



# Election Division Dispatch

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## NEWS & UPDATES

### 2023 Ballot Vacancies

After May 2, the Democratic and Republican parties can fill ballot vacancies where no candidate ran in the primary election. The county chair (or central committee) can fill these vacancies by direct appointment, but this requires the party organization to pass a resolution OR adopt a motion to allow direct appointments. This resolution or meeting minutes must be attached to each ballot vacancy filing pursuant to state law. (NOTE: if only one eligible PC can vote in the caucus or there is not a quorum at the caucus or there is a tie vote at the caucus, then the chair can fill by direct appointment without the party organization's permission.)

The Libertarian Party is also entitled to fill ballot vacancies where no candidate was nominated at their convention. The party must file written notice with the county clerk about their intent to fill ballot vacancies and for which office not later than 10-days before those vacancies can be filled.

The deadline for the D/R party to fill a ballot vacancy where no candidate ran in the primary AND to file the paperwork is NOON, July 3, 2023. The same noon, July 3rd deadline applies to the Libertarian Party. More information is available in the *2023 Election Administrators' Guidebook*.

### Statewide VLM Post Card Mailer

The first card in the statewide VLM post card mailer will be dropped in the mail beginning May 5 and not later than May 17, 2023. If card 1 is returned as undeliverable, then card 2, or the voter response card, will start dropping by June 23. By late June, counties will likely start seeing their VLM Hoppers populated with records to review and approve.

Civix will be hosting two training opportunities on the SVRS modules related to this effort. Please plan for at least one person on your team to attend one of these trainings, which will be held at 3P ET on May 15 and 11A ET May 17, 2023.

### Finalizing Election Results in SVRS

Please remember to update your final election results in SVRS to include late-arriving military and overseas voters and those provisional ballots that were counted. It is important that the results entered in to SVRS match the records in your certified election results file. Please do not skip this step in certification!

### Legislative Summary

As a reminder, IED publishes a legislative summary each year, usually around the beginning of July, which will highlight the statutes impacted by bills from the most recent legislative session. Previous versions going back to 1999 can be found under the Election Administrator's Portal [on](#) the IED website.

## CALENDAR

- May 1, 2023 (NOON):** Deadline to file FPCA for military/overseas voters who request an absentee by email/fax
- May 1, 2023 (NOON):** Deadline to file ABS-Travel Board
- May 1, 2023 (NOON):** Early voting ends
- May 2, 2023:** Primary Election Day! See yellow *Calendar Guidebook* for more information
- May 5, 2023:** First VLM postcard sent to all active voters drops into mail starting this week
- May 10, 2023 (NOON):** Deadline for ABS voter to file ABS-18A or ABS-18B, if signatures are missing or mismatched on ABS balloting materials
- May 12, 2023 (NOON):** Deadline for CEB to receive a mailed ABS ballot from overseas or overseas military voter to be counted, if postmarked on or before May 2 & voter otherwise eligible
- May 12, 2023 (3PM):** Deadline to determine if provisional ballot is to be counted
- May 15, 2023 (NOON):** Deadline to certify primary election to IED
- May 16, 2023 (NOON):** Deadline to file FINAL in SVRS the precinct level results & CEB-9 Section I and, in Section II, the voter wait times
- May 17, 2023:** Last day for state to mail VLM card 1
- June 23, 2023:** First week for VLM card 2 to be mailed, if card 1 was returned as undeliverable
- June 30, 2023:** Deadline for Independent/minor party candidates to file petitions for review & certification
- July 3, 2023 (NOON):** Deadline for D/R/L parties to fill a ballot vacancy where no one ran in the primary election OR L convention AND file paperwork with county clerk
- July 3, 2023 (NOON):** Deadline for declared write-in candidates to file CAN-51
- July 14, 2023:** Last day for state to mail VLM Card 2
- July 17, 2023 (NOON):** Deadline for candidate to withdraw for any reason from the November ballot (CAN-46)
- July 17, 2023 (NOON):** Deadline for Independent/minor party candidate to file certified petitions & consent

## MAY WEB TRAINING

- May 4** | Post-Election Processing
- May 9 & 11** | CEB Form Generation Overview
- May 15 & 17** | Statewide VLM Project
- May 16 & 18** | GIS Geocoding
- May 23 & 25** | Petition Set-Up Overview

*2023 Calendar posted to INSVRS County Portal. Dates/times subject to change. Please verify training dates against the training calendar.*

# IN FOCUS: Federal Voluntary Voting System Guidelines & the Deprecation of Versions 1.0 & 1.1

Voluntary Voting System Guidelines (VVSG) are a set of specifications and requirements against which voting systems can be tested to determine if they meet standards under federal guidelines. These standards are developed through the support and advice of a diverse number of stakeholders, including state and local election officials.

