



Election Division Dispatch

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NEWS & UPDATES

ABS Applications

Included with this newsletter is an updated Forms Master List, as there has been a number of changes to absentee forms due to IEC Orders and county requests. To clarify:

ABS-Mail

The R28/11-19 version of the ABS-Mail Application for an Election Held in 2020 is valid for the June AND November election. For the June 2, 2020 election, a voter does not need to include a reason and the form may not be rejected solely on the basis that the voter did not mark a reason. There have been no updates made to this version of the form.

Additionally, Order 2020-41 permits the ABS-Mail Application for an Election Held in 2019 to be used through June 3, 2020, based on feedback from the counties.

ABS-Por Correo

The R20/11-19 version of the Spanish language ABS-Mail application is valid for the June AND November election. For the June 2, 2020 election, a voter does not need to include a reason and the form may not be rejected solely on the basis that the voter did not mark a reason. There have been no updates made to this version of the form.

ABS-Mail Primary 2020

The 3-20 and R/4-20 version of the ABS-Mail Primary 2020 may be used ONLY for the June 2, 2020 election. This form has updated language for the postponed primary and eliminated the reason box. The form was just updated to remove language for #4 Reason, and instead says "Read & Sign Below" based on feedback from our county colleagues. BOTH versions of this form are OK to use in the primary election.

ABS-Por Correo Primario 2020

This is the 4-20 version of the Spanish language ABS-Mail Primary 2020 application, and is only good for the June 2, 2020 election. (NOTE: INSVRS ABS module was updated this past Friday with the ABS-Mail Primary 2020 form in English and the Spanish language update is underway now that the form is approved.)

Online ABS Portal

Beginning this week, registered voters may use indianavoters.com to file an absentee by mail (English & Spanish) and absentee by traveling board form. County users will have two new INSVRS hoppers, and are encouraged to attend training or review training once posted in the INSVRS county portal.

APRIL/MAY WEB TRAINING

Apr. 23 & 28 | ePollbook Overview

April 28 & 30 | Online ABS App

Dates are subject to change; check the 2020 INSVRS Training Schedule on the county portal to confirm.

CALENDAR

- May 4, 2020** Statewide Voter Registration Deadline for June 2, 2020 primary election
- May 8, 2020** Pre-Primary Campaign Finance filing period ends
- May 9, 2020** CFA-11 "Large Contribution" Supplemental Period begins for candidate committees
- May 12, 2020 (NOON)** Deadline for D&R chairs to nominate poll workers for the primary; after 12P local time, the CEB may begin filling vacancies (IC 3-6 -6-10)
- May 14, 2020** Travel Board begins
- May 15, 2020 (NOON)** Pre-Primary CFA-4 Campaign Finance Report due for all candidate committees, PACs & regular party committees
- May 25, 2020** Memorial Day; IED Closed
- May 26, 2020** Deadline to begin public test of voting systems
- May 26, 2020** First day of in-person early voting
- May 30, 2020** All counties must be open for in-person early voting; vote center counties must have the clerk's office AND one vote center used on Election Day open
- May 30, 2020** CFA-11 "Large Contribution" Supplemental filing period ends
- June 1, 2020 (NOON)** In-Person early voting ends
- June 2, 2020** Primary Election Day
- June 12, 2020 (3PM)** Deadline to certify primary election results
- June 30, 2020 (NOON)** Deadline to hold a caucus or make an appointment to fill a local office ballot vacancy where no D/R candidate ran in the primary

IN FOCUS: Changes to Election Procedures due to IEC Orders

As you know, the Indiana Election Commission unanimously agreed to IEC Order 2020-37 and Order 2020-40, which modified some procedures in state law but also restated portions of current law to provide additional context.

Our office has received a number of calls and emails looking for guidance and clarity. Below are some commonly asked questions from counties.

POLL SITES IN NON-VOTE CENTER COUNTIES

Q/ I'm a non-vote center county. Can we move to the vote center model now for the primary election?

No. The Orders did not alter state law requiring a county to file a vote center plan with IED not later than 60-days from the date of the primary election. This deadline has passed. Any non-vote center county must assign a polling location to each precinct, but there is an allowance for consolidating adjoining precincts to report to one polling place (more below).

Q/Do the county commissioners select polling locations?

Yes. The Orders did not alter state law requiring the county executive (commissioners) from selecting Election Day polling places and filing the list with the CEB not later than 29-days before the election, or May 4, 2020. (Note: in Lake and Porter counties, the Board of Elections and Registration makes these selections by the same deadline date.)

Q/ If our county wants to open fewer election day polling places, how would we do that?

