



Election Division Dispatch

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NEWS & UPDATES

US District Court VLM Project

As noted in last month's newsletter, the VLM project using data from the US District Court jury summonses is underway. County specific data was shared on May 16 and posted to the SVRS County Portal. Training on reviewing the data and processing the information in SVRS will be held at the end of May and first week of June. SAMC postcards must be sent not later than June 14, 2022, pursuant to state law.

DRE (MicroVote) Counties & VVPAT Compliance

Beginning July 1, state law will require that a county election board using MicroVote (DRE) voting systems to certify to the SOS that the county has an inventory of VVPAT units totaling at least 10% of the total voting system inventory. If a county does not meet this threshold, then the county may not use the DRE in the November 2022 election. The deadline to certify this information to the SOS is August 11, 2022, and this information will be subsequently re-certified in 2023 and 2024. Stay tuned for more information.

Local Government Redistricting

State law was updated this year to limit redistricting (meaning changing election district boundaries) to specific years following the decennial census. The new statutes—IC 3-5-10, generally—will be updated on iga.in.gov after July 1 but you can find the new language when searching for HEA 1285-2022 on this same website.

What county election administrators need to know is that your local units of government (city and town councils, generally) have until December 31, 2022, to pass an ordinance with their new election district descriptions and have to file a copy of the ordinance with the county clerk where the greatest percentage of the city or town population resides, not later than 30 days after it is adopted.

Similar standards for redistricting in 2021 apply in 2022. See IC 36-4-6 for city council redistricting requirements or IC 36-5-2 for town council redistricting requirements. Additionally, case law has set a standard deviation for population between the election districts to be at or under 10%. This is not in statute; rather, court precedent demands the standard deviation be at this threshold number to avoid the redistricting being declared unconstitutional.

Finally, redistricting is a separate process from reprecincting. Many counties did draw new precinct lines in 2021, but later this summer, IED will announce another opportunity to modify, consolidate, or eliminate precincts in preparation for the 2023 election.

CALENDAR

- June 14, 2022:** Deadline to send SAMC cards to voters in the US District Court Data file
- June 23, 2022 (noon):** Deadline for party to file CAN-30 notice with clerk & mail it to all eligible PCs within the election district to fill a ballot vacancy for local office where no one ran in the primary, for a caucus that is being held on July 3, 2022
- June 23, 2022 (noon):** Deadline for L Party to file their intent to fill a ballot vacancy with CEB not later than July 3, 2022
- June 24, 2022:** Deadline for local recount commission to complete its recount unless the court extends the deadline for good cause
- June 30, 2022 (NOON):** Deadline for CAN-19 or CAN-21 petition of nomination to be filed with county VR official for review & certification (CAN-12 for local offices filed at the same time, unless county has separate VR Board)
- 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 (July 4th)
- 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 (NOON):** Deadline to complete adding vote history from the May 3 primary election, unless there is a recount being conducted
- July 15, 2022 (NOON):** Deadline for D/R state parties to file with IED their nominees for SOS, Auditor & Treasurer
- 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 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, if no primary election was held to nominate candidates for town council

JUNE WEB TRAINING

- June 2** | US District Court Data
- June 7 & 9** | SVRS User Account Audit
- June 14 & 16** | User Account Management
- June 28 & 30** | School Board Petition Setup

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

IN FOCUS: VR Activities During “Blackout” Period After VR Deadline

For a period starting 28-days before the election and a few weeks after the election, most voter registration activity is “closed” until registration officially re-opens. Below are some common activities and more information about whether those activities should be put on hold during this “blackout period.”

New Registrants

If an individual is not currently registered to vote and the county receives an online or paper registration form during this “blackout period” a county can either 1/ hold the registration or leave it in the hopper until registration re-opens or 2/ process the registration as an incomplete and finish processing after registration re-opens.

Updates to Current Registrations

A person currently registered to vote can use an absentee application to update their registration within the same precinct or to change their name. A move within a precinct or a name change would be treated as a correction to their record. Otherwise, an update to a registration would be held until after the election (though the voter may be eligible for a fail-safe upon executing the VRG 4/12).

