

### Disclaimer:

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

### Questions Involving Access to the Ballot:

**1. It is after 6:00 AM and the polling place is not open.**

Immediately contact the County Elections Office to report the problem. You can find contact information for County Election Offices at <http://www.indianavoters.com/PublicSite/Public/FTI/PublicContactLookup.aspx>.

If the polling place is open at 6:00 A.M. but the voting machines have not arrived, call headquarters immediately. Voters should be permitted to vote by paper ballots (preferably) or by provisional ballots if there are no machines available.

**2. It is 6:00 PM and my precinct is closed or closing and they will not let me vote.**

Immediately contact the County Elections Office to report the problem. You can find information on County Election Offices at <http://www.indianavoters.com/PublicSite/Public/FTI/PublicContactLookup.aspx>.

You have the right to vote 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.

**3. There are equipment problems with the electronic voting machines at my precinct and I cannot vote. What should I do?**

Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot. If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

Indiana law requires each county board of elections to provide any precinct within that county with paper ballots, voting stalls, ballot boxes and all other necessary voting supplies in case of equipment problems with electronic voting machines.

### Questions Involving How to Complete a Ballot:

**1. I have been given a paper ballot, how do I complete it?**

First, check your ballot to ensure that it has the initials of both poll clerks on the back and is not marked or damaged. Make a voting mark (an “X” or a “√”) in the circle or square to indicate the item that you wish to vote for. If you make a mistake you should request a replacement ballot from any of the poll clerks. After you have completed your ballot fold it so that your choices are secret and so that the initials of the polling clerks are clearly visible. Deposit the paper ballot in the ballot box.

## **2. How do I complete an Optical Scan Ballot?**

First, check your ballot to ensure that it has the initials of both poll clerks on the back and is not marked or damaged. Then, use the pen or pencil to shade in the oval, square, or circle or to connect the arrows (whichever applies to your ballot) on the ballot to indicate the candidates or political party ticket for whom you wish to vote. Check to make sure that you have completely shaded in the symbols or connected the arrows. If you make a mistake you should request a replacement ballot from any of the poll clerks. Place your ballot inside the envelope provided so that your votes are secret and deposit it in the ballot box.

## **3. How do I vote using a Direct Record Electronic Voting Machine?**

Touch the button or indicated location on the screen to vote for the candidates or political party ticket for whom you wish to vote. Then, 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. Touch the large button or indicated location on the screen to cast your ballot.

## **4. How do I vote for a write-in candidate?**

If you are voting by paper ballot or optical scan ballot, simply print the name of the candidate on the ballot where directed to do so. If you are voting by an electronic voting machine, type the name of the candidate where indicated on the appropriate voting system screen (or write the name and office on the paper roll beneath the appropriate window).

## **5. I made a mistake on my ballot. Can I get a new one?**

Yes. Any voter who by mistake spoils or defaces his or her ballot may ask the poll clerks for a new one. The poll clerks must provide a new one, as long as they are convinced that the spoiling was unintentional. The poll clerks will make a record of the fact that they have given you a new ballot on their poll list, and will mark the old ballot as VOID.

## **Identification and Provisional Ballots:**

### **I. What photo identification is required to vote?**

Under Indiana law, you are required to have with you a photo identification issued by the State of Indiana or the United States government that has an expiration date but either (a) is not expired or (b) expired after the date of the last general election. Examples include: an Indiana driver's license, an Indiana photo identification card, a U.S. Military identification or a U.S. passport.

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If you would like to use a U.S. Military identification and it lists the date of expiration as “INDEF,” the Indiana Election Division has stated that this will suffice as long as the other photo identification requirements are also met.

Student Identification Cards issued by public state universities are also valid forms of photo identification.

If you reside at a state-licensed facility that also serves as your polling place (such as a state-licensed nursing home or residential care facility), you are *not* required to show photo identification. There are a limited number of additional exemptions from the photo identification law which are discussed at: <http://www.in.gov/sos/elections/2624.htm>.

## 2. What is a provisional ballot?

A provisional ballot allows you to vote if: (a) there is a question as to your identity; (b) you have been challenged as not being qualified to vote in your precinct; or (c) an order has been issued by the court extending the hours which the polls are to remain open and you vote during those extended hours.