The Orders did not alter state law. Non-vote center counties should rely on IC 3-11-8-4.3. This allows the CEB, through unanimous consent, to assign ONE polling location to adjoining precincts. For example, precinct 1, 2, 3 go to site A; precinct 4, 5 go to site B. All voters in precinct 1, 2, or 3 must go to site A, which is their assigned polling place. While it may sound the same as a vote center, it's not. A vote center allows any voter go to any location. Non-vote center counties do not have this flexibility, and voters must go to their assigned polling place on election day.

Q/ OK—so our CEB unanimously agreed to consolidate precincts at fewer polling places. How do we manage voting systems and poll books?

Let's first discuss voting systems. For counties using DRE systems (and DRE systems are NOT ballot marking devices used with some opScan systems!) each precinct may be loaded on one (or more machines). For example, if precinct 1 & 2 go to site A, then precinct 1 & 2 may be loaded on the same DRE unit, and the CEB may have multiple DRE units with those two precincts at site A.

For opScan counties, you must have one tabulator for each precinct at the location. Using the above example, the site would have two opScan tabulators—one for precinct 1 and one for precinct 2. The voter would need to cast their ballot on the tabulator assigned to their precinct.

Some opScan counties use a ballot marking device (BMD) in conjunction with the tabulator. Each BMD assigned to the polling place may have all precincts for the site loaded on to it. Using the above example, each BMD may have precinct 1&2 loaded on it for voters to use (but the voter has to cast their ballot on the proper tabulator).

If your county uses an ePollbook on Election Day, then each precinct assigned to the polling place may be on each unit. Using the above example, precinct 1&2 may be on one or more ePBs used at site A.

If your county prints poll lists for Election Day, you must have a printed poll list for each precinct assigned to the polling location. Using the above example, this means precinct 1 has its own poll list, as does precinct 2.

POLL SITES IN VOTE CENTER COUNTIES

For the June 2, 2020 primary election only, IEC Order 2020-37 did alter state law for counties with 25,000 active voters or more. Rather than requiring one vote center for every 10,000 active voters and one for any remaining number, a vote center county with 25,000 active voters or more may amend their plan to have, at minimum, one vote center for every 25,000 active voters and one for any remainder. For example, county A has

67,000 active voters. Order 37 requires the county to have, at minimum, three Election Day vote centers.

State law currently allows vote center counties with fewer than 25,000 active voters to have only one Election Day vote center, at minimum.

Again, the county's vote center plan would need to be amended through unanimous agreement of the CEB to reduce or otherwise modify Election Day sites.

ELECTION DAY POLL WORKERS

Q/ We're a non-vote center county, but concerned about recruiting enough poll workers. Are we able to reduce poll worker positions?

Current law provides for some flexibility here. IC 3-11-8-4.3 allows a CEB, through unanimous consent, to have one precinct election board (Inspector and two judges of opposite political party) manage the entire polling place.

Alternatively, IC 3-6-6-38.5 allows the CEB to have only one Inspector manage a polling place with the support of bi-partisan judges.

Additionally, non-vote center counties can eliminate poll clerk and sheriff positions. (IC 3-6-6-38)

Q/ I'm a vote center county. Are we able to reduce the number of poll workers at a site?

Current law allows a vote center county to determine how many poll workers each site has through its vote center plan. The minimum requirement is one precinct election board (inspector and two judges of opposite political party) at each site. Any changes to the vote center plan require unanimous consent.

Q/ Did the Orders change anything about who can be a poll worker?

Yes. Order 2020-40 altered the requirement that a poll worker be a resident of Indiana rather than a resident of the county for the June 2, 2020 primary only. The other requirements found in IC 3-6-6-7 (general requirements) and IC 3-6-6-39 (student poll worker) still apply.

IN FOCUS: Changes to Election Procedures due to IEC Orders

PUBLIC TEST OF VOTING EQUIPMENT

Q/ Our Courthouse is closed, so do we have to hold the public test?

Yes. The Orders did not alter state law. Counties must still conduct a public meeting to perform the public test of voting equipment. However, Order 37 did reference the governor's executive order to allow for public meetings to be conducted by video or telephonic conferencing.

However, since state law (IC 3-11-13-22 & 3-11-14.5) requires the public be allowed to request additional machines to be tested, the virtual meeting must allow for public participation in real-time.

Q/ When does the public test need to be performed by?

The Orders did not alter state law. State law simply notes the public test must be performed before in-person absentee voting begins (IC 3-11-13-22; IC 3-11-14.5-1). This would be Monday, May 25, 2020, but since IED is closed for the Memorial Day holiday, the deadline to begin the public test is Tuesday, May 26, 2020.

Q/ Do we have to publish notice of the public test in the newspaper?

Yes. The Orders did not change this requirement. The publication deadline is 48-hours before the public test is held. If you hold the public test on the last possible day, May 26, this means the newspaper must publish the notice not later than Saturday, May 24.

