



Election Division Dispatch

Brad King & Angie Nussmeyer, Co-Directors | March 2022

NEWS & UPDATES

ABS Voter Board & Central Count Team Requests

The CEB must ask the D and R chairs to nominate qualified persons to serve on pre-Election Day ABS voter boards for ABS-Mail processing, ABS-Travel Board teams, and for in-person ABS voting, as well as persons to serve on Election Day central count teams and, in non-vote center counties, as couriers to deliver lists of ABS voters to polling places.

The deadline for the CEB to provide the number of ABS voter boards and central count teams and make the request of party chairs is noon, March 14, 2022. The county chairs have until noon, March 18, to nominate persons to those positions. After this deadline the CEB is to fill these vacancies. The qualifications for ABS voter boards and to serve on central count teams are found in IC 3-11.5-4-22.

A recent change in state law does permit a 16- or 17-year old to be nominated and fill ABS voter board positions, except for travel board positions. (IC 3-11.5-4-23(d)) "Students" could already serve on central count teams under IC 3-11.5-4-23(d).

CAN-9: Notice of Primary Election

Last year the Indiana General Assembly made changes to the notice of election, which is published in the newspaper prior to each election. For the May primary election, the CAN-9 notice must include:

- a compiled list of candidates for federal, state, and local office along with their address and office sought. (Addresses must be included unless restricted under IC 36-1-8.5.) One attachment is for Democratic candidates; the second attachment is for the Republican candidates.
- the dates, time, and locations for in-person absentee or "early voting" at the clerk's office or satellites sites;
- the date of the primary election and hours the polls will be open;
- if applicable, text of a local public question on the May primary ballot is to be included.

The date for publishing this notice in the newspaper in accordance with IC 5-3-1 is also pushed up to 21-days before the election, or Tuesday, April 12, 2022.

If you've entered candidate information in SVRS, you can produce a report in the Election category of the Reports Library. Additionally, the CAN-9 must be filed in the minutes of a CEB meeting and with IED not later than noon, April 25, 2022. NOTE: Candidates for party offices (PC and delegate) do not need to be included on the CAN-9. See IC 3-8-2-19 for more information.

CALENDAR

- **Mar. 1, 2022 (NOON):** Deadline for party committees to file 2021 Annual Report
- **Mar. 4, 2022:** Ballots used in the primary are considered approved after giving proper notice to chairs & school superintendents
- **Mar. 14, 2022:** Deadline for CEB to notify chairs of the number of ABS voter boards, ABS ballot counters & couriers to allow chairs to nominate persons
- **Mar. 18, 2022 (NOON):** Deadline for county chairs to nominate persons to serve as ABS voter boards, ABS ballot counters & couriers; after this deadline, the CEB can backfill vacancies in these positions
- **Mar. 19, 2022:** Deadline to send absentee ballots to those voters whose absentee application has been reviewed and approved by the CEB
- **April 4, 2022:** Statewide VR Deadline
- **April 4, 2022:** Deadline to conduct public test of voting systems
- **April 5, 2022:** Early voting begins
- **April 8, 2022:** Pre-Primary Reporting Period Ends
- **April 9, 2022:** First day for candidate committees to file CFA-11, if applicable
- **April 14, 2022:** Travel board begins
- **April 15, 2022:** Good Friday (IED Closed)
- **April 18, 2022 (NOON):** Deadline for candidate committees, regular party committees & PACs to file pre-primary report
- **April 21, 2022 (11:59P):** Deadline for voter to file ABS-Mail apps & FPCA for UOCAVA voters who want ballot mailed to them
- **April 25, 2022:** Deadline to file copy of CAN-9 with IED
- **May 2, 2022 (NOON):** Deadline for FPCA to be filed to request faxed/emailed ballot; Deadline for ABS-Traveling Board to be filed; Early voting ends
- **May 3, 2022:** Primary Election Day

MARCH WEB TRAINING

Mar. 8 & 10 | ePollbook Overview

Mar. 15 & 17 | Precinct Election Results Upload

Mar. 22 & 24 | User Account Management in SVRS

Mar. 30 | March Build Overview

NOTE: There are a few trainings in early March that are being rescheduled & updated calendar appointments being circulated. The 2022 Calendar posted to INSVRS County Portal. Dates/times subject to change. Please verify against the training calendar.

