



# Election Division Dispatch

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## NEWS & UPDATES

### Regular Party Committee Reports Due 3/1

Regular party committees (that is, committees opened using the CFA-3 and are usually county party committees) are required to file the 2018 Annual Report not later than noon (prevailing local time), March 1, 2019.

Where the party committee files their CFA-4 depends on where the CFA-3 (statement of organization) was filed. Some party committees choose to file with the Election Division because they support statewide or state legislative committees and are therefore required to file with the state. Others who do not support state or legislative candidates file the CFA-4 with the county clerk.

A reminder that regular party committees will have to file pre-primary and pre-election reports this year, but are exempt from filing the CFA-11 large contribution reports. (The CFA-11 reports are only filed by candidate committees.) Further, a regular party committee only needs to itemize contributions or expenditures that exceed \$200 in a calendar year.

### March Build

Though updates are pushed regularly to SVRS, larger projects are called a “build” and occur a few times a year. A few updates coming next month should be of interest to county users:

The **Ballot Names** field format has been changed to allow for standardization, and names will now appear in the correct format. For example, John A Smith not JOHN A SMITH.

“**Get Winners**” functionality will now be available to county users, and will allow you to copy winners from the Primary to the General Election to help avoid unnecessary duplicate data entry.

Currently, **petition reports** are only available in the petition module. Everyone will soon be able to access the information in the “Election” category of the Reports Library.

## FEBRUARY WEB TRAINING

Feb 5 & Feb 7 | Preparing for 2019 Municipal Primary

*Dates are subject to change; check the 2019 INSVRS Training Schedule on the county portal to confirm.*

**Miss a training? Materials & videos are available on the county portal.**

## CALENDAR

### February 19, 2019

Deadline for counties to file the VRG-21 with IED

### February 28, 2019:

Deadline for CEB to determine the validity of challenged candidate running in a primary election

### March 1, 2019 (noon):

Deadline for regular party committees to file 2018 Annual Report

### March 18, 2019:

Deadline for CEB to receive ABS ballots from printer

### March 18, 2019 (noon):

Deadline for CEB to notify each county chair of the number of ABS voter boards, counters, and couriers needed for the primary election

### March 22, 2019 (noon):

Deadline for each county chair to make written recommendations for ABS staffing needs

### March 23, 2019:

Deadline to mail ABS ballots to military/overseas voters; if CEB did not reduce in-person early voting hours for the primary, deadline to mail ABS ballots for those whose applications were reviewed and approved

### April 8, 2019:

Statewide voter registration deadline for 2019 Primary Election

### May 7, 2019:

Primary Election Day in Cities, “Large” Towns, and, if a primary ordinance was passed, some “Small” Towns

## VR CORNER

### Sheriff & Dept. of Health Quarterly Reports

State law requires the county sheriff to provide, at minimum, a quarterly report of individuals who are imprisoned following conviction. (IC 3-7-46-6) Those reports are due to the county VR official not later than January 31, April 30, July 31, and October 31, of each year. The sheriff must attach the VRG-1 form to the quarterly report.

The reporting systems used by the sheriffs vary from county, so the individual county reports may not be uniform across the state. Counties will need to evaluate the information provided by the sheriff to confirm that an individual is currently imprisoned following conviction of a crime.

If the individual is awaiting sentencing or has been released before the voter registration office received the sheriff's report, then the individual's record may not be cancelled. If the individual's record is eligible for cancellation, the county sends notice to the alleged disfranchised person at their last known address not later than the day after their registration status was moved to cancelled. (IC 3-7-46-9)

The local department of health is required to file quarterly "death" reports with the county auditor. The county VR official is required to request a copy of this report, and if a person is identified as being deceased, then the person's registration status is to be moved to cancelled. (IC 3-7-45-2.1(e))

## IN FOCUS: CANDIDATE CHALLENGES

Under Indiana law a candidate is required to meet specific qualifications to run for office or to claim party affiliation when running in a primary election or small town convention. A county chair or a voter in the election district may have information that alleges a candidate does not meet those qualifications. If so, the individual may file a challenge using the CAN-1 form not later than the deadline set forth in state law.

Each filing type has its own unique challenge period, which is further complicated in a municipal election year due to "small" town elections where no primary election is held:

- 1) **Declaration of Candidacy (CAN-42) for Primary Election.** A CAN-1 challenge must be filed by noon, February 15, 2019, and the CEB must decide the validity of the challenge not later than February 28, 2019.
- 2) **Petition of Nomination (CAN-44) for candidates running in a city or "large" town election.** A CAN-1 challenge must be filed by noon, August 23, 2019, and the CEB must decide the validity not later than noon, September 6, 2019. NOTE: If a candidate does not qualify for the ballot and wishes to dispute any rejected signatures on the petition, then the candidate files a CAN-1 challenge to be afforded an opportunity for a hearing.
- 3) **Certificate of Nomination to Fill a Ballot Vacancy (CAN-44) for candidates running in a city or "large" town.** A CAN-1 challenge must be filed by noon, August 23, 2019, and the CEB must decide the validity not later than noon, September 6, 2019.
- 4) **Declaration of Intent to be a write-in candidate (CAN-51).** A CAN-1 challenge must be filed no later than noon, August 9, 2019, and the CEB must decide the validity of the challenge not later than noon, August 16, 2019.
- 5) **Small Town Offices.** This applies to the declaration of Candidacy (CAN-16) for a Small Town Office where No Primary was Conducted; a petition of nomination (CAN-44); or a certificate of nomination (CAN-48). A CAN-1 challenge must be filed by noon, September 4, 2019, and the CEB must decide the validity not later than noon, September 11, 2019.