A provisional ballot provides a way for you to record your vote on election day even when there is a question as to your eligibility to vote. A provisional ballot is not as good as a traditional ballot because it may require you to take follow-up actions after election day to ensure your vote will be counted. See Question 6, below.

Note that Indiana has implemented “Fail Safe” provisions intended to “save” a voter from having to vote by provisional ballot. See [http://www.in.gov/sos/elections/files/2010\\_Voters\\_Bill\\_of\\_Rights\\_Poster.pdf](http://www.in.gov/sos/elections/files/2010_Voters_Bill_of_Rights_Poster.pdf).

## 3. I do not have any photo identification with me. Can I still vote?

Yes. If you do not have your photo identification with you on election day, you have the right to vote by provisional ballot. However, if you cast a provisional ballot, your vote will only be counted if you appear before the circuit court clerk or county election board no later than ten (10) days after the election to present valid photo identification. For that reason, you should return home and get your photo identification on election day, if possible.

You are also permitted to cast a provisional ballot if you are unable to obtain photo identification due to religious objection or because you are indigent and unable to afford photo identification card processing fees. However, in order to have your vote counted, you must appear before the circuit court clerk or county election board no later than ten (10) days after the election to verify your identity under penalty of perjury. For this reason, voting by provisional ballot should be considered a LAST RESORT.

If you reside at a state-licensed facility that also serves as your polling place (such as a nursing home or residential care facility), you are not required to show photo identification.

**4. I am a first time voter. What do I need to bring?**

First time voters who registered in person at a voter registration agency or license branch need only bring with them a photo identification, just like everyone else. However, if you are a first time voter who registered by mail, you will need additional documentation. If your photo identification is an Indiana Driver's License or Indiana photo identification card with your current name and address, your photo identification will also work as your additional documentation. Otherwise, you will need to bring one of the following in addition to your photo identification:

- (a) any other current and valid photo identification that contains your current name and address;
- (b) a current utility bill, with the your current name and address;
- (c) a bank statement, with your current name and address;
- (d) a government check with your current name and address;
- (e) a paycheck with your current name and address; or
- (f) any other government document that shows your current name and address.

You will be asked to present this additional documentation when you sign the poll list.

**4. I am a registered voter who is not on the poll list at my precinct. Can I vote?**

If you registered to vote and your name does not appear on the poll list at the voting precinct, you may nonetheless vote by traditional ballot if: (1) you go to the county clerk's office and get a Certificate of Error prior to voting; (2) you were previously registered in the precinct but your name no longer appears on the poll list *and* you make a written or oral statement affirming that you still live at the same address; or (3) you have a receipt from a voter registration agency indicating that you registered *and* you re-register at the polls prior to casting your vote.

However, even if one of the above exceptions applies to you, the poll workers still have the authority to refuse to issue you a traditional ballot if they are unsatisfied that you are eligible to vote. This process is called a "challenge." However, they may not challenge you solely because of your enrollment in school or residence in student housing. Ind. Code. Ann. § 3-5-4.5-2.

If you have been "challenged" or if you do not fall into one of those three categories, you still have right to vote by provisional ballot. However, to have your provisional ballot counted, you must appear before the circuit court clerk or county election board for your county no later than ten (10) days after the election to verify your eligibility to vote.

**5. My name has changed; my photo identification and voter registration no longer carry the same name. Can I still vote?**

Yes. Indiana law provides that a voter whose identification does not conform with his or her voter registration may still vote on election day. As long as your photo identification is valid proof of identification under Indiana law, you must be permitted to vote. When signing the poll list, you will be instructed to write your new name on the poll list where your former name appears. The voter registration office will thereafter automatically update your voter registration to reflect your new name.

**6. I have been offered a provisional ballot. What should I do?**

There are four situations in which a voter may be offered a provisional ballot: (1) if the voter's name does not appear on the poll list and none of the three exceptions listed in Question 4, above, apply to the voter; (2) if the voter's name does not appear on the poll list and the voter's eligibility to vote has been "challenged" as described in Question 4, above; (3) if the voter does not have proper photo identification; or (4) if an order has been issued by the court extending the hours which the polls are to remain open and the voter votes during those extended hours. Ind. Code. Ann. § 3-11.7-2-1. If the voter does not fall into one of these three categories and the voter is registered to vote and has a valid photo identification, the voter should request a traditional ballot. If the voter's request has been denied, alert the commander immediately.

