Indiana Voter's Bill of Rights

Polls are open 6:00 a.m. to 6:00 p.m. , local time

You have the right to vote in an Indiana election, if:

- You are a U.S. Citizen; AND
- You are a resident of Indiana; AND
- You will be at least 18 years of age at the next general election, November 2, 2010; AND
- You are not currently in prison after being convicted of a crime; AND
- You have lived in the precinct where you vote for at least 30 days before the election; AND
- You are registered to vote.

You have the right to vote in a free and fair election:

- You must present a government-issued photo ID to verify your identity before signing the poll list and casting a ballot. The document must meet the following requirements to qualify as a valid ID:
  1. Show the name of the individual to whom the document was issued, (the name on the photo ID must conform to the name on the individual's voter registration record.) AND
  2. Show a photograph of the individual to whom the document was issued; AND
  3. Include an expiration date that shows the document: (A) is not expired; or (B) expired after November 4, 2008; AND
  4. Be issued by the State of Indiana or the US Government.
- If: 1. You are unable or decline to present the photo ID
  -OR-
  2. A member of the precinct election board determines that the photo ID presented does not qualify as proof of identification, a member of the precinct election board will challenge you.
- After executing a challenged voter's affidavit, you may:
  1. Sign the poll list; AND
  2. Receive a provisional ballot

You have the right to vote:

- Privately and independently, in a voting booth that is free from any unauthorized materials.

Using a Paper Ballot:

If you are using a paper ballot for an election or using a paper ballot during an emergency repair of the voting system, the following apply:

1. Check your ballot to ensure that it has the initials of both poll clerks on the back and is not marked or damaged.
2. Make a voting mark (an "X" or "√") in the circle or square to indicate the candidates or political party ticket for whom you wish to vote. If you cast a vote for a write-in candidate, clearly print or write the name of the candidate on the appropriate location on the ballot. If you make a mistake, you should request a replacement ballot from the clerks.
3. Fold the ballot so that your choices are secret and so that the initials of the poll clerks are visible.
4. Deposit the paper ballot into the ballot box.

Using an Optical Scan Ballot:

1. Check your ballot to ensure that it has the initials of both poll clerks on the back and is not marked or damaged.
2. Use the pen or pencil to shade in the oval, square, or circle (or connect the arrows) on the ballot to indicate the candidates or political party ticket for whom you wish to vote.
3. If you vote for a write-in candidate, clearly print or write the name of the candidate on the appropriate location on the ballot. If you make a mistake request a replacement ballot from the clerks.
4. Check your ballot to ensure that you have completely shaded in the symbols or connected the arrows.
5. Place your ballot inside the envelope provided so that your votes are secret.
6. Deposit your ballot in the ballot box or direct the judge to deposit your ballot for you.

Using a Direct Record Electronic Voting Machine:

1. Touch the button or indicated location on the screen to vote for the candidates or political party ticket for whom you wish to vote. If you vote for a write-in candidate, type the name of the candidate on the appropriate voting system screen (or write the name and office on the paper roll beneath the appropriate window).
2. Check to make certain that you have reviewed all the races on the voting system screens and voted in each of the races for which you wish to do so.
3. Touch the large button or indicated location on the screen to cast your ballot.

You have the right to vote, using a fail-safe procedure if the following criteria apply to you:

Fail-Safe Procedures

If your name does not appear on the poll list, you are still allowed to vote if one of the following fail-safe procedures applies to you:

1. **Certificate of Error** – If your name does not appear on the poll list because of an error by the county. The county must issue a Certificate of Error before you are allowed to cast a regular ballot.
2. **Written Affirmation** – If, at one time, you were registered to vote in this precinct, but your name no longer appears on the poll list, and you are willing to sign a written statement (or make an oral affirmation in the presence of the inspector or one of the judges) that you still live at the same address.
3. **Receipt from Voter Registration** – If your name does not appear on the poll list, but you have a receipt from a voter registration agency indicating that you applied to register while the registration period was still open (before the last 29 days before the election), and the county voter registration office does not have any record of receiving the application, then you may vote after the information on your receipt is recorded on the poll list and you fill out a voter registration application.

