

2004

Indiana

Election Day

Handbook

A Guide for
Precinct Election Boards
and
Poll Workers



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TO ALL PRECINCT ELECTION BOARDS AND POLL WORKERS

Thank you for your participation in Indiana's election process. In more than 5,000 precincts across the state, an army of dedicated inspectors, judges, poll clerks, assistant poll clerks, sheriffs and other election personnel are providing the invaluable service of helping every voter express their views on candidates, political parties and public questions.

YOU have an important role in this election. Your courteous and efficient service will make an impression on every voter who casts a ballot at your precinct. Remember that Washington, Jefferson, and Lincoln all stood in line with other voters to cast their ballots. Who knows what future leaders may visit your polling place today?

Thank you for your participation in Indiana's election process.

J. Bradley King

Kristi Robertson

Co-Directors, Indiana Election Division

GENERAL INSTRUCTIONS

This handbook is designed to help Indiana's precinct election officials by providing basic information about election day procedures.

THIS HANDBOOK IS NOT DESIGNED TO PROVIDE YOU WITH LEGAL ADVICE. If a complicated question of law or procedure arises, contact your County Election Board for assistance.

When using this handbook, remember that since five different types of voting systems are used in Indiana (paper ballots, mechanical "lever" machines, ballot "punch" cards, optical scan cards, and computerized systems), some information in this handbook will not apply to every kind of voting system.

We anticipate this handbook being used in the primary and general elections in 2004. Precinct election boards should keep this handbook with their precinct supplies so that it may be reused.

If you wish to obtain additional copies of this handbook, please contact the Indiana Election Division at (800) 622-4941 or (317) 232-3939. The handbook is also available on the Division's website at www.in.gov/sos/elections.

PRECINCT ELECTION BOARD

The precinct election board consists of the inspector and two judges.

The poll clerks, assistant poll clerks, and sheriffs are precinct election officials, but not board members.

Precinct election officers are ranked in the following order: inspector, judge, poll clerk, assistant poll clerk, and election sheriff.

Challengers, watchers, and pollbook holders represent candidates or political parties, but are not precinct election officials.

POLLING PLACE HOURS

The inspector, judges, poll clerks, assistant poll clerks and sheriffs must arrive at the polling place by one hour before the polls open (5:00 a.m.) to prepare the polling place for election day.

The polls must remain open continuously from 6:00 a.m. to 6:00 p.m. prevailing local time.

Once open, no precinct election official may leave the polling place until after the canvass of votes has been taken or, if ballots are not counted in the precinct, until after all election supplies and papers have been prepared for return to the county election board.

EXCEPTION: An election sheriff (or another precinct election official designated to perform the duties of an election sheriff in a precinct where no sheriff has been appointed) may leave the polls to obtain assistance from a law enforcement officer if a violation of law occurs within the polls or within the chute, or a violation of the law within this area appears imminent.

PREPARING THE POLLING PLACE

Precinct election officials in all polling places should:

1. Meet at the polls at 5:00 a.m. on election morning.
2. Arrange the polling place to make the traffic flow as smooth as possible while keeping voting booths and ballot boxes in the same room with board members.
3. Erect a 50 foot chute for voters to line up to enter the polls. The chute begins at the entrance to the room where voting will be taking place. In some polling places, the property line may be less than 50 feet from the door or entrance to the polls. When that is the case, the chute will be less than 50 feet in length. The chute would then extend half way from the door or entrance to the polls to the property line. If the 50 foot law was followed literally in some of these cases, voters and credentialed political party workers would be standing in the street while they waited in the chute to vote!
4. If the inspector has not yet taken the oath, the inspector administers oaths to the two judges and one judge administers the oath to the inspector.
5. Post copies of the sample ballot and voting instructions near the entrance to the polls and by each voting booth or compartment in plain view of all voters.

6. Post at least one copy of the Voter's Bill of Rights in a public place in the polling place.
7. Compare the official ballots with the sample ballots to make sure that all names, ballot positions, and offices are correct. If everything agrees, the inspector and judges must complete the *Certificate of Ballot Agreement*. If your county is using *State Form 42063: Precinct Oath Book* (see step four in the Oath Book). Notify the county election board immediately if you do not have this form or if a discrepancy is discovered.
8. Make sure that all balloting and canvassing materials are on hand in the quantities needed and in good condition for voting. Contact the County Election Board if these materials are missing or damaged.
9. If a precinct election officer does not show up or is disqualified, the highest ranking member on the precinct election board of the same political party fills the vacancy. (See page 3 for the ranking of precinct election officers.)
10. Under a new state law, the inspector and judges are required to have received training regarding election day procedures, including making polling places and voting systems accessible to elderly and disabled voters. If necessary, contact the county election board regarding emergency training for individuals serving in these positions.

NOTE: Only precinct election officers, deputy election commissioners, authorized watchers, and pollbook holders at the precinct are allowed in the polling place, except for voters casting ballots and children under 18 years of age accompanied by the voter.

A precinct committeeman of a political party, a party volunteer, or an elected official is NOT authorized to be in the polling place or the chute simply as the result of their status as a committeeman, a volunteer, or an elected official. These individuals must have "watcher" or other credentials issued by a political party, and produce those credentials upon request.

Unauthorized persons must be told to leave the polls or the chute immediately.

ELECTIONEERING

State law defines "electioneering" as expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. A person who commits electioneering within the polls or the chute commits a Class A misdemeanor.

PRECINCT ELECTION WORKERS KEEPING A LIST OF VOTERS WHO HAVE VOTED

The election division has received many questions about whether a person appointed to serve as a precinct election official (inspector, judge, clerk, or sheriff) may mark off the names of voters from a "wagon book" or other list of voters provided by a party organization. There is nothing in the election laws that specifically prohibits this activity. Subject to the direction of the county election board, a precinct election official may do so as long as this activity does not interfere in any way with the responsibilities of the precinct election official to attend to the voters and administer the election, and so long as the activity does not involve "electioneering" as defined by state law.

PAPER BALLOT VOTING

If you are using paper ballots for an election or using paper ballots during an emergency repair of the voting system, the following instructions apply to your polling place.

1. Check each voting booth to see that each booth has a pencil or pen, depending on which writing implement the county election board has decided to supply, is adequately lighted, offers privacy and contains no unauthorized materials.
2. Make sure that ballot boxes are empty, correctly marked or identified and properly locked. The inspector should keep one key and the judge of the opposite political party should keep the other.
3. Make sure paper ballot package seals remain intact. The inspector will open the packages and give the poll clerks 25 each of the state and local ballots. The poll clerks will then write or print their initials on the back of each ballot.
4. Check the ballots to make sure that none of the ballots are marked or torn.
5. Occasionally check each voting booth to make sure everything is in order.

LEVER MACHINE VOTING

If you are using a mechanical or “lever” machine for an election, the following instructions apply to your polling place.

1. Check the machine ballot face with the sample ballot to verify that the ballot and ballot face match.
2. Ensure that the seal on the voting lever is intact.
3. See that Lock 2 is locked, then unlock Lock 3 to expose the individual counters at the back of the machine.
4. Make sure all counting devices read “000.” If the counting devices do not read “000,” contact your County Election Board for instructions.
5. Relock **all** locks. Make sure the public counter reads zero “0.”
6. See that all machines are in proper running order and prepared for voting.
7. For primaries, make sure the machine is set so that the voter only votes for candidates in one party. Note: Voters are allowed to vote for **ONLY** school board candidates or on referenda elections held at the same time as the primary. Unless paper ballots are being used to vote in these elections, make certain the machine will permit voters to vote for “school board only” and only on referenda if the voter wishes to do so.
8. Record the number registered on the protective counter on the end of the voting machine.
9. Occasionally check each voting booth to make sure everything is in order.

BALLOT CARD: “PUNCH” CARD OR OPTICAL SCAN CARD VOTING

If you are using ballot cards (“punch” cards or optical scan cards) for an election, the following instructions apply to your polling place.

NOTE: There are significant differences between the types of punch card and optical scan card systems used in Indiana. If you have a question concerning these procedures, contact your County Election Board.

Officials at polling places using punch cards or optical scan cards should do the following:

1. Using the demonstrator ballot **ONLY**, vote each position in each device.
2. For punch card systems, check the stylus tip to see that it completely removes the chad from the ballot.
3. Check to see that devices are sealed properly and verify the device serial numbers on your certification of inspection.
4. Make sure that ballot card package seals remain intact. The inspector will open the packages and give the poll clerks 25 each of the state and local ballots. The poll clerks will then write or print their initials on the back of each ballot.
5. Occasionally check each voting booth to make sure everything is in order.

