

# 2018 State Board of Accounts Conference



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## 2018 Election Legislation



### Voter Registration

- A person adjudged mentally ill and committed to an institution for people with a mental illness may state one of the following as the person's residence for purposes of voting:
  - The address of the institution where the person has been committed
  - The address where the person lives when the person is not committed to an institution

Example: A person committed by a court to a mental institution may choose to register at that institution

IC 3-5-5-17

# 2018 Election Legislation



## Scanning Paper Voter Registration Docs

- Scan paper docs and attach image to voter's file in the SVRS for the following:
  - Paper docs that create, amend, or cancel voter's registration record (VRG-7, VRG-14, Obituary, Absentee Application if changes residence address within same precinct or change of name)
  - Scan a voter registration application that is subsequently rejected and associate it with the rejected record in the SVRS



IC 3-7-33-8 [New]

# 2018 Election Legislation



## Retention of Paper Voter Registration Docs

- A voter's paper voter registration records associated with a particular residence address must be retained at least 24 months following general election after the registration at that address was cancelled.

Examples: Cancelled July 1, 2018 → November 6, 2018 general election → Dispose after November 7, 2020

OR

Cancelled July 1, 2019 → November 3, 2020 general election → Dispose after November 4, 2022

Tip: After every general election look back at all records cancelled for a voter at an address before the prior general election

IC 3-10-1-31.1

# 2018 Election Legislation

## Absentee Central Count Procedures



- A vote center county or central count county that uses Epollbooks for both absentee voting and election day voting may adopt a unanimous resolution to permit absentee ballot counters to begin counting absentee ballots any time after 6 a.m. on election day
  - Absentee ballots must be processed by the absentee ballot counters prior to counting; and
  - Electronic poll books must be updated to reflect receipt of the absentee ballots *not later than* 12:01 a.m. on election day
- A resolution pursuant to this state law may only be repealed or amended by unanimous vote of the board

IC 3-11.5-4-11; IC 3-11.5-6-3

# 2018 Election Legislation

## Absentee Central Count Procedures



- In central count county, the county election board must perform a preliminary signature review of absentee ballots, however, the board may adopt a unanimous resolution that provides as follows:
  - Absentee ballot counters are not required to review the signatures on an absentee ballots cast in-person (travelling board, clerk's office, satellite office)
  - Absentee ballot counters not required to find that the absentee voter is a qualified voter of the precinct for absentee ballots cast in person

IC 3-11.5-4-12

# 2018 Election Legislation



## Staggered Terms For Township Boards

- Townships other than those in Marion Co. may pass a resolution to stagger the terms of township board members
  - The resolution takes effect when filed with the circuit court clerk
  - The resolution must be filed with the clerk before January 1 of a year in which an election of township board members is scheduled
  - The earliest this can occur is for the 2022 election
  - Once passed, the resolution may not be repealed earlier than twelve (12) years after adoption and only in a year in which an election for members of the township board is not held

IC 36-6-6-2.3[New]

# 2018 Election Legislation



## Miscellaneous

- Election Board Minutes: The circuit court clerk shall permanently retain the minutes of all meetings of the county election board\*
- Voting System Public Test: The required public tests for ballot card and electronic voting systems must include testing to ascertain whether votes for straight party tickets and write-in candidates will be tabulated correctly\*\*
  - New versions of IEC-9 and IEC-10 will be provided for the November 2018 general election

\*IC 3-6-5-13; \*\*IC 3-11-13-22; \*\*IC 3-11-14.5-1

## Major Party Ballot Vacancies



- Ds and Rs may fill ballot vacancies if no candidate ran in the primary
  - Noon Sat. June 30: Deadline to fill vacancy by caucus or otherwise
  - Noon Tues. July 3: Deadline to certify filling of vacancies

