



Election Division Dispatch

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

NEWS & UPDATES

State Convention Delegates

The Democratic and Republican state parties have certified to the Indiana Election Division the number of delegates to be elected in the primary election to serve in this party office for their respective state conventions to be held in the summer of 2024. Those plans can be found on the Candidate Information tab of the in.gov/sos/elections website.

In some cases, a county chair has indicated that the state convention delegates are to be elected by district. Those district descriptions are to be filed with the CEB not later than noon, January 2, 2024 (December 31 deadline rolls to noon, January 2, since original deadline falls on the weekend and a state holiday).

If a county chair fails to file the district description, then the CEB must determine those districts at a public meeting held not later than January 10, 2024, the day candidate filing opens. (IC 3-8-4-3)

Candidates for party office might ask about qualifications to run. The 2024 Candidate's Guide provides more detail, but in short, the state party establishes the requirements and candidates should consult with their respective state party.

2024 Conference Materials & Forms/Publications

Conference presentations will be posted to the Election Administrator's Portal of in.gov/sos/elections the week of December 4, 2024. Please plan to print and bring your own copies of the slides, if you prefer to take notes on paper.

All publications and brochures are available now on the website. Nearly all updated forms for 2024 will be available online before the December conference. Additionally, an updated forms master list and word/fillable .pdf versions of the forms can be found on the INSVRS County Portal for an easier way to download.

WAYEO Updates

Don't forget to update your elected officials from the 2023 Municipal Elections (or any changes through filling elected office vacancies) on the "Who Are Your Elected Officials" module supported by GeoConvergence. Questions about this website can be directed to their team, and not the INSVRS Civix Help Desk. The best email is: info@geoconvergence.com (found at in.wayeo.us)

DECEMBER WEB TRAINING

Dec. 19 & 21 | Office, Election & Candidate Set-Up

2024 Calendar is pending review and will be posted to the INSVRS County Portal as soon as possible.

CALENDAR

December 1, 2023: Voter Registration Opens

December 1, 2023: First day some ABS applications for 2024 Primary Election can be filed (see Jan 1 note below)

December 11-13, 2023: Election Administrators' Conference

December 20, 2023: Deadline for local recount commission to complete their work, unless judge extends deadline

December 25 & 26, 2023: Christmas & Washington's Birthday (observed), IED closed

December 31, 2023: FPCA/ABS-VPD/ABS-AG requests for 2023 expire

January 1, 2024: First day FPCA/ABS-VPD/ABS-AG requests for 2024 can be filed

Jan. 9, 2024: Indiana General Assembly reconvenes

Jan. 10, 2024: Candidate filing opens

Jan. 15, 2024: IED closed (Martin Luther King, Jr. Day)

Jan. 17, 2024 (NOON): 2023 Annual Report due for all open candidate committees & PACs (NOTE: Regular party committees have until noon, March 1, 2024 to file 2023 annual report)

Jan. 26, 2024: Deadline for CEB to review its campaign finance records to determine if committees can be administratively dissolved (IC 3-9-1-12)

Jan. 30, 2024 (NOON): Deadline for CAN-8 (D/R US President) petition to be filed with COUNTY for certification of signatures

Jan. 31, 2024: Deadline for oath of office to be filed with county clerk

Feb. 6, 2024 (NOON): Deadline for CAN-4 (D/R US Senate) and CAN-25 (D/R Governor) petitions to be filed with COUNTY for certification of signatures

Feb. 7, 2024: Last day for county VR officials to complete VLM activities before "freeze" period begins on Feb. 8, 2024

Feb. 9, 2024 (NOON): Candidate Filing closes

Feb. 16, 2024 (NOON): Candidate withdrawal deadline for May primary (CAN-10) for all candidates but US President

Feb. 16, 2024 (NOON): Deadline to challenge a candidate who filed to run in May 2024 primary (CAN-1)

Feb. 16, 2024 (NOON): Deadline for a candidate running in D/R primary for an office paying more than \$5,000 in a calendar year to open a campaign finance committee (CFA-1)

Feb. 20, 2024 (NOON): Deadline for county VR official to file VRG-21 with IED

Feb. 22, 2024 (NOON): Deadline for D/R candidate for US President to withdraw from the primary election (CAN-10)

Feb. 23, 2024 (NOON): Deadline for a public question to be certified to the CEB for the May primary election

Mar. 1, 2024 (NOON): Deadline for party committees to file 2023 Annual Report

IN FOCUS: CANDIDATE PETITION PROCESSING REMINDERS

Counties should expect 2024 to be a heavy petition filing year. If you need a quick refresher before candidate filing begins in January, the purple VR guidebook includes a chapter on petition processing and is very detailed. Additionally, IED will present on this topic at the December conference and Civix will host an online training session to cover the SVRS modules that are helpful in managing petitions.

