ORDER NO. 2020-40
INDIANA ELECTION COMMISSION

CONCERNING EMERGENCY PROVISIONS AFFECTING THE 2020 INDIANA PRIMARY ELECTION

WHEREAS, per Executive Order 20-02, the Governor of the State of Indiana has declared a public health disaster emergency effective March 6, 2020, in response to the COVID-19 pandemic;

WHEREAS, per Executive Order 20-17, the Governor’s declaration of a public health disaster emergency was renewed for an additional thirty (30) days to May 5, 2020;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic, and, several days later, on March 13, 2020, the President of the United States declared a national emergency under Proclamation 9994 in response to the COVID-19 pandemic;

WHEREAS, Indiana Code 3-6-4.1-14 provides that the Indiana Election Commission (“the Commission”) shall, in addition to other duties prescribed by law, administer Indiana election laws, and advise and exercise supervision over local election and registration officers;

WHEREAS, Indiana Code 3-6-4.1-17 permits the Commission to issue an order extending the time to perform an election related duty or file a document as the result of an emergency;

WHEREAS, Indiana Code 3-6-4.1-25 permits the Commission to issue advisory opinions to administer Indiana election law; and

WHEREAS, the Commission adopted Order 2020-37 concerning emergency provisions affecting the 2020 Indiana primary election.

NOW, THEREFORE, BE IT ORDERED BY THE INDIANA ELECTION COMMISSION:

SECTION 1. Pursuant to IC 3-6-4.1-17(b), Indiana Election Commission Order 2020-37, which expires on April 24, 2020, is readopted and extended for an additional thirty (30) days from the date Order 2020-37 is to expire, meaning until May 24, 2020.

SECTION 2.
A. Any registered voter of Indiana may be nominated as a precinct election officer by a political party chairman or appointed by a county election board or county board of elections and registration to fill a vacancy if no nomination is timely made if the individual is otherwise qualified to serve as a precinct election officer under IC 3-6-6-7.

B. Any registered voter of Indiana may be nominated as an absentee board member, absentee ballot counter, or absentee ballot courier by a political party chairman or appointed by a county election board or county board of elections and registration to fill a vacancy if no nomination is timely made if the individual is otherwise qualified to serve as an absentee board member, absentee ballot counter, or absentee ballot courier under IC 3-11.5-22.
C. Any registered voter of Indiana may be nominated as a watcher by a political party chairman or appointed by a county election board or county board of elections and registration to fill a vacancy if no nomination is timely made if the individual is otherwise qualified to serve as a watcher under IC 3-6-8 or IC 3-11.5-3 at a polling place, vote center or absentee ballot counting location.

SECTION 3. The Commission advises each county executive and county election board that under IC 3-11-8-4 all school buildings, fire stations and other public buildings shall be made available to a county to be designated as a polling location under IC 3-11-8 or vote center location under IC 3-11-18.1 for the June 2, 2020 primary election.

SECTION 4. The Secretary of State and the Indiana Election Division shall provide training guidelines to each county election board and circuit court clerk for special procedures to conduct the June 2, 2020 primary election, including CDC guidelines for handling mail and the need for and proper use of personal protective equipment (PPE). The Secretary of State and Election Division will also seek guidance from the Indiana State Department of Health when issuing these guidelines.

Each county election official shall follow the guidelines included with this Order in Appendix A, and any other supplemental guidelines issued by the Secretary of State or Indiana Election Division, which follow current CDC and state health department guidelines when conducting election functions. Any deviation from the prescribed guidelines to conduct elections in the county must be approved by the county's health officer.

SECTION 5. In accordance with Indiana law, which provides that a political subdivision (including a county) does not possess “home rule” authority to order or conduct an election (IC 36-1-3-8(a)(12)) except as expressly provided by statute, each person shall perform their responsibilities and duties in accordance with the requirements of the Indiana election code (IC 3). Except to the extent required to comply with a legally binding order, the June 2, 2020 primary election shall be conducted strictly in accordance with the provisions of the Indiana Election Code (IC 3), other relevant statutes concerning elections (IC 6-1.1 and IC 20), and any vote center plan adopted by a county.

