



Election Division Dispatch

Brad King & Angie Nussmeyer, Co-Directors | February 2022

NEWS & UPDATES

Administratively Opening Campaign Finance Candidate Committees

A candidate running for office that pays more than \$5,000 in a calendar year must file a CFA-1 to open a candidate committee 1) not later than noon, ten days after raising or spending \$100 toward running for office, OR 2) not later than noon, seven days after the candidate filing period ends (noon, Feb.11, 2022), whichever comes first.

Not later than noon, Feb. 18, 2022, CEBs must determine if a candidate for an office paying more than \$5,000 year has opened their committee as required by law. If the candidate has not filed a CFA-1, then the CEB must administratively file a CFA-1 making the candidate the chair and treasurer of the committee, and the candidate will be required to file all necessary reports in 2022.

State Convention Delegates

A reminder that the Democratic and Republican party delegate plans are posted on in.gov/sos/elections under the "Candidate Information" page. The plans specify how many delegates are to be elected from each county and if the delegates are elected at-large or by district. While the political parties may have "automatic" delegates to their state conventions, those are not included in the plans filed with IED. Instead, the lists focus on the number of delegates to be elected in the 2022 primary. If a county chair has a question about "automatic" delegates, please refer them to their respective state parties.

ABS Signature Mismatch/Missing Affidavit

Several counties have reached out about where to access the ABS-18A/ABS-18B, which are the new forms to provide an absentee voter if their signature is missing or mismatched on their ballot envelope when compared with their application. The new forms are incorporated into SVRS and a new workflow is being developed to generate those forms. Counties will have to flag the ABS voter as a signature mismatch/missing signature in SVRS, which will move them to provisional status. Counties will be able to print the affidavits in batch, along with the PRO-9 notice to a provisional ballot voter.

CALENDAR

- Feb. 1, 2022 (NOON):** Deadline to file petitions for D/R US Senate candidates with county VR officials for county certification
- Feb. 2, 2022:** Deadline for county VR officials to complete VLM work to move voters to "inactive" status
- Feb. 3, 2022:** Federal VLM Freeze period begins
- Feb. 4, 2022 (NOON):** Candidate filing closes
- Feb. 11, 2022 (NOON):** Candidate withdrawal deadline for May primary (CAN-10)
- Feb. 11, 2022 (NOON):** Deadline to challenge a candidate who filed to run in May 2022 primary (CAN-1)
- Feb. 15, 2022:** Deadline for counties to file VRG-21 form with IED regarding VLM work
- Feb. 18, 2022:** Deadline for IED to certify federal & state candidates to counties for 2022 primary election
- Feb. 18, 2022:** Deadline to certify a local public question to CEB
- Feb. 18, 2022:** Deadline for VSTOP to send list of machines to be used by county at their public test of voting systems
- Feb. 24, 2022:** Deadline for IEC & CEB to determine validity of CAN-1 candidate challenges
- Mar. 1, 2022 (NOON):** Deadline for party committees to file 2021 Annual Report
- Mar. 19, 2022:** Deadline to send absentee ballots to those voters whose absentee application has been reviewed and approved by the CEB
- Apr. 4, 2022:** Statewide VR Deadline
- April 5, 2022:** "Early" voting begins
- April 14, 2022:** Travel board begins
- April 21, 2022 (11:59P):** Deadline for voter to file ABS-Mail apps & FPCA for UOCAVA voters who want ballot mailed to them
- May 3, 2022:** Primary Election Day

FEBRUARY WEB TRAINING

Feb. 8 & 10 | Hoppers in SVRS

Feb. 15 & 17 | Ongoing Absentee (FPCA) process

Feb. 22 & 24 | Preparing for the 2022 Primary

2022 Calendar posted to INSVRS County Portal. Dates/times subject to change. Please verify against the training calendar.

IN FOCUS: Primary Election Ballot Printing Reminders

With candidate filing winding down, it will soon be time to build your ballot and lay it out with your vendor. The ballot layout standards are covered in great detail in the blue *2022 Election Administrator's Manual*, including the instructions that are needed and the order offices must be printed on the ballot.

