



Election Division Dispatch

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NEWS & UPDATES

90-Day VLM Freeze Deadline Approaching!

Counties must complete their voter list maintenance work, specifically moving a voter's registration status from "active" to "inactive" as permitted in state and federal, not later than August 10, 2022. Beginning August 11, counties will not have access to their VLM hoppers and cannot move a voter's record to "inactive." Those activities must wait until after the November 8, 2022 election.

However, during the freeze, most VR activities will continue:

- a voter can register to vote for the first time or update their registration;
- A voter can request, by signing a written request, that their registration status be moved to "cancelled" (see VRG-14); and
- counties can act on notices related to a death of a voter or if the voter is disfranchised due to imprisonment following conviction.

Please make sure to file the VRG-21 with IED not later than August 23, 2022, which serves as notice that you've completed your VLM work and are complying with the 90-day freeze period ahead of the November election.

Annual User Audit

Please do not forget to complete the annual user audit survey by close of business, July 8, 2022. An email was sent to counties via the SVRS Message Hopper on June 21 with the link and relevant documentation to review before finishing the survey. All counties must complete this work and submit a response to the survey by the deadline date. Failure to do so may result in a temporary loss of SVRS access.

Reprecincting for 2023

On June 22, IED distributed a memo setting forth the timeline and procedures for this year's reprecincting effort. Revising precinct lines can be an annual occurrence, and IED is required to give proper notice to our county officials. Please feel free to share the memo with your county partners who lead or participate in reprecincting. The first step in the process is to notify IED if your county thinks it may reprecinct in 2022 to prep for 2023. The survey link is in the packet. Responses to the survey are due by noon, July 29, 2022.

JULY WEB TRAINING

July 12 & 14 | Refresher Training

July 19 & 21 | Reports Overview

July 26 & 28 | Election, Office, and Candidate Setup

The 2022 Calendar posted to INSVRS County Portal. Dates/times subject to change.

CALENDAR

- **July 3, 2022 (NOON):** Deadline to fill ballot vacancy where no candidate ran in the D or R primary election OR no candidate was nominated at the Libertarian Party convention
- **July 4, 2022:** IED Closed (Independence Day)
- **July 5, 2022 (NOON):** Deadline for party to file paperwork if filling a ballot vacancy by noon, July 3, 2022
- **July 5, 2022 (NOON):** Deadline for CAN-3 & statement of economic interests to be filed for declared write-in candidate for local office
- **July 5, 2022:** Deadline to complete adding vote history from the May 3 primary election, unless there is a recount being conducted
- **July 12, 2022 (NOON):** Deadline for a candidate filling a ballot vacancy where no one ran in the primary election to file a CFA-1, if the office pays more than \$5,000 in a calendar year
- **July 15, 2022 (NOON):** Deadline for a candidate nominated at the primary election to withdraw for any reason (CAN-24)
- **July 15, 2022 (NOON):** Deadline for candidate nominated by petition to file CAN-20
- **July 19, 2022:** End of the CFA-4 reporting period for a candidate filling a ballot vacancy where no one ran in the primary election
- **July 26, 2022 (NOON):** Deadline for a candidate filling a ballot vacancy where no one ran in the primary election to file their CFA-4 "ballot vacancy" report
- **July 27, 2022:** First day school board candidates can file CAN-34 petition & CAN-12
- **August 1, 2022 (NOON):** Deadline for local public question to be certified to CEB
- **August 1, 2022 (NOON):** Deadline for a D, R, and L candidate in a "small" town (less than 3500 pop) to file CAN-16 & CAN-12, where no primary election was held
- **August 10, 2022:** Deadline for counties to complete VLM work
- **August 10, 2022:** First day a write-in candidate for school board can file the CAN-26/CAN-12
- **August 11, 2022:** 90-day "freeze" period begins, which prohibits counties from moving a registration status to 'inactive'
- **August 12, 2022 (NOON):** Deadline to file CAN-1 challenge against a write-in candidate (except a write-in candidate for school board)
- **August 21, 2022 (NOON):** Deadline to hold a "small" town convention to nominate candidates, if applicable
- **August 26, 2022 (NOON):** Deadline to file a CAN-1 challenge against a candidate filling a ballot vacancy or a candidate filing a petition of nomination (except for school board)
- **August 26, 2022 (NOON):** Deadline to file CAN-34 school board petition & CAN-12

IN FOCUS: Candidate Withdrawal Procedures for November Election

Summer candidate filing season is about at its mid-point with school board filings ramping up and most other types of filings winding down. Candidate withdrawals are part of this process that are often overlooked and can be confusing to candidates, party officials, and election administrators.