Here are a few reminders based on questions our office is fielding from your colleagues:

- 1) The master petition in SVRS for state and federal candidates will need to be set up by the HAVA administrator.** When you get a petition and don't find it in SVRS, please email HAVAadministrator@sos.in.gov and Scott Zarazee will get the office set up as soon as possible. Our office cannot proactively set up petitions in SVRS; a county must receive at least one petition and share the name of the candidate, their political party, and office sought to set up the SVRS module for county use. Usually several counties email us all at once - and that's ok! It is better to have too many emails than none at all and keep people waiting. As a reminder, the county is responsible for setting up a master petition if an independent or minor party candidate is seeking local office.
- 2) With one exception related to school board offices, the county VR official may only review signatures of voters within their county.**
- 3) IC 3-5-6, generally, is the chapter in Indiana Code that sets forth the standards to certifying documents signed by registered voters, including substantial**

and minor variation in a person's name or address. Remember, IC 3-5-6-2 notes that resolution of reasonable doubt is to be **in favor of the registered voter.**

- 4) A person's residence address on the petition must conform to their registration address at the time the petition is processed by county VR officials.**

Substantial and minor address variations are covered in IC 3-5-6-4 & IC 3-5-6-5.

- 5) Please do NOT forget to complete the county VR official's certification on the back of each petition form.** It's also important that the number of signatures out of each Congressional district be noted on the back of the form in the spaces provided. (The petitions filed with IED are the official count of signatures, not SVRS, so the county's certification plays a vital role in this process!) Only those counties with a separate board of registration or blended board of registration and elections (Allen, Lake, LaPorte, Madison, Marion, Porter, Tippecanoe, Vanderburgh, Vigo) will sign in the space for the D/R officials. Otherwise, the clerk or their designee should be the individual signing each certification on the petition.

- 6) Please try not to mark through a signature line on the petition, if the signature is rejected.** The form has an "office use only" section that allows you to add "Y/N" if the voter is registered, and a spot for the Congressional District, to make it easier to complete the certification referenced in #5 above. The Indiana Election Commission may need to review the petition forms if a challenge is filed, and marking through a name may prevent the commissioners from performing their due diligence.

- 7) Petitions may be mailed to the county VR office for review and certification.**

However, you must receive and file stamp the petition form by the stated deadline. Any petition received after the noon deadline, even if it's postmarked before, must be rejected.

- 8) Make sure the petition is on the current version of the form.** You can find the Forms Master List in the INSVRS portal, which will note the current version of the form.

- 9) Before a petition filer leaves the office, take a moment to review the affidavit of petition carrier.** If the requested information of the petition carrier is missing or incomplete, the county VR official may not process the petition. BUT, the county VR official must attempt to reach out to the petition carrier to alert them of their omission. The person has until the filing deadline (noon, Jan. 30, 2024 for the CAN-8 form for D/R US Presidential candidates; noon, February 6, 2024 for the CAN-25 petition for D/R Governor candidates and CAN-4 petition for D/R US Senate candidates) to correct the error. Failure to perfect the petition carrier affidavit by this deadline will result in the petition being rejected by the county VR official.

- 10) Candidates may wish to make arrangements to pick up certified petitions, since the originals must also be filed with IED/SOS by noon, February 9, 2024.** It is recommended to ask the person filing the petition if campaign is picking up the completed petitions. If not, the county may mail the certified petitions to IED, but it must be received by IED not later than noon, February 9, 2024 to be accepted.

LIMITS ON REJECTING CANDIDATE FILINGS

The blue *Election Administrator's Manual* covers this in more detail, but in short, there are at least four main reasons for a candidate filing to be rejected when presented:

- 1) Candidate running for state office (federal, statewide, state legislative, judge, prosecuting attorney) presents candidate filing incorrectly to county or vice versa, a candidate for local office or party office trying to file with IED/SOS. (IC 3-5-4-1.2)
- 2) Form filed after the noon, prevailing local time of candidate filing deadline. (IC 3-5-4-1.9)
- 3) Filing made on a form NOT approved by the state. (IC 3-5-4-8)
- 4) Declaration of candidacy is not accompanied by the required statement of economic interest (IC 3-8-2-11; IC 3-8-9-6)

However, if the forms are filed with the office and an error discovered, the filings cannot be rejected after the fact. It would require a CAN-1 challenge to be filed by a party chair or voter within the election district. Remember, counties are NOT the candidate police! Questions about candidate qualifications are managed through the CAN-1 challenge procedures. For example, if you discover a candidate does not have the required vote history to run as a D/R candidate, you cannot reject the candidate filing. A CAN-1 must be filed and the CEB must hold a hearing after giving proper notice to the parties involved.