More Fail-Safe Procedures

- If your name is on the poll list but the name or address listed does not match your current name or address, you may still qualify to vote if one of the following fail-safe procedures applies to you:
  1. **Moved within the precinct** - If your name is on the poll list but you have moved within the same precinct, you may vote if you sign the poll book with the new address.
  2. **Name Changed** - If your name is on the poll list but it has changed (example: due to marriage, divorce or adoption), you may vote if you sign the poll book with the new name.
  3. **Moved but still live in the same county and congressional district** – If you moved to another precinct that is still in the same county and congressional district regardless of when you moved, you may vote at your old precinct one last time. You must sign an affidavit provided by local election officials or make an oral affirmation of these facts in the presence of the precinct election board before proceeding to vote.
  4. **Moved within the State of Indiana in the last 30 days before the election -** If you moved to another precinct in Indiana within the final 30 days before the election, you may vote in your old precinct, one last time, by signing an affidavit provided by local election officials.
  5. **Moved outside the State of Indiana in the last 30 days before a presidential election** – If you moved from an Indiana precinct to a new residence outside of Indiana within the final 30 days before Election Day, you may vote at your old precinct one last time by signing an affidavit provided by local election officials. However, you will only be given a ballot to vote for president and vice president.

How to Cast a Provisional Ballot

What is a provisional ballot?

- A provisional ballot allows you to cast a vote if:
  1. There is a question about your qualification to vote in the precinct (e.g., you are not on the poll book) which is not resolved by a fail-safe procedure and you believe you are qualified to vote in the precinct. **-OR-**
  2. You have been challenged as not qualified to vote in your precinct (example: you did not have photo identification)
- A person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:
  1. Enrollment in an educational institution; or
  2. Registration to vote at an address that is housing provided for students by the educational institution.
  3. Actual or perceived affiliation with a political party; or
  4. Support or opposition to a candidate or the adoption of a public question.
- Your provisional ballot will be kept separate from the other ballots cast in that precinct. After Election Day, the county election board will decide whether you were qualified to vote in that precinct and whether your ballot should be counted.
- If you cast a provisional ballot, you have until noon 10 days after the election to follow up with the county election board and either provide the necessary documentation or affirm one of the photo id law's exemptions applies to you
- You will be able to contact your county election board after Election Day to find out whether your ballot was counted, and if it was not counted, why not.
- There are several situations in which you may be required to cast a provisional ballot as a voter:
  1. You are lacking the requisite photo identification
  2. Your name appears on the poll list, but you have been challenged as not eligible to vote at the precinct for some other reason sworn to in writing by the person who challenges your eligibility to vote.
  3. An order has been issued by a court extending the hours that the polls must remain open.

How do you cast a provisional ballot?

Generally, the same rules and procedures that apply to casting a traditional paper ballot apply to casting a provisional ballot, but there are some special procedures that are similar to casting an absentee ballot:

1. You must mark the provisional ballot privately, unless you are entitled to assistance and request it.
2. You enclose the provisional ballot inside a provisional ballot secrecy envelope provided for this purpose (Form PRO-2) and seal the envelope.
3. You return the sealed envelope, with the ballot inside, to the inspector.

Please note: If you have a spoiled provisional ballot, the spoiled ballot must also be returned to the inspector before you can receive a replacement provisional ballot.

You have the right to other Voter Protections:

Voters Needing Assistance:

- **A voter may be assisted in the voting booth ONLY IF:**
  1. You have a disability (permanent or temporary) or are unable to read or write the English language
     -AND-
  2. Before entering the voting booth, you request assistance.
- **If requested, the following individuals may assist a voter:**
  1. The voter may designate anyone to assist the voter (a relative, or friend). However, you may NOT designate your employer or union representative.
  2. If you request assistance but do not designate someone else to help you, BOTH judges must accompany the voter into the voting booth to assist the voter.
- **Completing the Affidavit of Voter Assistance at the Polls -** Any person providing assistance to a voter (including the judges) must complete the Affidavit of Voter Assistance at the Polls (PRE-3); BEFORE entering the voting booth to assist a voter.

Accessible Polls – You have the right to a polling place that is accessible to a person with disabilities.

