STATE’S
EXHIBIT NO. 44
INSTRUCTIONS TO PROVISIONAL VOTER

INSTRUCTIONS: This document must be provided at the polls by a precinct election officer to an individual who casts a provisional ballot, except for an individual casting a provisional ballot as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

State of Indiana
County of _____________________________________

Instructions From the County Election Board to a Provisional Voter

You have been provided this document because you cast a provisional ballot in this election.

You were provided a "provisional ballot" because there is a question about whether you are eligible to vote in this precinct at this election or because you were unable or declined to present proof of identification when required by law to do so.

Your provisional ballot will be forwarded by the precinct election workers to the county election board for processing between now and noon on the second Monday after election day.

If the county election board determines that you were eligible to vote in this precinct in this election, your ballot will be counted. If the board determines that you were not eligible to vote in this precinct at this election, your ballot will not be counted.

If you were challenged because you were unable or declined to present proof of identification when required by law to do so, you may personally appear before the circuit court clerk or county election board not later than noon on the second Monday after election day. If you appear at the county office and properly complete and sign an affidavit (Form PRO-10), your provisional ballot will be counted if you were otherwise eligible to vote in this precinct. Your affidavit must state that you are the same individual who appeared at the polls on election day and cast a provisional ballot in this precinct. You must then either provide proof of identification to the county or affirm under the penalties for perjury that you are exempt from this requirement because you are indigent and unable to obtain proof of identification without the payment of a fee, or that you have a religious objection to being photographed.

You are entitled to know whether your provisional ballot was counted, and if not, why your ballot was not counted. To do so, contact the county election board at the following toll-free telephone number, during the office hours listed below:

Telephone Number: _______________________________ Office Hours: ______________________________

County Election Board Address: ________________________________________________________________

Except for county election board members and employees who are processing your ballot, you are the only person allowed access to information about your provisional ballot. The County Election Board is required by federal law to use reasonable procedures to protect the security, confidentiality, and integrity of the information about your provisional ballot. As a result, you may be asked to confirm your identity by providing your date of birth, or other personal information, when you call this telephone number. If you have questions regarding the law or procedures concerning provisional ballots, contact the county election board.
AFFIDAVIT OF CHALLENGED VOTER CONCERNING
PROOF OF IDENTIFICATION REQUIREMENT
State Form 52432 (11-05)
Indiana Election Commission (IC 3-11.7-5-2.5)

INSTRUCTIONS: This affidavit must be completed by a voter who: (1) was challenged because the voter was unable or declined to provide proof of identification and cast a provisional ballot; or (2) was challenged by a member of the precinct election board who determined that the proof of identification provided by the voter did not qualify under IC 3-5-2-40.5 and the voter cast a provisional ballot. This affidavit must be completed in person by the voter before the county election board or the circuit court clerk and filed not later than noon 13 days after election day.

To the Circuit Court Clerk or County Election Board of _______________________ County:

Section to be Completed by Voter

I, the undersigned, affirm under the penalties of perjury that the following information on this affidavit is true and complete, to the best of my knowledge and belief:

(1) On election day, ______________________________, (insert date of election) I resided in the following precinct (or formerly resided in the following precinct and was entitled to return to vote in that precinct by state or federal law):

________________________________________________________________________________________
(Insert Precinct Name)

(2) Check the box below that applies:

☐ I am the same individual who personally appeared before the precinct election board for the precinct named above on the election day listed above. I was challenged because I was unable or declined to provide proof of identification (as defined in Indiana Code 3-5-2-40.5 printed below,) and I cast a provisional ballot.

☐ I am the same individual who personally appeared before the precinct election board for the precinct named above on the election day listed above. I was challenged because a member of the precinct election board determined that the proof of identification I provided did not qualify as proof of identification under IC 3-5-2-40.5 (printed below), and I cast a provisional ballot.

(3) Check the box below that applies:

☐ I have provided proof of identification (as defined in Indiana Code 3-5-2-40.5 printed below) to the circuit court clerk or county election board.

☐ I have not provided proof of identification (as defined in Indiana Code 3-5-2-40.5 printed below) to the circuit court clerk or county election board. I am indigent and unable to obtain proof of identification without the payment of a fee.

☐ I have not provided proof of identification (as defined in Indiana Code 3-5-2-40.5 printed below) to the circuit court clerk or county election board. I have religious objection to being photographed.

Signature of Voter

Printed Name of Voter

Section to be Completed by Person Administering Oath

Subscribed and sworn or affirmed before me on _____________________________ (mm/dd/yy).

Signature of Person Administering Oath

Printed Name and Title

Indiana Code 3-5-2-40.5: “Proof of Identification” refers to a document that satisfied all the following:

(1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual’s voter registration record.

(2) The document shows a photograph of the individual to whom the document was issued.

(3) The document includes an expiration date, and the document:

☐ is not expired; or

☐ expired after the date of the most recent general election.

(4) The document was issued by the United States or the State of Indiana.
AFFIDAVIT OF CHALLENGED VOTER CONCERNING
PROOF OF IDENTIFICATION REQUIREMENT IN A MUNICIPAL ELECTION

INSTRUCTIONS: This affidavit must be completed by a voter who: (1) was challenged because the voter was unable or declined to provide proof of identification and cast a provisional ballot; or (2) was challenged by a member of the precinct election board who determined that the proof of identification provided by the voter did not qualify under IC 3-5-2-40.5 and the voter cast a provisional ballot. This affidavit must be completed in person by the voter before the town election board or the town clerk-treasurer and filed not later than noon 13 days after election day.

To the Town Clerk-Treasurer or Town Election Board of _______________________ Town:

Section to be Completed by Voter

I, the undersigned, affirm under the penalties of perjury that the following information on this affidavit is true and complete, to the best of my knowledge and belief:

(1) On election day, ______________________________, (insert date of election) I resided in the following precinct (or formerly resided in the following precinct and was entitled to return to vote in that precinct by state or federal law):

________________________________________________________________________________________
(Insert Precinct Name)

(2) Check the box below that applies:

☐ I am the same individual who personally appeared before the precinct election board for the precinct named above on the election day listed above. I was challenged because I was unable or declined to provide proof of identification (as defined in Indiana Code 3-5-2-40.5 printed below,) and I cast a provisional ballot.

☐ I am the same individual who personally appeared before the precinct election board for the precinct named above on the election day listed above. I was challenged because a member of the precinct election board determined that the proof of identification I provided did not qualify as proof of identification under IC 3-5-2-40.5 (printed below), and I cast a provisional ballot.

(3) Check the box below that applies:

☐ I have provided proof of identification (as defined in Indiana Code 3-5-2-40.5 printed below) to the town clerk-treasurer or town election board.

☐ I have not provided proof of identification (as defined in Indiana Code 3-5-2-40.5 printed below) to the town clerk-treasurer or town election board. I am indigent and unable to obtain proof of identification without the payment of a fee.

☐ I have not provided proof of identification (as defined in Indiana Code 3-5-2-40.5 printed below) to the town clerk-treasurer or town election board. I have religious objection to being photographed.

Signature of Voter

Printed Name of Voter

Section to be Completed by Person Administering Oath

Subscribed and sworn or affirmed before me on _____________________________ (mm/dd/yy).

Signature of Person Administering Oath

Printed Name and Title

Indiana Code 3-5-2-40.5: “Proof of Identification” refers to a document that satisfied all the following:

(1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual’s voter registration record.

(2) The document shows a photograph of the individual to whom the document was issued.

(3) The document includes an expiration date, and the document:

   (A) is not expired; or
   (B) expired after the date of the most recent general election.

(4) The document was issued by the United States or the State of Indiana.