DIRECT RECORDING ELECTRONIC/ COMPUTERIZED VOTING SYSTEMS

If you are using direct recording electronic or computerized voting systems for an election, the following instructions apply to your polling place.

Officials at polling places using “all electronic” voting systems should:

1. Check the voting system ballot face with the sample ballot to verify that the sample ballot and the voting system ballot face match.
2. Make sure that the system records zero “0” votes for all candidates and public questions.
3. See that all voting systems are in proper running order and prepared for voting.
4. For primaries, make sure the voting system is set so that the voter only votes for candidates in one party.

Note: Remember that voters are allowed to vote for ONLY school board candidates or on referenda elections held at the same time as the primary. Unless paper ballots are being used to vote in these elections, make certain the voting system will permit voters to vote for “school board only” and only on referenda if the voter wishes to do so.

5. Occasionally check each voting booth to make sure everything is in order.

DUTIES OF INSPECTOR

1. The inspector chairs the precinct election board and acts as “manager” of the precinct. With the two judges, the inspector decides all matters that come before the precinct election board.
2. The inspector picks up election supplies at least two days before the election. These supplies include ballots, poll lists, and forms.
3. The inspector administers an oath to all poll workers. If your county is using the “*Precinct Oath Book*” (*State Form 42063*), see STEP ONE through STEP THREE in the Oath Book. If you do not find the form for the oaths, contact your County Election Board.
4. The inspector, in a loud tone of voice, announces the opening of the polling place.
5. The inspector provides for meals during election day (unless the county provides money for a “meal allowance”).
6. The inspector compares and evaluates the signature on an absentee ballot envelope with the signature on the absentee ballot application.
7. The inspector may challenge voters as part of the process for issuing a provisional ballot.
8. If ballots are counted at the polling place, the inspector assists in the canvass of votes.
9. The inspector, in a loud tone of voice, announces the closing of the polling place.
10. Accompanied by the judge of the opposite political party, the inspector returns all election supplies to the county election board.

DUTIES OF JUDGES

1. The judges assist the inspector in making decisions on matters that come before the precinct election board.
2. The judges provide instructions to voters when asked about the ballot or voting procedures.
3. When requested, judges may assist disabled voters or voters unable to read or write the English language. When asked to assist, judges must complete the “*Affidavits of Voter Assistance at the Polls*” (*State Form 28192*) (*PRE-3*). If you do not have this form, contact your County Election Board.
4. Judges may challenge voters as part of the process for issuing a provisional ballot.
5. If ballots are counted at the polling place, judges assist in the canvass of votes.
6. The judge of the opposite political party of the inspector must accompany the inspector in returning election supplies to the county election board.
7. If no election sheriffs have been appointed to serve at a precinct, the judges also perform the duties of the election sheriffs if required to do so by order of the county election board.
8. If no poll clerks have been appointed to serve at a precinct, the judges also perform the duties of the poll clerks if required to do so by order of the county election board.

DUTIES OF POLL CLERKS AND ASSISTANT POLL CLERKS

1. The primary function of poll clerks is record keeping and ballot control.
2. Poll clerks assist voters in signing the poll list.
3. Poll clerks shall ask voters to provide a “voter identification number.” See page 15 for details.
4. Poll clerks will ask certain voters to present additional documents to prove the voter’s identity and current residence address. (See the ADDITIONAL DOCUMENTATIONS REQUIREMENT section of this Handbook for details.)
5. Poll clerks must initial each ballot (and secrecy envelope for counties using ballot cards) before giving the ballot to the voter.
6. At a primary election, poll clerks must be sure that the voter has been given the proper ballot and party identification card if the voter wishes to vote in a party’s primary. A voter is NOT required to request a political party ballot at a primary IF the voter wishes to vote ONLY for school board office or on a referendum election held at the same time as the primary election.
7. If ballots are counted at the polling place, poll clerks assist in the canvass of votes.
8. Assistant poll clerks provide assistance to poll clerks when needed, but are not required to sign the precinct’s election returns or other certificates.
9. If the county election board has decided to omit the office of poll clerk in this precinct, then the precinct election official chosen by the county election board must perform the duties listed above.

DUTIES OF ELECTION SHERIFFS

1. The sheriff maintains order at the polling place.
2. The sheriff directs voters through the chute to the poll clerks.
3. The sheriff should occasionally check the polling place to make sure that no unauthorized literature is in the polling place (the room in a structure where voting occurs) or within the chute.
4. The sheriff should contact local police officials if a situation occurs where a voter or other person violates the law, and may leave the polling place if necessary to do so.
5. If the county election board has decided to omit the office of sheriff in this precinct, then the precinct election official chosen by the county election board must perform the duties listed above.

WATCHERS, CHALLENGERS AND POLLBOOK HOLDERS

Certain individuals who are not precinct election officials have special privileges to observe the precinct election process: watchers, challengers, and pollbook holders.

Watchers may be appointed by political parties, certain candidates, by the county election board in certain votes on public questions, or by the media to monitor activities at the polling place. Media watchers represent local television stations, newspapers, news services, and radio stations. Watchers with proper credentials **ARE** allowed to enter, remain, leave, and reenter the polling place.

Challengers and pollbook holders are appointed by political parties, certain candidates, and in certain elections on public questions, to monitor the qualifications of voters. Challengers **ARE NOT** allowed to enter the polling place. These individuals must stand at the side of the chute next to the entrance to the room where voting is taking place. However, pollbook holders with proper credentials **ARE** allowed to enter, remain, leave, and reenter the polling place.

GENERAL RULES FOR WATCHERS

1. All watchers must carry proper credentials to be in the polling place. Observers must carry credentials with them at all times, and must present their credentials on demand to a precinct official.
 - A. All political party watchers must carry identification cards signed by the county chairman of the watcher's party. All candidate watchers must carry identification cards signed by the circuit court clerk (or in certain cases, by the chairman of a candidate's committee). Watchers in elections on public questions must have their identification cards signed by the chairman of the county election board.
 - B. All media watchers must carry identification cards signed by the county election board. Media watchers monitoring precincts in more than one county must carry identification cards issued by the Indiana Election Division.
2. Watchers may be appointed to each precinct. However, **ONLY ONE** watcher for a party or candidate may be present in the precinct at any given time.
3. Watchers may arrive at the polls at 5:30 a.m. and remain until the counting of the vote at the precinct (if any) is completed.
4. A watcher must be allowed to see and hear what happens at a polling place, and are entitled to enter, leave, and reenter the polls at any time.
5. A watcher may not be disruptive and may not interfere with election officials. **WATCHERS MAY NOT HANDLE ELECTION SUPPLIES!** Watchers may not try to influence voters, but may report violations to the prosecuting attorney. Media watchers are appointed to attend the precinct as witnesses only and are subject to the orders of the precinct election board.

GENERAL RULES FOR CHALLENGERS

1. Each political party or independent candidate (or a county election board in certain elections on a public question) may appoint a challenger for each precinct.
2. The county chairman of the political party or the independent candidate must issue an identification card to each challenger. A member of a precinct election board may require the challenger to produce their identification card.
3. Each political party or independent candidate may have only one challenger at each precinct at any time during election day.
4. A challenger is entitled to stand at the sides of the chute, next to the entrance to the room where voting is taking place (“the polls”). A challenger is NOT allowed to enter the polling place.
5. When a voter enters the chute, the challenger may ask for the voter’s name. The voter must immediately announce the voter’s full and true name to the challenger before proceeding to vote.

GENERAL RULES FOR POLLBOOK HOLDERS

1. Each political party or independent candidate (or a county election board in certain elections on a public question) may appoint a pollbook holder for each precinct.
2. The county chairman of the political party or the independent candidate must issue an identification card to each pollbook holder. A member of a precinct election board may require the pollbook holder to produce their identification card.
3. Each political party or independent candidate may have only one pollbook holder at each precinct at any time during election day.
4. A pollbook holder may arrive at the polls at 5:30 a.m. and remain there throughout election day until the polls close.
5. A pollbook holder is entitled to enter, leave, and reenter the polls at any time.

