



# Election Division Dispatch

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## NEWS & UPDATES

### Polling Place Information

In April, IED will be pulling a statewide list of polling locations used on Election Day and for in-person absentee “early” voting. This list is sent to Democracy Works, a non-partisan, non-profit organization, who will then update an address-driven voting site locator (gettothepolls.com). If your county has any changes to “early” voting or Election Day sites, please log the changes in the polling place module in SVRS to ensure indianavoters.com and gettothepolls.com display the correct information.

On a related note, a reminder that state law recently changed and now requires the **county election** board (rather than the county commissioners) to publish a list of polling places or vote centers used on Election Day in the newspaper at least 10 days before the election. See IC 3-11-8-3.2 for those details.

### Absentee Voter Board Requests

Don’t forget to ask your Democratic and Republican Party chairs the number of absentee voter boards, central count counters and couriers (if applicable) that you’ll need in the weeks leading up to and on Election Day. The deadline for your county election board to supply the number of absentee voters boards and election day counters and couriers needed and request nominations from the county chairs is noon, March 16, 2020. The county chairs then have until noon, March 21, 2020, to nominate individuals to serve in this capacity. After the noon, March 21 deadline, the county election board can fill the absentee voter board vacancies using the requirements found in IC 3-11.5-4-23.

### CAN-9: Notice of Primary Election

For the May primary election, each county election board must compile a list of candidates for federal, state, and local office along with their address and office sought. (Addresses must be included unless restricted under IC 36-1-8.5.) The CAN-9 is the proper form to use. One attachment will include candidates and addresses for Democratic Party candidates, and another for Republican Party candidates. In some counties, a third attachment for local public questions will be required.

If you’ve entered candidate information in SVRS, you can produce a report in the Election category of the Reports Library. The CAN-9 must be filed in the minutes of a CEB meeting and with IED not later than noon, April 27, 2020. The CAN-9 must also be published in the newspaper in accordance with IC 5-3-1 not later than Saturday, April 25, 2020. Candidates for party offices (PC and delegate) do not need to be included on the CAN-9. See IC 3-8-2-19 for more information.

## MARCH WEB TRAINING

**Mar. 5 & 11** | Absentee Review

**Mar. 24 & 26** | March Build Overview

**Mar. 31** | ePollbook Overview

**Dates are subject to change; check the 2020 INSVRS Training Schedule on the county portal to confirm.**

## CALENDAR

- March 2, 2020 (noon):** Deadline for regular party committees to file 2019 Annual CFA Report
- March 6, 2020:** Deadline for county to estimate the number of absentee & provisional ballots needed for May primary election
- March 16, 2020:** Deadline for counties to receive ABS-Mail ballots from printer
- March 16, 2020 (noon):** Deadline for CEB to notify the D&R county chairs of the total numbers of ABS voter boards, ABS counters & couriers
- March 20, 2020 (noon):** Deadline for county chairs to file written recommendations of persons to serve on ABS voter boards, or as ABS counters & couriers
- March 21, 2020:** Deadline for all counties to mail ABS ballots to comply with MOVE Act
- April 4, 2020:** Deadline for counties to publish notice of the public test of voting systems, if public test held on the last day possible: April 6, 2020 (NOTE: 48-hour notice published in the newspaper is required if public test held earlier than April 6)
- April 6, 2020:** Last day for county to hold public test of voting systems used in the May 2020 primary election
- April 6, 2020:** Statewide voter registration deadline
- April 7, 2020:** First day of in-person absentee voting at the clerk’s office
- April 10, 2020:** IED Closed (Good Friday)
- April 11, 2020:** CFA-11 “large contribution” reporting period begins
- April 13, 2020:** Deadline to file IEC-9 and IEC-10 with IED to confirm CEB successfully performed its public test of voting equipment

# IN FOCUS: Campaign Yard Signs & Using “For”

Every election cycle we’re all asked questions about yard signs and when/where/what time can they be placed. IED publishes a Disclaimer brochure with more detailed information, but here are some FAQs:

**1/ Is there a state law that dictates when yard signs can be put out before an election?** No, state law doesn’t specifically address when campaign yard signs can go out in people’s yards. This decision is left to local ordinance or homeowner association policies. However, there is a state law that states IF there is a local ordinance prohibiting yard signs, then the ordinance is not enforceable for 60-days before an election and 5-days after. (IC 36-1-3-11) Additionally, a homeowner’s association policy prohibiting yard signs cannot be enforced 30-days before an election and 5-days afterward.

**2/ can yard signs be placed in the right of way?** No. However, the county election board doesn’t enforce placement of yard signs. Instead, your county or city highway department, planning dept., or equivalent would enforce this rule.

**3/ Are disclaimers required on yard signs?** In most cases, yes. A disclaimer in at least 7 size font with who paid for the sign is required to be included on the sign in indelible ink that contrasts with the background. (IC 3-9-3-2.5) However, signs supporting or opposing a referendum do not require the use of a disclaimer. (IC 3-9-3-2.5) The county election board would address complaints about yard signs that appear to not be compliant with state’s disclaimer law.

**4/ A non-incumbent printed on their yard sign “Sam Smith Dogcatcher.” This implies they are the incumbent. Is this**

**allowable?** In the view of the Indiana Election Commission, yes. The bi-partisan IEC issued an advisory opinion (2015-01) that interprets IC 3-9-3-5. A copy of this advisory opinion is included in the appendix of the green *Campaign Finance Manual*.