BUT, since the public test is a public meeting, counties must also publish notice on its general notice board. For a meeting held at 10AM on May 26, the public test notice must be posted not later than 10A, Thursday, May 22. Slightly different rules due to the state's Open Door Law.

IN-PERSON ABSENTEE VOTING

Q/ The Courthouse is closed, and I'm not sure it will be open before early voting begins on May 26. What can I do?

The Orders did not alter state law, which requires under IC 3-11-10-26 for one location of the circuit court clerk's office as designated by the circuit court clerk to be available for the abbreviated early voting schedule.

It is possible for the clerk to designate a space in an alternative location, as long as it's designated as the ONE office of the circuit court clerk for purposes of in-person absentee voting. CEBs can have more satellite locations under IC 3-11-10-26.3, but it must have at least this ONE location of the circuit court clerk available to voters.

Q/What days are we to conduct in-person absentee voting?

At the one location of the clerk's office, Thursday, May 26 to Friday, May 29; Saturday, May 30; Monday, June 1 until noon, local prevailing time. In-person absentee voting must be available during regular business hours of the clerk's office during the week, with the Saturday and Monday exceptions (see below).

For vote center counties, the clerk's office AND at least one vote center used on Election Day must be open on Saturday, May 30. Additional sites can be added, but this is the minimum requirement.

For non-vote center counties, additional satellite sites may be open by unanimous consent of the CEB pursuant to IC 3-11-10-26.3.

ALL counties with a population of 20,000 or more must have early voting available for at least seven hours on Saturday, May 30, which is consistent with current state law.

Counties with a population of less than 20,000 may reduce the hours to at least four on Saturday, May 30, which is consistent with state law. (IC 3-11-10-26(i))

Q/ Must we use the same satellite absentee locations in the November election as we had in the primary?

Current state law requires the satellite sites used in the primary election to be used in November. You can have more sites in November, but at least must have the same ones from the primary.

HOWEVER, Order 37 made adjustments to this requirement. A county does not need to have the same satellite locations in the spring and fall for the 2020 election cycle.

Q/ In-person absentee voting ends at noon, June 1. Do we have to allow people in line to vote?

Yes. Whether it's the first day, deadline day, or a day in-between when in-person absentee voting is conducted, a person who is in line when the office closes or at noon on June 1 must be allowed to vote, if otherwise eligible. The county should put a staff person at the end of the line, take down names, or mark the voter's hand in some way. (IC 3-11-10-29.2)

TRAVELING BOARD

Order 37 eased some rules relating to traveling board. The April *Dispatch* covered those items.

CENTRAL COUNT OF ABS BALLOTS

Q/ How did Order 40 impact the central count?

Recognizing a county may need to use more space to conduct its central count, Order 40 allows counties with fewer than 50,000 active voters to have up to three central count locations.

For counties with 50,000 active voters or more, the CEB may have one central count location for every 50,000 active voters.

HOWEVER, each CEB member (appointed members AND clerk) must have a proxy assigned to each central count location to adjudicate issues that may be brought before them or to make residency challenges.

Q/ Can we use 16- and 17- year olds for the central count?

Yes. State law already allows for this. See IC 3-11.5-4-23.

Additionally, state law allows a 16- or 17- year old to serve as a judge or poll clerk at election day polling sites by following IC 3-6-6-39.

Order 37 also permits a 16- or 17- year old to be an absentee voter board member for in-person absentee or to assist with ABS-mail requests.

Q/ When can we start counting absentee ballots on Election Day?

Under Order 37, the CEB may begin the central count at 6AM.

Please be reminded that absentee results may NOT be released to the public or even members of the CEB before 6P on election night! (IC 3-14-4-10)

IN FOCUS: Changes to Election Procedures due to IEC Orders

Q/ Can we scan or otherwise manage or prep absentee paperwork before Election Day?

No. The Orders did not alter state law on these points. A county is not permitted to pre-scan optical scan ballot cards. Before election day, all counties must perform the first of two signature review. In this case the signatures on the absentee application and on the ballot security envelope must be reviewed by the CEB or bi-partisan ABS voter board following the procedures in state law (IC 3-11-10-4).

On Election Day, the central count teams must also perform a second signature review, unless the CEB unanimously passes a resolution to eliminate the second review of ABS-Travel Board and ABS-In Person ballots. (Teams must still do a second review of ABS-Mail signatures). See IC 3-11.5-4-12 for more details.

Q/ The CEB can count the ABS ballots on Election Day by themselves, right?

