



Election Division Dispatch

Brad King & Angie Nussmeyer, Co-Directors | **REVISED** May 2022

NEWS & UPDATES

Primary Election—Party Affiliation Challenge

In primary elections only, a voter of the precinct may challenge another voter, if it is believed the voter does not affiliate with the party whose ballot the voter selected. The challenger would complete the PRE-6 affidavit, which all of your poll workers should have in their Election Day materials.

The voter can overcome the challenge, and vote a regular ballot if otherwise qualified, if the voter completes their portion of the affidavit which confirms one of the following choices:

- 1/ At the last general (November 2020) election, I voted for a majority of the nominees of the party the voter selected to vote in the primary election; OR
- 2/ I did not vote at the last general election, but I intend to vote at the next election (November 2022) for a majority of the regular nominees of the party the voter selected to vote in the primary election.

Absentees & Election Day Troubleshooting

On election day, you may hear from absentee voters who want to deliver their ABS-Mail ballot to you. That's fine, but the voter should seal their completed ballot in the security envelope and sign the appropriate affidavit found on the envelope. The voter, bonded courier, attorney-in-fact, member of the voter's immediate household, or the expanded list of family members may deliver this to the county election board, presumably at your central count location. Don't forget to use the ABS-19, if someone other than the voter or a bonded courier drops off the ballot. However, a voter cannot drop off a completed ballot for counting at an Election Day polling place!

If an absentee voter did not receive their ballot by mail, on Election Day, the voter can complete the PRE-5. Or, if the voter wants to surrender their ballot to the Inspector, they may do so and poll workers would reject the voter's ABS-Mail ballot. In either case, the poll workers may issue the voter a regular ballot, if the voter is otherwise qualified, though the ballot must be from the same political party requested on their app.

If a voter's absentee ballot is rejected, then an ABS-21 can be issued to the voter as long as the voter appears before the CEB not later than 5PM on Election Day. Lastly, the ABS-5 form is NOT used on Election Day. This form is used **before** Election Day for many of the issues noted above.

ABS-18A & ABS-18B Affidavits

Don't forget! An absentee voter with a missing or mismatched signature may return their ABS-18A or ABS-18B affidavit to the Inspector at an Election Day polling place. The voter may also fax, email, hand-deliver, or mail the affidavit to the CEB, but it must be received by noon, 8-days after the primary election.

CALENDAR

May 2, 2022 (NOON): Deadline for FPCA to be filed to request faxed/emailed ballot; Deadline for ABS-Traveling Board to be filed; Early voting ends

May 3, 2022: Primary Election Day; polls open from 6A to 6P (local time); ABS-Mail ballots due by 6P (local time)

May 11, 2022 (NOON): Deadline for ABS voter to return ABS-18A, ABS-18B to cure mismatched or missing signature

May 13, 2022 (NOON): Deadline to receive an ABS ballot issued to an overseas or overseas military ballot by mail, which must be counted if the envelope is postmarked on or before May 3, 2022

May 13, 2022 (NOON): Deadline for a provisional ballot voter with ID issues to bring their ID to the CEB or sign an affidavit the voter is indigent or has a religious objection regarding having their photo taken for an ID

May 13, 2022 (1PM): Deadline for CEB to conduct their provisional ballot hearing

May 13, 2022 (3PM): Deadline for CEB to count valid provisional ballots

May 16, 2022 (NOON): Deadline for CEB to certify office-level election results to IED; must be done in SVRS

May 17, 2022 (NOON): Deadline for CEB to file CEB-9 and final, certified precinct level results; must be done in SVRS

May 17, 2022 (NOON): Deadline for candidate to file recount/contest action following primary election

May 17, 2022: Voter Registration re-opens; first day an ABS app can be filed for November election

May 20, 2022 (NOON): Deadline for state or county party chair to file recount/contest action following the primary election

May 30, 2022: IED Closed (Memorial Day)

MAY WEB TRAINING

May 4 & 10 | Post Election Processing

May 31 & June 2 | US District Court Data

The 2022 Calendar posted to INSVRS County Portal. Dates/times subject to change. Please verify against the training calendar.

IN FOCUS: Libertarian & Minor Party and Independent Candidate Filings

Libertarian Candidates

The Libertarian Party of Indiana generally nominates their candidates for federal, state, and local offices at a state or county convention. Instead of filing declarations of candidacy with the CEB, the LPIN state chair and secretary will certify the Party's nominees to the CEB using the CAN-22 certificate of nomination along with the candidate's CAN-12 statement of economic interests. If held, the LPIN county convention must be held not later than noon, July 3, 2022, and paperwork filed with the CEB not later than noon, July 5, 2022.

