



# Election Division Dispatch

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## NEWS & UPDATES

### Certification of Election Results

There isn't much time to rest following election day! Your county election boards must complete the canvass the results of your election no later than ten days after the election, and process any provisional ballots or late arriving overseas ballots by 3PM that same day. You'll then need to file the CEB series of forms using SVRS, and separately send your precinct level results to IED by noon, Monday, November 18, 2019, unless your county has opted to send precinct level results through SVRS. The CEB-9 is due Tuesday, November 19, 2019.

Don't forget! Counties certify election results, including those from small towns holding their own elections. The town election board should be reminded to get their results to the county asap. Further, the town is required to file all of its election materials with the county election board to comply with retention laws.

County clerks may begin issuing certificates of election to newly elected officials after 12P local prevailing time on November 22, 2019.

### BMV Open on Election Eve & Election Day

State law requires BMV branches that issue credentials like driver's licenses or state ID cards to be open from 8:30A to 8P, local prevailing time, Monday, November 4, 2019, and from 6A to 6P, local prevailing time, Tuesday, November 5, 2019, to assist individuals in getting ID required to vote. As a reminder, state law requires a photo ID to include a photo of the voter, be issued by the state or federal government, be current or expired since 11/8/16, and include the voter's name that conforms (not necessarily be exact!) to their registration record. (IC 3-5-2-40.5) Further, an address on a state ID does not need to match the person's registration record. Exceptions exist for military and veterans' IDs.

### Conference Reminders

- If you haven't registered for the December conference, Friday, November 8, 2019, is the deadline to avoid a \$50 per person late fee added to the registration fee.
- The Hyatt room block was expanded to include a few more rooms at the reduced rate, but room block is nearing capacity. Make your reservations soon!
- Nominations for the annual awards luncheon are also due to IED not later than noon, November 8, 2019. Please make sure include background as to why you've nominated this person for the award.

## DECEMBER WEB TRAINING

### Nov. 12 & 14 | Post Election Processing

*Dates are subject to change; check the 2018 INSVRS Training Schedule on the county portal to confirm.*

## CALENDAR

### November 2, 2019 (Saturday):

In-person ABS early voting available

### November 4, 2019 (Election Eve):

Check yellow calendar book for multiple deadlines

### November 5, 2019 (Election Day):

Poll are open from 6A to 6P, local prevailing time

### November 8, 2019:

Deadline to register for Dec. conference to avoid late fee!

### November 11, 2019:

Veterans Day (observed), IED closed

### November 15, 2019 (NOON):

Deadline to receive overseas absentee by mail ballots postmarked on or before November 5, 2019; Deadline for voter to bring ID to the clerk's office to count provisional ballot for lacking proper ID

### November 15, 2019 (3PM):

Deadline for county election board to determine whether or not to count a provisional ballot

### November 18, 2019 (NOON, Indy Time):

Deadline to certify election results to IED; forms must be filed using SVRS & precinct results are to be uploaded to SVRS or mailed/emailed/faxed to IED

### November 19, 2019 (NOON):

Deadline by noon for a candidate to file a recount or contest action with county clerk

### November 22, 2019 (NOON):

Deadline by noon for a county or state party chair to file a recount or contest action with county clerk

### December 2, 2019:

Voter Registration Opens

### December 16-18, 2019:

2020 Election Administrator's Conference

# LAST MINUTE ELECTION QUESTIONS OF THE MONTH

## **Q. Can I remake a military or overseas voter's fax/email ballot using the DRE voting system?**

A. No. A faxed/emailed ballot must be made on a ballot card and tabulated on the optical scan voting system. (IC 3-12-3-5) Do not forget to serialize your remade ballots! The remake team must include a serial number on the voter's ballot and use the same number on the remade ballot. This is important in the event there is a recount. Don't forget a qualified voter using the FPCA can request a faxed/emailed ballot through noon, Monday, November 4, 2019!

