



# Election Division Dispatch

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

## NEWS & UPDATES

### Statewide VLM Post Card Mailer Updates

Voter response card data is hitting county VLM hoppers for VR officials to review and process. Voters are to return their response card not later than Aug. 31, 2023, to be processed and uploaded to county hoppers for review. Counties were also recently notified about the dates to receive shipments of the physical cards later this fall and winter.

### 2023 Legislative Summary

The 2023 Legislative Summary has been released and is now available online under the Election Administrators' Portal on [in.gov/sos/elections](http://in.gov/sos/elections). If you did not attend the State Board of Accounts meeting at the end of June (or did and did not get a copy of the presentation), you can find the IED presentations on the same page.

### Revised Absentee Applications

Except for the FPCA, all absentee applications - Mail, Traveling Board, VPD, Attorney General, In-Person - have been revised to include the new voter ID requirement to apply for an absentee ballot. Older versions of the form are not grandfathered, so only the new absentee form can be accepted for review and approval on or after July 1, 2023.

### "Small" Town Filing Deadline

For those "small" towns that do not hold primary elections, the filing deadline for the CAN-16/CAN-12 is noon, August 1, 2023. A town nominating convention, which replaces the primary election, is only permitted if there is a contest for an office within the political party. More information about town conventions and its procedures are found in the orange *2023 Town Election Guidebook*. Remember, candidates using the CAN-16 form are not able to withdraw for any reason after noon, August 1, 2023. Political parties cannot fill a ballot vacancy when no D/R/L candidate filed to run for a "small" town office where no primary is held.

### 2024 Precincting Now Open

IED emailed a precincting memo to county election officials on June 27, which includes notice of two important deadlines. The first is to respond to a quick survey by noon, **July 28, 2023**, to let IED know if your county commissioners are considering changes to precinct boundaries to be effective for the 2024 election cycle. (There is no need to respond if your county has no plans to reprecinct, but it is helpful to respond if there is a chance your county might do so.) Staff will be assigned to counties that respond to the survey, to assist with filing the IEC-8 and other required paperwork by the **Sept. 27, 2023**, deadline.

## CALENDAR

- July 3, 2023 (NOON):** Deadline for D/R/L parties to fill a ballot vacancy where no one ran in the primary election OR L convention AND file paperwork with county clerk
- July 3, 2023 (NOON):** Deadline for declared write-in candidates to file CAN-51
- July 10, 2023 (NOON):** Deadline for candidates filling a D/R/L ballot vacancy in an office paying more than \$5000 in a calendar year to file CFA-1
- July 14, 2023:** Last day for state to mail VLM Card 2
- July 17, 2023 (NOON):** Deadline for candidate to withdraw for any reason from the November ballot (CAN-46)
- July 17, 2023 (NOON):** Deadline for Independent/minor party candidate to file certified petitions & consent
- July 24, 2023 (NOON):** Deadline for D/R/L candidate filling a ballot vacancy to file CFA-4 covering the period when they became a candidate through July 17, 2023
- August 1, 2023 (NOON):** Deadline for candidates running for "small" town office (pop. less than 3,500) to file CAN-16 & CAN-12 with county clerk
- August 1, 2023 (NOON):** Deadline for candidates running for "small" town office (pop. less than 3,500) to file CAN-46 with county clerk to withdraw from Nov. ballot
- August 8, 2023:** Deadline for a town council of a "small" town to adopt a resolution for a town election board to conduct their Nov. election (If no resolution is adopted, then CEB runs the Nov. election & town reimburses)
- August 11, 2023 (NOON):** Deadline to file a CAN-1 challenge against a declared write-in candidate
- August 21, 2023:** Deadline to hold D/R/L nominating convention in a "small" town that does not hold a primary election, if one or more offices within the party are contested
- August 21, 2023 (NOON):** Deadline for town council to file resolution to conduct their own Nov election with the CEB
- August 24, 2023 (NOON):** Deadline for a D/R/L candidate nominated at convention to withdraw (see Aug. 1 deadline for uncontested "small town" candidate withdrawal)
- August 25, 2023 (NOON):** Deadline to file CAN-1 to challenge candidate who filled a ballot vacancy
- August 31, 2023:** Deadline for state to receive the voter response card from voters responding to statewide VLM project

## JULY WEB TRAINING

July 11 & 13 | Hopper Overview

July 18 & 20 | User Account Management in SVRS

July 25 & 27 | New User Overview

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

# IN FOCUS: Legislative Changes to Absentee Voting Effective July 1

The Indiana General Assembly made significant changes to the absentee voting process, which begins on July 1, 2023. As noted in the “News & Updates” column, IED has revised its absentee applications and those will be available on [in.gov/sos/elections](http://in.gov/sos/elections) in the Election Forms section the week of July 1. Several key points in the legislation are outlined below.

