

From: SOS Constituent Services - Email for web page [<mailto:constituent@sos.IN.gov>]
Sent: Tuesday, November 01, 2016 4:51 PM
Subject: Early Voting Guidance

November 1, 2016

Election Administrators,

Recently, national media outlets have run stories about voters casting an early vote and later changing their mind. This has started to become a hot topic in Indiana as well. If you cast an absentee ballot in person (early voting), you cannot cast another ballot during early voting.

Indiana law does not authorize an individual who has already voted absentee in person before Election Day to return to cast an absentee ballot simply because the person has changed their mind about who to vote for. To allow a person to vote by use of an unauthorized procedure would be a violation of Indiana Code 3-14-2-14.

The only time a voter who has already cast an absentee ballot is specifically authorized to cast a replacement absentee ballot is in the cases spelled out in IC 3-11-4-17.7, IC 3-11.5-4-2 or IC 3-11-10-26 (when a ballot is reprinted due to an error, when a candidate ceases to be a candidate and is replaced on the ballot, or when the voter advises that a mailed absentee ballot has been destroyed, spoiled, lost, or not received by the voter after a reasonable time). This triggers the ABS-5 replacement ballot procedure for “spoiled” ballots.

In 2013, the Indiana General Assembly repealed the law that allowed a voter to vote in-person after voting absentee by mail in the same election. IC 3-11.5-4-18 clearly prevents voters from voting twice in the same election. Voters who have requested and received an absentee ballot by mail and have *not yet returned the ballot* must present the ballot to the inspector working at their polling location if they wish to vote in-person. The ballot will then be voided before their vote is cast.

If a voter’s ballot was misplaced, or if they did not receive their ballot prior to Election Day, they must sign an affidavit affirming that fact prior to casting their ballot in-person at the polls.

In short, voters are not allowed to “beat their ballot” to the polls. I hope this brief explanation aids you as you continue to serve the voting public for the 2016 general election.

Sincerely,

Connie Lawson
Indiana Secretary of State