IN FOCUS: Campaign Yard Signs

Every election cycle we're all asked questions about yard signs and when/where/what time can they be placed. IED publishes a Disclaimer brochure with more detailed information, but here are some FAQs:

1/ Is there a state law that dictates when yard signs can be put out before an election?

No, state law doesn't specifically address when campaign yard signs can go out in people's yards. This decision is left to local ordinance or homeowner association policies.

However, there is a state law that states IF there is a local ordinance prohibiting yard signs, then the ordinance is not enforceable for 60-days before an election through 5-days after. (IC 36-1-3-11) Additionally, a homeowner's association policy prohibiting yard signs cannot be enforced 30-days before an election through 5-days afterward. (IC 32-21-13-4)

2/ can yard signs be placed in the right of way? No. However, the county election board doesn't enforce placement of yard

signs. Instead, your county or city highway department, planning dept., or equivalent would enforce this rule.

3/ Are disclaimers required on yard signs?

In most cases, yes. A disclaimer in at least 7 size font with who paid for the sign is required to be included on the sign in indelible ink that contrasts with the background. (IC 3-9-3-2.5) However, signs supporting or opposing a referendum do not require the use of a disclaimer. (IC 3-9-3-2.5) The county election board would address complaints about yard signs that appear to not be compliant with state's disclaimer law.

4/ A non-incumbent printed on their yard sign "Sam Smith Dogcatcher." This implies they are the incumbent. Is this allowable?

In the view of the Indiana Election Commission, yes. The bi-partisan IEC issued an advisory opinion (2015-01) that interprets IC 3-9-3-5. A copy of this advisory opinion is included in the appendix of the green *Campaign Finance Manual*.

5/ A person calls to ask if she can remove a yard sign placed in the highway right-of-way without permission. What do I tell her?

Only those with legal authority over the property can remove the yard sign from the county right-of-way. Any other person without such authority may be liable for criminal conversion. She should file a complaint with the proper authorities to make them aware of the yard sign's placement. If the sign is located on the owner's property outside of any right-of-way, then the owner may remove it.

March 4, 2022, or 60-days from the primary election, is the first day a local ordinance for yard signs cannot be enforced. This is in effect through May 9, 2022. (IC 36-1-3-11)

For homeowner's association rules, April 3, 2022, is the first day an HOA rule cannot be enforced limiting the display of political signs on a member's property. This prohibition ends on May 8, 2022. (IC 32-21-13-4)

VR CORNER

Military & Overseas Voters VR Deadline

Military & overseas voters using the Federal Post Card Application (FPCA) have an extended voter registration deadline before each election. Rather than the standard 29-day statewide cut-off, individuals eligible to use the FPCA may use this form to register to vote until eight days before the election. The voter registration cut-off for FPCA eligible voters is April 25, 2022. An FPCA can be emailed or faxed, so it is not necessary for a military or overseas voter using the FPCA to be held to the same "wet" or original signature standard on a VR form as a civilian voter submitting the state or federal voter registration form.

Precinct Key & Election District Changes

A reminder for county VR officials to ensure their precinct key is updated to reflect their local office election district changes, if applicable. The county commissioners (in most cases) were required to recertify or redraw commissioner and county council districts in 2021. Those changes MUST be made to the precinct key and voters moved to their proper districts. IED does NOT have visibility to these local changes, but has been working with counties to move voters to their proper CD/HD/SD for 2022.

Voters with Print Disabilities

Last year state law created a new absentee form for voters with print disabilities. A voter with print disabilities is defined as (IC 3-5-2-50.3) an individual who is unable to independently mark a paper ballot or ballot card due to blindness, low vision, or a physical disability that impairs manual dexterity.

Recently, IED released the ABS-VPD form for download and use. Similar to a military and overseas voter's FPCA, the ABS-VPD is a combined voter registration and absentee application. A qualified person using the ABS-VPD form would be able to request a ballot by mail or email or fax.