## Voter Identification on Paper ABS App

All paper absentee applications (Mail, Traveling Board, In-Person, AG, VPD) are updated to include a section to request the voter provide identification to authenticate the individual. Voters have **two options**:

1: Provide at least one of the following:

- A/ Indiana Driver’s License Number
- B/ Indiana ID Card Number
- C/ Last four of Social Security Number
- D/ SVRS –generated ID for voters who registered to vote without A-C above; **OR**

2: Include a copy of the voter’s valid photo ID that complies with the state’s photo ID law (IC 3-5-2-40.5). A voter can attach an image to an emailed application or include it with their fax.

If the voter provides an ID number listed in option #1, then the county will confirm the number matches the voter’s registration record as part of the bi-partisan review and approval process.

If the voter provides a DLN/ID number or SSN and the number provided is NOT

on their registration, the ABS module in SVRS will allow counties to ping the BMV to validate the information. Once validated, this number, if not currently on the voter’s registration record, will be added to it.

(IED is working with Civix on this enhanced SVRS workflow—more details to come!)

If the voter provides a copy of a valid ID in option #2 that complies with the photo ID law, then there is no further action.

The voter ID information must be provided each time the voter requests an absentee ballot, unless the voter submits one of the three ongoing applications that need only to be submitted once in a calendar year (Jan. 1 to Dec. 31).

Note: The voter ID requirement noted above applies to military and overseas voters requesting an absentee ballot on or after July 1, 2023. The Federal Post Card Application (FPCA) is managed by the US Dept. of Defense and already includes fields for the voter’s DLN/ID card number and last four of the SSN to validate the voter’s identity when requesting an absentee ballot.

## Indianavoters.com ABS Submission

Voters accessing the ABS-Mail, ABS-Traveling Board, and ABS-VPD forms to submit electronically through [indianavoters.com](http://indianavoters.com) will have expanded ID options to access the forms.

Currently, the voter is prompted to provide their Indiana driver’s license or ID card number or the last four of the

voter’s Social Security Number (or prompts the voter to give one or the other, if both numbers happen to be on their record and the voter can choose which one to enter). If the voter does not have a matching number, then the person can provide their Indiana credential (DLN or ID) number, which is added to the voter’s record as a correction. Once that work is done on the county-side, the voter can access the absentee application to submit electronically.

New law provides that the voter can provide any of the four voter ID numbers noted above. If the number is not on the registration record but is validated after the BMV check, then the number is added to the voter’s registration record. Once the correction is made by county VR officials, then the voter can access the application.

Voters will not be able to upload a copy of their ID when using the online ABS application on [indianavoters.com](http://indianavoters.com) to submit their request electronically.

## ABS-Mail Defect Notice

Counties should prepare for a slight change when reviewing ABS applications. All absentee ballot applications will continue to be reviewed by the bi-partisan absentee voter board, the county election board, or the board’s designees. If the application is approved, then the voter will be sent their absentee ballot.

The change in the review process impacts ABS-Mail applications that are rejected under the bi-partisan review. If

### Example of the voter ID section on revised ABS-Mail forms

3. VOTER IDENTIFICATION (YOU MUST COMPLETE OPTION 1 OR OPTION 2)		
<input type="checkbox"/>	Option 1: Please provide your Indiana driver’s license number or Indiana identification card number OR the unique identification number on your registration record OR the last four digits of your social security number (SSN). Your application may be delayed if the county election board cannot match at least one of these numbers with your voter registration record.	
	IN Driver’s License or IN Identification Card Number	Unique Voter ID Number from Voter Registration
		Last 4 Digits of SSN
<input type="checkbox"/>	Option 2: Please enclose a photocopy of your valid Indiana driver’s license, Indiana identification card, or other proof of identification that complies with the state’s photo ID law (IC 3-5-2-40.5). Your application may be delayed if you do not provide a copy of your photo ID with your application. More information about accepted forms of voter IDs can be found online at <a href="http://www.in.gov/sos/elections/voter-information/photo-id-law">www.in.gov/sos/elections/voter-information/photo-id-law</a>	

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an ABS-Mail application is rejected, then it is forwarded to the clerk, who then makes note of the defective app and sends notice to the voter AND a new ABS-Mail application, IF the ABS-Mail application is received not later than 13-days before the election. (The law is silent on what happens on the 12th day.)