Certified Candidate Lists & Challenges

Pursuant to state law, IED will certify the names of D and R candidates running for federal, state legislative, and judicial offices, including prosecuting attorneys in the primary election. Our deadline to provide that information to counties is Feb. 18, 2022.

The Indiana Election Commission is scheduled that day to not only recertify voting systems but also to hold a candidate challenge hearing. Following that hearing, IED will update candidate filing information and cut lists to share with counties. In prior years, we've posted

the list to the county portal and then sent a hard copy by mail.

Please do NOT rely on the candidate filing lists posted on the IED website to pull names for your ballots! We understand that using those lists for drafting ballots might be helpful, but there may be errors in the ballot name or candidates removed at the challenge hearing. Please use the certified lists to build your ballot or, at minimum, to proof your ballot before finalizing it.

While unlikely, it is possible that the IEC may consider other challenges after Feb 18, as the deadline for the IEC AND your CEB to determine the validity of challenges is Feb. 24, 2022. IED will amend its certification to counties if this occurs.

Clerk on the Ballot?

If your county clerk is on the ballot for any office, including PC or delegate (note: this is a conservative view of the statute—IC 3-

5-4-9, but avoids concerns that may be raised), then the absentee and provisional ballots cannot bear the clerk's signature or the official county seal.

Instead of using the official county seal, you must use the generic county seal. IED provides the generic seal, which is accessed on the county portal under the "IED Postings" section. You'll go to your county's folder to download the image, if needed. The clerk's signature simply won't be printed (or stamped) on the absentee or provisional ballot.

Uncontested Party Offices Ballot

Only CONSTESTED D PCs and D/R state convention delegates are to be printed on the primary election ballot. However, the D or R member of your CEB can file a request, in writing, asking that the uncontested candidates for that specific party's party offices be printed on the ballot. The deadline to file such a request is noon, Feb. 11, 2022. (IC 3-10-1-5(d))

VR CORNER

Moving Voters to New Precincts & Election Districts

From all appearances, it appears that counties are closing in on updating precinct keys and moving voters to their new election districts and, if applicable, new or updated precincts. If your county was impacted by Congressional or state legislative redistricting, you must file a CAF in SVRS with an updated precinct key requesting the changes to federal and state level offices. The IED cannot change your county's registration database without explicit authorization, and the CAF serves as that approval. You will also need to ask for your reprecincting toggle to be turned on so that you can move voters to new districts once the key is updated. Finally, we are also working to amend the statewide shapefile in the GIS tool for counties to check their work and identify voters that may be misassigned to a precinct. Look for more info soon!

SAMC & Out-of-State Voters

Recently the phrases "out-of-state information" and "IDEA" were added to the VR correspondence dropdown to generate a SAMC. The "out-of-state information" is used when info is received that a person may have registered in a new state AND you do not have a signed copy of their registration or other document that explicitly authorizes cancellation. In these instances, a SAMC can be sent to the voter to comply with a recent court order. "IDEA" is the Indiana Data Enhancement Association, which is a program created by statute. There are currently no program participants, but should that change, we will let you know.

QUESTIONS OF THE MONTH

Q. There is an election district for a local office split between two counties. Where should the candidate file?

A. Candidates file their declaration of candidacy with the county containing the largest population of the jurisdiction according to the 2020 Census. The "larger" county would certify the names to the "smaller" county so that both counties can hold their election. The "smaller" county then sends their certified results to the "larger" county, who certifies the final total.

Q. Am I required to hold a primary for one or both parties if there are no contests?

A. In 2022, yes. Because there is a contested D or R primary election in the state, counties must hold a primary election, even if, locally, there are no contests. (IC 3-10-1-5) However, in 2023, it is possible a primary will not be held in the municipal election year since there are no state level offices on the ballot.

Q. Can relatives run for and hold elected office in the same unit of government? For example, a husband serving on the township board and the wife the township trustee?