SECTION 6. Notwithstanding any contrary provision in IC 3-11-4 or IC 3-11-10 including IC 3-11-10-26, IC 3-11-10-26.2 or IC 3-11-10-26.3 or any vote center plan adopted under IC 3-11-18.1, a voter may cast an absentee ballot before the June 2, 2020 primary at the office of the circuit court clerk, satellite office or vote center only during the following period: Beginning Tuesday, May 26, 2020, and ending at noon (prevailing local time), Monday June 1, 2020.

SECTION 7.
A. Notwithstanding any provision in IC 3-11.5, a county election board by unanimous vote of its entire membership, may adopt a resolution permitting the central counting of absentee ballots to take place at more than one (1) location, not to exceed one (1) location for every fifty thousand (50,000) active voters as of the May 4, 2020 statewide voter registration deadline. For a county that has fewer than fifty thousand (50,000) active voters as of May 4, 2020, not more than three (3) absentee central count locations may be established. However, an absentee ballot central count location established under this resolution may not perform its functions unless two (2) appointed members of the county election board or county board of elections and registration, affiliated with opposite major political parties, are present at all times during the counting or represented by a proxy appointed under IC 3-6-5.5, IC 3-6-5.2, IC 3-6-5.4, or IC 3-6-5.6.

B. Section 6A of 2020-37 is rescinded and replaced by the following: An absentee by mail application that was submitted on or after December 2, 2019, and not later than 11:59 p.m. Thursday, May 21, 2020, on which the voter did not indicate a qualification under IC 3-11-10-24(a) shall be accepted by a county election board if otherwise in accordance with the requirements of Indiana law. If the
application was rejected prior to this date due to the lack of stated qualification to vote by mail, it shall be accepted if otherwise in compliance with Indiana law.

SECTION 8.
A. In a vote center county, the location of a vote center used on election day may only be changed in accordance with IC 3-11-18.1, after giving the best possible notice to all voters of the county and by filing the necessary change to the vote center plan with the election division.

B. Section 13A of 2020-37 is rescinded and replaced by the following: Notwithstanding IC 3-11-18.1-6, a vote center plan of a county where the total number of active voters in the county equals at least twenty-five thousand (25,000) as of the May 4, 2020 voter registration deadline may be amended, by unanimous vote of the entire membership of the board, to provide for the following only for the election postponed by SECTION 1 of this Order:

1. At least one (1) vote center for each twenty five thousand (25,000) active voters.
2. In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of twenty five thousand (25,000) active voters.

C. In a precinct based county, the location of a polling place for a precinct used on election day may only be changed in accordance with IC 3-11-8-3.2, after giving the best possible notice to all voters of the county and by filing a written notice with the election division. County election boards in a precinct based county may unanimously agree to locate the polls for a precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct pursuant to IC 3-11-8-4.3. By the unanimous vote of the entire membership of the county election board or board of elections and registration a non-vote center county can establish additional absentee early in person voting locations.

SECTION 9
The county election board may notify a voter that the voter’s absentee ballot application or absentee ballot security envelope is defective to allow for the voter to cure the issue under current Indiana law. The Indiana Election Commission advises the uniform and non-discriminatory application of such a policy.

SECTION 10.
A. The Commission shall hold a public hearing on April 22, 2020 at 10:00 a.m. Eastern Time, to consider the methods and procedures necessary to implement a vote by mail election for the primary election that has been postponed by SECTION 1 of Order 2020-37 should the public health disaster emergency necessitate such a change in election procedures.