If you cast a provisional ballot because you are not on the poll list or you do not have photo identification, your ballot will only be counted only if you appear before the circuit court clerk or county election board no later than ten (10) days after the election to present identification or otherwise verify your ability to vote. Ind. Code. Ann. § 3-11.7-5-2.5. For this reason, voting by provisional ballot should be considered a LAST RESORT.

To find the address and contact information for each county's circuit court clerk or county election board, visit <http://www.in.gov/ai/appfiles/electionday>. Remember, it is your responsibility to follow-up with these offices to make your vote count.

## **Where to Vote:**

**1. Where do I vote (for voters who have not moved)?**

You can look up polling locations at <http://www.indianavoters.com>. If you do not have access to the Internet, call the Indiana Elections Division Front Desk at (317) 232-3939.

**2. I have moved within the same PRECINCT and have not updated my address for voter registration purposes. Where should I vote?**

If you have moved within the same precinct, you should go to the appropriate polling place for that precinct. If the voter registration list still lists your old address, you will be asked to update your registration. If your updated address is within the precinct, you must be permitted to vote.

**3. I have moved within the same COUNTY and I have not updated my address for voter registration purposes. Where should I vote?**

If you moved within the same county and congressional district, you can return to your former precinct and cast a traditional ballot at that location by signing or making a statement that the above facts are true.

If you have moved outside your former county and or congressional district, but within the state of Indiana, within the last thirty (30) days, you can return to your former precinct and cast a traditional ballot at that location by signing or making a statement that the above facts are true.

If you moved more than thirty (30) days prior to the election to a different county or congressional district, you must re-register in your new precinct in order to vote.

**4. I live in a county that uses VOTE CENTERS instead of precinct polling places. Where should I vote?**

In 2010, Cass, Tippecanoe, and Wayne Counties will continue to operate their pilot programs conducting elections at “vote centers” instead of precinct polling places. If you are registered to vote in a vote center county, you may cast your ballot at any vote center in that county. Please note that this only applies to voters in Cass, Tippecanoe, and Wayne Counties. See Ind. Code. Ann. § 3-11-18.

### **Assistance at the polls:**

**1. I am physically disabled and need assistance; will my polling place be accessible?**

Indiana law requires that each polling place be accessible to elderly and physically disabled voters. The Secretary of State website states that all polling places are now accessible.

If your polling place is not accessible to the disabled on Election Day, contact a Commander. You can also call Indiana’s accessibility hotline at (866) 461-8683.

**2. I am blind; physically disabled or can not read English and require assistance at the polls in order to vote. Can I get assistance at the polls?**

If you require assistance at the polls for any of the reasons stated above, you can take a person of your choice into the voting booth (except an employer, an agent of employer, or an officer or agent of your union), but only if you request assistance prior to entering the voting booth. If a poll worker refuses to allow any disabled or language minority voter to bring a person of their choice into the voting booth, contact a Commander.

### **Miscellaneous Issues:**

**1. I have been approached by candidates or others at the polls.**

All candidates and all individuals expressing support or opposition to any candidate or political party must stay at least fifty (50) feet from the entrance to the polling place; they can solicit you if they comply with this rule. If any person appears to be violating the fifty-foot requirement, contact a Commander, to report the problem and they will assess if calling an election official is necessary.

**2. What if I requested an absentee ballot but I want to vote in person on election day?**

As long as you have NOT already submitted the absentee ballot, and are otherwise qualified, you must be allowed to vote in person by traditional ballot.

**3. There are people at the polls trying to intimidate voters.**

Contact a Commander, immediately. Anyone who intimidates, threatens, or coerces a voter for registering to vote, voting, attempting to vote or for exercising any other right related to voting is committing a FELONY under Indiana law.

**4. I have a felony conviction. Can I vote?**

Yes. Indiana law permits convicted felons to vote so long as they are not currently incarcerated.

**5. I am a college student, can I vote where I go to school?**

As a college student, you are permitted to register and vote where you go to school only if you consider your residence at school to be your permanent residence. Indiana law provides that a person does not gain residence in a particular precinct simply by moving there for educational purposes. Therefore, you must intend to make your residence at school your permanent residence in order to register and vote in that precinct. Ind. Code. Ann. §§ 3-5-5-2, 3-5-5-7.

If you do not consider your address at college to be your permanent address, you may request to vote by absentee ballot in your home precinct.