided by subsection (b).**

16 **(b) An individual who:**

17 **(1) registers to vote on election day under IC 3-7-49; and**

18 **(2) is unable to present the documentation required under**
 19 **IC 3-7-49-2(a);**

20 **is entitled to reenter the polls solely to file a copy of the**
 21 **documentation required under IC 3-7-49-2(a) with the precinct**
 22 **election board in the individual's precinct so that the individual's**
 23 **provisional ballot may be counted under IC 3-11.7.**

24 SECTION 11. IC 3-11.7-2-1, AS AMENDED BY P.L.128-2015,
 25 SECTION 201, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) ~~As provided by 52 U.S.C.~~
 27 ~~21082;~~ This section applies to the following individuals:

28 (1) An individual:

29 (A) whose name does not appear on the registration list; and

30 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the
 31 voter makes an oral or a written affirmation under IC 3-7-48-5
 32 or IC 3-7-48-7 or after the voter produces a certificate of error
 33 under IC 3-7-48-1.

34 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
 35 IC 3-11-8-27.5 who is challenged as not eligible to vote.

36 (3) An individual who seeks to vote in an election as a result of a
 37 court order (or any other order) extending the time established for
 38 closing the polls under IC 3-11-8-8.

39 **(4) An individual who is registering to vote at the polls under**
 40 **IC 3-7-49-2.**

41 (b) ~~As required by 52 U.S.C. 21083;~~ A voter who has registered to
 42 vote but has not:



1 (1) presented identification required under 52 U.S.C. 21083 to the
2 poll clerk before voting in person under IC 3-11-8-25.1; or
3 (2) filed a copy of the identification required under 52 U.S.C.
4 21083 to the county voter registration office before the voter's
5 absentee ballot is cast;
6 is entitled to vote a provisional ballot under this article.
7 (c) A precinct election officer shall inform an individual described
8 by subsection (a)(1) or (a)(2) that the individual may cast a provisional
9 ballot if the individual:
10 (1) is eligible to vote under IC 3-7-13-1;
11 (2) submitted a voter registration application during the
12 registration period described by IC 3-7-13-10; and
13 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.
14 (d) A precinct election officer shall inform an individual described
15 by subsection (a)(3) **or (a)(4)** that the individual may cast a provisional
16 ballot.