**5/ A person calls to ask if she can remove a yard sign placed in the highway right-of-way without permission. What do I tell her?** Only those with legal authority over the property can remove the yard sign from the county right-of-way. Any other person without such authority may be liable for criminal conversion. She should file a complaint with the proper authorities to make them aware of the yard sign’s placement. If the sign is located on the owner’s property outside of any right-of-way, then the owner may remove it.

## VR CORNER

### Retiring the Indianavoters Mobile App

The Indianavoters Mobile App will no longer be available in the Apple and Android store after March 13, 2020, and the app will no longer be supported. Instead, users should visit indianavoters.com, which is now mobile phone-friendly, using their phone’s web browser.

The mobile website has the same features as the app, but also integrates functionality for persons with disabilities to better serve everyone. Further, the mobile website has the same security features as those accessing the site through a desktop computer.

### Military & Overseas Voters VR Deadline

Military & overseas voters using the Federal Post Card Application (FPCA) have an extended voter registration deadline before each election. Rather than the standard 29-day statewide cut-off, individuals eligible to use the FPCA may use this form to register to vote until eight days before the election. The voter registration cut-off for FPCA-eligible voters is April 27, 2020. An FPCA can be emailed or faxed, so it is not necessary for a military or overseas voter to be held to the same “wet” or original signature standard on a VR form as a civilian voter submitting the state or federal voter registration form.

## MARCH BUILD

1) VRG forms sent electronically from BMV and OVR hoppers will now automatically associate to the Document’s section of the voter records in SVRS.

2) Starting with the May 2020 primary election post-election certification, counties will notice a second section of the CEB 9. This additional information will collect more election data and assist in completing the bi-annual EAC Survey. In the past the information had been collected through an online survey and now this information will be submitted through SVRS through post-election activities.

3) For ePB counties only, a notification email will be received if WSF executions have not taken place. This will serve as a notice to county users as well as their vendors and help to ensure data is as up to date as possible.

4) Two factor code validation will be extended to indianavoters.com as an option for members of the public to enable when they are registering or changing their voter registration record. This is similar to two-factor authentication measures currently employed for SVRS users. Enrolling in 2FA on the indianavoters.com site is NOT a requirement, but is an added layer of security available to those voters who wish to activate it.

## ABSENTEE BALLOT REMINDERS

- ABS-Mail ballots must be delivered to the county by their vendor not later than March 16, 2020, for the primary election.
- State law and the federal MOVE Act require counties to send absentee ballots to voters with approved ABS-Mail and FPCA applications not later than 45-days before each election, or March 21, 2020.
- March 21, 2020, is the default “ballot ready” date in SVRS. Counties can request the deadline to be moved up to an earlier date by submitting a county authorization form in INSVRS.
- Expect IED to follow-up on the March 21, 2020, deadline as each state is required to report back to the U.S. Department of Justice on compliance with this important federal law.
- Once counties begin sending absentee ballots out on or around March 21, 2020, state law requires an absentee ballot be sent on the same day the application is approved. (IC 3-11-4-18)
- ABS-Mail and FPCA applications for a mailed absentee ballot must be received not later than 11:59PM, April 23, 2020.
- Absentee and FPCA forms can be mailed, hand-delivered, faxed, or emailed.

## Cyber Term: Ransomware

“Ransomware” is an example of malware, a term covered in last month’s Dispatch. It demands some sort of payment from the victim in order to recover control of their computer or data. Some types of ransomware include scareware, screen lockers, and encrypting ransomware.

While there are several ways ransomware can infect a computer or network, one of the most common methods is through malicious spam. Sometimes spam is harmless, but every person should remain guarded when receiving an email from an unknown individual or organization, especially if it contains a link to a website or document.

If your county experiences a ransomware attack, please notify the state so that our federal and state partners can be alerted and security protocols for SVRS can be deployed.

## QUESTIONS OF THE MONTH

**Q. Do candidate names appear in CAPITAL letters on the ballot? And do I use “” or () around a candidate’s nickname?**

A. Yes, a candidate’s name is printed in ALL CAPS on the ballot. (IC 3-10-1-14.1) State law changed to require parentheses () around a candidate’s nickname, not quotation marks. (IC 3-5-7-5)

**Q. A candidate filed their declaration of candidacy but their name designation is out of order. Can I change the order to comply with law?**

A. No. The ballot name as indicated on the declaration of candidacy must be used on the ballot in the order requested by the candidate, unless a CAN-1 challenge was filed contesting how the candidate’s ballot name was ordered. More information about the first, second, third, and fourth designation can be found in the red *Candidate’s Guide* or in IC 3-5-7-5.

**Q. Do I need to change a candidate’s name on their voter registration record if their ballot name on their declaration of candidacy doesn’t match their voter registration name?**

A. Yes. State law requires county VR officials to adjust the voter registration name of a candidate to match the candidate’s ballot name. The declaration of candidacy and candidate consent forms note this statute and give permission to counties to make this change. (IC 3-5-7-6)

**Q. What’s a federal only absentee ballot?**

A. A federal only ballot is ONLY used for an overseas voter who marks on the FPCA that they are an overseas voter and their return to the U.S. is uncertain. These voters must be registered to vote at the address of the county voter registration office, even if they provide a residence address within Indiana (IC 3-11-4-8). Under federal law, these voters can vote only for federal offices in even-numbered general election years. Every Indiana county must have a federal only Democratic and Republican ballot with the offices of U.S. President and U.S House for the May 2020 primary election. (U.S. Senate is not on the ballot in Indiana in 2020). As noted above, only certain overseas voters are entitled to cast a federal only ABS ballot; no other persons are eligible to use this ballot and it should not be included with Election Day materials.