\*Note: A party is not required to fill a ballot vacancy

## Major Party Ballot Vacancies



- State Parties have authority to fill any ballot vacancies in state legislative office
- Local Parties authority to fill local ballot vacancies, including judge and prosecutor

\*Note: Local party fills ballot vacancy for judge and prosecutor but relevant forms are filed with the Indiana Election Division



## Major Party Ballot Vacancies



- Step-by-Step for Local Major Party Caucus

Step 1: County Chair sends CAN-30 by 1st class mail to precinct committeemen 10 days before caucus and files CAN-30 with clerk by (or IED for judge or prosecutor) noon 10 days before caucus\*

Step 2: Candidates file CAN-31 and CAN-12 with county chair and clerk (or IED for judge or prosecutor) by 72 hours before caucus\*\*

\*Note: Judge and prosecutor candidates file a statement of economic interest with Judicial Qualifications Commission

Step 3: County Chair files CAN-29 with clerk certifying selected candidate\*\*\*

\*IC 3-13-1-9; \*\*IC 3-13-1-10.5; \*\*\*IC 3-8-9-5(1)(F); \*\*\*\*IC 3-13-1-15

## Major Party Ballot Vacancies

- Special Procedure: County Committee (all precinct and precinct vice committeemen) authorize county chair to fill vacancies\*
  - Forms: CAN-29+CAN-31+CAN-12+Minutes or Resolution showing County Chair has authority of county committee
  - Deadlines: Select candidate (and sign all paperwork) no later than noon 6/30/2018 and file all paperwork by noon 7/3/2018

\*IC 3-13-1-6(b)(2)

## Major Party Ballot Vacancies

- Forms must be rejected if not timely filed:
  - Notice of caucus (CAN-30) filed with clerk (or IED for judge/prosecutor) by noon 10-days before caucus
  - For a caucus, the declaration of candidacy (CAN-31) and Statement of Economic Interests filed with clerk (or IED for judge/prosecutor) by 72-hours before the caucus is held (See special procedure for county chairman appointment on previous slide)
  - Certificate of Selection (CAN-29) by noon Tuesday July 3 for primary vacancies
  - If accepted late CAN-30 or CAN-31 or these documents were not filed, related CAN-29 may not be accepted

IC 3-13-1-21

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## Candidate Filings: Post-Primary



- Candidate Withdrawals
  - **Noon Mon. July 16:** General withdrawal deadline after the primary (CAN-24)\* for any reason
    - A candidate may be required to withdrawal after this deadline if they move out of election district or they are convicted of a felony\*\*
  - Post-primary withdrawals (or death of candidate) may create major party ballot vacancy that may be filled\*\*\*
    - Before Oct. 7 major parties may fill vacancies within 30 days of vacancy using same forms as used for primary vacancies
    - Special procedure for vacancies that happen on or after October 7

\*IC 3-8-7-26; \*\* IC 3-8-7-29; \*\*\*IC 3-13-1 and IC 3-13-2

## Candidate Filings: Post-Primary

### Libertarian Party Candidates

- Nominate local candidates (except judge, prosecutor, and small town candidates) at county convention
  - Must hold convention by noon 6/30/2018 and certify candidates by noon 7/3/2018 (CAN-22+CAN-12)\*



Vacancies in local office following a convention are filled by Libertarian State Party\*\*

- State Party must file “notice” (no state form) with clerk noon 10 days before filling vacancy, must fill vacancy by 6/30/2018, and must certify (Can-22+CAN-12) vacancy candidate by noon 7/3/2018

\*IC 3-10-2-15; \*\*IC 3-13-1-20

## Candidate Filings: Post-Primary



- Independent/Minor Party petition candidates
  - **Wed. Jan. 10 - Noon Mon. July 2\***: Must file petitions *for certification* by county voter registration office (CAN-19)
    - ❖ Clerk certifies or denies certification depending on whether candidate receives sufficient number of certified signatures (2% of the votes cast for SOS candidates in 2014)
    - ❖ **Noon Fri. Aug. 24**: Candidate may appeal clerk’s denial of certification (CAN-1)\*\*
  - **Noon Mon. July 16**: Must file certified petitions (CAN-19), consent (CAN-20) and Stmt. Economic Interests (CAN-12) with clerk if not already filed by this date\*\*\*