VRG 4/12

State law recently changed to prevent the processing of the VRG 4/12 until after the county’s vote history has been applied in SVRS. Counties will be presented with an error if the county attempts to process a VRG-4/12 and vote history has not been added for the current election.

OVR & BMV Hoppers

During this black-out period, no voter registration request in your OVR & BMV hopper can be processed. Counties should look at the date/time stamp on the hopper entry and only review and approve those that were received by the statewide VR deadline. Otherwise, the records dated after the VR deadline are held for processing until registration re-opens.

ABS-VPD VR Hopper

Unlike the OVR & BMV Hopper, you may be able to process a registration in this hopper ONLY IF the voter moves within their precinct or has a name change, as the combined form is considered an absentee application and moves within a precinct or a name change on an absentee application can be corrected on the voter’s record.

If the record in the ABS-VPD VR Hopper is a new registration or an update outside the precinct for an existing registrant AND the record was received after the statewide VR deadline, then you cannot process the VR request until after registration re-opens. This also means the ABS request cannot be processed in the ABS-VPD ABS Hopper. A workaround here would be if the voter separately sent in a VRG 4/12 to determine if the voter is eligible to vote one last time in their former precinct.

VLM Hopper

The VLM Hopper is shut down during the 90-day freeze period before the election in even-numbered years, and the 29-day freeze period in odd-numbered years. No county can move a

voter registration record into “inactive” status during the freeze periods. In this case, the freeze lifts after election day; however, counties should wait until voting history is applied to ensure the voter did not vote in the election at their registration address.

Death & DOC Hoppers

A voter who has passed away or one who is convicted of a crime and currently imprisoned may be cancelled throughout the year. In other words, the “blackout” period does not apply to this requirement.

Federal Post Card Application

Military & overseas voters using the FPCA have a special registration period. For these voters, the registration deadline is 11:59PM, 8-days before the election. After this deadline, the FPCA cannot be processed for voter registration changes but the voter may be eligible to request and receive an absentee ballot by email or fax, as the deadline to request a faxed or emailed ballot using the FPCA is noon, the day before Election Day.

Voter Cancellations

A voter’s signed, written request to cancel their registration can be processed at any time.

Certificates of Error

A certificate of error that is issued on or before Election Day because the voter’s record was not found in SVRS even though they are properly registered, allows for a voter’s record to be restored from canceled status or be created if the record was found not be entered into SVRS. This can be done anytime.

VR CORNER

VRG 4/12 Changes

While county voter registration officials are to have access to the VRG 4/12 once the election materials are returned to the county election board, a county must first apply voting history to all voters in the county before the VRG 4/12 updates can be made and processed in SVRS.

This was a change made in state law last year to ensure the voter’s voting history transfers with the voter to their new county, for example. The May 2022 election is the first election where this functionality is being used by county users, so it may be new to you this year.

QUESTIONS OF THE MONTH

Q. Does return postage need to be included on a SAMC mailer?

A. Yes, as this is a requirement under state law. (IC 3-7-38.2-2(f))

Q. Is there a requirement to send copies of the PRE-4/PRO-2 affidavits to the SOS office after the election?

A. Yes. A county must give one set of copies to the grand jury of the county and send another set of copies to the SOS office after each election. (IC 3-14-5-2) Copies should be made of all PRE-4/PRO-2 affidavits, whether the ballot was counted or not. In a primary election, copies of the PRE-6 (party challenge) are to be filed with the SOS. However, you cannot send the copies of the PRE-4/PRO-2 until after the recount or contest period expires as provisional balloting information is confidential. If a recount is being conducted, then counties are advised to wait on sending copies until the recount is concluded.

Q. Do parties filling local office ballot vacancies need to include a copy of the resolution or meeting minutes giving the chair the authority to do a direct appointment on each filing? Or can the chair just submit a copy of the document to cover all ballot vacancy filings in 2022?

A. A copy of the resolution or meeting minutes must be attached to each filing being made to fill a local office ballot vacancy by direct appointment.