



# Election Division Dispatch

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## NEWS & UPDATES

### Democracy Live

Felicia Erlich, the COO and corporation counsel for Democracy Live, is our state's point of contact to provide an online ballot marking tool to voters with print disabilities who request an absentee ballot by email. She has been reaching out to counties to get prepared and offer training ahead of the May primary election. If you have not received an email from her, expect to in the near future.

You can familiarize yourself with the voter's view of the online tool at their demo site: <https://in.omniballot.us/sites/18/demo/app/home> The credentials are: Sample (first name); Voter (last name); 1/1/1999 (DOB); Demo (county name—very last on list); and 1234 (PIN).

### ABS Voter Board & Central Count Team Requests

The CEB must ask the D and R chairs to nominate qualified persons to serve on ABS voter boards as well as persons to serve on Election Day central count teams and, if applicable, courier teams.

The deadline for the CEB to provide the number of ABS voter boards and central count teams to the D & R party chairs is noon, March 18, 2024. The county chairs have until noon, March 22, to submit nominations that must be used by the CEB to appoint individuals to these 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. For "underage" students, see IC 3-11.5-4-23(d).

### Solar Eclipse & VR Deadline

Many counties are reporting that their offices will be closed on Monday, April 8, 2024, because of the interest in the total solar eclipse. This isn't just a special day for space enthusiasts—it's also our statewide VR deadline!

If your office is closed on April 8, 2024, then the deadline to receive paper voter registration forms rolls over to noon, April 9, 2024, but online applications still must be received by 11:59PM, April 8, 2024 since the state is not closed. Therefore, it will be important to pay special attention to the time/date stamp in your OVR and BMV hoppers. Also note that early voting is NOT delayed due to the filing deadline rollover. It must begin when the clerk's office opens on April 9, 2024, which means your public test must be completed by April 8, 2024.

If your county is not closed on "eclipse day" then it's business as usual and there are no changes to your calendar or procedures.

## CALENDAR

**Mar. 1, 2024 (NOON):** Deadline for party committees to file 2023 Annual Report

**Mar. 1, 2024:** Deadline for CEB to provide written notice to D/R county chair and, if a public question is on the ballot, to the school superintendent that sample ballots are ready to review

**Mar. 18, 2024:** Deadline for ABS ballots to be delivered to CEB

**Mar. 18, 2024 (NOON):** Deadline for CEB to notify D/R chairs of number of ABS voter boards, counters, couriers needed for May primary

**Mar. 22, 2024 (NOON):** Deadline for D/R chairs to nominate individuals to ABS voter board, courier, counter positions

**Mar. 23, 2024:** Deadline to send ABS ballots to those with approved absentee ballot applications

**Mar. 29, 2024:** IED Closed (Good Friday)

**April 4, 2024:** Deadline to post notice of public test of voting system, if held on 4/8/24, to meet the 48-hour Open Door Law requirement

**April 6, 2024:** Deadline to publish notice of the public test of voting system in the newspaper, if held on 4/8/24

**April 8, 2024:** Statewide VR Deadline

**April 8, 2024:** Deadline for CEB to conduct public test of voting systems

**April 9, 2024:** First day of early voting

**April 12, 2024:** End of pre-primary report period

**April 16, 2024 (NOON):** Deadline for D&R chairs to nominate poll workers for Election Day

**April 16, 2024:** Deadline to publish CAN-9 notice of primary election

**April 16, 2024:** Deadline for CEB to publish notice of all Election Day voting locations in the newspaper

**April 18, 2024:** Travel Board appointments begin

**April 19, 2024 (NOON):** Deadline for all committee types (candidate, party, PAC) to file pre-primary CFA-4 report

**April 25, 2024 (11:59PM):** ABS-MAIL/ABS-VPD application deadline

## MARCH WEB TRAINING

**Mar. 3 & 5 |** Election Results Mapping

**Mat. 12 & 14 |** ePollbook Overview

**Mar. 19 & 21 |** ABS Cure Process Overview

**Mar. 26 & 28 |** Preparing for the 2024 Primary

*2024 Calendar is posted to the INSVRS County Portal but is subject to revision.*

# IN FOCUS: CANDIDATES AS ABSENTEE OR ELECTION DAY WORKERS

Several counties have reached out to ask if candidates, whether opposed or unopposed, can serve as an absentee board member or Election Day poll worker. The short answer is that it depends.

## ABS Voter Board Members

The general qualifications to serve as a D or R on the absentee voter board or as a central count team member are found in IC 3-11.5.4-22. Some candidates may be eligible to serve in these positions.