CHALLENGING VOTERS

There are procedures to challenge a voter who may not be eligible to vote in a precinct. CHALLENGE PROCEDURES MUST BE USED WITH CAUTION. On one hand, it is against the law for a person who is not eligible to vote in the precinct to attempt to cast a ballot, or for a precinct election official to knowingly fail to challenge an ineligible person. On the other hand, it is also against the law for a precinct election official to challenge a voter that the official knows is in fact eligible to vote.

Consult your County Election Board if you are uncertain concerning how the challenge procedure should be used.

UNDER A NEW LAW IN EFFECT FOR THE FIRST TIME IN 2004, VOTERS WHO ARE CHALLENGED WILL BE ISSUED A PROVISIONAL BALLOT.

If the challenged voter is willing to complete and sign the challenged voter's affidavit (Form PRE-4; reverse), then the voter will be issued a specially printed "Provisional Ballot". See the "PROVISIONAL VOTING" section in this Handbook for more information regarding this new procedure.

QUESTION: Who may challenge a voter or ballot?

ANSWER:

1. A member of the precinct election board (the inspector or either judge).
2. A poll clerk (but only if the clerk does so based on a questionable signature by the voter on the poll list).
3. A challenger appointed by a candidate, a political party, or a county election board in the manner described on page 10 of this Handbook.
4. During a primary election, a voter who is a member of the political party whose ballot is being requested by the voter.

QUESTION: When should a challenge be issued?

ANSWER:

1. If the **voter's name does not appear on the poll list** (the voter is not registered to vote in the precinct).

However, an individual whose name does not appear on the poll list should not be challenged if the individual qualifies to vote by using a **"Certificate of Error" procedure** (explained below in this Section of this Handbook), and there is no other question regarding the voter's eligibility.

2. The voter's name appears on the poll list, but the **voter does not currently reside in the precinct.**

However, an individual whose name appears on the poll list, but does not currently reside in the precinct should not be challenged if the individual qualifies to vote by completing an appropriate "transfer of registration" procedure (explained in the "FAIL-SAFE" PROCEDURES" of this Handbook), and there is no other question regarding the voter's eligibility.

3. The poll list indicates that the voter is required to present additional documents, but is not able to do so. (See the ADDITIONAL DOCUMENTATION REQUIREMENT section of this Handbook for more information.)
4. The voter is not a U.S. citizen.
5. The voter will not be 18 years of age or older at the general election.

NOTE: Otherwise qualified 17 year olds may vote in a primary election, but NOT for a school board office, political party office (such as precinct committeeman or state convention delegate) or on a public question voted on at the same time as the primary.

6. The voter's signature on the poll list does not match that on the registration record of the county.
7. In a primary, the voter is not affiliated with the party whose ballot the voter is requesting.

NOTE AN EXCEPTION: A voter challenged in a primary due to party affiliation is NOT issued a provisional ballot. If the challenged voter is willing to complete and sign the challenged voter's affidavit (Form PRE-6; reverse), then the voter is issued the same ballot as other voters, which is NOT kept separate from the undisputed ballots cast in the precinct.

QUESTION: How is a challenge resolved?

ANSWER:

1. The person challenging the voter must complete an affidavit stating the specific reasons for the challenge.
2. The challenged voter must complete an affidavit affirming that the voter is legally qualified to vote in the precinct. Challenge affidavits are completed with the understanding that making a false statement on the affidavit is punishable under the penalties of perjury.
3. If the challenged voter is willing to swear out the affidavit, the voter is allowed to proceed to cast a provisional ballot. The challenge affidavits are to be returned to the County Election Board, and forwarded to the County Prosecuting Attorney for investigation to see if criminal charges should be filed for any election law violation.

CONTACT YOUR COUNTY ELECTION BOARD IF YOU HAVE A QUESTION ABOUT USING THE CHALLENGE PROCEDURE. Do not issue a ballot to a challenged voter until proper affidavits have been signed and sworn to both the challenger and the challenged voter.

PROVISIONAL VOTING

1. What is “provisional voting”?

Provisional voting is a way for a voter to cast a ballot at the polls on election day, even if there is a question about whether this voter should cast a ballot in the precinct. The provisional voter’s ballot is kept separate from all other ballots cast at the polls on election day. After the polls close, the provisional ballot is forwarded to the county election board, which decides whether or not the provisional ballot should be counted.

2. Why do we have this procedure?

“Provisional voting” allows some voting disputes or problems to be solved after the polls close on election day, while protecting a person’s right to vote. For example, if a person arrives at the polls to vote at ten minutes before the polls close at 6 p.m., there may not be time or opportunity before the polls close to contact the county voter registration office to get information about why the person’s name does not appear on the poll list. If an error has been made by the county, this person would lose their right to vote at that election unless a provisional ballot were made available. After election day, when the problem may be solved at the county level, that voter’s ballot choices would still be honored since the provisional ballot was made available.

Under a new federal law, provisional voting must be made available in federal elections (held in the even numbered years, such as 2004 and 2006). Indiana law has also been changed to make provisional voting available in city and town election years as well.

3. What do provisional ballots look like?

Provisional ballots must look almost the same as other ballots provided to voters at the election.

However, there are some differences. A provisional ballot will state that it is a provisional ballot and not an absentee ballot. A provisional ballot will have the circuit court clerk’s seal and signature printed on the ballot, much in the same way that an absentee ballot does. When the provisional ballots are distributed by the circuit court clerk, they will be contained in a package with a label reading “This package contains (*number*) provisional ballots.” (Form PRO-3)

4. When are provisional ballots used?

There are several situations in which a provisional ballot should be made available to a voter.

- (A) The voter’s name does not appear on the poll list AND the voter does not qualify to vote by using one of the “Fail Safe” provisions discussed elsewhere in this Handbook.
- (B) The voter’s name appears on the poll list, AND the voter does not qualify to vote by using one of the “Fail Safe” procedures discussed elsewhere in this Handbook.
- (C) The voter’s name appears on the poll list, but the voter has been challenged as not eligible to vote at the precinct for some reason.
- (D) The voter’s name appears on the poll list, the voter is identified as being required to present additional documentation to the county voter registration office, but the voter is not able to present this documentation to the poll workers.
- (E) An order has been issued by a court extending the hours that the polls must remain open.

5. When are provisional ballots NOT used?

There are some situations in which a provisional ballot should NOT be made available to a voter.

- (A) The voter's name does not appear on the poll list, a Certificate of Error has been issued for the voter, and there are no other questions regarding the voter's eligibility to vote at the precinct. The voter then proceeds to vote a regular official ballot.
- (B) The voter's name appears on the poll list, the voter has completed one of the "Fail Safe" procedures discussed elsewhere in this Handbook, and there are no other questions regarding the voter's eligibility to vote at the precinct. The voter then proceeds to vote a regular official ballot.
- (C) The voter has been challenged at a primary election as not being affiliated with the political party whose primary ballot the voter has requested. The voter must complete and sign the Challenged Voter's Affidavit (PRE-4; reverse). If the voter does so, the voter then proceeds to vote a regular official ballot.

6. What are the steps that must be taken in providing a provisional ballot to the voter?

If a precinct election officer (the inspector, a judge, a poll clerk) determines that one of the situations described in (4) above requires that a voter be provided with a provisional ballot, the following steps should then be taken:

- (A) The precinct election officer fills out a challenge affidavit (PRE-4; front). The precinct officer must indicate on this form the reason why the voter is being challenged so that a provisional ballot will be issued. The form will have pre-written reasons that should cover the most common situations for issuing the provisional ballot. Simply check the appropriate box and sign the front of the form.
- (B) The voter is then offered the reverse of the PRE-4 challenge affidavit form. If the voter is willing to complete and sign this part of the form, the voter is provided a provisional ballot.

EXCEPTION: If a court order has extended the hours that the polls are open, a voter who arrives at the polls during the extended hours is NOT required to sign the PRE-4 form to receive a provisional ballot.

- (C) Provide the voter with the provisional ballot and a secrecy envelope (Form PRO-2) to place the voted ballot inside. The voter should be directed to fill out the voter information portion of the form on the outside of the secrecy envelope.

7. How does the voter cast the 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:

- (A). The voter must mark the provisional ballot privately, unless the voter requests assistance in accordance with the procedures described elsewhere in this Handbook.
- (B) The voter encloses the provisional ballot inside a provisional ballot secrecy envelope provided for this purpose (Form PRO-2), and seals the envelope.
- (C) The voter returns the sealed envelope, with the ballot inside, to the inspector. If the voter has spoiled a provisional ballot, and received a replacement provisional ballot, the spoiled ballot must also be returned to the inspector.

