



# Election Division Dispatch

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## NEWS & UPDATES

### Democracy Live & Accessible Online Balloting Tool

As we noted at the December conference, IED and the SOS were working to secure an online balloting tool for voters with print disabilities to vote privately and independently at home. We recently brought on Democracy Live to assist counties with providing this service to voters with print disabilities who complete the ABS-VPD form and request an absentee ballot by email.

More information will be distributed to counties in the coming weeks, though attached to the newsletter email is more information about Democracy Live and their omni ballot solution and the different decision points we are settling on here to roll out training and the tool to counties. Stay tuned!

### January Hotfix

Civix, our statewide voter registration system vendor, pushed a number of enhancements to SVRS at the end of last month and provided an online review of those enhancements. Build notes and training materials can be found on the SVRS County Portal now.

### Updating County Contact Information in SVRS

SVRS has a module for counties to enter contact information for the various election duties managed by your offices. This information is then displayed on indianavoters.com to help voters find their local election administrators and used in reports or other documents produced in the system. Please make sure your county's information is up-to-date by logging in to SVRS and selecting Administration, then County, then Directory. A new module window will display. To edit existing information, click on the pencil on the far right. You can also "Add Directory Listing" to create more entries. Using the "Directory Search" link on the tool bar will let you find and edit your Election Board members, which needs to be accurate for filing certain reports in SVRS.

### Administratively Opening Candidate Committees

A candidate running for office that pays more than \$5,000 in a calendar year must open a candidate committee 1) no 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. 10, 2023) whichever comes first.

Not later than noon, Feb. 17, 2023, 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, and the candidate will be required to file all necessary reports in 2023.

## NEWSLETTER ACRONYMS

ABS = absentee | CAN = candidate | CEB= county election board  
CFA= campaign finance act | FPCA = Federal Post Card Application  
IED = Indiana Election Division | VPD = voters with print disabilities

## CALENDAR

- Feb. 3, 2023 (NOON):** Candidate Filing closes
- Feb. 10, 2023 (NOON):** Candidate withdrawal deadline for May primary (CAN-43)
- Feb. 10, 2023 (NOON):** Deadline to challenge a candidate who filed to run in May 2023 primary (CAN-1)
- Feb. 10, 2023 (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. 10, 2023 (NOON):** Deadline for county chair to request a primary be conducted if there are no contested races for the party's nomination in May
- Feb. 13, 2023 (NOON):** Deadline for MicroVote counties to file a certification with the SOS to confirm their VVPAT inventory; failure to timely file the form may result in county not being able to use the MicroVote touch screen voting systems in future elections
- Feb. 14, 2023 (NOON):** Deadline to file VRG-21 with IED
- Feb. 17, 2023 (NOON):** Deadline for CEB to determine if candidates required to have an open committee have filed CFA-1
- Feb. 17, 2023:** Deadline for VSTOP to provide counties with randomized inventory lists to conduct their public test
- Feb. 17, 2023 (NOON):** Deadline for some type of public questions to be certified to the CEB for the May primary election
- Feb. 23, 2023:** Deadline for CEB to hold candidate challenge hearing & determine if candidate remains on the ballot
- Feb. 24, 2023:** Deadline to provide written notice to county chair (and if applicable, school superintendent) that ballots are ready to review
- Mar. 1, 2023 (NOON):** Deadline for party committees to file 2022 Annual Report
- Mar. 18, 2023:** Deadline for counties to send ABS ballots to voters with approved ABS-Mail, ABS-VPD or FPCA applications
- Apr. 3, 2023:** Voter Registration Ends
- Apr. 4, 2023:** First Day of Early Voting
- May 2, 2023:** Primary Election Day!

## FEBRUARY WEB TRAINING

- Feb. 1 |** Manually Adding/Updating Voters
- Feb. 7 & 9 |** Reports Overview
- Feb. 14 & 16 |** ABS & Cure Process Overview
- Feb. 21 & 23 |** ABS-VPD Overview
- Feb. 28 & Mar. 1 |** ABS FPCA Overview

2023 Calendar posted to INSVRS County Portal. Dates/times subject to change. Please verify training dates against the training calendar.

# IN FOCUS: Campaign Finance Enforcement

Now that the 2022 Annual Report deadline has passed (at least for candidate and political action committees), the county election board is required to follow campaign finance enforcement laws.

The first item of business is to determine which candidate and political action committees failed to file their Annual Report. Then, the county election board must notify the committees of their failure to timely file their reports not later than 30-days after the filing deadline, or Friday, February 17, 2023.

An example delinquency notice is found in the appendix of the *2023 Campaign Finance Manual*, which is a template for counties to follow, if needed.

The next step is to determine when the CEB will hold its county election board hearing. All committees with a delinquent report must receive written notice of the hearing at least five days (not including weekends or holidays) before the hearing is held, which means counties should mail out with enough lead-time to ensure proper notice requirements. A sample notice of hearing is also found in the Appendix of the *Manual*.

The CEB will follow the open door law, making sure notice of the meeting is posted at least 48-hours before the hearing is held. The 48-hours does NOT include weekends, so a Monday hearing should be posted not later than Thursday, for example.

