

Election Division Dispatch

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NEWS & UPDATES

ABS Ballot Delivery Deadline

All voters with a reviewed and approved ABS-Mail or ABS-VPD app or FPCA must have their ballot sent to them not later than Sept. 24, 2022 pursuant to federal and state law. This is the 45-day cut-off for sending ballots to comply with the Military & Overseas Voter Empowerment (MOVE) Act. The default ballot ready date in SVRS is Sept. 24. If you plan to send your ballots out earlier, please submit a CAF in SVRS to request a new date.

Please be certain your county is adhering to this deadline. The US Department of Justice asks our agency to track ballot sent dates to ensure compliance with federal law. If ballots are sent late, you may be contacted by their office. A reminder that after you make your initial push to send ABS ballots, state law requires you to send a ballot to a voter on the same date the app is reviewed and approved.

Early Voting & Election Day Site Updates

Visitors to Indianavoters.com rely on information pulled from SVRS as entered by each county. If your county has finalized its plans for early voting or election day sites please make sure your county's voting info in SVRS is updated as soon as possible. Later this month and into October, this data will be shared with our partner, Democracy Works, to display on gettothepolls.com. This will increase the reach of our state's voting information, so accurate data in SVRS is critical.

Scanned ABS Applications from IED

Beginning Sept. 26, 2022, IED will begin scanning ABS apps received by our office and upload them to your county's folder in the IED Postings section of the INSVRS County Portal. Counties may download and print these requests to process more quickly, or wait for the hard copies to arrive by mail.

New CISA Toolkit

CISA has released "[Protecting U.S. Elections: A CISA Cybersecurity Toolkit](#)", a catalog of free services and tools for state and local election officials. The toolkit is organized into broad categories:

1. Assess risk using an Election Security Risk Profile Tool developed by CISA and the U.S. EAC; and
2. Find tools related to protecting voter information, websites, email systems, and networks; and protect assets against phishing, ransomware, and distributed denial-of-services (DDoS) attacks.

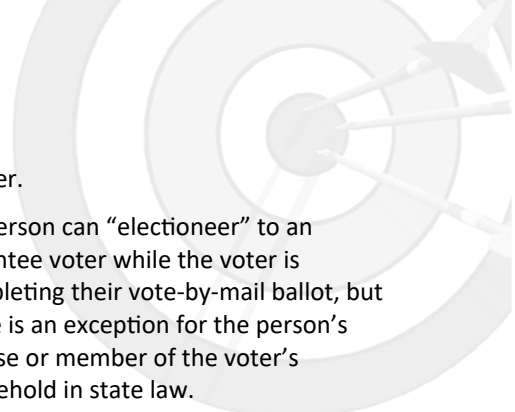
SEPT. WEB TRAINING

Sept. 20 & 22 | ePollbook Overview

The 2022 Calendar posted to INSVRS County Portal. Dates/times subject to change.

CALENDAR

- September 2, 2022 (NOON): Deadline to file CAN-1 challenge in school board contests
- September 2, 2022: Deadline for CEB to send written notice to county D/R chairs and school board superintendent to provide an opportunity to inspect ballot proofs
- September 5, 2022: Labor Day (IED Closed)
- September 9, 2022 (NOON): Deadline to determine the validity of most CAN-1 challenges
- September 13, 2022 (NOON): Deadline to determine validity of a CAN-1 candidate challenge related to a "small" town that did not hold a primary election
- September 15, 2022 (NOON): Deadline to determine validity of a CAN-1 challenge against a school board candidate
- September 19, 2022: Deadline to receive ABS and provisional ballots (50-days before Election Day)
- September 19, 2022: Deadline for CEB to provide notice to D/R county chairs regarding the number of ABS voter board members, ABS ballot counters, and couriers
- September 23, 2022 (NOON): Deadline for D/R county chair to nominate ABS voter board, counters & couriers
- September 24, 2022: Deadline to send ABS ballots to voters with approved ABS applications
- October 9, 2022: "Late" Ballot Vacancy procedures under IC 3-13-2 begin
- October 10, 2022: Columbus Day (IED Closed)
- October 11, 2022: Statewide VR Deadline
- October 11, 2022: Deadline for county executive to determine polling place locations in non-vote center counties
- October 12, 2022: Early voting begins
- October 12, 2022: Deadline to conduct public tests of voting systems
- October 14, 2022: End of pre-election campaign finance reporting period
- October 15, 2022: First day for CFA-11 reporting of large contributions by candidate committees
- October 18, 2022: Deadline for D/R party chairs to nominate Election Day poll workers
- October 18, 2022: Deadline to file IEC-9 (DRE) & IEC-10 (OpScan) forms with IED following public test
- October 18, 2022: Deadline to publish CAN-39 in a newspaper
- October 20, 2022: Travel Board Appointments Begin
- October 21, 2022 (NOON): Pre-Election CFA-4 reporting deadline by candidate/party/political action committees
- October 27, 2022 (11:59P): ABS-Mail/ABS-VPD application deadline
- October 29, 2022: All counties open for "early" voting
- November 5, 2022: All counties open for "early" voting
- November 7, 2022 (NOON): Multiple absentee deadlines; see yellow Calendar Guide book
- November 8, 2022: Election Day