Vacancies ON or BEFORE Noon, July 15, 2022

July 15 is the most important date for purposes of candidate withdrawing for the November election. Any candidate can withdraw for any reason until noon, July 15, 2022. The candidate simply files the CAN-24 form with the county election official (or IED, for federal, state, state legislative, and judicial offices, including prosecuting attorney) by this deadline and their name is removed from the ballot.

It does not matter if this candidate was selected to fill a ballot vacancy, was nominated at the primary election or state or county convention, or filed a form to be a write-in candidate. Again, a candidate needs no reason to withdraw up to noon, July 15, 2022.

Should a D, R, or L candidate withdraw, then a party chair is able to fill the vacancy not later than 30-days after the CAN-24 was filed. The clerk does not need to give notice to the chair of the vacancy; instead,

state law assumes the candidate is coordinating with the political party.

Independent and write-in candidates are not able to fill a ballot vacancy, but minor party candidates who gain ballot access by petition can.

D/R party leaders follow procedures found in IC 3-13-1, generally, to fill the local office vacancy through direct appointment or caucus and use forms county officials are already familiar with (CAN-29, CAN-30, CAN-31, CAN-12). L party leaders should review IC 3-13-1-20 for specific procedural details. The party chair then has until noon, three days after filling the vacancy to file their paperwork with the county election official.

Vacancies AFTER Noon, July 15, 2022

After noon, July 15, a candidate can only withdraw if they move out of the election district, die, are convicted of a felony, or ordered off the ballot by the court.

Should this occur, then a CAN-24 is to be filed and the ballot vacancy may be filled. For the D/R party, the vacancy is filled by caucus or direct appointment of the chair. With the exception noted in the coming paragraphs, the D/R parties follow the procedures in IC 3-13-1, generally, and use the CAN-29, CAN-31, CAN-30, and CAN-12 for a local office vacancy. An L candidate would withdraw using the CAN-24, and

their party follow procedures in IC 3-13-1-20. Similarly, it is possible for a minor party who gained ballot access by petition to fill a ballot vacancy, but an independent or write-in candidate cannot.

Late Ballot Vacancies

Lastly, a ballot vacancy in the final 30-days before the election is considered a “late” ballot vacancy. Parties who experience any vacancy occurring before October 9, or an “early” ballot vacancy are to follow the procedures in IC 3-13-1. Ballot vacancies occurring on or after October 9 (that is, within the 30-day window before an election) follow the procedures under IC 3-13-2, generally.

While the party may be able to fill the “late” ballot vacancy, it's possible that the ballot may not be reprinted, depending on the timing.

IC 3-11-3-29.5 is the guiding principle on whether or not a ballot is to be re-printed. Further, IC 3-12-1-6 notes how to tabulate results should a late ballot vacancy be filled but the ballot is not re-printed. Please be in touch with our office if you experience a late ballot vacancy, and need direction on next steps.

If you would like to learn more, please review the blue *Election Administrator's Manual* and red *Candidate Guide*.

VR CORNER

School Board Residency & SVRS Districts

For most school corporations it is possible to create an at-large district that is also divided into “districts” for purposes of creating residential “balance” on their board. This is very similar to County Commissioners—where there are “districts” to meet candidate qualifications but all voters within the county vote for the office. Same idea here—the school plan may establish districts for purposes of candidate qualifications, but all voters within the school corporation boundaries vote on those races.

In SVRS, the precinct key would reflect that the precincts within the school corporation are assigned to that school corporation, not the district. But, the district set-up in SVRS should reflect which precincts make up each residential district. This is helpful to confirm which “district” a person resides in case they want to run for school board, for example.

BUT, when reviewing the CAN-34 petition for school board, for most school corporations, a registered voter simply needs to reside in the school corporation boundaries. The school plan will provide more information about district set-up.

QUESTIONS OF THE MONTH

Q. Do we have to open the same satellite early voting sites used in the May primary for the November election?

A. Yes, state law requires any “satellite” location (that is, any early voting location opened in addition to the clerk’s office) used in the May election to be used in the November election. In other words, at minimum your county must open the same satellite locations for the same hours in November that your county used in May. You can add more early voting sites and expand hours, either by the CEB unanimously agreeing to amend its vote center plan or passing the satellite resolution, but you cannot take locations away or reduce hours. (IC 3-11-10-26.3(e))

Q. Can we use the electronic adjudication features on our opScan voting systems?

A. While state law now authorizes the use of an electronic adjudication of scanned optical scan ballots, no voting system in Indiana is currently certified to use this feature. Until a system is certified to use this feature, it should not be marketed to counties and counties should not be using it.