A. There is no statute that prohibits individuals who are related from serving elected office at the same time. The conflict arises when a relative is an employee, but an elected official would not be an employee of another elected official.

Ballot Printing Orders for May Primary Election

Absentee & Provisional Ballots

Each county must estimate the number of provisional and absentee ballots need by voters in your county not later than March 4, 2022. There is no specific rule of thumb to make the determination, though your 2018 and 2020 primary election numbers might be a reasonable gauge.

Your ballot printer must deliver your order of absentee ballots not later than March 14, 2022. (If your county uses a ballot-on-demand printer, then the CD or equivalent with the ballot files should be delivered by this date.)

Election Day Ballots

Counties using optical scan paper ballot cards or traditional hand-counted paper ballots need to order Election Day ballots. The print order should arrive on time for your county to organize the ballots for pick-up by Inspectors the Saturday or Sunday before the election.

To order Election Day ballots for the May primary election, a county needs to review its 2020 Nov. election precinct level results and identify which D candidate was the top vote getter in each precinct, and which R candidate was the top vote getter in each precinct to set forth the minimum ballot order.

Figure 1 is an example of how many ballots and of which party type should be ordered for each precinct on Election Day. (No, state law does not permit counties to back out any ABS voters; you must follow this law for ordering primary ballots.)

Some counties use a voting system where a blank ballot card is inserted into a ballot marking device, the voter makes their selections, and a completed ballot card is

printed for the voter to insert into the opScan tabulator. You would still follow the ballot ordering rules, though you would be ordering blank ballot stock at this minimum threshold.

If you are a vote center county using printed ballot cards or blank ballot card stock, then you'll want to go through this same exercise and sum the minimum precinct order to reach a total minimum to deliver to each vote center. Using the example below, each vote center would be supplied with at least 237 D ballots (125+112) and 215 R ballots (101+114).

NOTE: the ballot printing rules and needs are different in the Nov. 2022 election.

Special Ballot Styles

In a primary election, a county must print one ballot style for the Dem. Party and one ballot style for the Rep. Party. However, some jurisdictions will have a public question certified to them for the May primary, which requires its own special "non-partisan" ballot style for those voters who do not want to vote in a party's primary election but do want to vote on the referendum.

If there is a public question that appears in some or all of the precincts in the county, then you must:

- 1) print the public question on the D & R primary ballots;
- 2) create a non-partisan ballot with only the public question for the reason stated above; and
- 3) print special 17-year old D & R ballots that do NOT include the public question but do include the candidates.

NEW! In 2021, the state's fail-safe

provisions were updated that will impact your county if a LOCAL public question is certified in your county. If a voter moved out of the district where a public question is on the ballot and the person is entitled to go back to their own precinct one last time to vote, then in the primary, they must be given a "17-year old" ballot as voters fitting this fail-safe scenario are entitled to nominate candidates for the Nov. election but cannot vote on the public question, as it's a final matter decided in this election.

Primary Election Ballot Layout Reminders

Don't forget that primary election ballots should have the name of each party printed near the top of the ballot, and it's also permissible to include color coding to allow for better visual identification for poll workers to pull the proper party's ballot requested by the voter.

NEW! State law was updated in 2021 to require a ballot card to be printed with its precinct designation. (IC 3-10-1-13(b))

Ballot Proof Review by Third Parties

NEW! State law was updated in 2021 that requires the county election board to make the D and R county chairs AND, if applicable, school superintendents aware that a ballot proof is ready for their review. The deadline to notify these individuals is Feb. 25, 2022. If feedback is not received by Mar. 4, 2022, then the CEB can move forward with their ballot printing.

If an error is discovered after the ballots are printed, there are procedures in statute to cure the problem. See the blue 2022 Election Admin Manual for details.

Precinct	Office	D Candidate Votes Cast	R Candidate Votes Cast
Perry 1	Dogcatcher	85	92
Perry 1	Sheriff	125	50
Perry 1	Auditor	73	101
Perry 2	Dogcatcher	112	68
Perry 2	Sheriff	65	114
Perry 2	Auditor	89	92