Should a CAN-1 challenge be filed, the CEB must schedule a hearing and give best possible notice to the challenger and the challenged candidate of the date, time and location of the hearing. Both parties, if present, must be afforded the opportunity to present their facts and evidence supporting or disputing the challenge. Once testimony has concluded, the CEB members must review the facts, apply the law, and take a vote at the public meeting to determine if the candidate will remain on the ballot. The CEB should take action on the challenges not later than the dates noted above.

### Candidate Set-Up in SVRS

In preparing for the 2019 Municipal Primary Election please be sure to set up your candidates in SVRS. The "Candidate Summary" and "Candidate Detail" reports available in the "Election" category of the reports library are helpful with this project. If this is an office that has not been added to SVRS, please submit a county authorization form to Brandon Kline requesting that he set up the office. ([BrKline@sos.in.gov](mailto:BrKline@sos.in.gov)). If you have questions about candidate or office set up please reach out to the Quest Help Desk at 888-467-8771 or [helpdesk@questis.com](mailto:helpdesk@questis.com).

## No Primary Election Needed?

In a municipal election year, it is possible that a city or town will not hold a May primary election because there are no contested races, and the party chair has not requested that the county conduct a primary by the deadline. (IC 3-10-6-4)

If this occurs in your county, the county election board still needs to certify the city and town winners for the November municipal election. There is no prescribed form to do so; instead, our best advice is to list all of the nominated candidates on office letterhead and read it into the minutes of your county election board meeting. There is no requirement to file a list with the Election Division.

## Public Questions

Indiana law authorizes only certain public questions to appear on primary, municipal, general, and special election ballots. The Indiana Election Division publishes a referendum brochure, which goes into more detail about the types of questions that might be certified to the county election board, and is available at <https://www.in.gov/sos/elections/files/2019%20Referendum%20Brochure.final.pdf>.

The most common types are school tax levy and controlled project referendums, which are brought about by local units of government or school corporations. A school tax levy, if approved, would create a new funding stream for the school corporation for a specific period of time. The school board would approve a public question at a public meeting, and must certify the question to the CEB not later than 60-days before a primary election or not later than August 1 for the municipal election.

A capital project referendum would allow a school corporation or local unit of government to issue bonds to service debt or enter into lease agreements for certain construction projects. There are a few ways for this type of question to be placed on the ballot. The Department of Local Government Finance ([in.gov/dlgef](http://in.gov/dlgef)) has a very helpful referendum web page that provides these steps. A capital project referendum question must be certified to the CEB not later than noon, 74-days before a primary election, or not later than noon, August 1 for the municipal election.

## QUESTIONS OF THE MONTH

**Q. Can in-person early voting hours in the Clerk's Office be reduced in a municipal election year?**

**Yes.** State law allows for the county election board (CEB) to reduce "early" voting hours in a municipal election year, if the board unanimously agrees to do so. However, should such a resolution be adopted, the CEB may not mail ABS-mail ballots until the first day of "early" voting begins. In other words, if a CEB restricts "early" voting to the 7-days before an election, then ABS-mail ballot would be mailed 7-days before election day. (NOTE: Military/overseas voters with a Federal Postcard Application (FPCA) on file must have their ballots sent not later than 45-days before an election.) (IC 3-11-10-26.5)

Further, all vote center counties are required to have at least one vote center open the two Saturdays before an election. This requirement cannot be eliminated from a vote center plan in a municipal election year. (IC 3-11-18.1-4(17))

**Q. Our city election has a contested race for mayor, but all of the other races are uncontested in that party's primary. Do all names need to appear on that party's primary ballot?**

**Yes.** State law requires that if there is one contested race in a municipal primary election, then all offices and candidate names for that party must appear on the ballot. However, if the contested race is limited to a council district seat, then the CEB can unanimously agree to only print the contested council district race and conduct a primary election in only those precincts within the election district. This exception does not apply to other offices or to a contest in a council at-large seat. (IC 3-10-6-4)

**Q. Are candidate filings like a declaration of candidacy public information?**

**Yes.** With the exception of full social security numbers, all information contained in a candidate filing is public information, including phone numbers and addresses. In fact, the notice of primary election must be published in a newspaper not later than Saturday, April 27, 2019, and it is to include, among other things, the name, address, and office sought of each candidate seeking nomination. A recent change in state law does make it possible for certain candidates to withhold their address information from publication, if they petition the county assessor to redact their address from the property tax online database and if approved, file a document with the county election board to restrict their address from newspaper publication. (IC 36-1-8.5)