



Election Division Dispatch

Brad King & Angie Nussmeyer, Co-Directors | August 2023

NEWS & UPDATES

Election Administrators' Conference Update

The 2023 Election Administrators' conference hosted by IED will be held December 11-13 2023, at the Westin hotel in downtown Indianapolis at 241 N Washington St. The online conference registration is now open at <https://www.surveymonkey.com/r/KVLLBY>

After your county registers for the conference, an invoice is generated on a weekly basis and emailed to the contact provided. The Westin has also opened our room block for counties to begin making room reservations:

<https://book.passkey.com/go/INELECTIONADMIN>

For assistance, please call 317-231-3969.

Partner Information: CISA

Are You Ready for the Next Election? The Election Infrastructure Information Sharing and Analysis Center's (EI-ISAC's) mission is to improve the overall cybersecurity posture of election offices through collaboration and information sharing among members and no-cost cybersecurity solutions. The EI-ISAC recommends a defense-in-depth approach to improving the security of your critical election infrastructure. This includes using strong passwords, multi-factor authentication, and solutions to prevent the spread of ransomware and other types of malware. To do this, the EI-ISAC provides malicious domain blocking and endpoint security solutions at no cost.

The EI-ISAC also offers the [Essential Guide to Election Security](#). The Essential Guide to Election Security advises you on cybersecurity best practices that fit your jurisdiction's needs, resources, and level of expertise. The Guide is a first stop for you to learn about best practices in election security. It gives actionable guidance regardless of your organizational maturity, especially if you're a small jurisdiction that doesn't have extensive cybersecurity resources available to you.

Sign up for free to become a member here: <https://learn.cisecurity.org/ei-isac-registration>. If you are already a member or would like to discuss the no-cost services we provide, sign up for a Virtual Service Review (VSR) to learn more about the services we offer by emailing elections@cisecurity.org.

CALENDAR

- August 1, 2023 (NOON):** Deadline for candidates running for "small" town office (pop. less than 3,500) to file CAN-16 & CAN-12 with county clerk
- August 1, 2023 (NOON):** Deadline for candidates running for "small" town office (pop. less than 3,500) to file CAN-46 with county clerk to withdraw from Nov. ballot
- August 8, 2023:** Deadline for a town council of a "small" town to adopt a resolution for a town election board to conduct their Nov. election (If no resolution is adopted, then CEB runs the Nov. election & town reimburses)
- August 11, 2023 (NOON):** Deadline to file a CAN-1 challenge against a declared write-in candidate
- August 21, 2023:** Deadline to hold D/R/L nominating convention in a "small" town that does not hold a primary election IF one or more offices within the party are contested
- August 21, 2023 (NOON):** Deadline for town council to file resolution to conduct their own municipal election with CEB
- August 24, 2023 (NOON):** Deadline for a D/R/L candidate nominated at convention to withdraw (see Aug. 1 deadline for uncontested "small town" candidate withdrawal)
- August 25, 2023 (NOON):** Deadline to file CAN-1 to challenge candidate who filled a ballot vacancy OR filed as an independent or minor party candidate through the petition process OR for an independent or minor party candidate to dispute rejected signatures on their petition of nomination
- August 28, 2023 (NOON):** Deadline for town chair to file CAN-18 with county clerk IF town convention was held
- August 31, 2023:** Deadline for state to receive the voter response card from statewide VLM project
- September 1, 2023:** Deadline for CEB to provide written notice to county party chairs and, if applicable, the superintendent of each school corporation if a public question concerning school corporations is on the ballot, that sample ballots are ready for review
- September 4, 2023:** Labor Day - IED Closed
- September 5, 2023 (NOON):** Deadline for county clerk to file copy of CAN-18 with town clerk-treasurer, if a political party held a town nominating convention
- September 5, 2023 (NOON):** Deadline to file CAN-1 to challenge D, L, R, independent/minor party candidate in a "small" town where no primary was conducted

AUGUST WEB TRAINING

- Aug. 1 & 3 |** Absentee & Cure Process Overview
- Aug. 8 & 10 |** ABS-VPD Overview
- Aug. 15 & 17 |** Absentee FPCA Overview
- Aug. 22 & 24 |** GIS Geocode Placeholder

2023 Calendar posted to INSVRS County Portal. Dates/times subject to change.

IN FOCUS: Small Town Nominating Conventions

In Indiana, the Democratic, Libertarian, and Republican parties in “small” towns (population of less than 3,500 according to the 2020 census) may need to nominate candidates for the November ballot at a town convention held in late summer.