If the ABS-Mail application is received after the 12th day deadline, then the voter's ABS-Mail app is simply rejected but a special notice must be sent to voter.

Otherwise, if the other absentee ballot application types are rejected, then counties will continue to send the notice of disposition to the voter, which is current practice.

An updated version of the ABS-24 (notice of disposition for ABS apps) will be incorporated into SVRS to account for this change.

### Replacement ABS Applications

If a county receives an absentee app that is rejected or found defective, it is possible for the county to send the county clerk and a bi-partisan absentee voter board to the voter's residence with a replacement absentee application and an absentee ballot, if the application is reviewed and approved by the county clerk.

Counties will need to respect the absentee application deadlines. For example, a voter with a defective ABS-Mail application could not be sent a new ABS-Mail application once the ABS-Mail deadline has passed. But, the voter may be eligible to vote by travel board, assuming that deadline has not passed. The clerk and bi-partisan team could deliver the ABS-Travelling Board application and have an absentee ballot ready for completion by the voter and returned by the bi-partisan board, if the application was approved on-site.

If a county clerk adopts this policy to provide replacement absentee applications and deliver an absentee ballot to the voter, then the county

must be uniform and non-discriminatory in its application. That is, what you do for one, you do for all!

### Confidential Information on ABS App

As noted above, the validation check of the voter ID numbers provided in option #1 of the ABS form is pinged against the BMV. (The state is working with Civix to incorporate this validation check in the ABS module.)

However, the credential information provided by the BMV is confidential and may only be used for the purpose of matching the credential information to a voter's absentee application, where it was not already existing on the voter's registration record.

As a result, the county voter registration official will need **to redact the voter ID number provided in option #1 on all ABS applications, if a public records request is made.**

Please note that the above requirement does not extend to the voter ID number on the voter's registration record. Pursuant to state law, the voter ID number (DLN/ID number, last four of SSN, or SVRS-generated ID number) is public information and would not be redacted if a request is made for the voter's registration record. The one exception is to redact the voter's 9-digit SSN to the last four digits, if applicable.

Additionally, if the voter provides a copy of their photo ID with their ABS app in option #2, the copy of their ID is confidential and would not be provided if requested in a public records request.

### Temporary Status from BMV info

When counties enter credential number provided in option #1 on an absentee application, the data is sent to the BMV to validate. As part of this process, the data will include whether the person has a temporary credential under IC 9-24-11-5(c) or IC 9-24-16-3 (f), which refers to an individual who holds a temporary immigration status as described in that statute. (This should not to be confused with the

temporary paper credential given until the official driver's license or ID card is sent by mail).

This is a "point in time" verification, captured at the time of the credential application, and may not reflect the individual's true status or eligibility to register to vote. Records with this indicator reflect one of the following circumstances:

- Individuals who are not US citizens and have temporary lawful status
- Individuals who are not US citizens and have lawful permanent status
- Individuals who may be US citizens and whose lawful status could not be determined at the time of the transaction and verification is pending.

Additional research is required by the election official to determine the individual's eligibility to vote. IED is working with the BMV to develop an SOP about this document type.

### Mailing ABS Applications

An agency of the state or a political subdivision (for example, IED, county, city, town, township, school corporation, etc.) may only mail any type of absentee ballot application to an individual who requests the application for themselves or their family members (meaning their spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece).

**This limitation does not apply to any private individual, political party, or other entity providing an absentee ballot application to another individual.** Additionally, government forms, like the absentee application, must still be made available to an individual, political party, or other entity appearing in person to request copies of the blank form.

## VR CORNER

### VRG-21 Filing Date Changes in Odd-Numbered Years

The state law regarding the filing of the VRG-21 form was updated to reflect the later freeze period before odd-numbered primary and general elections; that is, 29-days before election day versus the 90-day freeze period that applies before federal elections, such as the 2024 presidential election. Before the November 2023 election, the VRG-21 must be sent to IED by email, mail, or fax not later than noon, October 23, 2023.