B. At this hearing, the Commission shall also address the timely certification of elected state convention delegates and the presidential primary preference vote to each of the major political parties so that both parties may hold their state conventions. The Commission shall also consider any other statutes that would need to be addressed as a result of the postponed primary to allow the major political parties to hold their state convention.

The Commission shall hold at least one (1) meeting in the month of May 2020, but before May 24, 2020, to consider the extension of orders IEC 2020-37 and IEC 2020-40.

SECTION 11. This Order is effective immediately.

ADOPTED THIS 17th DAY OF APRIL, 2020 BY THE INDIANA ELECTION COMMISSION:
COVID-19 Guidance for Elections Personnel

Best practices and information collected from the CDC and other federal and state government agencies
Compiled by the Indiana Election Division
General Good Hygiene Practices

- Lather hands with soap for 20 seconds, scrubbing all hand surfaces including back of hand, backs of fingers, in between fingers, and side of palm opposite thumb. Rinse for 10 seconds in warm water.

- Cough into your elbow, a sleeve, or a tissue/handkerchief
  - Wash hands after coughing or blowing your nose

- Clean/disinfect all frequently touched surfaces on a regular schedule
  - At least once per day
  - EPA approved disinfectants:
    - [https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2](https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2)

- Make sure bathrooms have plenty of supplies (soap, paper towels, etc.)

- Use hand sanitizer that contains at least 60% alcohol when hand washing is not possible

Resources:
- [https://www.cdc.gov/handwashing/when-how-handwashing.html](https://www.cdc.gov/handwashing/when-how-handwashing.html)

Masks, Face Coverings, and Face Shields

- Use cloth face coverings or face masks when in public areas (polling location, ABS central count location, etc.) or when working in the same area as other people

- Do not touch the mask or your face while wearing
  - Continue to maintain 6 feet of distance between yourself and others

- If no masks are available, a cloth face covering may be used
  - Cloth face coverings should:
    - Fit snugly
    - Have ear loops or ties to go around head
    - Have at least 2 layers of fabric
    - Not restrict breathing
    - Be washable and able to be dried in a machine without damage
    - Be washed in between uses
    - Be tightly woven cotton, if at all possible
Face shields may be used with cloth face coverings but are not necessary for use with masks: https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/face-masks.html

Removing Face Masks
- Remove masks without touching the front of the mask
- Grasp the elastic over the ears or the ties behind the head
- Use elastic or ties to remove the mask

Resources:

Using Personal Protective Equipment (PPE)

Putting On
- Put on mask first; adjust to fit snugly over nose and around mouth
- If using goggles or a face shield, put on and adjust to fit comfortably
- Put on gloves after all other PPE, as you would normally put on gloves

Removing Gloves
- Remove gloves by grasping palm of one glove in other hand and pulling off, then balling up in that hand.
- Slip the fingers of the now-ungloved hand into the glove on the other hand at the wrist.
- Pull off glove from the wrist, allowing it to turn inside out so that contaminated surfaces cannot be touched.
- Dispose of gloves in trash.
  - If your hands touch the outside of the gloves, wash your hands before proceeding.

Removing Goggles or Face Shield
- Remove by lifting ear pieces or band at back of head.
- If reusable, set in a designated area to be cleaned.
- If your hands touch the front of the goggles or face shield, wash your hands before proceeding.

Removing Face Masks or Cloth Face Coverings
- Remove mask over trash, by grasping ties or elastic around ears.
- Avoid touching front of mask.
- Move mask slowly and place in trash immediately to avoid scattering germs in air.
Wash hands immediately and thoroughly after removing all PPE

Election Specific Tasks

ABS-Mail: Special Handling Procedures for COVID 19

Create a hand-washing regimen for your employees.

- Ensure employees have access to wash stations and are washing their hands for at least 20-seconds using hand soap and are doing so at regular intervals.
- Provide hand sanitizer with at least 60% alcohol in its base to employees for use when washing hands may not always be an option.
- Post “how-to” hand washing flyers at hand washing stations (see appendix).
- Contact your voting systems vendor to determine what, if any, impact there may be handling optical scan ballot cards if hands are wet from hand-washing or using hand sanitizer.