NOVEMBER BALLOT BUILDING REMINDERS

1/ IED will certify a list of federal, state, and judicial candidates, including prosecuting attorney, to counties not later than August 26, 2022.

2/ ALL ballots MUST include a write-in option for each federal office (US Senate, US House in 2022), even if IED does not certify a declared write-in candidate for these offices to counties.

3/ If a candidate has filed a CAN-3 to be a write-in candidate for local office, then you must include a write-in line for that local office only. You do NOT need to include a write-in line for a local office otherwise.

4/ **DO NOT PRINT A WRITE-IN CANDIDATE'S NAME ON THE BALLOT!** The write-in line serves as a voter's chance to cast a vote for a declared write-in candidate. See IC 3-12-1-1.7 for more details on tabulation.

5/ Should a public question be certified to the CEB by noon, August 1, 2022, the public question will be the first thing printed on your ballot, above the straight party section.

6/ **NEW!** If a school corporation certifies a public question to the CEB, then the CEB MUST create a ballot style that leaves off the public question for those precincts within the boundaries of the school corporation. This is a result of recent changes in state law regarding the fail-safe provisions that permit a voter who moved out of the school district to vote one last time in their "old" precinct for all candidates on the ballot, but does not permit the person to vote on the public question. Hence, the non-public question ballot style now needed for those precincts.

7/ Don't forget federal only ballots! It will include straight party devices, candidates for US Senate, and US House ONLY. The ballot style is ONLY used for overseas voters who file the FPCA and mark "I am a US citizen and my return is uncertain." These voters maintain their Indiana residency in the county where they last lived, though are registered to vote at the address of your voter registration office.

8/ **ALL BALLOTS** used in Nov. must include the straight party device. At minimum, your county will display the D, L, and R party symbol and name. The D or R party name/symbol will be displayed in the order on the ballot as to which candidate for the 2018 SOS race came in first and second in the county. The L party name/device will be third.

9/ If the county clerk is on the ballot for ANY office, then their signature cannot be printed on ballots and the generic seal must be used. All counties have a customized generic seal available on the SVRS County Portal.

10/ The blue *Election Administrator's Manual* has a chapter on ballot layout, including the text and proper order of the instructions and offices. Upon request, IED can review ballots to assist the CEB with finalizing the layout.

QUESTIONS OF THE MONTH:

School Board Filing Focus

Q. Do school board candidates have to open a campaign finance committee?

A. Maybe. A school board candidate must open a campaign finance committee and file required reports if and when they raise or spend more than \$500 toward running for office. Until then, there is no need to file a CFA-1.

Q. Who can sign a school board petition?

A. Even though there may be a "district" to meet residency requirements of the candidates, in most Indiana counties, all registered voters within the boundaries of the school corporation vote on each school board member. (This is similar to County Commissioners.) Therefore, registered voters within the boundaries of the community school corporation would be eligible to sign the CAN-34 petition.

Caution! There are some additional requirements which apply to certain specific school corporations listed in state law.

School board information should be part of your county's precinct key matrix and included in the voter's record. If not, reach out to your GIS department or the school corporation for a map. (Only a handful of school corporations in Indiana are metropolitan school districts that may elect a school board candidate in a single member district, meaning only registered voters in this election district may be certified on a petition. The school's plan will have this information.)

Q. How many signatures does a school board candidate need?

A. In nearly every school district, a candidate must have at least ten signatures of registered voters of the school district as certified by the county VR official. A few school corporations have a specific state laws requiring a different threshold requirement, which may be in the school plan. Petition processing standards can be found in the purple *VR Guidebook*.

Q. Does a candidate for school board need to submit multiple candidate consent forms?

A. No. The CAN-34 form is designed to capture the signatures of registered voters on the front of the form, while the back of the form includes the candidate's consent. While the candidate can submit multiple CAN-34 documents to ensure he or she has enough petition signatures, only one "back" side needs to be completed by the candidate.

Q. Where is the CAN-34 petition filed?

A. In most Indiana counties, the county clerk is the county's voter registration official, so the CAN-34 and CAN-12 is filed with the clerk's office of the county where the greatest percentage of the population of the school corporation is located, not later than noon, Aug. 26.

In the few counties where the county has a separate VR board, the CAN-34 and CAN-12 is filed first with the election board by noon, Aug. 26, but the CAN-34 is to be forwarded to the VR Board. Only the county VR board can certify the number of signatures on the petition. The certified petition is then delivered to the clerk.

The clerk has a responsibility to inform the candidate if the petition was approved or denied either in person or by certified mail. If denied, the candidate may file a CAN-1 challenge by noon, Sept. 2 to contest the denied signatures.