



Election Division Dispatch

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NEWS & UPDATES

Fall Build

Several improvements were made to indianavoters.com and SVRS in our recent Fall Build. Training covering those improvements will be held in October, and you can find the Build Notes being covered at training on the INSVRS County Portal.

CFA-11 Supplemental Reporting Period

The large contribution supplemental reporting period begins October 15 and ends 6AM on November 6, 2022. During this window, any candidate on the ballot receiving a contribution totaling \$1000 or more from a single source must file the CFA-11 not later than 48-hours after receipt. This contribution can be given in one lump sum or be an aggregate amount from the single donor during this period. Remember, loans to the committee and in-kind contributions count!

For example, Sally gives Tom's committee a \$1000 contribution on Oct. 16. Tom then must file a CFA-11 within 48-hours of receiving the contribution. Ron gives Tom's committee a \$300 contribution on Oct. 19 and gives \$800 on Nov. 1. Because Ron gave \$1300 between October 15 and November 6, Tom must file a CFA-11 disclosing both contributions within 48-hours of receiving the \$800 check. More information can be found in the *2022 Indiana Campaign Finance Manual*.

Accessible ABS-VPD Forms

Last month, IED made available to counties an accessible write-in absentee ballot (AWB) for voters with print disabilities requesting an emailed ballot. As you know, a voter with print disabilities is a person with temporary or permanent blindness, low vision, or a physical disability that impairs their ability to mark their ballot. The AWB works with screen reader technology to allow voters to vote privately and independently at home.

A reminder that all emailed ballots are secured in the ABS-10 envelope, using the ABS-10B checkbox in SVRS to create a label to affix to the envelope to assist with sorting and storage by precinct. The ABS-25 secrecy waiver must also be returned by 6PM on Election Day and attached to the ABS-10 envelope. Emailed ballots are then remade by bi-partisan teams on Election Day on ballot cards, being certain to serialize the emailed copy and the ballot card with the same number in case a recount is filed and the remake team's work needs is reviewed.

OCTOBER WEB TRAINING

Oct. 4 & 6 | Certificate of Error Processing

Oct. 18 & 20 | County Election Results Data Entry

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

CALENDAR

- October 9, 2022:** "Late" Ballot Vacancy procedures under IC 3-13-2 begin
- October 10, 2022:** Columbus Day (IED Closed)
- October 11, 2022:** Statewide VR Deadline
- October 11, 2022:** Deadline for county executive to determine polling place locations in non-vote center counties
- October 11, 2022:** Deadline to conduct public tests of voting systems
- October 12, 2022:** Early voting begins
- October 14, 2022:** End of pre-election campaign finance reporting period
- October 15, 2022:** First day for CFA-11 reporting of large contributions by candidate committees
- October 18, 2022:** Deadline for D/R party chairs to nominate Election Day poll workers
- October 18, 2022:** Deadline to file IEC-9 (DRE) & IEC-10 (OpScan) forms with IED following public test
- October 18, 2022:** Deadline to publish CAN-39 in a newspaper
- October 20, 2022:** Travel Board Visits to Voters Begin
- October 21, 2022 (NOON):** Pre-Election CFA-4 reporting deadline by candidate/party/political action committees
- October 27, 2022 (11:59P):** ABS-Mail/ABS-VPD application deadline
- October 29, 2022:** All counties open for "early" voting
- November 5, 2022:** All counties open for "early" voting
- November 7, 2022 (NOON):** Multiple absentee deadlines; see yellow 2022 Calendar Guide book
- November 8, 2022:** Election Day
- November 8, 2022:** ABS Ballots Must be received by CEB not later than 6P local time to be counted
- November 11, 2022:** Veterans Day (IED Closed)
- November 16, 2022 (NOON):** Deadline for ABS voter with a mismatched/missing signature to return the ABS-18A or ABS-18B to the CEB
- November 18, 2022 (NOON):** Deadline for CEB to receive a mailed ABS ballot from an overseas or overseas military voter; CEB can count ABS ballot from these voters if postmark is on or before Election Day & voter is otherwise qualified
- November 18, 2022 (NOON):** Deadline for provisional voter to provide proof of identity to CEB
- November 18, 2022 (3PM):** Deadline for CEB to make a determination whether to count a provisional ballot
- November 21, 2022 (NOON):** Deadline for CEB to certify election results to IED via SVRS
- November 22, 2022 (NOON):** Deadline for CEB to file CEB-9 with IED via SVRS
- November 22, 2022 (NOON):** Deadline for candidate to file recount/contest action
- November 28, 2022 (NOON):** Deadline for county chair to file recount/contest action

IN FOCUS: TABULATING VOTES CAST FOR WRITE-IN CANDIDATES

In Indiana, candidates must file a CAN-3 declaration to be an “official” write-in candidate. While write-in candidates are never printed on the ballot and not posted in the polling place, the CAN-3 must be filed in order for the CEB to tabulate votes for the write-in candidate during post-election canvassing.