Use gloves, letter openers, or finger cots to open and process mail, when possible. Good hand and face hygiene are still crucial, however!

Avoid touching your face at all times when processing mail. Alternatively, counties may provide face masks to staff who open and process mail.

Cover coughs and sneezes, and immediately dispose of tissue and wash hands following best practices guidelines.

Ask the public not to lick envelopes to avoid the transmission of an illness, out of an abundance of caution. However, paper and licked envelopes are not high-risk transmission vectors.

When possible, purchase outer and inner security envelopes with self-stick adhesive or use a wet sponge (or equivalent) when sealing envelopes to mail absentee ballot and materials to voters.

No additional precautions are currently recommended by the CDC for storage of ballots

Resources:

(scroll to the bottom of the page)

ABS-Travel Board: Special Considerations for COVID 19

IEC Order 2020-37 set forth special procedures to better assist individuals who are not able to personally mark their own ballot and need assistance from bi-partisan absentee voter board teams, including:
- Allowing staff in in-patient or rehab health facilities to assist voters within their care, providing that two staff are present when assisting the voter or completing the voter’s ballot at their request, and the ballot is delivered and returned by a bi-partisan team or other delivery method approved by the county election board;
- Allowing bi-partisan absentee voter board teams to assist voters who request travel board support to tele- or video-conference with the voter;
- Expanding the definition of a voter with disability to include individuals who are temporarily unable to leave their home due to concerns of COVID-19 so that a travel board team can stand outside of a door or other screen to communicate with a voter inside their home or health care facility, and sign the voter’s name to the security envelope and mark the proper box on the affidavit found on the absentee security envelope.

Ensure absentee voter boards have cloth face masks, gloves or finger cots, hand sanitizer, and wipes to disinfect materials that may come in contact with the voter.

Avoid touching face, even when using gloves or finger cots

Schedule mutually agreeable appointments that allow for absentee voter boards to follow proper hygiene protocols

- Allow for time in the travel board team’s schedule for restroom breaks to follow proper hand washing procedures

If using a direct record electronic voting system, ensure the voting system and any peripheral is disinfected as recommended by the voting system vendor

- Use a stylus or other device to press buttons; more information found in the voting system section of this document

**ABS Central Count on Election Day: Special Considerations for COVID 19**

Ensure county has washrooms available for staff and members of the public, and those washrooms are stocked with plenty of hand soap and towels to dry hands.

Instruct central count teams (and members of the public that may be present) to:

- follow a strict hand-washing regimen,
- avoid touching their face,
- cough or sneeze into tissue or arm and immediately through tissue away and wash hands,
- use a cloth face covering (unless health officials have discouraged the practice at the time of the event), and
- follow procedures to remove and discard any additional PPE used.

If possible, provide gloves or finger cots to central count team members when handling absentee balloting materials

Sanitize surfaces on regular intervals.
Sanitize voting systems that may be used during central count, following recommendations from voting system vendors

Ensure proper social distancing between central count teams

- For example, use a 6’ table and place individuals at the head of each table and pass materials back and forth when following absentee review procedures

Post information about proper hand-washing protocols at hand washing stations

If necessary, mark 6’ intervals in any area that may require individuals to line up to gather or return materials

In-Person Voting: Special Considerations for COVID 19

General Guidelines:

- Ensure poll workers and voters have access to hand-washing stations
  - Poll workers should follow strict hand washing regimen and avoid touching face.
- Sanitize surfaces often using disinfectants recommended by the EPA or local health officials.
- Sanitize voting systems using procedures recommended by your voting system vendor
- When possible, poll workers and voters should use gloves or finger cots.
  - Confirm with your voting system vendor if voters or poll workers can interact with voting equipment or ePollbooks with gloves or finger cots on.
  - Always wash hands after removing gloves or finger cots.
- Whether a poll worker or voter using gloves or finger cots, avoid touching your face
- Cloth face coverings are currently encouraged by public health officials. Consult with current Center for Disease Control or state/local health department guidelines to determine if using face masks continue to be encouraged.