This convention replaces the May primary election, unless the small town’s council passed an ordinance for the county election board to conduct a primary election back in May. A “small” town nominating convention is not a caucus nor a primary election nor the municipal election. Instead, it’s how the Democratic, Republican, and Libertarian parties nominate their candidates for the November ballot (where all candidates go head-to-head to determine who is elected to serve a specific term in office).

The candidate filing deadline for “small” town offices (where no primary election was held) is noon, August 1, 2023. This is also the deadline for a candidate who filed the CAN-16/CAN-12 to withdraw their candidacy for “small” town office with one exception noted later.

The county’s political parties will then determine if a nominating convention is necessary. **A convention is only held if more individuals from the same political party file to run for the same office than there are seats to fill.** For example, town dogcatcher is one race. Two Democrats filed to run; one Republican filed. The Democratic Party must hold a town convention, while the Republican Party will not.

Sometimes more than one person can be elected to a position, usually in at-large council seats. Let’s say in a vote-for-three small town office that four Republicans file and two Democrats file. In this example, the Republican Party would hold a convention to determine which of their four candidates will be one of three nominees; the Democratic Party would not hold a convention since fewer than three people filed. The orange *2023 Town Election Guidebook* contains the steps to

conduct a small town convention. In a nutshell, the county party chair nominates a registered voter of the town who is not a candidate or an elected official of the town to serve as the town party chair. The town party chair then selects a registered voter of the town to serve as the party’s secretary. The secretary will also serve as secretary of the “small” town convention.

The town chair and secretary must then post the call to convention (CAN-15) notice in at least three prominent locations, including the town clerk-treasurer’s office, at least three days before the convention is to be held and file the CAN-15 with the circuit court clerk.

Any registered voter within the town may participate in **one** party’s convention, as long as the person meets the requirements under state law and the political party’s rules. It is a misdemeanor to knowingly vote in more than one town party convention.

The *Town Election Guidebook* walks through many of the steps to help town party chairs conduct their convention. The town chairs should also consult state party rules, as Indiana election law does defer to party rules in some instances.

(Sample rules are in the orange book, but our best advice is to get the current information directly from the state party.)

All small town nominating conventions must be held not later than August 21, 2023. Afterward, the town party chair and town party secretary will certify the nominees to the county clerk’s office using the CAN-18 form. The CAN-18 must be filed for each candidate not later than noon (local prevailing time), August 28, 2023.

A candidate nominated at a small town convention may withdraw not later than noon (local prevailing time), three days following the adjournment of the convention. The political party may fill the ballot vacancy if this occurs, **but generally, no other ballot vacancies for “small” town office can be filled.** For example, the Democratic Party only fills two of the three at-large council seats. The party is not able to fill the remaining open seat after the noon, August 1, 2023, filing deadline. However, there are special cases when filling a vacancy is permitted. See IC 3-13-1-7(b).

The county clerk must then file a copy of each CAN-18 filling a ballot vacancy with the town clerk-treasurer not later than noon (local prevailing time), September 5, 2023.

VR CORNER

What roles does the county voter registration official play in a small town convention? The county does not play a formal role if the county party determines that a convention is necessary to determine who will be the party’s nominee for “small” town office on the November ballot.

BUT, the county VR official does need to provide to the town party chair and town party secretary a report with the name and registration date of each individual within the municipality. Those reports can be pulled from SVRS.

The county VR official does not upload any voting history from the town convention. This may seem confusing, but the county would not upload voting history from a state or national party convention held in even-numbered years, and the “small” town convention is a similar type of nominating process. However, voting history is a public record and available for inspection upon request.

QUESTIONS OF THE MONTH

Q. Can a candidate nominated in the May primary election be challenged now?

A. No. The opportunity to file a CAN-1 challenge against a Democratic or Republican candidate who filed a CAN-42 to run as a local candidate for the May primary election has passed. There may be other legal options to explore, but the CAN-1 hearing before the CEB is not one of them.

Q. Can candidates who filled a ballot vacancy or those who were certified as an independent/minor party candidate be challenged?