VR CORNER

Vote History Updates

If you haven't already, counties may begin updating SVRS with information from the Nov. 7, 2023, election. State law requires vote history updates be completed not later than 60-days after the election or **Jan. 8, 2024**. However, in those areas where a recount is being conducted, this deadline is 60-days from when the judge concludes the legal matter.

Voter List Maintenance

State and federal law allow for VLM activity to begin after the general, municipal, primary, or special election. If your county has work in the statewide VLM mailing hoppers or statewide address mailing confirmation notices (SAMC) sent by your office that were put on hold, then VLM activity may resume up to Feb. 7, 2024, which is the last day to complete VLM work before the primary election.

USPIS & EI-ISAC

Last month, there were headlines related to suspicious substances found in mail sent to election offices in several states. Members of the EI-ISAC (Election Infrastructure Information Sharing & Analysis Center) received helpful reminders from the US Postal Inspection Service (USPIS), including the information sheet on the next page of this newsletter and Publication 166—"Guide to Mail Center Security," which can be found at <https://about.usps.com/publications/pub166.pdf>

Joining the EI-ISAC is free for county election and voter registration officials. To learn more, visit www.cisecurity.org/ei-isac and click the orange "Join the EI-ISAC" button on the main landing page.

Remember, if you believe you have a suspicious letter or package, isolate it immediately, do not open it, and call 911.

QUESTIONS OF THE MONTH

Q. When do we need to complete the CEB-35 (precincts) or CEB-39 (vote center) and file with the county auditor?

A. Unless a small town entered into a fixed price agreement with the county election board, the county auditor must submit the election expenses calculated by the CEB to the town fiscal body not later than 30-days after the November 7, 2023, election, or December 7, 2023.

Q. Do we have to issue certificates of election?

A. The statute says that you only have to issue a certificate of election when requested by a candidate. However, our office encourages you to do provide each elected official with the documentation. (IC 3-12-5-2) SVRS was recently updated to use information counties entered for the election to generate the certificates of election within the system. Therefore, paper forms are not available. NOTE: City and town judges do not receive a certificate of election; instead, they will receive a commission from the governor.

Q. Do elected officials have to submit the oath of office included with the state form such as the CEB-27?

A. No. The oath of office included with the certificates of election prescribed by IED is provided as a convenience. An oath of office is to be in writing, which could be on letterhead from an elected official or another person authorized to give the oath of office (see IC 33-42-9-7). The text of the oath is to be substantially similar to the text found on page 54 of the blue *Election Administrator's Manual*.

Q. Who can give an oath of office?

A. A person who is authorized to perform notarial acts may give an oath of office. See IC 33-42-9-7 for the full list.

Q. What is the deadline to file an oath of office?

A. The deadline to take and file an oath of office with the county clerk is Jan. 31, 2023. This includes elected officials in small towns where a town election board conducted the November election. NOTE: City or town judges file the oath of office with the Secretary of State.

Q. What happens if a person fails to file the oath of office by the deadline?

A. The office becomes vacant when an oath of office has not been properly filed by the deadline. (IC 5-4-1-1.2) The incumbent officeholder would then "holdover" pursuant to the Indiana Constitution. This would include city and town judges because those offices are created by statute. (Constitutional office holders such as superior or circuit court judges, prosecuting attorney, county clerk, etc. are exempt from this rule.)

Q. Are oaths of office public records? And how long are those to be retained?

A. Yes, oaths are public records and available for public inspection. Please refer to the county's general retention policy established by State Archives as to when you may move or otherwise destroy oaths of office.

HOLDOVER REMINDERS

Sometimes no one files to run for an elected office during an election cycle. The state constitution has a remedy: holdovers.

Generally, if no one files to run for an office OR an individual who was elected does not qualify to assume office for the new term, then the previous officeholder "holds over" and continues in office until such a time their successor is elected and qualified or the holdover official resigns (which would allow for the elected office vacancy to be filled under IC 3-13, generally).

Determining who holds over when more than one person can be elected to the position is a little more complicated. Depending on the unit of government, the legislative body holds a meeting to determine which of the incumbent "at-large" members will hold over. This year, city common councils or town councils may make this determination.

These details can be found in IC 3-13, but you'll have to find the correct article that corresponds to the unit of government. IC 3-13-9, for example, are procedures for elected office vacancies for town offices.

Finally, a person who holds over does not need a certificate of election and does not complete a new oath of office. (IC 5-4-1-1.2)

SUSPICIOUS MAIL OR PACKAGES

Protect yourself, your business, and your mailroom.

If you receive a suspicious letter or package:

▪ Stop. Don't handle.

▪ Isolate it immediately.

▪ Don't open, smell, or taste.

▪ Activate your emergency plan. Notify a supervisor.



If you suspect the mail or package contains a bomb (explosive), or radiological, biological, or chemical threat:

- Isolate area immediately ▪ **Call 911** ▪ Wash your hands with soap and water