Pre-Planning for In Person Voting:

- Evaluate your in-person absentee and Election Day polling locations and relocate those sites that may be at a location where vulnerable populations might interact with voters, such as a nursing home or senior center.
- Poll workers will also need to keep their distance away from voters and each other. Counties may need to secure additional resources like tables or privacy screens to ensure proper protocols.
- Voting stations should be placed at least 3’ from each other, if possible, and privacy screens used when practicable.
- Election materials are often placed in large envelopes. If possible, consider purchasing self-adhesive envelopes. Alternatively, some items may be able to be stored in “Ziploc”-like bags and sealed with a labeled initialed by a bi-partisan team.
- Determine how many bathroom/washroom facilities are available to poll workers and voters. If necessary, consider renting portable wash stations for election day.
• Consider how notice can be posted to ensure proper suggested social distancing requirements. For example, a person’s arm to nose is about 3’, generally, so suggest voters queue up and stand at a distance at least one full arm’s length away.

Voting System Use & Disinfecting:
• All voting systems and ePollbooks should be cleaned and sanitized according to the voting system vendor’s requirements.
• If possible, use a stylus for the voter to press buttons on a DRE machine or ballot marking device. Talk to your voting system vendor about which styluses are recommended and if an alternative, like using the eraser end of a wooden pencil that the voter could keep, would work. Alternatively, finger cots may be a solution for absentee voter board members, staff, and voters to use to touch a voting screen, button, or ePollbook. Please check with your vendor to confirm a prophylactic like the finger cot is compatible for use with your system or for voters to sign their name.
• Sanitize a stylus used for DRE, ballot marking devices, or ePollbook as recommended by your voting system vendor. The stylus should be cleaned between uses unless there is a disposable sanitary option to place around it and disposed once a voter is done with it.
• For optical scan ballot cards and absentee applications, purchase extra ink pens and ask the voter to hold onto their pen for the duration of the visit and either take it with them as they leave or determine the best way to sanitize the item (or dispose of or recycle it).
• If possible, wipe down surfaces between each person who has contact with those surfaces
  o With ePollbooks, could have single use styluses or clean the styluses between each use
  o Eliminates need for people to touch ePollbooks directly and thus reduces need to wipe
ePollbooks with cleaners
• When possible, purchase envelopes with self-stick adhesive or use a wet sponge (or equivalent) when sealing envelopes to secure voted absentee ballots.

Poll Workers & Training:
• Recruit workers from lower risk populations (under 60, low risk based on medical condition, etc.)
• If anyone is sick or feels sick, please ask them to contact the county election board team immediately.
  o On Election Day, it is particularly important to have people call well in advance of the
    “arrive at 5:00 AM” so that the CEB can triage the situation.
  o Identify back-up poll workers and have them on-site with the election board to dispatch on
    election day, if possible.
• Set a schedule for in-person absentee and Election Day poll workers to take breaks to regularly
  wash their hands for at least 20-seconds using hand soap and thoroughly dry them.
  • If possible, make hand sanitizer available to everyone.
• Counties are encouraged to contact their voting systems vendor to determine what, if any, impact there may be handling optical scan ballot cards if hands are wet from hand-washing or using hand sanitizer.
  • Determine best way to conduct poll worker training.
    • If training sessions are generally conducted in large groups, please consider offering multiple training sessions to keep group numbers to a minimum.
    • Virtual training classes may be a possibility depending on the work assignments.
      ▪ There are several free online conference options available, if your county does not currently subscribe to such a service, and many are compatible with a smartphone if a computer is not available to the worker.
      ▪ While not all workers will have a computer or internet access, a virtual training class may be helpful in some circumstances.
  • Consider developing material packets that can be mailed to workers ahead of their scheduled start date might also be necessary, if in-person or virtual training is not possible.
• Educate workers on need for good hygiene practices, use of personal protective equipment (PPE)
• Emphasize a person should not work if they feel ill or have a temperature.