A. Yes, though the deadlines to file a CAN-1 challenge are staggered depending on the type of filing. Please consult the yellow *Indiana Election Calendar: Election Administrator's Edition* for those details, as some dates go into September.

Q. Does our county need to hold an election in November?

A. Maybe. Similar to the May primary election, a November election may not be required. Please see IC 3-10-6-7.5 for cities and "large" towns; IC 3-10-7-6 for "small" towns. The CEB will need to unanimously agree on a resolution to not hold an election, however, if there are no contested offices.

Q. When does a small town council need to pass a resolution to conduct its own November election and when does it need to be filed?

A. A "small" town council must adopt a resolution to conduct its own November election not later than August 8, 2023, and file it with the county clerk not later than noon (local prevailing time), August 21, 2023. (IC 3-10-7-5.5) The resolution expires on December 31, 2023.

Q. Our small town adopted a resolution in 2019 to conduct its own November election. Can the same resolution be used again in 2023?

A. No. A resolution adopted by a "small" town council to conduct its own November election expires on December 31 in the year it was adopted. Therefore, the town council will need to pass a new resolution for 2023. An outdated resolution cannot be used by the town as justification to conduct their November election (with the exception of a few small towns that have special procedures under "grandfathered" state laws).

Q. What happens if a "small" town doesn't pass a resolution to conduct its own election by August 8 or files it with the clerk after the noon, August 21 deadline?

A. In this scenario, state law requires the county election board to conduct the small town's November election. The town will reimburse the county for the cost of the election.

Q. Is there anything the clerk's office needs to do after the August 1, 2023, small town office filing deadline?

A. Yes. Immediately following candidate filing, the county clerk will need to post a list of candidates who file for "small" town office on your office's public notice board, certify to the town clerk-treasurer (but only if the town is conducting its own election) and release a list to the public of each candidate who filed, and provide a copy of each CAN-16 to the respective town clerk-treasurer. (IC 3-8-5-10.5) There are additional notice requirements if a town is located in more than one county. (IC 3-8-2-6)

HOLDOVERS

On occasion, no one files to run for an office on the November ballot. In these cases, the current officeholder "holds over" for a new term of office pursuant to Article 15, Section 3 of the Indiana Constitution.

For example, Cardinal Town Council District 1 is on the ballot in November 2023. Julie is the currently elected councilor for district 1 and is currently serving a four-year term. Not only did Julie not file paperwork to be a candidate, but also no one else in Cardinal Town filed for the office. As a result, Julie continues serving as the town council member for district 1 for another four-year term, until her successor is elected and qualified. Because she is a "holdover" under state law, she does not file a new oath of office.

Counties often ask what happens if Julie didn't file to run again because she doesn't want to continue serving? Julie may resign from elected office by filing a written resignation with the county clerk, and the elected office vacancy would be filed according to statute. Depending on when the resignation becomes effective, the individual selected as a "pro-tem appointment" would serve:

- the remainder of Julie's current term and holdover for the new term, if her resignation was effective on or before December 31; OR
- The remainder of the new term of office, if Julie's resignation was effective on or after January 1.

STATEWIDE VLM UPDATE

The statewide VLM Mailing Project finishes this month with records being loaded for county review through early Dec. 2023. The "freeze" period begins Oct. 10, 2023, and at that time, the VLM Inactive Hopper will be closed.

During the first week of Sept., Civix will load the VLM Inactive hopper with those individuals that were sent a second mailing but did not return it by Aug. 31, 2023. Historically, about 100,000+ individuals were in this universe so expect to see an increase in your VLM Inactive hopper in early September.

Counties are strongly encouraged to complete their "inactive" moves by the Oct. 10 "freeze" deadline to avoid conflict with VRCs received after Aug. 31, which will continue to be uploaded to your other VLM hoppers. Because the VRC is treated like a voter registration form, counties can make the requested changes. But, it's important that "inactive" be applied first so that the voter's status can be moved back to active (confirming registration or updating within the county on the VRC) or to cancelled at the voter's written request.

The VLM Inactive hopper will be reopened after Nov. 7 and it, along with other VLM Hoppers will close on Dec. 31, 2023.

Finally, shipping deadlines previously communicated to counties are being changed and a new schedule will be shared. However, our vendor will contact the individual your county designated as their point person for delivery at least 24-hours ahead of time to alert you to the delivery.