No. The Orders did not alter state law on this point. State law requires central count teams to manage the ballot review process under IC 3-11.5-4-11. If the bi-partisan central count team disagrees on whether or not to reject an absentee ballot, then the issue must be brought forward to the CEB who makes the final decision to count or reject the absentee ballot, before the ballot envelope is opened.

Q/ When are absentee ballots due on Election Day?

Noon, local prevailing time. The Orders have not made changes to this deadline. Further, the county clerk or her designee must go to the post office at noon to collect any ABS ballots that may be in the facility.

A reminder that overseas voters (civilian and military) using the FPCA can have their ballot envelope postmarked on or before Election Day and received not later than noon, ten days after the primary (Friday, June 12, 2020). The ballot is to be counted, if the voter is otherwise eligible.

DEFECTIVE ABS APPS/BALLOT ENVELOPES

Order 40 includes advice IED has given counties in the past. While a county is not required to give notice to the voter if their application or security envelope is defective or rejected, a county may choose to do so in a uniform and consistent manner. In other words, what you do for one, you must do for all.

The absentee application and the absentee ballot envelope is to NEVER leave the possession of the CEB. Instead, ask the voter to complete a new application or if the ballot envelope is defective, the voter should complete the ABS-5 to have a ballot re-issued to them because they failed to sign the security envelope or their partner signed their envelope by mistake, for example.

Remember, if an FPCA is rejected, notice IS required to be given to the voter, and this notice can be generated in INSVRS.

Q/ A voter selected a D ballot on their absentee app, but now wants an R ballot. Can we switch?

No. State law was clarified on this point a few years ago. The party indicated on the absentee application or marked on the poll list for in-person absentee voting or on Election Day is the party's ballot the person receives in the primary election. (IC 3-11-4-17.7; IC 3-10-1-24)

EMERGENCY ELECTION DAY SITE CHANGE

Q/ What if a site decides last minute it isn't able to be a polling place due to an emergent reason? Can we change it?

The Orders did not alter state law in this regard except on one minor point.

The CEB in a vote center county may unanimously agree to alter its vote center plan, even on Election Day. The plan must be filed with IED in order to be effective. The CEB must give best possible notice to the voters, and must update the change in INSVRS as soon as possible.

The CEB in a non-vote center may unanimously agree to move a polling place, if an emergency within 2 days of election day occurs. The CEB must give best possible notice to the voter, and Order 40 requires the resolution be filed with IED. Counties must also make the change in INSVRS as soon as possible.

VR CORNER

ABS Applications & Changes in Residence

State law allows a voter to change their name using the absentee ballot application. Only voters who move within their precinct may use the form to update their residence address. If the voter is found to have moved within their precinct, then the residence address change is to be made in INSVRS and the application scanned and attached as the registration document. The update to the voter's record would be automatic and their registration status must stay "active" since they moved within the precinct.

Pending Voters & ABS Voting

A voter must be in active or inactive status to have their absentee application reviewed or approved. A voter in pending status may bring their acknowledgement card and present themselves to VR officials within the 7-day period to have their registration moved to active status.

RESOURCES

You'll need to copy and paste the following links into your web browser:

IEC Order 2020-37

<https://www.in.gov/sos/elections/files/Indiana%20Election%20Commission%20Order%202020-37.pdf>

IEC Order 2020-40

<https://www.in.gov/sos/elections/files/Order%202020-40%20signed.pdf>

IEC Order 2020-40: Public Health Guidelines (printable posters included in the packet for hand washing, glove protocol, etc)

<https://www.in.gov/sos/elections/files/COVID-19%20Election%20GUIDANCE%20ONLY.pdf>

Updated Indiana Election Calendar: Election Administrator's Edition

<https://www.in.gov/sos/elections/files/2020%20Election%20Calendar%20Administrator%27s%20Edition.MovedPrimaryREV3.FINAL.pdf>

Updated Elections Calendar Brochure

<https://www.in.gov/sos/elections/files/2020%20Calendar%20Brochure.Revised04.17.20.FINAL.pdf>

Updated Indiana Election Administrator's Manual

<https://www.in.gov/sos/elections/files/2020%20Election%20Administrators%20Manual.MovedPrimary.REVISED%204-3-2020.pdf>

US Centers for Disease Control: Covid 19 Resources

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Indiana State Department of Health: Covid 19 Resources

<https://www.coronavirus.in.gov/>

US Department of Homeland Security Advice on Elections Personnel as Critical Infrastructure

<https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>

(Elections falls under Government & Facilities)

Cybersecurity & Infrastructure Security Agency (USDHS) - Elections & COVID 19

<https://www.cisa.gov/covid-19-and-elections>

National Association of State Election Directors COVID 19 Resources

<https://www.nased.org/covid19>

NOTE: GCC = Government Coordinating Council and SCC= Sector Coordinating Council, which advise CISA.