



# Election Division Dispatch

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## NEWS & UPDATES

### VIP & Polling Places

IED partners with Democracy Works, a non-partisan non-profit organization, to increase visibility of early voting and polling place information. Please make sure your voting locations are up to date in SVRS on or before April 10 as our election information will be shared via [gettothepolls.com](http://gettothepolls.com) as well as our own [indianavoters.com](http://indianavoters.com). Remember to update your polling locations in SVRS promptly if they change after that day!

### Ballot Vacancies

Several counties have asked about the process for the Democratic or Republican parties to fill a ballot vacancy, if the party did not have a candidate file a CAN-42 for nomination in a primary election. Details about the process to fill [ballot vacancies](#), including how the Libertarian Party can fill ballot vacancies, are found on pages 43-47 of the *2023 Election Administrator's Manual*.

The deadline to fill a ballot vacancy where no candidate ran in the D or R primary election is NOON, July 3, 2023 and the deadline to file the paperwork is NOON, July 3, 2023. This is not a typo! There are no extensions unless your office is closed on July 3, 2023, and then only the filing deadline would roll over to noon, the next day the office is open for business.

NOTE: Ballot vacancy procedures **do not** apply to elections held in "small" towns that hold a nominating convention instead of a primary election. In this case, the deadline to file the CAN-16 and CAN-12 is noon, August 1, 2023. If no candidate filed to run for one or all offices in the "small" town, then the D/R/L parties do not get to fill the ballot vacancy. However, if a candidate nominated to run for a "small" town office withdraws, then the D/R/L party is able to fill the ballot vacancy using procedures in IC 3-13-1 or, if it is the final 30-days before election day, IC 3-13-2.

### Yard Signs

One sign that spring is here is the popping up of yard signs ahead of the May primary! A reminder that the CEB only has jurisdiction over whether the yard sign contains the "Paid for by" disclaimer in at least 7-point font. Otherwise, state law permits a local unit of government to adopt an ordinance to restrict when political yard signs can be placed in yards. However, any local ordinance restricting when signs can be planted cannot be enforced for signs up to 4'x8' 60-days before the election and 5-days after it. There is a similar state law for homeowners' associations, but their rules cannot be enforced 30-days before the election and 5-days after. More information can be found in the "Disclaimer" brochure found in the election administrator's portal at [in.gov/sos/elections](http://in.gov/sos/elections).

## CALENDAR

- Apr. 3, 2023:** Voter Registration ends in municipalities holding a primary election
- Apr. 3, 2023:** VLM activities to move voters to inactive status must be completed in municipalities holding a primary election
- Apr. 4, 2023:** First Day of Early Voting (unless CEB reduced hours under IC 3-11-10-26.5)
- Apr. 7, 2023:** Good Friday (IED Closed)
- Apr. 7, 2023:** Pre-Primary Reporting Period Ends
- Apr. 8, 2023:** First day of CFA-11 reporting period for candidate committees only
- Apr. 10, 2023:** Deadline to file IEC-9 and IEC-10 with IED
- Apr. 11, 2023 (NOON):** Deadline for D/R county chairs to nominate poll workers for Election Day
- Apr. 11, 2023:** Deadline to publish in a newspaper the CAN-9 notice of primary election
- Apr. 11, 2023:** Deadline to publish in a newspaper the polling locations or vote centers used on Election Day
- Apr. 13, 2023:** Absentee Travel Board begins
- Apr. 14, 2023 (NOON):** Deadline to file pre-primary election report for all candidates on the ballot (even if no primary is held!), PACs & regular party committees
- Apr. 20, 2023 (11:59PM):** Deadline to file ABS-Mail or ABS-VPD application or FPCA (for military or overseas voter who wants to vote by mail)
- Apr. 22, 2023:** First of two early voting Saturdays (unless CEB reduced hours under IC 3-11-10-26.5)
- Apr. 29, 2023:** Inspector Saturday (and Sunday)! Date set aside for Inspectors to pick up election materials
- Apr. 29, 2023:** Second of two early voting Saturdays (unless CEB reduced hours under IC 3-11-10-26.5)
- May 1, 2023 (NOON):** Deadline to file FPCA for military/overseas voters who want to request absentee by email or fax
- May 1, 2023 (NOON):** Deadline to file ABS-Travel Board apps
- May 2, 2023:** Primary Election Day!
- May 5, 2023:** First VLM postcard sent to all active voters drops into mail 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 15, 2023 (NOON):** Deadline to certify primary election to IED