8. What if an absentee ballot is challenged at the precinct?

Generally, the same rules and procedures apply in this case. However, there are some differences due to the absence of the voter from the polling place.

- (A). First, the person challenging the absentee ballot must complete and sign the front of the PRE-4 Affidavit of Challenge form.
- (B) If the absentee voter has completed and signed the affidavit on the absentee ballot secrecy envelope (Form ABS-6), then no further action by the absentee voter is necessary.
- (C) The inspector and judges write “PROVISIONAL BALLOT DUE TO CHALLENGE” on the outside of the ABS-6 secrecy envelope. This envelope must remain SEALED.
- (D) The inspector and judges place the sealed absentee ballot envelope and the attached PRE-4 challenge form inside the PRO-4 envelope or container discussed in (9) below.

9. What happens after the voter returns the voted provisional ballot?

- (A). The inspector (or another precinct worker) provides the voter with a written statement from the county election board to the voter, explaining how the voter can contact the county election board after election day to learn whether or not the provisional ballot was counted, and if not counted, why not. (Form PRO-9)
- (B) The inspector and judges attach the PRE-4 affidavit to the secrecy envelope (Form PRO-2).
- (C) The inspector and judges insert the envelope and affidavit into a secure envelope or container that contains all the provisional ballots and affidavits from the precinct, including any spoiled provisional ballots. (Form PRO-4)

EXCEPTION: If provisional ballots are cast because a court order has extended the hours for voting in a precinct, then these provisional ballots are placed by the inspector and judges inside a different envelope or container labeled “Provisional Ballots Issued After Regular Poll Closing Hours” (Form PRO-5). This envelope and its contents must be kept separate from all other provisional ballots.

- (D) After the polls close, the inspector and judges seal the PRO-4 envelope or container (and the PRO-5 envelope or container, if necessary).
- (E) The inspector and judges mark on the envelope or container the number of provisional ballots that the envelope or container contains.
- (F) The inspector and judges then return these sealed containers to the county election board in the same manner as other ballots and precinct material.

ADDITIONAL DOCUMENTATION REQUIREMENTS

1. What is the “additional documentation requirement”?

Some, but not all, voters are required to present documents to the county voter registration office that confirm the identity and residence address of the voter.

2. Why do we have this procedure?

The additional documentation is required under a new federal law that applies to elections beginning in 2004.

3. Were voters notified before election day that these documents would be required?

The county voter registration office was required by state law to identify which voters were required to present the additional documents, and to mail a notice to those voters by March 1, 2004. A voter who is required to present these documents was also required to be notified if the voter applied for an absentee ballot.

4. Which voters are required to present these additional documents?

Many voters ARE NOT required to present these additional documents.

This requirement only applies to a voter who:

- (A) registered to vote for the first time in your county on or after **January 1, 2003; AND**
- (B) submitted an application to vote **by mail**. (NOTE: this would not include a voter who submitted an application at a license branch or other voter registration agency);

Even within this group of voters, some individual voters are exempted from this requirement:

- (A) military and overseas voters.
- (B) A voter who presented this documentation to the county voter registration office with their registration application.

5. How do we know which voters are required to present these documents at this precinct ?

The precinct poll list must indicate which individuals listed as voters are required to present this additional documentation. If your poll list does not appear to do so, contact the county election board immediately.

6. Who asks the voter for these documents? When?

The poll clerk is required to check the poll list to determine if a voter is required to present the documents. If so, the poll clerk then requests the voter to present a document to the poll clerk to meet the requirement.

The poll clerk should request the voter to provide the document BEFORE the voter signs the poll list! If a voter signs the poll list first, and does not have a document to present at the polls, the voter will not be allowed to return to the polls later on election day to present the document, but must instead travel to the county voter registration office. (IC 3-11-8-25.5)

7. What kind of documents are acceptable?

The voter may present any of the following types of documents to the poll clerk to meet this requirement:

- (A) Indiana Driver's License or Bureau of Motor Vehicles identification card, with the voter's current name and address. **(Code DL)**
- (B) Any other current and valid photo ID that contains the voter's current name and address. **(Code PH)**
- (C) A current utility bill, with the voter's current name and address. **(Code UB)**
- (D) A bank statement, with the voter's current name and address. **(Code BK)**
- (E) Government check with voter's current name and address **(Code GV)**
- (F) Paycheck with voter's current name and address **(Code PY)**
- (G) Other government document that shows voter's current name and address **(Code GD)**

8. What does the poll clerk do after receiving the document from the voter?

The poll clerk takes the following steps:

- (A) Determines which type of document has been presented, according to the categories listed in (7).
- (B) Determines if the document is current, and has the voter's current name and address.
- (C) If the document is acceptable under (B), writes the correct document code listed above (Code BK, for example), on the poll list at an appropriate spot by the voter's name.
- (D) If the document presented is an Indiana driver's license, the poll clerk **may**, but is not required to, copy the driver's license number on to the poll list. This is helpful if the poll list indicates that the county does not have a current driver's license number from the voter.
- (E) After completing these steps, return the document to the voter.

After completing this process, the voter is given a regular official ballot, unless there is some other question regarding the voter's eligibility to vote. In that case, see the "PROVISIONAL VOTING" section of the Handbook.

9. What if the voter does not have an acceptable document to present to the poll clerk?

If the voter does not have an acceptable document to present, and the voter has not yet signed the voter's name and written the voter's address on the poll list, the voter may leave the polls and return later on election day before the polls close with an acceptable document to present.

If the voter has already signed the poll list, or does not wish to return later to the polling place, or for any other reason cannot present a document that meets this requirement before the polls close, the voter is still allowed to vote after signing the poll list. However, the voter will be given a provisional ballot. (See the "PROVISIONAL VOTING" section of the Handbook.)

10. Will the provisional ballot be counted if the voter did not have the necessary documents at the precinct polling place?

The poll clerk is also required to advise the voter that the provisional ballot can be counted IF the voter files a copy of an acceptable document with the county voter registration office no later than the closing of the polls at 6 pm on election day. It may also be possible to FAX a copy of a document to the county voter registration office for filing if that office has the ability to receive the FAX. However, without personally presenting the document, the voter may not know whether the county voter registration office has received the document before the deadline.

11. What happens if a voter required to present the additional document votes absentee?

When the county election board receives an absentee ballot returned by this voter, the election board checks with the county voter registration office to see if the voter has presented the required document. If not, the county election board makes a note on the absentee ballot application and on the absentee ballot secrecy envelope that reads something like the following:

“INSPECTOR: As of *(date)* this voter was required to file additional documentation with the county voter registration office before this ballot may be counted. Check the poll list and county election board certification to see if the voter has filed this information. If not, process as a provisional ballot if this ballot otherwise complies with Indiana law.”

Follow the instructions above, and treat the absentee ballot as a provisional ballot in the manner discussed in the “PROVISIONAL VOTING” section of this Handbook. Write “PROVISIONAL BALLOT DUE TO CHALLENGE” and make certain that the secrecy envelope remains unopened.

12. What is the county election board certification referred to in (11)? What do we do with it?

The county voter registration office will probably be presented with additional documentation from some voters even after the poll list for your precinct is printed (at least ten days before election day). As a result, there will be some voters identified on the poll list as required to provide documents who have already met this requirement before the polls open on election day. If this is the case in your precinct, the county election board will provide a certificate to the inspector along with the poll list and other supplies. If possible, the poll clerks should mark the poll list before the polls open to indicate which of these voters should NOT be asked to present additional documentation, based on the information provided in the certificate.

The county election board will visit post offices on election day to pick up and process mail that might contain copies of additional documents provided by these voters. If additional documents from these voters are received in the mail on election day, the county election board will attempt to contact the precinct to provide you with this information.

If you have questions regarding how to apply the additional documentation requirement, contact the county election board.

“FAIL-SAFE” PROCEDURES FOR VOTERS NOT ON THE POLL LIST

QUESTION: *What if a voter’s name has been left off the poll list by mistake and the county registration records do show that the voter is in fact registered to vote in the precinct?*

ANSWER: A voter whose name does not appear on the poll list through an error by the county must first obtain a “Certificate of Error” from the county voter registration office before being allowed to vote. Some counties may require the voter to present the “Certificate of Error” to the precinct inspector. Most counties allow a voter to vote after confirming over the telephone that a “Certificate of Error” will be issued to the voter.