Should the LPIN not nominate candidates for all offices on the ballot in November, the party may fill its ballot vacancies not later than noon, July 3, 2022. The LPIN chair will file notice with the CEB of their party's intent to fill a ballot vacancy for local office, which must be filed not later than ten days before the ballot vacancy can be filled. No state form is prescribed for this notice; a list of offices on letterhead signed by the chair is sufficient.

If ballot vacancies are filled by LPIN, the CAN-32 (NEW FORM!) and CAN-12 must then be filed with the CEB not later than noon, July 5, 2022.

Independent & Minor Party Candidates

Independent and minor parties have two ballot access methods—through the petition process or to be a write-in candidate.

If an independent or minor party candidate wants their name printed on the ballot, then they must go through the petition process. Beginning January 5, 2022, candidates may file petition signatures using the CAN-19 or CAN-21 forms with the county VR office. The CAN-21 is used for local offices; the CAN-19 is used for federal, state, state legislative, and judicial offices, including prosecuting attorney.

The individual signing the petition must be a registered voter in the election district of the office the candidate is seeking at the time the

petition is processed.

In order to gain ballot access, the candidate must collect signatures totaling at least 2% of the total votes cast in the 2018 Secretary of State race in the precincts of the election district. This means county election officials will need to pull out the November 2018 precinct level results and calculate the signature threshold for local offices using the current office boundaries. (Countywide totals can be found in the back of the 2022 Candidate Guide.) State legislative or federal candidates should contact IED for this information.

CAN-19 or CAN-21 petitions must be filed with the county VR official by noon, June 30, in order for the petition to be reviewed and certified. If seeking a local office, the candidate must also submit their CAN-12 with the first batch of petitions filed with the clerk's office. However, in the few counties with a separate county VR office, the CAN-12 is filed with the certified petitions when those are filed with the county clerk or election board. The CAN-20 consent form must also be filed with the certified petitions not later than noon, July 15, 2022.

The county clerk must send by certified mail a letter to the candidate if the individual does NOT achieve the signature threshold for ballot access. If the candidate did collect enough signatures, then counties will send the candidate a CAN-5.

Some individuals want to be a write-in candidate. WRITE-IN CANDIDATES ARE NOT PRINTED ON THE BALLOT! The CAN-3 form may be submitted from January 5 through noon, July 5, 2022. For local offices, the CAN-12 must also be filed with the CAN-3.

School Board Candidates

Candidates for school board may file the CAN-34 petition and consent along with a CAN-12 beginning July 27, 2022, and not later than noon, August 26, 2022. There is no separate declaration of candidacy; instead, the consent

of the candidate found on the back of the CAN-34 is used for this purpose. A candidate can file multiple CAN-34 forms, but only one needs to have a consent completed.

Most school board candidates will need to collect at least ten signatures of registered voters within the school corporation's boundaries. However, there are exceptions to this rule if the district is single member or subject to special legislation.

Additionally, some school corporation boundaries cross into more than one county. In these instances, the county with the largest population receives the CAN-34 & CAN-12, and then certifies the signatures on the petition. This means the "large" county will use a statewide search to certify names in other counties. This process, where another county certifies another county's voters, is unique to the CAN-34.

"Small" Town Offices

Towns with a population of less than 3,500 may move some or all of their municipal offices to even-numbered years through a local ordinance. Unless the local ordinance specifically requested the D/R candidates be nominated at the May primary election, then "small" towns will have town conventions to nominate D, L, and R candidates to the offices on the ballot. This requires a candidate to file the CAN-16 and CAN-12 with the CEB not later than noon, Aug. 1, 2022.

If none of the offices for that particular party is contested, then no convention is held for that party. If an office is contested within the political party, then the party will host a town convention. There are specific procedures to follow, and the CEB/clerk will need to provide info to the party to conduct their convention properly. The blue Election Administrator's Manual covers this topic, though please reach out to IED if you need assistance. This type of nomination will be more common in 2023, our municipal election year in Indiana.

"Ballot Selfie" Law

A number of counties have reached out in recent weeks asking about IC 3-11-4-17.5, the former "ballot selfie" law that prohibited an individual from taking a photo of their completed ballot and sharing it with others. **This statute that was found by a federal court to be unconstitutional in 2017 and is no longer enforceable pursuant to court order.** The statute has not been repealed, which is why it is printed in the Title 3 Code Book and searchable on iga.in.gov. But, the red 2022 IC Book published by IED has a notation under the printed statute about the court case.

Please be sure your staff, poll workers, absentee voter boards, and others involved in election administration are aware that the "ballot selfie" statute cannot be enforced.