IN FOCUS: ELECTIONEERING REMINDERS

In Indiana, “electioneering” is defined as expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another person. This would include the wearing of clothing, buttons, or displaying signs, etc. that states the name of any political party or includes the name, picture, photo, or other likeness of any candidate or currently elected federal, state, county, or local official in spaces where this speech is curtailed. (IC 3-14-3-16)

Our state law specifically requires that the candidate be clearly identified. Therefore, slogans like “I’m with her” would not be considered electioneering but “Sam Smith for Dogcatcher” would be.

However, the electioneering statute does not prevent a voter from receiving information about a candidate or public question or bringing in material with information about a candidate/PQ to

assist them with voting.

While poll workers or absentee voter boards, for example, would be within their rights to ask the voter to remove the clothing or cover it up, the voter follow that request to do so and may vote a regular ballot if otherwise qualified to do so. BUT, election workers are within their rights to forward the issue of electioneering to the CEB or the county prosecutor for violating state law.

Before Election Day “Electioneering” cannot occur in the space where in-person absentee voting is taking place or the “chute,” which is 50-feet from the entrance to the clerk’s office or satellite location. This is new state law, which was first used in May 2022.

Additionally, the county commissioners would control whether yard signs can be posted on the courthouse lawn. This is a first amendment issue, with an all or none approach. The Commissioners should consult their county attorney on this

matter.

No person can “electioneer” to an absentee voter while the voter is completing their vote-by-mail ballot, but there is an exception for the person’s spouse or member of the voter’s household in state law.

On Election Day No electioneering can occur within the “chute” or inside the voting area. The chute is defined in IC 3-5-2-10 as the 50 foot area leading to the entrance to where voting occurs.

Unlike “early” voting, similar limitations are not placed on yard signs unless the sign is placed within the “chute” or inside the polls.

More information about yard signs can be found in the “Disclaimers” brochure found on in.gov/sos/elections in the Election Administrator’s Portal, under the Election Reference Materials heading.

VR CORNER

Forwarding Voter Registrations

A voter may file state and federal voter registration forms or an FPCA in a county where the voter doesn’t reside. If that occurs, county voter registration officials must forward the VR document to the appropriate county.

The forwarding county is able to email the document to the correct county, but the hard copy must be sent to the correct county regardless. (IC 3-7-34-9) Additionally, IED can receive voter registration forms from any person, and our office will forward them to the appropriate county.

Timely Voter Registrations

A reminder that any timely voter registration form received by IED will be sent with a “timely” memo as we near the statewide VR deadline. A “timely” VR form is either hand-delivered by the registration deadline, or mailed and postmarked on or before October 11, 2022.

Remember, if the postmark is missing or illegible, then those registrations can be processed up to and including Monday, October 17, 2022. A legible postmark date on or before October 11 must be processed for the November election.

Suggestions, Fixes & Updates

While many election and VR procedures are changed through legislation, IED relies on county users to identify corrections in SVRS or request changes to further enhance workflows. Here is how to use the two different request form types in the SVRS module:

County Authorization Form (CAF). These are made through SVRS to allow county users to request and authorize changes to the database by state or system users. For example, making changes to a precinct key or putting an end date on a registration when records were not merged correctly .

Request for Service Enhancement (RSE). Similar to a CAF (and in the same module), an RSE allows a county user to suggest an improvement to SVRS. This could be a request to eliminate a step in processing a record, for example, or a suggestion for a new report.

SVRS is used to track these requests to help us keep better records and ensure items are being acted upon. Before, the CAF would come by email, fax, or mail. Centralizing the process gives visibility to state and county users.

If a county user has a suggestion to improve a form, send a note to elections@iec.in.gov. Forms are generally updated once a year before the next election cycle, so suggestions may wait to be considered by the IED Co-Directors.