QUESTION: *What if a voter’s name has been left off the poll list because county voter registration records show that the voter no longer resides in the precinct; but on election day, the voter appears at the polling place and insists that a mistake has been made on the registration record since the voter still resides in the precinct?*

ANSWER: This voter must be allowed to vote in the precinct if the voter is willing to sign a written statement in the presence of the inspector or one of the judges that the voter continues to reside at the address in the precinct that was formerly shown on the county’s voter registration record. Contact your County Election Board for additional instructions on obtaining this written statement. The voter is also allowed to make an oral affirmation instead of signing the written statement. If this occurs, the poll clerks must write down the information for the voter and initial the statement.

After the written or oral affirmation procedure has been completed, this voter must be allowed to vote in the precinct.

IF THIS PROCEDURE IS USED, CONTACT YOUR COUNTY ELECTION BOARD IMMEDIATELY SO THAT THE COUNTY CAN CONTACT ANY OTHER PRECINCT WHERE THE VOTER’S NAME IS INCORRECTLY INCLUDED ON THE REGISTRATION LIST.

The same procedure may be used when a voter’s address as shown on the poll list has changed to another address **WITHIN THE SAME PRECINCT**.

QUESTION: *What if a voter’s name does not appear on the poll list and on election day, the voter appears at the polling place with a receipt of a voter registration application form (VRG-6: Indiana Agency Voter Registration Application) indicating that the voter applied to register at a state agency while the registration period was still open?*

ANSWER: Individuals can apply to register to vote at motor vehicle license branches, public assistance agencies, agencies serving disabled people, and other offices. If a person applies to register at one of these agencies, the person is required to be given a receipt form.

Within a few days after applying at the agency, the person should also have received a notice in the mail from the county voter registration office stating that the person’s registration application was either approved or rejected. The notice should also have stated that if the application was approved, the voter would be considered registered when the voter received the notice, and unless the notice was returned to the county voter registration office by the U.S. Postal Service due to an incorrect or insufficient address.

If the person produces the agency registration receipt and wishes to vote, do the following:

1. **Check the date on the receipt** to determine if the voter applied BEFORE the registration period closed (29 DAYS BEFORE THIS ELECTION).
2. **If the receipt shows a date after that date, this individual missed the deadline to apply**, and is not allowed to vote. Contact the county election board if you have any question about the deadline for voter registration.

If the voter insists on voting, despite the missed deadline indicated on the receipt, the voter can be challenged and issued a provisional ballot if the voter is willing to complete and sign the **challenged voter's affidavit (Form PRE-4; reverse)**. The challenger should document the missed deadline on the challenge form (Form PRE-4; front) so that the county election board will have this information available in determining whether to count the provisional ballot.

3. **If the receipt shows no date indicating that the voter applied before the end of the registration period, the voter may cast a provisional ballot** if the voter is willing to complete and sign the **challenged voter's affidavit (Form PRE-4; reverse)**. The challenger should document on the challenge form (Form PRE-4; front) that there was no date on the receipt presented by the voter, so that the county election board will have this information available in determining whether to count the provisional ballot.
4. **If the date on the receipt is before the end of the registration period**, when registration of voters was still open, contact the county election board immediately to determine if the county voter registration records provide any information about this person's application.

- a. If the county records show that this person's registration **application has been REJECTED**, inform the person and advise them to contact the county election board to resolve this problem. Do not permit the person to proceed to vote unless the person is willing to cast a provisional ballot.

If the voter insists on voting, despite the county records indicating that the person's application was rejected, the voter can be challenged and issued a provisional ballot if the voter is willing to complete and sign the **challenged voter's affidavit (Form PRE-4; reverse)**. The challenger should document the information received regarding the rejection of the voter's registration application on the challenge form (Form PRE-4; front) so that the county election board will have this information available in determining whether to count the provisional ballot.

- B. If the county records show that this person's registration **application has been APPROVED**, the voter is entitled to vote at the precinct. You may use the "Certificate of Error" procedure described above. If there is not enough time to obtain the "Certificate of Error" before the polls close, follow the procedure in #6. In this case, the voter should not be challenged or issued a provisional ballot if there are no other questions regarding the voter's eligibility to vote.

C. If the **county records have NO INFORMATION** regarding this person's voter registration application, and if this person is willing to sign the poll list for the precinct in effect swearing under penalty of perjury that the person is a qualified voter of the precinct, the person must be allowed to vote. In this case, the voter should not be challenged or issued a provisional ballot if there are no other questions regarding the voter's eligibility to vote.

5. If the voter is allowed to vote under #4 B, or #4 C, the inspector and judges must write the name and address of the voter in the precinct poll book and require the voter to sign the poll list. The inspector and judges **MUST** add a note on the poll list reading to the effect:

“Permitted to vote after producing receipt per IC 3-7-48-7. Receipt stated date of application as _____, which was within the registration period. Receipt stated registration office address or ID # as _____, and agency employee as _____.”

Under state law, the county voter registration office is required to notify the Indiana Election Division within seven (7) days after the election so that the state can investigate why a person had a registration receipt from an agency but the county had no record concerning the person's registration application.

YOUR ASSISTANCE WILL HELP THE COUNTY AND THE STATE IDENTIFY ANY PROBLEMS THAT MAY HAVE OCCURRED WITH THIS PERSON'S REGISTRATION AND DETERMINE IF A VIOLATION OF THE LAW MAY HAVE OCCURRED.

ISSUING BALLOTS AND ADDITIONAL “FAIL-SAFE” PROCEDURES

The following applies to all precincts for all ballots.

1. Upon entering the polling place, each voter must give the voter’s name and current address to the precinct election board.
2. The poll clerks will locate the voter’s name on the poll list.
3. If a person’s name **cannot** be located in the poll book or poll list, the person **must not** be allowed to vote **unless** the person is entitled to vote by using one of the “Fail-Safe” procedures described on pages 13 –14 of this Handbook or the voter is willing to complete and sign the if the voter is willing to complete and sign the **challenged voter’s affidavit (Form PRE-4; reverse) to cast a provisional ballot**. Review these pages concerning “Fail-Safe” procedures to decide which (if any) of the procedures would entitle the person to vote in the precinct without casting a provisional ballot. Contact your County Election Board immediately if the voter’s name may have been left off the poll list by mistake OR if you have questions about the use of one of the “Fail-Safe” procedures.
4. After the voter’s name has been located on the poll list, the voter must then sign the poll list and write the voter’s current address on the poll list. If the voter writes a different address than the one listed on the poll list, check to see if the new address is located outside of the precinct. If the new address is within the same precinct, the voter is allowed to vote if otherwise qualified. If the address is outside the precinct, then the voter is not eligible to vote a regular ballot in your precinct unless the voter qualifies to use one of the following three procedures:
 - A. **Request for transfer within thirty (30) days of election:** If the voter moved outside of the precinct to any other precinct in Indiana during the final thirty (30) days before the election, the voter must produce or sign before the inspector an “*Affidavit of Request for Transfer of Registration*” (VRG-4/12; *State Form 28186*) before the voter may proceed to vote.

NOTE: If the inspector did not receive blank copies of the VRG-4/12 form for the use of voters, contact the County Election Board immediately.
 - B. **Request for transfer within the same county and same congressional district:** If the voter moved outside the precinct to another precinct that is still in the county and is also in the same congressional district, the voter must sign an “*Affidavit of Request for Transfer of Registration*” (VRG-4/12; *State Form 28186*) in the presence of the inspector or a precinct judge before the voter may proceed to vote. The voter may also make an “oral affirmation” of this information in the presence of the precinct election board. If this happens, the poll clerks must complete the VRG-4/12 form for the voter and initial the form in the indicated places.

NOTE: If the inspector did not receive blank copies of the VRG-4/12 form for the use of voters, contact the County Election Board immediately.
 - C. **Voting for President and Vice-President Only:** In a presidential election years, if the voter moved from an Indiana precinct to a new residence outside of Indiana during the final thirty (30) days before the election, the voter must sign an “*Affidavit for Presidential Voting Only*” (VRG-15; *State Form 47362*) in the presence of the inspector or a precinct judge before the voter may proceed to vote. The voter is given a ballot to vote for president and vice-president only.

There are flow charts at the end of this Handbook that illustrate these procedures. You may wish to review these charts to help understand these requirements.