Traveling Voting Boards – If you are confined due to illness or disability, you have the right to vote absentee at your place of confinement before a traveling absentee voting board.

Spoiled Ballots – Your ballot is "spoiled" if you vote for too many candidates running for the same office or if you vote by mistake for a candidate for whom you did not intend to vote. If you spoil your ballot, you have the right to return the spoiled ballot to the inspector and receive another ballot in order to cast a vote in that election.

Overvoting – If you cast multiple votes for a single office your vote will not be counted and is considered "spoiled" and cannot be counted for any candidate for that office. If you cast more than one "straight party" vote, your vote will not be counted for any candidates for any office listed under any party ticket. Please follow instructions under the Spoiled Ballot section above before casting your ballot.

Waiting at the Polls at Closing – If you have begun the process of voting, or are waiting in the chute to begin the process of voting, before the closing of the polls at 6:00 p.m., you have the right to cast a vote in that election.

Mail-in Registrants and First-Time Voters:

- If you submitted an application to register to vote by **mail between January 1, 2003 and January 1, 2006** and **have not previously voted in the county**, you must provide additional documentation to the county voter registration office prior to voting to verify your residence.
- If you submitted an application to register to vote by mail **after January 1, 2006** and **have not previously voted in Indiana**, you must provide additional documentation to the county voter registration office prior to voting to verify your residence.
- The identification documentation required may be either (1) a current and valid photo identification or (2) a current utility bill, bank statement, government check, paycheck, or government document that shows your name and address (at the address shown on the your registration).
- Identification documents may be submitted in the mail with the registration application, in person at the county voter registration office, or at the polls, no **later than the close of polls on Election Day**.
- The additional documentation requirement does not apply to an absent uniformed services voter or overseas voter or to an individual entitled to vote an absentee ballot under federal law due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for that individual or for any other reason under federal law.

You have the right to free and fair elections:

Vote Fraud: If you knowingly vote at an election when you are not authorized to vote, you are committing a felony and can be fined up to $10,000, jailed for up to three years, or both. Please be aware of the following prohibited acts of fraud and misrepresentation:

- You must not vote more than once in any election (please note that this does not include voting a replacement ballot after a spoiled ballot was invalidated).
- You must not procure or submit materially false or fraudulent voter registration applications in any election.
- You must not procure, cast or tabulate materially false, fraudulent or fictitious ballots in any election.
- You must not pay, offer to pay or accept payment for voting, registering to vote, withholding a vote, or voting for or against any candidate in any election.
- You may not make any false statement of claim that you are a citizen of the United States in order to register or vote in any federal, state, or local election.

Primary Elections

- If you are affiliated with either the Democratic Party or the Republican Party, you are entitled to vote for candidates of that party at the primary election. However, you must state which party you are affiliated with by asking the poll workers for the ballot of that party. You may only vote for candidates in the party whose ballot you select.
- If you are not affiliated with either of these two parties, you are still entitled to vote in any school board election or vote on a public question that is held on the same day as the primary without asking for a party ballot.

Who to Contact If Your Rights Have Been Violated

If you feel your rights have been violated or if you have been witness to any form of voter fraud, please contact any of the following local, state, or federal offices:

Indiana Secretary of State and Indiana Election Division HAVA Fraud and Accessibility Grievance Line
(866)- IN-1-VOTE (866-461-8683). HAVA staff will be on hand to answer calls from 6:00 AM to 7:00 PM EDT on Election Day and from 8:00 AM to 4:30 PM on regular business days.

Indiana Protection and Advocacy Services (IPAS)
Voters with disabilities needing assistance regarding accessibility issues may also contact Indiana Protection and Advocacy Services (IPAS) at:
4701 N. Keystone Ave. #222
Indianapolis IN 46205(voice) 317-722-5555
(toll free) 800-622-4845 (tty) 800-838-1131

Indiana Election Division
Direct (317) 232-3939
Toll Free (800) 622-4941

Indiana State Police
Criminal Investigation Division (317) 232-4338

Federal Department of Justice
Civil Rights Division (202) 307-2767 or (800) 253-3931
Public Integrity Section, Election Crimes Branch (202) 514-1421

County Election Board (to be filled in by the county)

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