## APRIL WEB TRAINING

- April 4 & 6** | Preparing for 2023 Primary
- April 11 & 13** | County Election Results Entry
- April 20 & 25** | Certificate of Error Processing
- April 27 & May 4** | Post-Election Processing

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

## CONDUCTING AN ELECTION WHEN CITY OR TOWN IS PART OF MORE THAN 1 COUNTY

A few cities or towns in Indiana cross county lines, which does impact election administrators. IC 3-6-5-15 states that the county containing the greatest percentage of the population according to the 2020 census may designate the polling places for the election, which may be located in any county in which the political subdivision is located, and shall appoint poll workers to conduct the election upon nomination by the county chair of the county where the precinct is located.

However, each county election board must provide poll lists, receive and approve absentee ballot applications, issue certificates of error or other documents for the voters of that county, print ballots, and canvass results. For example, "Indiana City" has 5 precincts in Wayne County and 3 precincts in Randolph County, where the greatest population is in Wayne County.

The Wayne CEB can establish polling places exclusively in Wayne County or in both counties. The Wayne and Randolph county D/R party chairs would nominate their poll workers to the Wayne CEB. However, each CEB would conduct poll worker training, produce poll lists, build ballots, code voting systems, and manage Election Day for the precincts located in their county. After canvassing the results, the Randolph CEB would certify their results to the Wayne CEB, who would then determine the winners and issue certificates of election, if required.

Both counties would determine the cost to conduct the election, and "Indiana City" would need to reimburse both counties.

## VR CORNER

### Incomplete Voter Registrations

As the primary election nears in many jurisdictions throughout the state, county VR officials will need to manage their incomplete voter registration forms. When those tasks are to be performed depends on the type of information missing or otherwise incomplete on the form:

1/ Voter did not answer age or citizenship questions. Voter has until the VR deadline of April 3, 2023 to file, in writing, made under the penalties for perjury the answers to those questions. If voter fails to fix by the deadline, then the registration is rejected.

2/ Voter has incomplete information for required fields other than the age/citizenship question. In most cases, the voter can provide the missing information over the phone (see the FAQ in the *2023 Voter Registration Guidebook*) but has until 10-days before the election. If the voter does not do so, then their registration is rejected.

The county VR official must then certify to the CEB a list of the voters with rejected registrations by April 22, 2023.

## QUESTIONS OF THE MONTH

**Q. Can an absentee voter who has an approved application on file requesting a Democratic ABS ballot change their mind and submit a new ABS application for a Republican or public question-only ballot (or vice versa)?**

A. No, a voter may not change their mind and request a different party's (or public question only) ballot in the primary election. If you issue a replacement absentee ballot after the voter files the ABS-5, the absentee ballot must be for the same political party. Additionally, once a voter selects their party on the poll book (paper or electronic), in the primary election, the voter cannot change their mind and receive the other party's (or public question only) ballot. (IC 3-11-4-17.7(d); IC 3-10-1-24(a)(3))

**Q. What is the difference between the ABS-5 and PRE-5 forms?**

A. The key difference is one form is used BEFORE election day (ABS-5) and the other is used ON election day (PRE-5). The ABS-5 allows a voter to request a replacement absentee ballot if their original ballot was lost, spoiled, or defective. Once the ABS-5 is processed, then the CEB can deliver a new ballot to the voter or permit the voter to cast an absentee ballot when early voting commences.

The PRE-5 is used on Election Day if an absentee voter did not receive their absentee ballot. The voter would sign this affidavit at their election day polling place affirming their ballot did not arrive in order to receive a ballot at the polling place.

Sometimes a voter who received an absentee ballot wants to surrender it during early voting or on Election Day. That's fine. However, if the voter surrenders their absentee ballot during early voting, then the voter should complete the ABS-5 form and absentee board members mark the surrendered absentee ballot as "CANCELED" and store it with the canceled absentee ballots. On Election Day, there is no form for the voter to complete, but the poll workers should mark the absentee ballot as "REJECTED" and store it in their rejected ballot bag to be returned with their election materials after the polls close.

**Q. My newspaper failed to publish our notice of public test of voting systems. Do I have to reschedule the public test?**

A. Not necessarily. If the paper did not publish your notice as requested, then the county election board can either 1) display the notice prominently in three locations in the county or 2) post on the county's website. (IC 5-3-1-2(k))