2. However, there may be some cases where a voter may not qualify to vote in the election. For example, if the voter moved **more than thirty (30) days** before the election and has **moved** outside of your precinct **to another county** (or to a precinct located within the same county but in another congressional district); but the voter **did not** transfer their registration to the new address by the registration deadline, **the voter may not vote in this election**. Instead, the voter should be directed to the county registration office to transfer the voter's registration once the registration period reopens.

If the voter insists on voting, despite failing to qualify for one of the these "Fail-Safe" procedures, the voter can be challenged and issued a provisional ballot if the voter is willing to complete and sign the **challenged voter's affidavit (Form PRE-4; reverse)**. The challenger should document the information available regarding the voter's failure to qualify for these procedures on the challenge form (Form PRE-4; front) so that the county election board will have this information available in determining whether to count the provisional ballot.

6. The poll clerks will issue each voter a ballot (in counties using a ballot card voting system, a secrecy envelope is issued with the ballot card) after the voter has signed the poll list.
7. In primary elections, the voter must announce the party for which the voter intends to vote. The primary ballots for each party will be different colors or easily distinguished from each other in some other way. Be sure that each voter is given the correct party ballot. **The voter's party choice must be written on the poll list.**

NOTE: A voter is allowed to vote for ONLY school board offices or on a public question placed on the ballot at the same time as the primary election WITHOUT requesting a political party ballot.

8. Both poll clerks must place their initials on the back of each ballot or ballot card (and on the ballot card secrecy envelope) in the clerk's own handwriting or printing at the time of issuing the ballot. Voters should check to see that both poll clerks have initialed the ballot, ballot card or secrecy envelope. Ballots that are not properly endorsed may not be counted.
9. Do not give a voter a ballot until a voting booth is available!
10. Before depositing paper ballots into the ballot box, the ballot must be folded so that only the poll clerks' initials can be seen.
11. In precincts using "punch" cards, ballot cards are inserted into a secrecy envelope after voting. Before depositing the secrecy envelopes into the ballot box, a judge must remove the stub from the ballot card.
12. REMEMBER: Poll clerks must mark the poll list to indicate that the voter has voted at the election.

SPOILED BALLOTS

If a voter accidentally spoils, mutilates or defaces a ballot, the voter is entitled to ask for another ballot from the poll clerks.

The spoiled ballot is to be marked "VOID" by the precinct election board in the presence of the voter. The poll clerks will make a notation of each voided ballot on the poll list. Each voided ballot must be placed in a special envelope. Contact your County Election Board if there are questions about this procedure, or if you do not have the envelope for "VOID" ballots. **DO NOT PUT VOID BALLOTS IN THE BALLOT BOX!**

HANDLING ABSENTEE BALLOTS

Your county election board may have voted to use a procedure authorized by state law to have absentee ballots counted at a **central location** rather than at their precincts. *If this is true in your county, contact your County Election Board for assistance regarding the procedures for absentee ballots.*

The following procedures apply in all other counties:

To process absentee ballots at the polls, the inspector should:

1. Make sure that the ballots are from the voters of that precinct by removing the list of voters who have cast absentee ballots from the outer carrier envelope and checking a few names against the poll list.
2. Sign a receipt for the absentee ballots that are delivered from the County Election Board.
3. Remove all other materials from the outer carrier envelope in which the ballots were delivered.
4. Check each ballot envelope to make sure that the envelope is complete, signed, and dated. Compare the signature on the absentee ballot envelopes with the signatures on the absentee ballot applications.
5. If the ballot envelope was completed by an individual who holds a power of attorney for the voter, the name of the attorney must be indicated on the envelope and a copy of the power of attorney attached to the absentee ballot application. State law does not require that the voter's signature on the absentee ballot envelope be notarized.
6. Check the poll list to make sure that the absentee voter is a registered and qualified voter of the precinct. When checking the poll list, make certain that the voter has not already voted in person at the polls in this election.
7. Announce the absentee voter's name. The poll clerks will make a notation on the poll list that the voter has voted absentee.
8. Open each ballot envelope, remove the ballot(s) without unfolding or defacing the ballot(s). Check each ballot for the signature and seal of the circuit court clerk and the initials of the members of the absentee voter board or county election board.
9. Place the ballot in the ballot box.

Grounds for rejecting an absentee ballot include:

1. The voter has already voted in person.
2. The voter is not a legally qualified voter of the precinct.
3. The voter died before election day. Proof must be given (such as a death certificate) before rejecting a ballot based on this ground.

4. There is no voter's signature on the ballot envelope, or if a copy of the voter's signature has been provided to the precinct election board, the signature on the ballot envelope does not correspond with the signature on the ballot application.

NOTE: In some cases, the voter may have been disabled or injured after signing the original voter registration card. If a voter's signature on the envelope is a mark, "X," for example, that has been witnessed by the members of an absentee board, the inspector may rely on the bipartisan witnesses to the voter's signature in determining whether to accept or reject the absentee ballot under this provision.

5. The ballot envelope is open or has been resealed.
6. The absentee ballot affidavit is insufficient or the ballot has not been endorsed with the initials of the two absentee voter board members, the two appointed county election board members, or the two representatives appointed by the county election board members.
7. The ballot envelope contains more than one (1) ballot of the same kind.
8. In a primary, if the voter has not previously voted, the voter has failed to execute the proper declaration relative to the voter's age and qualifications or to designate the political party with which the voter intends to affiliate.

NOTE: This does not apply if a voter is voting ONLY for school board offices or on public questions on the ballot at the same time as the primary.

9. If an absentee ballot is rejected, the ballot shall not be accepted or counted. On the back of the ballot, without unfolding or disclosing it, the inspector must write the word "REJECTED" and state the specific reasons for rejecting the ballots.
10. All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the inspector shall write: "DEFECTIVE ABSENTEE BALLOTS" with the precinct name and date. The inspector and judge of the opposite party must return these ballots with the other ballots after the polls close.

Challenged Absentee Ballots: It is also possible to challenge an absentee ballot in the same manner that a voter can be challenged in person. See Form PRE-4 (front).

Under a new procedure used for the first time in 2004, a challenged absentee ballot will be processed as a provisional ballot. The absentee ballot secrecy envelope must be marked as a provisional ballot. The challenged absentee ballot will be kept separate from the other absentee ballots processed by the precinct election board, and returned unopened to the county election board. The county election board will then determine whether this ballot will be counted. See PROVISIONAL VOTING for more information about this procedure.

After the county election board has made its determination regarding the provisional ballot, the PRE-4 affidavit will be referred to the Prosecuting Attorney.

11. **DO NOT PUT DEFECTIVE ABSENTEE BALLOTS OR PROVISIONAL BALLOTS IN THE BALLOT BOX!**

VOTING IN PERSON AND ABSENTEE BALLOTS

1. If a voter who cast an absentee ballot appears at the polling place on election day to vote, the poll clerk must check the poll list to see if the voter's name has already been marked on the poll list by the precinct judges as an absentee ballot voter. If the poll list has been marked in this way, the voter **may not** vote in person.
2. If the absentee voter's ballot has been returned, but the voter's name has not yet been marked on the poll list by the precinct judges, the voter may have the ballots opened in the voter's presence and then deposited in the ballot box or the voter may vote in person. If the voter chooses to vote in person, the inspector will mark the envelope: "UNOPENED BECAUSE VOTER APPEARED AND VOTED IN PERSON." The envelope should then be placed in the bag with other defective ballots. **DO NOT PUT THE CANCELLED BALLOTS IN THE BALLOT BOX!**
3. If the absentee voter has not mailed the absentee ballots back to the County Election Board, the voter may vote in person. However, the voter **must** return the absentee ballots to the inspector. The ballots shall be marked "CANCELLED" and placed in the bag with the other defective ballots.

NEW SPECIAL PROCEDURES FOR FAXED BALLOTS BY MILITARY VOTERS AND FAMILY MEMBERS

Under a new state law, military voters and their family members can vote their absentee ballots later than other voters and can return the voted ballots by FAX in some cases. This requires the use of some special procedures if absentee ballots from these voters are sent to your precinct to be processed.