While the Help America Vote Act (HAVA) mandates the EAC to develop and maintain these standards, adhering to the VVSG is voluntary except in select states that require it by law. In Indiana, a voting system is required to meet the standards set forth in the VVSG but additional testing against our state laws related to voting systems is performed by VSTOP. Their recommendations are shared with the bi-partisan Indiana Election Commission, who then certifies the equipment for use in Indiana for a period of time, up to four years.

On February 10, 2021, EAC Commissioners adopted the newest VVSG standard, version 2.0. Enacting the VVSG 2.0 is an important step to enhance U.S. election security, which is a national security imperative.

Currently, no voting system is certified against the 2.0 standard—and that is to be expected. It takes time for voting system manufacturers

to develop voting equipment that comply with the new standard and for testing laboratories to be federal certified (VSTL). As of March 2023, one system has been submitted to the EAC that is currently being tested to VVSG 2.0.

This means the “old” VVSG standards, versions 1.0 and 1.1, are being “deprecated,” meaning the older voting systems are no longer at the cutting edge of technology. However, deprecation does NOT mean the voting systems are decertified. This is an important distinction to make, if a constituent engages in conversation about the topic.

Voting systems certified in Indiana, even those built against the VVSG 1.0 and 1.1 standards, are secure and will remain certified. Even if a voting system vendor chooses not to reapply for Indiana certification in the future, the legacy equipment maintained by counties remains certified but no alterations to the equipment can be made by the vendor unless the vendor submits an application to renew the certification. (IC 3-11-7-15; IC 3-11-7.5-5)

Further, voting systems will not be decertified by the EAC as the result of VVSG deprecation. Election officials may continue to use or procure voting systems that have been certified to VVSG 1.0 and 1.1 in accordance with state or local law, even once depreciation

occurs.

While our state does not exclusively rely on EAC certification of voting systems, most, if not all, voting system vendors do seek certification from the EAC and undergo testing at the federally accredited voting system testing laboratories (VSTL). As of November 2022, the VSTLs are fully accredited to test against the 2.0 standard. But, the EAC will continue to accept applications for voting systems to be tested against VVSG 1.0 and 1.1 until Nov. 15, 2023.

After that point, VVSG 1.0 and 1.1 will be deprecated, and all applications for voting systems to be newly certified by the EAC must be for VVSG 2.0 or limited maintenance modifications to existing EAC-certified systems. Again, this does NOT mean voting systems that meet VVSG 1.0 or VVSG 1.1 standards will be decertified for use. Counties will be able to use their existing voting systems until such a time the Indiana Election Commission decertifies the equipment pursuant to our state laws.

More information, including fact sheets on the topic, are available through the EAC’s website: <https://www.eac.gov/election-officials/voluntary-voting-system-guidelines-vvsg-deprecation>

## VR CORNER

### Out-of-State VR Information

Occasionally the IED receives information from other states regarding voters from Indiana that appear to have moved and registered to vote in the new state. Information provided by these out-of-state jurisdictions is not sufficient by itself to move the voter’s registration record to “cancelled.” Instead, you can request a copy of the voter’s registration in the new state to see if there is language that authorizes cancellation at a previous address. Or, you can send a statewide address mailing confirmation (SAMC) notice from SVRS to the voter, which allows the individual to update, confirm, or cancel their registration. And if the voter does not respond after 30-days or the card is returned as undeliverable, you can move the status to “inactive,” if outside of a freeze period. Or, mail the VRG-14 cancellation notice to the voter, which will allow the individual to cancel their Indiana registration when returned to you. Remember, in these instances, you must have authorization, in writing from the voter, to move the registration record to “cancelled” status unless you send the SAMC that may initiate the active to inactive to cancelled workflow over two general elections.

### Retention Schedule for VR Records

IED recently learned the state’s record retention schedule for county offices has out-of-date information regarding the retention of voter registration records. We are working to get that corrected, but in the meantime, be sure to follow IC 3-10-1-31.1 and review pages 66 & 67 of the purple *VR Guidebook*.

## QUESTIONS OF THE MONTH

**Q. Do D & R candidates running for a small town office in those towns holding a town convention to nominate for the November election also have to meet the two primary vote history requirement?**

A. No. When the law was updated a few years ago to require candidates running in the D or R primary to have a voting history where the last two primaries in Indiana in which the person voted be the same as the party they are affiliating on the primary ballot, the “small town” candidate statutes were overlooked. This means candidates seeking nomination in 2023 in a small town (that is, those candidates that can file to run for office up to noon, August 1, 2023) only need to have a vote history where the last primary in Indiana in which the candidate voted be of the same party in which the candidate is seeking nomination. HEA1336, once it becomes law, will update the “small town” candidate section of the law to require the two primary vote history after December 31, 2023.

**Q. What about D & R candidates looking to fill ballot vacancies - do they need the two primary voting history requirement?**

A. No. The primary voting history requirement only applies to candidates running in the D or R primary election. The county party chair or party caucus fills the ballot vacancies, and this would be a group of individuals who would know which candidate would best represent their party on the ballot.