\*IC 3-8-6-12 ; \*\* IC 3-8-6-12(d) and IC 3-8-6-14 ; \*\*\*IC 3-8-6-17



# Candidate Filings: Post-Primary



## Denial of Certification of Independent Candidate by Circuit Court Clerk

As Circuit Court Clerk of \_\_\_\_\_ County I hereby determine, pursuant to IC 3-8-6-12(d), that \_\_\_\_\_, independent candidate for the office of \_\_\_\_\_, received \_\_\_\_\_ certified signatures on petitions filed with my office which is not a sufficient number of signatures to run for that office in the November \_\_, 20\_\_ general election

The number of certified signatures of registered voters required to run for \_\_\_\_\_ is \_\_\_\_\_.

Therefore, as required by IC 3-8-6-12(d), I hereby deny the certification of the petition.

\_\_\_\_\_  
Circuit Court Clerk, \_\_\_\_\_ County  
Date \_\_\_\_\_

Denial of certification must be sent to candidate by certified mail\*

# Candidate Filings: Post-Primary



- Write-in Candidates (except school board)
  - **Noon Tues. July 3\***: Deadline to file (CAN-3; CAN-12)
- School Board Candidates
  - **Wed. July 25-Noon Fri. Aug. 24\*\***: School Bd. Petition candidates (CAN-34; CAN-12)
    - ❖ Clerk must determine if petition has sufficient signatures and certify or deny certification of petition in person, if candidate files in person, or by certified mail
    - ❖ **Aug. 31**: Deadline for candidate to appeal denial of certification
  - **Wed. Aug. 8-Noon Fri. Aug. 24\*\*\***: Filing dates for School Bd. Write-in (CAN-26; CAN-12)

\*IC 3-8-2-2.5 and IC 3-8-2-4 ; \*\* IC 3-8-2.5-4 ; \*\*\*IC 3-8-2.5-4

## Candidate Filings: Post-Primary



- Small Town (<3,500 in pop.) town convention candidates (D, R and L)
  - **Wed. Jan. 10- Noon Wed. Aug. 1\***: Deadline to file as town convention candidate (CAN-16; CAN-12)
  - **Tues. Aug. 21\*\***: Deadline to hold convention (only if necessary because of contest within party)
  - **Noon Tues. Aug. 28\*\*\***: Deadline to certify convention nominees if convention is necessary (CAN-18)
  - ❖ Small town candidates may also file petitions (CAN-19) or as write-in candidate (CAN-3) (See prior slides for applicable deadlines for these candidates)

\*IC 3-8-5-10.5 | \*\* IC 3-8-5-10 | \*\*\*IC 3-8-2.5-17

## Post-Primary Challenges



- Deadlines for early ballot vacancy, Libertarian Party, and petition (CAN-19) candidates:
  - **Noon Fri. Aug. 24**: Deadline to file (CAN-1)
  - **Noon Fri. Sept. 7**: CEB must rule on challenge\*
- Deadlines for School Bd.
  - **Noon Fri. Aug. 31**: Deadline to file (CAN-1)
  - **Noon Thurs. Sept. 7**: CEB must rule on challenge\*\*
- Deadline for small town candidates- town convention or petition (CAN-19) candidates
  - **Noon Tues. Sept. 4**: Deadline to file (CAN-1)
  - **Noon Tues. Sept. 11**: CEB must rule on challenge\*\*\*

\*IC 3-8-6-14, IC 3-13-1-16.5 and IC 3-10-2-15 ; \*\*IC 3-8-2.5-7 ; \*\*\*IC 3-8-5-14.7