1. If the poll list for your precinct was already printed, and a military voter was then discharged from service (or transferred to an assignment in a new location by their supervisors), the military voter and the voter's spouse and dependents can register to vote at the county voter registration office through noon on election day, and vote at the clerk's office by absentee ballot. The clerk will then prepare a written certification that the voter has voted under this law, and attach this certification (*ABS-11 State Form*) to the voter's absentee ballot envelope (*ABS-10 State Form*). This ballot, envelope, and certification will then be delivered to your precinct for processing. After processing the ballot, the circuit court clerk's certification must be attached to your poll list.
2. All military voters and civilian overseas voters can request that the county election board send their absentee ballots by fax. If the voter wishes to return the voted ballots by fax, the voter must separately sign and date a statement reading "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot." (*ABS-9 State Form*)
3. To compare voter signatures to make certain that the same person signed the absentee ballot application also returned the ballot, you must compare the signature on the absentee application (*ABS-12 State Form*) with the signature on the affidavit (*ABS-9 State Form*) that the military/overseas voter returned with the faxed ballot. There will be no secrecy envelope used by these voters to compare signatures with.
4. If the signature of the voter is questioned or disputed, these absentee ballots are processed in the same way as questioned or disputed absentee ballots from other voters.

CLOSING THE POLLS AND CANVASSING VOTES

Indiana voting polls must be closed at 6:00 p.m. prevailing local time:

1. The inspector announces at 6:00 p.m. in a loud tone of voice that the polls have closed.
2. Otherwise qualified voters in the chute must be permitted to vote.
3. After the voting is completed, the inspector should, in the presence of the judges and poll clerks do all of the following tasks:
 - a. Lock all machines and voting systems and disassemble any voting equipment to prevent further voting.
 - b. Take down the chutes.
 - c. Prepare to canvass the votes cast in the precinct, (except in a county where punch cards or optical scan cards are tabulated at a central location).
 - d. Make sure that only authorized personnel are in the polling place. Unauthorized persons must leave the polling place during canvassing.

Canvassing the vote:

NOTE: The procedures used for canvassing vary somewhat based on the type of ballot that is cast in the precinct.

1. The inspector and judges are responsible for canvassing the vote. The canvass must continue without interruption until completion.
2. If more than one precinct is voting in the same polling place, canvassing may not begin until all qualified persons waiting to vote in any precinct in the polling place have voted.
3. The inspector obtains the poll lists from the poll clerks.
4. The inspector and poll clerks should sign all copies of poll lists. Assistant poll clerks are not required to sign these lists.
5. Provisional ballots, whether cast in person at the polling place by a voter, or as a challenged absentee ballot are NOT included in the canvass conducted by the precinct election board. Instead, provisional ballots are KEPT SEPARATE from all other ballots AND UNOPENED. The provisional ballots are returned to the county election board for processing.
6. The inspector will count the number of paper ballots (or ballot cards where used) in each ballot box. The number of ballots found in a ballot box must agree with the total number of voters recorded as having cast ballots on the poll lists.
7. If an excess or shortage is found, the discrepancy should be reported in writing with any reason, if known. If the number of ballots in any ballot box is greater than the number of recorded voters, place all ballots face up and check for and remove all blank or mutilated ballots. Remove any ballots marked "VOID," "SPOILED," "REJECTED" or "CANCELLED" and place these ballots in the defective ballot envelope.

8. A member of the precinct election board (or election officer directing the tabulation in a county using ballot cards) may protest the counting of any ballot or any part of a ballot. The poll clerks (or election officer) must write on the back of each protested ballot “COUNTED” or “NOT COUNTED.” The poll clerks must then sign each protested ballot.
9. All mutilated and unvoted ballots shall be counted, placed in separate bags, and sealed. The number of unvoted ballots shall be marked on the outside of the bag and delivered to the county election board along with all other election material.
10. Where “lever” voting machines are used, the inspector will break the seal on each machine and open the counting compartment where the number of votes cast have been recorded. These numbers will be read aloud to the clerks, who will record each total on their tally sheets.
11. Tally the votes cast for each candidate, beginning with federal or state candidates, and record the totals on duplicate tally forms (called “Australian” tally sheets in some counties). The original and duplicate forms must be in agreement before the results can be announced by the precinct election board. This certificate will be given to the inspector, together with one of the lists of voters and one of the tally sheets.
12. The inspector will report the results of the canvass and complete the proper certification statement. The inspector and judge of the opposite party return these ballots and materials to the County Election Board immediately upon tabulation of votes. State law (Indiana Code 3-6-6-28 and 3-12-2-7) provides that the inspector and judge of the opposite party are **not** entitled to be paid for their election day work if the inspector and judge do not return election materials to the county election board.
13. IN PRECINCTS USING “PUNCH” OR OPTICAL SCAN CARDS, place all ballot cards still in the secrecy envelopes in the transfer case and lock the case for transfer to the central counting location. A ballot card may not be removed from a secrecy envelope containing a write-in vote.

Note: Special procedures may apply to ballot card systems that provide for counting ballots at the precincts instead of a central counting location.

14. IN PRECINCTS USING “ALL ELECTRONIC” VOTING SYSTEMS, the inspector obtains the printout of all votes cast. The inspector must then announce the number of votes cast for each candidate.
15. Each member of the precinct election board may be given a copy of the certificate of vote totals. The circuit court clerk is also required to deliver a signed copy of the precinct results to the media.
16. Secure and return all election materials to the designated location as specified by your county election board.

Rules for counting votes at the polling place:

1. The primary factor in determining the validity of any vote is the intent of the voter. If the intent of the voter can be ascertained, the vote should be counted.
2. If the voter writes the voter’s name, initials, a number, or a symbol on the ballot with the intent of identifying the voter who cast the ballot, the entire ballot is void and must be rejected.

3. If the voter marks more voting squares on the ballot for an office than there are candidates to be elected or nominated, void the votes cast for that particular office ONLY.
4. If the voter marks more than one straight party ticket, the whole ballot is void EXCEPT for any vote cast on a PUBLIC QUESTION or for a SCHOOL BOARD CANDIDATE.
5. If the voter marks a straight party ticket and ALSO casts votes for individual candidates of one or more parties, contact your County Election Board if you are uncertain whether to count these votes. State law (Indiana Code 3-12-1-7) sets forth very specific rules for these cases.

Counting write-in votes:

1. **Only votes cast for a declared write-in candidate may be counted and canvassed.** The circuit court clerk is required to provide each precinct with a list of all declared write-in candidates. ***Contact your County Election Board if a write-in vote is cast in your precinct, and you do not have the list of declared write-in candidates.***
2. There is one **exception** to the rule to count only votes for write-in candidates. If a write-in vote is cast for a candidate who IS on the ballot FOR THE SAME OFFICE, then the write-in vote is counted. For example, in 2000, some voters cast write-in votes for Bush or Gore for President. Since those candidates were on the ballot for that office, those votes should be counted.

HOWEVER, THIS EXCEPTION DOES NOT APPLY TO AN OFFICE WHERE MORE THAN ONE PERSON WILL BE ELECTED TO A SEAT (such as county council, city council, or town council). If Adams, Jones and Smith are all candidates on the ballot for county council, a write-in vote cast for Smith for county council CANNOT be counted.

3. A write-in vote cast in the space provided on the ballot is not a distinguishing mark that would invalidate the ballot. A write-in vote cast in a place other than the space provided for write-in voting is not counted.
4. A write-in vote is valid only if it is printed in ink or lead pencil. The use of stickers, labels, or rubber stamps is not a valid write-in vote.
5. An abbreviation, misspelling, or other minor variation in the form of a name (including writing, instead of “printing” the name) does not invalidate the write-in vote. The write-in vote is valid if the intent of the voter can be ascertained.
6. A voter who casts a write-in vote MUST MAKE A VOTING MARK (“X” or a “check”) in the square or circle before the space where the write-in candidate’s name will be written.
7. Write-in votes must be tallied on separate tally sheets.

Counting absentee ballots before the polls close:

A precinct election board may count absentee ballots before the polls have closed, but is not required to do so. If these ballots are counted before the polls close, the precinct election board may not give any information concerning the results to any other person. It is a Class D felony to violate this rule.