A write-in line is added to the ballot for those offices where a write-in candidate has filed. In addition, federal law requires a write-in line to be added to all federal offices (US President, US House, US Senate), even if no CAN-3 was filed.

If a write-in line is offered in the race, a voter will make their voting mark and indicate their choice on the ballot card or it is hand-keyed into the MicroVote DRE system. After Election Day, the CEB will review the totals tapes generated by the individual voting system units and are encouraged to compare those totals to the report generated from the main election management system software.

Some voting systems include the names of

the write-in votes cast on the ballot; others simply include a total vote count any time the write-in box was used.

CEBs or the bi-partisan write-in team will need to review the ballot cards or totals tapes for those precincts where a write-in candidate is indicated. Then, the team will need to evaluate whether the person is a declared write-in candidate OR a candidate that filed for the office and was written in.

For example, Donald Duck filed a CAN-3 to run for dogcatcher. His name is not on the ballot but a voter wrote his name in for the office, so Donald Duck gets a vote tallied for him. Goofy filed a CAN-2 and appears on the ballot for dogcatcher. Rather than marking Goofy’s name on the ballot, a voter wrote in his name. The CEB will count a vote for Goofy.

State law provides guidance on determining when a write-in candidate’s voted is counted. Generally, the CEB or the write-in team will have to ascertain the voter’s intent when writing in a

candidate’s name. This usually means the name does not have to be spelled perfectly, BUT this is at the discretion of the individuals reviewing the ballot materials. For example, Mickey Mouse is a write-in candidate for dog catcher. The voter writes in Mick Mouse. This write-in vote is likely to be counted for Mickey Mouse if the CEB finds this was the voter’s intent.

If your voting system includes an approved electronic adjudication feature in the system’s EMS then you can use the feature to assist in determining what a voter provide on a write-in voting line and if the is a vote for a candidate either on the ballot or filed as DECLARED write-in candidate. (IC3-11-15-13.8)

Once counties complete their canvass, it is vitally important to make sure your precinct level results are adjusted and correctly reflect vote totals. Please confirm totals posted to SVRS are updated so that the statements of votes cast align with your precinct election results filed with the state.

VR CORNER

Incomplete Registrations

With the VR deadline on the horizon, counties will likely have incomplete registrations to address after the VR deadline of Oct. 11. Counties are required to make an attempt to contact the voter to notify them of the issue with the registration request. Below are the steps to take to cure or reject the registration.

Missing Age/Citizenship Questions

If a voter failed to answer the attestation questions, then the voter has until Oct.11 to file a written statement under penalties of perjury that they will be 18 on or before Election Day and are a US citizen. This also can be done by filing a new registration form. If the voter did not fix this issue, then the incompletes are rejected immediately following the registration deadline (or October 12, 2022). (IC 3-7-34-3(a))

Other Incomplete Fields

All other incompletes are rejected not later than 10-days before the election, *after* a list of names of those with an incomplete registration are provided to the CEB. (IC 3-7-34-4 (b)) However, the voter does have until ten days before the election to correct the missing information. Please see the FAQ section of the purple VR Guidebook for more details on how this information can be provided.

ABS-5 & PRE-5

Sometimes a voter’s absentee ballot does not arrive or the voter changes their mind about voting by mail or the county corrects a ballot defect. Below are the common reasons BEFORE election day to use the ABS-5 or ON election day using the PRE-5.

If a voter DOES NOT receive their absentee ballot, then the voter would complete and file the ABS-5 for the county to reissue the absentee. OR, on Election Day, the voter would complete the PRE-5 form and be issued a regular ballot, if otherwise qualified.

If a voter DOES receive their absentee but would prefer to vote in person during early voting, then the voter must surrender their original ballot, complete the ABS-5, and a replacement ballot can be issued. OR, on Election Day, the voter can surrender their absentee to the Inspector and be issued a regular ballot, if otherwise qualified.

Should a voter spoil their absentee ballot or the county finds an error and the original ballot is “defective,” then the voter completes and files the ABS-5 and a replacement ballot can be issued. However, on Election Day, the voter would need to bring in their defective ballot to surrender their ballot to the Inspector and then a regular ballot would be issued.

