

IC 3-11-9

Chapter 9. Assistance to Certain Voters

IC 3-11-9-1

Application of chapter

Sec. 1. This chapter applies to:

- (1) each precinct; and
- (2) absentee voting, including the casting of an absentee ballot before an absentee voter board:
 - (A) in the office of the:
 - (i) circuit court clerk; or
 - (ii) board of elections and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.4; or
 - (B) at a satellite office established under IC 3-11-10-26.3.

As added by P.L.5-1986, SEC.7. Amended by P.L.8-1992, SEC.24; P.L.66-2010, SEC.20.

IC 3-11-9-2 Version a

Voters with disabilities or unable to read or write English; assistance; affidavit

Note: This version of section effective until 7-1-2015. See also following version of this section, effective 7-1-2015.

Sec. 2. (a) A voter who:

- (1) is a voter with disabilities; or
- (2) is unable to read or write English;

may request assistance in voting before entering the voting booth and designate a person (other than the voter's employer, an officer of the voter's union, or an agent of the voter's employer or union) to assist the voter in voting at an election, as required by 52 U.S.C. 10508.

(b) This subsection does not apply to a person designated by a voter described by subsection (a) who is voting absentee before two (2) members of the absentee voter board. The person designated must execute a sworn affidavit on a form provided by the precinct election board stating that, to the best of the designated person's knowledge, the voter:

- (1) is a voter with disabilities or is unable to read or write English; and
- (2) has requested the designated person to assist the voter in voting under this section.

(c) The person designated may then accompany the voter into the voting booth and assist the voter in marking the voter's paper ballot or ballot card or in registering the voter's vote on the electronic voting system.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.258; P.L.10-1988, SEC.112; P.L.4-1991, SEC.93; P.L.8-1992, SEC.25; P.L.3-1993, SEC.149; P.L.14-2004, SEC.120; P.L.221-2005, SEC.67; P.L.128-2015, SEC.180.

IC 3-11-9-2 Version b

Voters with disabilities or unable to read or write English; assistance; affidavit

Note: This version of section effective 7-1-2015. See also preceding version of this section, effective until 7-1-2015.

Sec. 2. (a) A voter who:

- (1) is a voter with disabilities; or
- (2) is unable to read or write English;

may request assistance in voting before entering the voting booth and designate a person (other than the voter's employer, an officer of the voter's union, or an agent of the voter's employer or union) to assist the voter in voting at an election, as required by 52 U.S.C. 10508.

(b) The person designated must execute a sworn affidavit on a form provided by the absentee voter board or the precinct election board stating that, to the best of the designated person's knowledge, the voter:

- (1) is a voter with disabilities or is unable to read or write English; and
- (2) has requested the designated person to assist the voter in voting under this section.

(c) The person designated may then accompany the voter into the voting booth and assist the voter in marking the voter's paper ballot or ballot card or in registering the voter's vote on the electronic voting system.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.258; P.L.10-1988, SEC.112; P.L.4-1991, SEC.93; P.L.8-1992, SEC.25; P.L.3-1993, SEC.149; P.L.14-2004, SEC.120; P.L.221-2005, SEC.67; P.L.128-2015, SEC.180; P.L.169-2015, SEC.117.

IC 3-11-9-3

Voter does not designate individual to assist voter; who must assist

Sec. 3. (a) The following individuals shall assist a voter described by section 2 of this chapter who requests assistance in voting before entering the voting booth but does not wish to designate a person under that section.

- (1) The two (2) judges if the voter is voting at a precinct.
- (2) Two (2) members of the absentee voter board if the voter is voting absentee.

(b) This subsection does not apply to a person designated by a voter described by subsection (a) who is voting absentee before two (2) members of the absentee voter board. The individuals described in subsection (a) shall execute a sworn affidavit on a form provided by the precinct election board stating that, to the best of the individuals' knowledge, the voter:

- (1) is a voter with disabilities or is unable to read or write English;
- (2) has requested assistance in voting; and
- (3) does not wish to designate a person to assist the voter in voting under section 2 of this chapter.

(c) The two (2) individuals described in subsection (a) shall then

accompany the voter into the voting booth to assist the voter in marking the voter's paper ballot or ballot card or in registering the voter's vote on the electronic voting system.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.259; P.L.10-1988, SEC.113; P.L.4-1991, SEC.94; P.L.8-1992, SEC.26; P.L.3-1993, SEC.150; P.L.221-2005, SEC.68.

IC 3-11-9-4

Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-9-5

"Service animal"

Sec. 5. (a) As used in this section, "service animal" has the meaning set forth in IC 35-46-3-11.5.

(b) A voter who requires the assistance of a service animal is entitled to bring the animal into the polls and the voting booth.

As added by P.L.66-2003, SEC.41.

IC 3-11-9-6

Voter with disability entitled to vote on direct record electronic voting system; exception

Sec. 6. (a) This section applies only to a voter with a disability.

(b) This section does not apply to an absentee ballot cast by a voter before an absentee voter board visiting the voter's place of confinement or the voter's residence.

(c) A voter is entitled to vote on a direct record electronic voting system that complies with IC 3-11-8.

As added by P.L.66-2010, SEC.21.