As noted at the Dec. conference, the ABS-VPD form would need to be filed not later than 29-days before an election to update the voter's registration. To request a ballot by mail, the ABS-VPD form would need to be received not later than 11:59P, 12-days from the election. The legislature did not include a deadline for applications to request a fax/email ballot, though that will hopefully be remedied before the end of this year's session.

The form will be made available on indianavoters.com in the forms section for download. We are working toward adding an electronic app after the voter logs in to their "my voter portal" page on the site. The goal is for the electronic app submission to be available before the primary election. Counties will be informed of this update to SVRS functionality & the public site as soon as possible, since county users will need to be trained on how to use the new hoppers once deployed.

ABSENTEE BALLOT REMINDERS

- ABS-Mail ballots must be delivered to the county by their vendor not later than March 14, 2022, for the primary election.
- State law and the federal MOVE Act require counties to send absentee ballots to voters with approved ABS-Mail and FPCA applications not later than 45-days before each election, or March 19, 2022.
- March 19, 2022, is the default “ballot ready” date in SVRS. Counties can request the deadline to be moved up to an earlier date by submitting a county authorization form in INSVRS.
- Expect IED to follow-up on the March 19, 2022, deadline as each state is required to report back to the U.S. Department of Justice on compliance with this important federal law.
- Once counties begin sending absentee ballots out on or around March 19, 2022, state law requires an absentee ballot be sent on the same day the application is approved. (IC 3-11-4-18)
- ABS-Mail, ABS-VPD, and FPCA applications for a mailed absentee ballot must be received not later than 11:59PM, April 21, 2022.
- Absentee and FPCA forms can be mailed, hand-delivered, faxed, or emailed.

UPDATE VOTING LOCATION DATA

In April, IED will be pulling a statewide list of voting locations used on Election Day and during “early” voting. This list is sent to Democracy Works, a non-partisan, non-profit organization, who updates a nationwide address-driven voting site locator (gettothepolls.com).

If your county has any changes to “early” voting or Election Day sites, please log the changes in the polling place module in SVRS to ensure indianavoters.com and gettothepolls.com display the correct information.

New vote center counties will also need to submit a County Authorization Form in SVRS to have their SVRS permissions reflect this change in voting method. If you’ve already done this, there is no need to request this again.

Don’t forget! The **county election board** (rather than the county commissioners) is to publish a list of polling places or vote centers used on Election Day in the newspaper at least 10 days before the election. See IC 3-11-8-3.2 for those details.

QUESTIONS OF THE MONTH

Q. Do candidate names appear in CAPITAL letters on the ballot? And do I use “” or () around a candidate’s nickname?

A. Yes, a candidate’s name is printed in ALL CAPS on the ballot. (IC 3-10-1-14.1) State law changed to require parentheses () around a candidate’s nickname, not quotation marks. (IC 3-5-7-5)

Q. A candidate filed their declaration of candidacy but their name designation is out of order. Can I change the order to comply with law?

A. No. The ballot name as indicated on the declaration of candidacy must be used on the ballot in the order requested by the candidate, unless a CAN-1 challenge was filed contesting how the candidate’s ballot name was ordered. More information about the first, second, third, and fourth designation can be found in the red *Candidate’s Guide* or in IC 3-5-7-5.

Q. Do I need to change a candidate’s name on their voter registration record if their ballot name on their declaration of candidacy doesn’t match their voter registration name?

A. Yes. State law requires county VR officials to adjust the voter registration name of a candidate to match the candidate’s ballot name. The declaration of candidacy and candidate consent forms note this statute and give permission to counties to make this change. (IC 3-5-7-6)

Q. What’s a federal only absentee ballot?

A. A federal only absentee ballot is ONLY used for an overseas voter who marks on the FPCA that they are an overseas voter and their return to the U.S. is uncertain. These voters must be registered to vote at the address of the county voter registration office, even if they provide a residence address within Indiana (IC 3-11-4-8).

Under federal law, these voters can vote only for federal offices in even-numbered general election years. Every Indiana county must have a federal only Democratic and Republican ballot with the offices of U.S. Senator and U.S House for the May 2022 primary election. No other persons are eligible to use this ballot and it should not be included with Election Day materials used by poll workers.