“Late” Ballot Vacancies

Occasionally there will be instances where a candidate must withdraw as a candidate from an election due to a felony conviction, a move out of the election district, or the candidate dies. Any vacancy occurring on or before October 9, 2022, is considered an “early” vacancy (even though this may seem late in the election season to election administrators). For “early” vacancies, the parties follow IC 3-13-1, generally, to fill those ballot vacancies through caucus or, if the county party has authorized it or there is only one eligible PC to vote in the caucus, by direct appointment.

However, “late” ballot vacancy procedures found in IC 3-13-2, generally, are followed for any ballot vacancy occurring on or after October 10, 2022. The procedures to fill a “late” ballot vacancy are streamlined to allow for direct appointment in some cases. Please be sure you and the appropriate county chair review IC 3-13-2, if a vacancy occurs during the final 30-days leading up to the election. The blue Election Administrator’s Manual goes into more detail on the forms used for filing with the clerk (or IED, if it’s a state or federal office).

Ballot Re-Printing?

Despite all the hours and eyes on ballot proofs, mistakes happen. In this scenario of a defective ballot due to error or omission, the CEB can choose to 1/ reprint the ballot OR 2/ hold a hearing to determine if ballot re-printing is necessary. (IC 3-11-2-16)

Before the hearing, the CEB must notify the party(ies) or candidate(s) who may have an interest in the matter. At the hearing, the CEB must discuss the number of ballots, if any, containing the error or omission that have been cast; the cost of correcting the error; whether the error would cause confusion or mistakes by the voter; and whether any voter objects to using the ballot.

If no voter objects, in writing, to using the defective ballot AND the CEB determines that the error or omission will not cause confusion, then the defective ballots may continue to be used.

However, if any voter objects, in writing, to using a defective ballot OR the CEB determines the error or omission will create confusion, then new ballots shall be printed.

Alternatively, a candidate may pass away after the ballot is printed. In this scenario, the procedures in IC 3-11-3-29.5 apply. The CEB must re-print ballots unless 1/ the party fills the ballot vacancy within the final five days before the election OR 2/ the candidate dies and notice of the death is received after noon, the final seven days before the election. The CEB can also unanimously agree a candidate has died without notice and re-print the ballot.

If the ballot is found to be defective, absentee voters must file an ABS-5 to have an absentee ballot reissued. While there is no requirement for the CEB to proactively send the ABS-5, the CEB could choose to send uniform notice to impacted voters.

QUESTIONS OF THE MONTH

Q. What is the retention policy for election materials?

A. Federal and state law set forth a 22-month retention policy for all election materials. (IC 3-10-1-31.1) Once the 22-month period ends, counties may move forward with their standard procedures to have those records destroyed. These laws set forth the minimum retention policy. A county can hold on to election materials longer, but cannot move to destroy them any earlier. Please note: election materials are managed on a different retention policy than voter registration records or election results, for example. The purple VR guidebook and blue Election Admin manual include more information about records retention specific to each type.

Q. Do I need to include candidate names and address on the CAN-39 legal notice of election?

A. No. Unlike the primary election, a county is not required to print the names & addresses of candidates on the CAN-39. Instead, the notice only needs the names of the offices and public questions in addition to early voting dates, times, and locations. Counties can generate the CAN-39 in SVRS or create their own using the paper form. (For CD02 special election counties, you will have a separate CAN-60 for the special election only and in this case, must include candidate names and addresses on it.) A reminder: the CAN-39 publication deadline was pushed to 21-days before the election, or October 18, 2022. The CAN-39 must also be discussed at a CEB meeting for purposes of recording it in the meeting minutes, so please be sure it is included on a future agenda. (IC 3-10-2-2)

Q. Can the ABS-Mail app be modified by a printer to remove the party selection for the primary election?

A. Yes. The IED forms order includes a note that an ABS-Mail form can be modified to remove the “party choice” section on the application and renumber the form sections. Counties may see the modified forms that exclude section 3 and go from mailing address in section 2 to the reasons box in #4. Additionally, the forms order permits the ABS-Mail app to be printed in portrait or landscape, even though the app is currently configured in portrait style.

Q. Can I auto-activate pending registrations in batch before the election?

A. To move forward with auto-activating pending registrations, you must first complete the auto-activate request document found on the INSVRS County Portal and attach it to your County Authorization Request (CAF) filed through INSVRS. Signing this document acknowledges your county understands the state’s policy relating to activating registrations in a batch setting. Once approved, county users may move forward with the batch processing. The Help Desk will be able to assist you with the batch process, if help is needed.