An unopposed candidate can serve, if the person is running for a city, town, township or school board office or for a party office (PC or delegate). A family member of any unopposed candidate can serve in these positions. However, if a candidate is opposed for any office, including for party office, then the candidate and their family members may not serve in these positions if the candidate is running countywide.

If the candidate is opposed and is not

running countywide, then the candidate and their family members can be assigned to handle absentees in precincts where the candidate's name does not appear on the ballot.

For example, there are nine townships in Cardinal County. John is an opposed candidate for township board in township 1. This means John and his family can handle absentees in townships 2-9, but cannot handle an absentee in township 1.

## Election Day Poll Workers

The requirements to work the polls on Election Day are found in IC 3-6-6-7. Unless a person is only running for PC or delegate, no candidate—whether opposed or unopposed—can be a poll worker.

The party office exception noted above allows unopposed candidates for PC or delegate and their family members to serve as poll workers. Recent changes in state law also allow opposed candidates for PC and delegate and their family members to

work the polls but only if the CEB unanimously supports a resolution under IC 3-6-6-7(c).

While family members of opposed candidates for elected office cannot work the polls on Election Day, it is possible for family members of unopposed candidates to work.

There is one final workaround, but it only applies to non-vote center counties. It is possible for an opposed candidate and their family members to work on Election Day IF the candidate is not running countywide. These individuals must be assigned to a precinct where the candidate's name does not appear on the ballot.

For example, if Sally is running in district 2 of Tulip Tree Town Council, then she or her family members can be assigned to a precinct that does not include her election district. This is not possible in vote center counties, since all precincts vote at every location.

## VR CORNER

### Federal Post Card Applications & Registration

Military and overseas voters are encouraged to use the Federal Post Card Application (FPCA), as it offers special protections to these individuals. Below are just a few of the benefits:

A US citizen who resides overseas can maintain their "nexus" to their last known US address when using the FPCA. If they last resided in Indiana for at least 30-days before heading overseas, the voter should complete section 2 of the form with their former Indiana address. However, if the overseas citizen marks the box indicating their "return is uncertain" then the voter's residence address in SVRS is changed to the address of your VR office. This "return uncertain" designation allows the voter to receive a "federal only" ballot to vote on President, US House, and US Senate.

Section 3 of the FPCA is the voter's overseas mailing address, which counties will use to update the voter's mailing address in the SVRS registration module and absentee module.

Lastly, the voter registration deadline is extended for voters using the FPCA to 7-days before the election and in some cases, can be extended up to election day. See the *2024 Military and Overseas Handbook* for more 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 also requires parentheses () around a candidate's nickname, not quotation marks. (IC 3-5-7-5)

**Q. Can we use the Democracy Live tool the state provides to counties to email ballots to military and overseas voters?**

A. The state's contract with Democracy Live only covers voters with print disabilities. If you have a military or overseas voter using the Federal Post Card Application (FPCA) that asks for an emailed or faxed absentee ballot, then you will need to send to the voter the ABS Voter Bill of Rights, MOVE Information Sheet, ABS-9 (generated from SVRS), and a copy of the voter's ballot initialed by bi-partisan ABS voter board or CEB.

The voter then has to return the ABS-9 secrecy waiver and their marked ballot. County officials will print off the returned ballot and seal it in the ABS-10B (or ABS-10, if using old stock) envelope and attach the ABS-9 and voter's ABS application to it. On Election Day, if the voter is found to be a qualified voter of the precinct, a bi-partisan team will remake the voter's emailed ballot on an official ballot card for tabulation.

## ABSENTEE BALLOT REMINDERS

- ABS-Mail ballots must be delivered to the county by their vendor not later than March 18, 2024, for the primary election.
- State law and the federal MOVE Act require counties to send absentee ballots to voters with approved ABS-Mail, ABS-VPD, and FPCA applications not later than 45-days before each election, or Saturday, March 23, 2024.
- March 23, 2024, 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 23, 2024, 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 23, 2024, 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 25, 2024.
- Absentee applications 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](http://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](http://indianavoters.com) and [gettothepolls.com](http://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.

## YARD SIGNS

**It’s spring and yard signs will be popping up before you know it. The good news is that the CEB only has enforcement jurisdiction over disclaimers, but you are often asked about other statutes related to yard signs. Below are some answers to frequently asked questions:**

**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 election day. (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/ 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 CEB would address complaints about yard signs that appear to not be compliant with state’s disclaimer law.

**3/ 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*.

**4/ 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.

For more information, IED publishes a “Political Signs & Disclaimer Requirements” brochure that is available on [in.gov/sos/elections](http://in.gov/sos/elections).