**Line & Site Management:**
• Manage lines so there are 6 feet between people
  • Consider using visual aids such as cones or painter’s tape indoors
  • Outside, duct tape or sidewalk chalk could also be used
• Limit the number of people inside the voting location at a time
  • May limit based on the number of square feet in the location – 15 square feet per voter allows for 7.5 feet on each side of the voter, for instance
  • If the location has 225 square feet, 15 square feet per person would allow for 15 people to be inside at a time
    ▪ Can then use a one person in, one person out approach to maintain limit
• If possible, consider setting up a one-way flow with one door as an entrance and one door as an exit
  • If not possible, ensure that the first spot in the line outside the door is 6 feet from the door so that voters can exit while maintaining a safe distance from others
• Set up equipment to allow enough distance between people
  • At least 6 feet between pollbooks or ePollbooks
  • At least 6 feet between voting machines or voting booths, using a privacy screen
  • At least 6 feet between optical scan ballot tabulators
• Manage interactions to maintain distance between workers and public
- If voters and workers both must handle something, ask workers to step back 6 feet while voters are handling it, and ask voter to step back before worker approaches again.

- Place hand sanitizer at strategic locations for public to use before reaching workers.

- Place posters with CDC guidance around polling place – LINK: https://www.cdc.gov/coronavirus/2019-ncov/communication/factsheets.html

- Social Distancing Recommendations
  - Limit nonessential visitors. For example, poll workers should be encouraged not to bring children, grandchildren, etc. with them as they work the polls.
  - Remind voters upon arrival to try to leave space between themselves and others. Encourage voters to stay 6 feet apart if feasible. Polling places may provide signs to help voters and workers remember this.
  - Discourage voters and workers from greeting others with physical contact (e.g., handshakes). Include this reminder on signs about social distancing.

Resources:

Indiana State Department of Health: https://coronavirus.in.gov/files/IN_COVID-19_ElectionPollingStations03.20.20.pdf
Election Equipment Disinfectant Procedures

Surfaces should be sanitized frequently, preferably between each voter during in-person absentee or Election Day voting.

Voting systems should be disinfected as recommended by county’s voting system vendor. Please see Appendix for information gathered by VSTOP.

Additional Links

CDC, Cleaning and Disinfecting Your Facility

CDC, Interim Guidance for Businesses and Employers

CDC, Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19

CDC, How to Protect Yourself and Others

CDC, Handwashing Guidelines
https://www.cdc.gov/handwashing/when-how-handwashing.html

CDC recommendations for polling locations, election staff, poll workers, and absentee workers

EAC guidance including cleaning guidelines from major election equipment vendors

Indiana State Department of Health recommendations for poll locations and workers

The federal government’s main page for COVID-19 facts and information
https://coronavirus.gov

CDC, What You Need to Know

CDC, Mitigating Community Spread

FEMA COVID-19 Resources
https://www.fema.gov/coronavirus

FDA Action Page, including status of procuring more Personal Protective Equipment (PPE)

Department of Labor and OSHA Workplace Safety
https://www.dol.gov/coronavirus

Department of Labor COVID-19 Employee rights and requirements
https://www.dol.gov/agencies/whd/pandemic

EPA, Disinfectants for Use Against COVID-19
https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2

OSHA Publications
https://www.osha.gov/pls/publications/publication.html

CDC, DIY Cloth Face Coverings

CDC, Cloth Face Covering FAQs

CDC, PPE Strategy for Health Care Professionals

CDC COVID-19 Factsheets and Posters