## **Q. Can a voter who was sent an ABS ballot vote a regular ballot on Election Day?**

A. While state law changed several years ago that does not permit an absentee voter to "beat their ballot" to the polling site, it may be permissible for an individual who requested, but did not return their ABS ballot, to vote a regular ballot on Election Day. An absentee voter may 1) surrender their uncompleted ballot to the Inspector, who would write "cancelled" on the ABS ballot, store it with the rejected ballots, and issue a regular ballot, if the voter is otherwise eligible; OR 2) complete the PRE-5 affidavit to affirm the ballot was not received by the voter and then be issued a regular ballot, if otherwise eligible.

## **Q. Can any person hand-deliver a completed absentee ballot to the county election board?**

A. No. Only the voter, a member of the voter's immediate household, a bonded courier, or attorney in fact may hand-deliver a completed absentee ballot to the CEB. (IC 3-11-10-1) A reminder, a completed absentee ballot may be hand-delivered or otherwise received by the CEB in all Indiana counties not later than noon on Election Day. (Note: the county clerk or his designee must go to the post office at noon to ensure there are no absentee ballots to be collected. See IC 3-11.5-4-7) The exception to this rule are overseas voters who requested an absentee ballot and the ballot security envelope has a postmark on or before November 5, 2019. The CEB must count this universe of absentee ballots ONLY if the ballot is received not later than noon, Nov. 15, 2019.

## **Q. Do absentee ballot security envelopes need to have the postage pre-paid for the voter?**

A. Yes. Indiana law requires it. (IC 3-11-4-20)

## **Q. Are firearms allowed in polling places on Election Day?**

Except for polls located on school property, there is no state law that prohibits firearms in a polling place. So, as long as the person carrying a weapon is observing the general laws regarding carrying, it may be permissible to carry in a polling location. However, even one who lawfully possesses a firearm can run afoul of the law if they act carelessly (or with any other weapon for that matter, including a knife or bat). There are voter intimidation laws on the books at both the federal level (18 U.S.C. §§ 241, 245(b)(1)(A)) and the state level (IC 3-14-3-21.5). However, mere lawful possession of a firearm does not violate these statutes.

## **Q. Does a voter in "inactive" status need to complete a VRG 4/12 or other document if they come to vote?**

A. No. Only "inactive" or "active" voters are included in the poll book and voters should be issued a regular ballot, if otherwise qualified. In fact, voting is a cure for an "inactive" voter to have their voter status moved to "active" status, if they vote in any election between when the person was made inactive through two federal election cycles. By signing the poll book and casting a ballot, an "inactive" voter affirms they reside at the address on the poll book and no additional steps are required.

## **Q. What is electioneering?**

A. Electioneering is defined in IC 3-14-3-16. Generally, a person may not wear an article of clothing or otherwise express the support of a candidate, political party, or public question. A person wearing such an article of clothing or holding a sign may be asked to take off the button or cover up the clothing. However, a person not complying with this request may not be turned away or prevented from voting, if otherwise eligible. Instead, the poll workers may forward the non-compliant voter's name to the county election board, who may determine if an election law violation occurred.

## **Q. Can a voter bring material into the voting booth with them?**

A. Yes. Indiana law allows a person to bring in materials with them to assist them in voting, whether it's a list on a sheet of paper or a slick piece created by a candidate or political party. (IC 3-11-8-18.5) This written assistance is not considered electioneering, if not displayed to others.

## **Q. Can a voter take a "selfie" with their ballot?**

A. Yes. Although the statute has not been repealed (IC 3-11-8-17.5) and remains "on the books," a federal court has ruled the Indiana law unconstitutional and it cannot be enforced.

## **Q. Can I release absentee ballot totals before 6PM on Election Day in Indiana?**

A. No. Absentee ballot totals may not be released until after the polls close. Even county election board members are not permitted to review or otherwise view the absentee totals tape before 6PM.

## **Q. Who can enter the polling place on Election Day?**

A. A comprehensive list of who may be in the polling place can be found in IC 3-11-8-15. Remember, most of these individuals require some type of credential to enter a voting site!