More details about the forms and their related processes are found in the blue *Election Administrators’ Manual*.

Watchers

Watchers are individuals appointed by the D, R, & L parties to observe, and NOT interfere in, certain election processes.

Indiana state law authorizes party watchers for:

Early In-Person Absentee Voting. The county chair may have up to two people designated as watchers at each early voting location, including the clerk's office and satellite voting locations.

Central Count of Absentee Ballots on Election Day. The county chair may have one watcher for each central count team reviewing absentee ballots.

Election Day: Non-Vote Center Locations. In this instance, the state AND county chairs can have one watcher for each precinct in the county.

Election Day: Vote Center Locations. In this instance, the state AND county chairs can have one watcher for each ePollbook deployed to each vote center or the number of ePollbooks to be sent to each location according to their vote center plan, whichever is greater.

On Election Day, a party watcher can enter the polling location as early as 5:30AM and stay until the work is complete after the polls close. A watcher may come and go from the site as they please. The watcher may also ask for a copy of the totals tape that is printed from the voting system as part of the closing procedures. The watcher can also follow the Inspector and Judge of the opposite political party to ensure materials are turned in to the county election board.

Party watchers MUST have, in writing, a credential from their chair that includes: the status of individual as an appointed watcher; watcher's name; name of the county (or state) chair; and the name of the political party. (IC 3-6-8-3) There is no requirement for the chair to file their list with the CEB or clerk ahead of Election Day.

Poll workers or absentee voter boards at early voting sites, or central count teams can request the watcher show their credentials. If the watcher does not have the proper credential, then they must leave the polling location.

There is no mechanism in state law to allow Independents or for local office to have watchers in the November election. However, the county election board may issue watcher credentials to watchers for school board candidates as noted in IC 3-6-9. Additionally, media watchers are permitted under IC 3-6-10.

Only voters in the act of voting, a county chair or vice chair with credentials from the CEB, and certain individuals such as the CEB members, watchers, challengers, poll book holders, or children accompanying a voter are authorized to be in a voting location. (IC 3-11-8-15)

Any unauthorized person entering the chute or voting area on Election Day or during early voting must not be permitted to stay. CEB members should train their poll workers on this topic and ask that they contact the CEB immediately if there are issues. The *2022 Election Day Handbook* also covers this subject area.

QUESTIONS OF THE MONTH

Q. Can an absentee ballot that is requested to be sent by email or fax be remade on a DRE machine?

A. No. State law requires that an absentee ballot that is returned by fax or email be remade ON Election Day using an optical scan ballot card designated for the voter's precinct. A bi-partisan remake team will determine the voter's intent and mark the ballot card with the voter's choice. It is important the team add a serial number to the faxed/emailed ballot and apply the same serial number to the ballot card in an area where the tabulator will not pick up stray marks. The serial number should in no way identify the voter, and is used in the event of a recount to match the voter's original emailed or faxed ballot against the remade ballot card.

Note: Only voters with print disabilities using the ABS-VPD form or military and overseas voters using the FPCA are entitled to receive an absentee ballot by email or fax.

Q. Does Indiana have an automatic recount if elections are close?

A. No. A candidate or county party chair can file a recount after the election. The deadline for a candidate to file a recount is noon, Nov. 22, 2022; the deadline for a county chair to do so is Monday, Nov. 28, 2022. The person filing the litigation would need to pay the court filing cost and the required bond amount, which is at least \$100. For races separated by 1% or less of the total vote, the first ten precincts are covered by the \$100 bond and any additional precinct over the first ten adds another \$10 per precinct to the bond fee. If the races are separated by more than 1%, the first ten precincts are covered by the \$100 bond and additional precincts are \$100 per precinct. More information can be found in the *2022 Election Administrator's Manual* or in IC 3-12-6 for local recounts.

Q. Can anyone be a challenger on Election Day?

A. No. State law is clear that a political party with a candidate on the ballot or an independent candidate on the ballot in the precinct may appoint challengers to Election Day voting locations where the party or independent candidate appears, which can challenge a voter's residency before the voter checks into the poll list. Otherwise, there is no state law that allows for another voter or watcher to make a challenge. The challengers must have credentials issued by the

Q. Can media watchers really film or take photos in a polling place?

A. Yes, but they cannot do so in a way that would reveal how a voter voted. Remember, only a newspaper of general circulation in the county where an election is held; a new service operating in the county where an election is held; or a radio or tv station operating in the county where an election is held may appoint watchers. The media watcher must have a credential, in writing, that states the person is an appointed watcher, the name of the individual, and the person that appointed the watcher.