D&R Primary Ballot Vacancies

If a D or R did not file to run for an office in the primary election, the parties are able to fill those ballot vacancies not later than noon, July 3, 2022. There are two options for filling a local office ballot vacancy under IC 3-13-1:

1/ Direct appointment by the chair or central committee. The party organization may authorize the chair or central committee first, by passing a resolution or adopting a motion at a party meeting. There is no special state form and state law does not provide direction on what needs to be in the resolution. For example, some parties give the chair limited authority to fill ballot vacancies in a specific year, term of chair's service, or no end date at all. (Note: this does NOT apply to elected office vacancies!) The appointments must be made by noon, July 3, 2022, and the paperwork (CAN-31, CAN-12, CAN-29) filed not later than noon, July 5, 2022.

2/ By holding a caucus of eligible PCs. The caucus must be held not later than noon, July 3, 2022; however, notice to eligible PCs (CAN-30) must be sent via first class mail not later than 10-days before the caucus is held AND notice must be filed with the county clerk not later than 10-days before the caucus. The candidate must file their CAN-29 declaration with the chair of the caucus AND with the county clerk not later than 72-hours before the caucus is held. (At this stage, the CAN-12 is not required.) After the caucus is held, the CAN-29 certificate of candidate selection and the CAN-12 statement of economic interests for the selected candidate must be filed with the county election board by noon, July 5, 2022.

More information on this topic can be found in the blue 2022 Election Administrator's Manual.

Note: Local offices include judicial office and prosecuting attorney; however, the paperwork noted in #1 and #2 for these two offices is filed with IED NOT with the county clerk. State legislative vacancies are managed by state parties & filed with IED.

Candidate Withdrawal for November

Candidates on the November ballot may withdraw for any reason not later than noon, July 15, 2022. An original, signed copy of the CAN-24 must be filed by this deadline.

If a D, L, or R candidate withdraws by July 15, then the political party has 30-days to fill the vacancy under IC 3-13-1. After noon, July 15, 2022, a candidate on the ballot in Nov. cannot withdraw, unless the candidate moves from the election district, is removed by the court, is convicted of a felony, or if the candidate dies, or a few other special cases.

The D, L, and R parties are able to fill the vacancy in those situations; however, the procedures are a little different if the withdrawal happens in the final 30-days before the election. Until Oct. 9, the parties follow IC 3-13-1. On or after Oct. 9, 2022, this is considered a "late" ballot vacancy and the procedures under IC 3-13-2 are followed. The 2022 Candidate Guide provides more details on this topic, including situations where an Independent or minor party candidate may be able to fill the ballot vacancy for November.

QUESTIONS OF THE MONTH

Q. Do we process voters in line when our early voting locations close down each day?

A. Yes. If there are voters in line waiting to vote early at the clerk's office or other satellite location, then those individuals are to be processed and receive an absentee ballot, if otherwise eligible. Much like Election Day, the absentee voter board will write down the names of all persons waiting in line, OR stamp the hand of each individual, OR put a staff person at the end of the line to mark it. (IC 3-11-10-29.2)

Q. How do we remake a faxed or emailed ballot on election day?

A. When a county receives an absentee ballot returned by fax or email, the paper ballot is stored in the ABS-10 envelope and the county should include the voter's name on the envelope and attach the ABS-9 or ABS-25 secrecy waiver to the envelope. On election day, a bi-partisan remake team should be given a blank ballot card for the voter's precinct and then they affix their initials to the ballot card. The faxed/emailed ballot should be given a randomized serial number and the same randomized serial number printed on the remade ballot card. (Be sure to ask your vendor where you can write the number to avoid tabulation issues.) The matching serial numbers are important in a recount to ensure the voter's choices on the faxed/emailed ballot were remade correctly on the ballot card. Once the remake team marks the ballot card, the ballot card is ready for tabulation.

Q. Do candidates filling ballot vacancies need to file special campaign finance reports?

A. Yes, if the office pays more than \$5,000 in a calendar year or the candidate has an open committee already then a vacancy report will be required. Additionally, those candidates nominated at a convention are required to fill a pre- or post-convention report. More info can be found in the 2022 Campaign Finance Manual.

VR CORNER

US District Court Data Project

After the primary election, the Indiana Election Division will be distributing information related to a voter list maintenance project. This project centers on data provided by the Northern and Southern District Courts, where a jury notice was returned to the courts.

State law (IC 3-7-38.2-16) requires county VR officials to send a SAMC mailer to those individuals on this list. However, our agency advice is to first review the voter's whose status shows "deceased" to confirm if that information has already been shared with you through hoppers or information gathered by your agency. If not, you may use the tools found out in state law to confirm the person has passed, such as finding an obituary or estate notice, before sending the SAMC.

Here is the anticipated timeline:

Week of May 16th: IED distributes VLM data to counties
Week of May 30th: Training to review the steps in SVRS to generate SAMC notices & other tools to assist with the project
June 14, 2022: Deadline for counties to send SAMC to individuals noted on the list.

More information to come!