At the meeting, the CEB may want to establish ground rules for those requesting a waiver or reduction of their fine and will need to administer the oath for any person providing testimony. (The *Manual* has the oath in the Appendix.)

The CEB should consider testimony from each committee to determine if their fines should be waived or reduced. State law does require this decision to be made unanimously.

After the hearing, the committees should receive an Order from the CEB. The sample Finding of Fact Order found in the *Manual's* Appendix is a helpful template, which includes details like the date of the hearing; which report was late and by how many days; the assessed fine OR that the fine was waived or reduced; and the Order that commands the committee to pay their fine or that the matter was dismissed because the fine was waived.

Don't forget! Regular party committees file their 2022 Annual Report not later than noon, March 1, 2023, which will initiate a new round of enforcement activities.

## VR CORNER

### Voter Fail Safes in 2023

The purple *Voter Registration Guidebook* includes helpful information about voter fail safes, which include the "where" and "when" did a voter move analysis to determine if the person is eligible to vote one last time in their old precinct.

In 2023, this fail-safe is more strict. First, officials need to determine if the voter would be otherwise qualified to vote one last time in their "old" precinct. There is a flow chart in the appendix of the *VR Guidebook* and in the *Election Day Handbook* that is helpful here.

If the person is NOT eligible to vote one last time in their old precinct under this first review, then the voter would not be given a regular ballot but may use a provisional ballot.

If the person IS eligible to vote one last time in their old precinct, in 2023, there is an important second step to determine if the voter receives a provisional or regular ballot. Any voter that moves in or out of a city or town cannot vote in their old precinct one last time. The voter may be offered a provisional ballot, but not a regular ballot.

For example, Joan lived in Cardinal Town but moved into the "county" on March 1 and did not update her registration. In 2023, Joan is not eligible to vote a regular ballot in her old precinct in Cardinal Town because she no longer lives in the municipality.

Alternatively, Mark lived in the "county" and moved into Cardinal Town on April 15 and did not update his registration. This one is a little easier to assess in 2023. Assuming there is not a countywide election this year, no election is being held his old precinct in the "county" and he is not eligible to vote in his new "in town" precinct, even though his move was within the final 30-days before the election.

## QUESTIONS OF THE MONTH

### Q. Can we reduce early voting hours in the municipal election year?

A. Yes! See IC 3-11-10-26.5, which permits a county CEB to unanimously agree to reduce early voting hours in municipal election years like 2023. This can also be used to adjust your Saturday hours, if the board wanted to limit the hours or further reduce the days the sites are open on the two Saturdays leading up to election day.

### Q. If we reduce early voting hours, do we also wait to mail out absentee ballots?

A. No. State law requires a county to send absentee ballots to those voters with approved ABS applications not later than 45-days before the election, or March 18, 2023 for the May 2, 2023 primary.

The default ballot ready date in SVRS is March 18, so if your county wants to move up the deadline (to March 17 or earlier), submit a county authorization request in SVRS. This date is used for reports to track when you sent this first batch of ballots out, which should be accurate in SVRS.

## Does our county need to hold a primary election in May 2023?

It depends. If there are no contested races within a party, then the county election board is not required to hold a primary election for that party UNLESS the county chair files a written request for a primary election to be held not later than noon, February 10, 2023. However, you could have a situation where one or both parties only has one contested race on the ballot in an election district that is smaller than the municipality. For example, a single member city council district that would not consist of the entire municipality. If that office was the only one contested within a party, then an election would only need to be conducted within that district. Of course, if there is a local public question on the ballot, it would be possible to have a May election just for the public question if there are no contested races in either party and the county chairs did not request that the county election board hold a primary election. Please email [elections@iec.in.gov](mailto:elections@iec.in.gov) if you have specific questions.

### Ballot Printing Orders for May Primary Election

- 1) Be sure to estimate the number of provisional and absentee ballots your county will need not later than March 3, 2023.
- 2) Receive the order of absentee ballots not later than Monday, March 13, 2023. (If your county uses a ballot -on-demand printer, then the CD or equivalent with the ballot files should be delivered by this date.)
- 3) 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 the precinct level results from the November 2022 election and identify which Democratic candidate was the top vote getter in each precinct, and which Republican candidate was the top vote getter in each precinct to set the minimum ballot order.

Figure 1 below 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 absentee voters; you must follow this law for ordering in the primary.)

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 instead of having printed ballots, 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).

**Please note: ballot printing rules and needs are different for the November election.**

#### Special Ballot Styles

In a primary election, a county must print one ballot style for the Democratic Party and one ballot style for the Republican 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 all candidates.

In addition, recent changes to state law do not permit a voter who moved in the final 30-days outside of the election district where a school-related public question will be on the ballot to vote on the public question. Instead, the voter would be entitled to vote only for candidates on the ballot, assuming they moved inside the municipality's boundaries. For this small universe of voters, the 17-year old ballot used in the primary would be the correct ballot to provide to the voter.

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.

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

Annotations in the table: Blue arrows point from text labels to circled values. "Minimum D Ballot Print Order for Perry 1" points to 125. "Minimum R Ballot Print Order for Perry 1" points to 101. "Minimum D Ballot Print Order for Perry 2" points to 112. "Minimum R Ballot Print Order for Perry 2" points to 114.