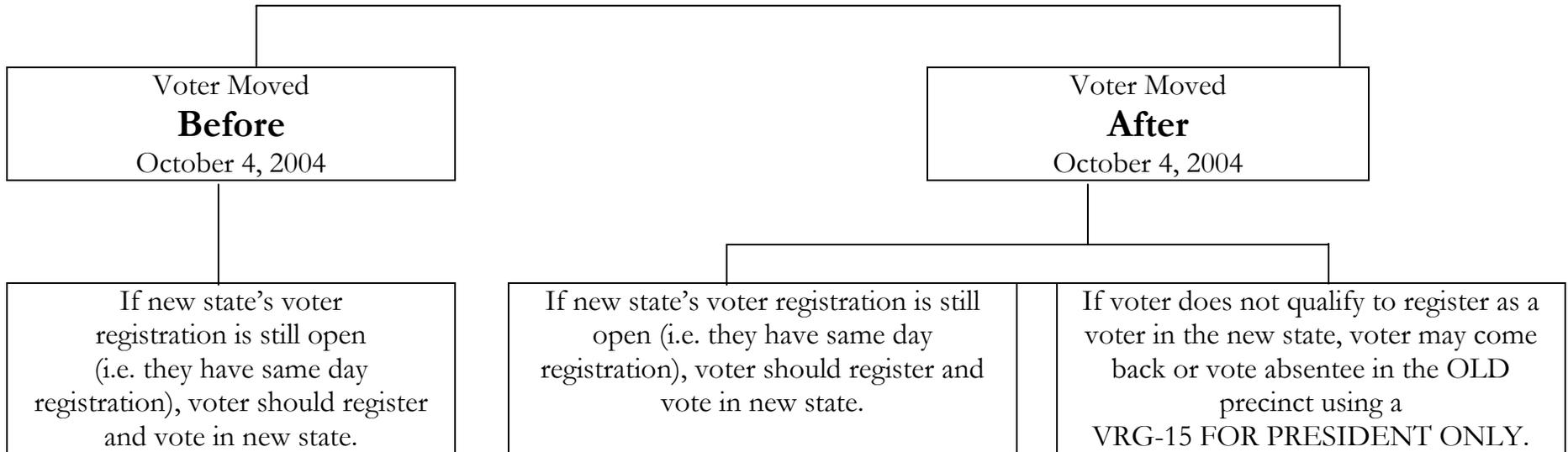
SECURING AND RETURNING ELECTION MATERIALS

After the canvass is complete, election officials should:

1. Except in precincts using “punch” cards or optical scan cards, place all counted ballots in a bag or envelope. Seal the bag or envelope. During a primary election, separate bags or envelopes will be provided for the ballots of each party.
2. Place all protested, uncounted, and spoiled ballots in a separate bag or envelope. Seal the bag or envelope. Keep provisional ballots in the separate bag or envelope provided for them.
3. Place all unused ballots in a separate bag or envelope.
4. Write the number of ballots contained in each bag or envelope on the outside of the bag or envelope.
5. Check each tally sheet to make sure the sheet is completely filled out and properly signed.
6. Place all tally sheets, poll lists, oaths, and other election affidavits in the appropriate envelopes provided. Seal the envelopes.
7. The inspector in a precinct using a “punch” card or optical scan card system places all ballot cards in a transfer case. The transfer case must be sealed with the metal or plastic seal provided. The serial number of the transfer case seal must be recorded on the ballot report.
8. The inspector and judge of the opposite party return all election materials (ballots, poll lists, affidavits) to the designated location or to the county election board’s office as soon as possible after the polls have closed or the canvass has been completed.

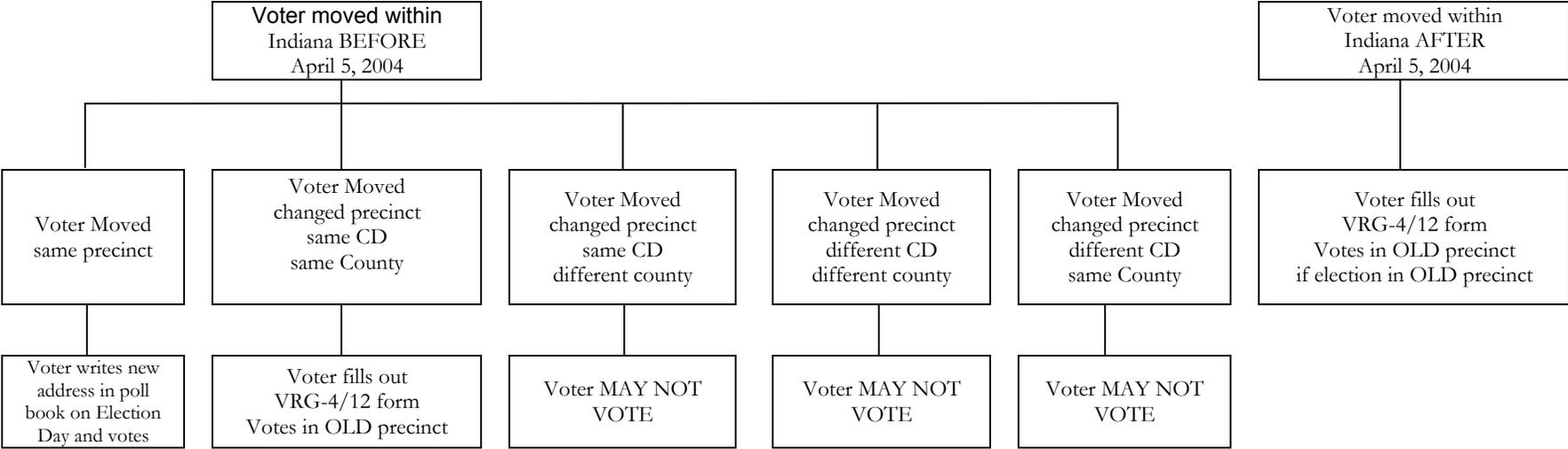
Thank you for serving the voters of Indiana!

Registered Voter Moved OUT of State of Indiana



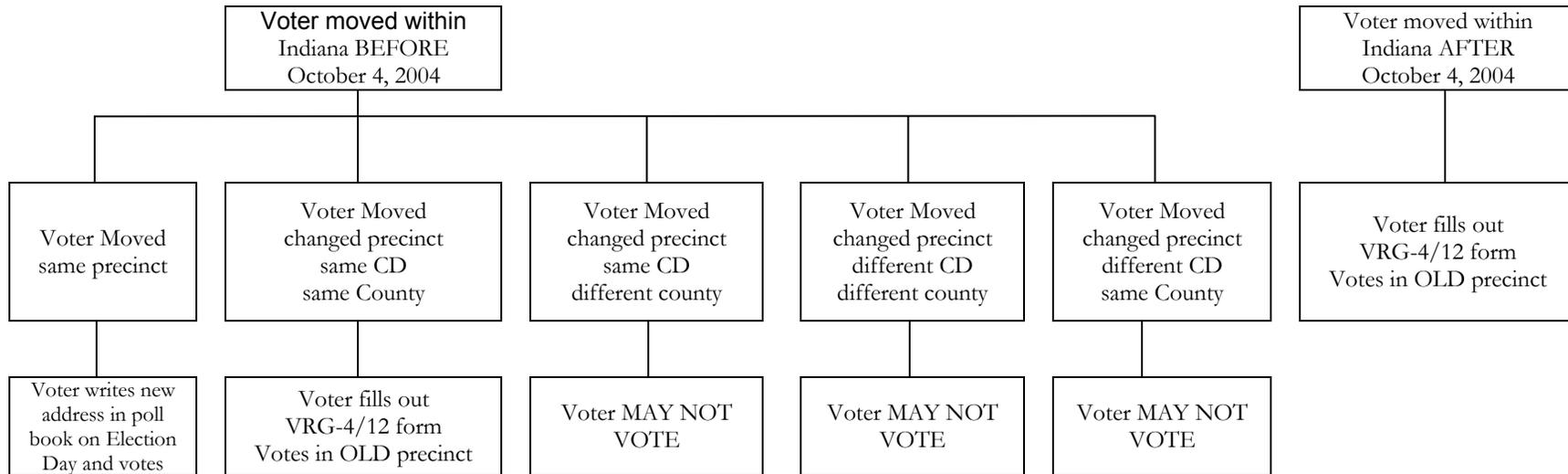
Registered Voter Moved Within State of Indiana

May 4, 2004 Primary Election



CD Refers to
Congressional District

Registered Voter Moved Within State of Indiana November 2, 2004 General Election



**CD Refers to
Congressional District**

IMPORTANT TELEPHONE NUMBERS

Circuit Court Clerk's Office _____

County Election Board Office _____

Voting Machine Repair _____

County Sheriff / Local Police _____

Fire Department _____

Emergency Medical Services _____

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