### Petition Signatures & Partial Precincts

For those Independent and minor party candidates running for an office where the election district is made up of one partial precinct, state law now sets the number of valid petition signatures of voters living in the district at five, since there was no way to calculate the required number of signatures using the 2% model in a partial precinct. **This change applies to the November 2023 election!** (Do not confuse this with the requirements for school board candidates, which have their own statutes setting for the minimum signature requirements).

### More Signature Types Can Be Used on VR Record

Now counties can use more types of signatures to update the “main” signature on the voter’s registration record in SVRS, including the signatures used on a poll list, a voter registration application, SAMC, VRG-14, or an absentee ballot application.

### Update Coming to the VRG-4/12

A change in state law will require the VRG-4/12 to include an affidavit for the voter in cancelled status to confirm they continue to reside at their registration address. When used with an absentee ballot application, this confirmation will return the voter’s status to “active” and an absentee ballot can be issued, if the voter is otherwise qualified. (On Election Day, current procedures are in effect; that is, the voter in cancelled status makes an oral or written affirmation that they continue to reside at their registration address and the voter is given a regular ballot, if otherwise qualified.) This law is effective July 1, so look for updated forms from IED soon.

### Non-Residential Address Warning in SVRS

SVRS will include a feature that identifies potential non-residential addresses submitted on VR applications. However, this feature is not, by itself, sufficient evidence to reject a VR request. VR officials will need to research to determine if the applicant could reside at the address or if it is a non-traditional address such as a recreational vehicle or a homeless shelter.

### Out-of-State Registration Information

Our voter list maintenance statute related to receiving out-of-state information was clarified to note that the letter from the other state is not sufficient to move the voter’s registration status to cancelled. The update notes that the Indiana VR official can request the voter’s registration in their new state to confirm the form used authorized cancellation in another state. If it does, then the voter’s status is moved to cancelled. If not, or if the county does not want to perform the outreach, a SAMC can be sent to the voter OR the VRG-14, which allows the voter to authorize cancellation in writing.

## QUESTIONS OF THE MONTH

**Q. If a voter has already filed an approved ongoing absentee application, such as the FPCA or ABS-VPD form, are they required to submit a new request to comply with the voter ID changes?**

A. No, if the county had already reviewed **AND** approved the ongoing application before July 1, 2023. If the ongoing form was received or approved on or after July 1, 2023, then the voter will need to comply with the new voter ID requirement.

**Q. Are political parties or other third party organizations limited like county clerk’s offices on mailing absentee applications just to voters and their family members?**

A. No. While state agencies and local units of government can only mail an absentee application to a voter or a voter’s family member, political parties, individuals, or other third party organizations do not have this restriction. A reminder that disclaimer rules, including who mailed the application and that it was unsolicited, do apply. The blue *2023 Election Administrators’ Manual* has more details.

**Q. Can our staff in the clerk’s office or election board mail ABS-Traveling Board applications to nursing homes as requested by their employees for their residents?**

A. The change in state law effective July 1, 2023, only permits government offices like the clerk’s office to send an absentee application to the voter or a member of the voter’s family (spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece). Unless the nursing home staff person calling your office is related to the resident as described above, the clerk’s office cannot mail a packet of blank absentee applications to the nursing home as requested by staff. They should be redirected to online resources or to ask the resident to contact your office directly.

**Q. If we use ePollbooks for early voting (that is, in-person absentee voting at the clerk’s office or satellite location), do we need to also perform the voter ID credential check as we would on a paper application?**

A. No. Counties using ePBs for early voting check-in simply need to review the voter’s photo ID for compliance with the photo ID law before processing the voter and providing them an absentee ballot to vote in-person.

**Q. Can candidates withdraw after noon, July 17, 2023 and the party fill the ballot vacancy?**

A. Yes. A candidate can withdraw for any reason and file the CAN-46 up to noon, July 17, 2023. However, any candidate that dies, moves out of the election district, is challenged and removed, convicted of a felony, or ordered off the ballot by a judge are required to withdraw, even if this action occurs a day before the election. Early ballot vacancies happen up to 30-days before election day and allow the party to fill the vacancy not later than 30-days from the date the vacancy occurred. (IC 3-13-1) Late ballot vacancies occur in the final 30-days and can be filled under IC 3-13-2.