The Road Ahead

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- Campaign Finance
- Election Day
- Post Primary
- Candidates
- Voter Registration
2020 Election Issues for First-Timers and Veteran Administrators

Brad King, Co-Director
Indiana Election Division
March 2020 Clerks' Association District Meeting
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**Care and Feeding of Candidates**

- Don't assume new candidates know the process.
- Offer advice about election procedures but not legal advice. You are not their attorney.
- If you do for one, do for all.
- Make IED brochures and your own info widely available on website and your office counter.
Bad Things Happen

- Residence questions
  - Candidate who move after withdraw deadline can still withdraw.
  - Special procedure if candidate refuses to withdraw. (IC 3-8-2-23)
- Felony conviction
  - Lifetime ban even if pled down to misdemeanor. (IC 3-8-1-5)
- Expungement
- Hatch Act
  - Does not apply to many candidates
- Code of Judicial Conduct
Death

- Deceased candidate not printed on ballot (IC 3-11-3-29.3) after finding by CEB or notice from IED.
- In the PRIMARY, the ballot is not reprinted if the county has printed its ABS ballots.
- Reprinting is required for the GENERAL.
- If deceased candidate win the PRIMARY, candidate vacancy occurs. (IC 3-8-7-1)
Name Change

- CEB is not required to reprint ballots if candidate changes legal name, but may do so. (IC 3-11-3-29)
  - Example - marriage, divorce, adoption, or other personal reasons.
Oops

Ballot Mistakes
- Names of candidates or offices omitted
- Names of candidates misspelled
- Incorrect instructions
- Voter given the wrong ballot style

How to Prevent Ballot Mistakes
- The more eyes the better; sleep on it
- CEB member and county chair review
- Expanded candidate receipt (CAN-5)

How to Correct Ballot Mistakes (IC 3-11-2-16)
- Harmless error? Notify CEB and candidate
- CEB public hearing
- Written objection filed?
- Voter who cast defective ballot may receive a replacement ballot (ABS-5)
- Notice to voters not required, but often given by CEB
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Voter Registration

- Voter Eligibility
- Processing Applications
- Voter List Maintenance
- Fail Safe Procedures
- Public Records
Voter Eligibility

Indiana Constitution Article 2 Section 2
• 18 years of age (by Nov. 3, 2020)
• US citizen (not Green Card holder)
• Reside in precinct for at least 30 days before the election
• Not imprisoned following conviction of a crime (felony or misdemeanor)

Party Affiliation in Primary
• No registration by party in Indiana
• Voter can be challenged after requesting Party A ballot (IC 3-10-1-9) (PRE-6)
Processing Applications

- Incomplete application (VR Guidebook p. 12, 24-26.)
- Additional residence documentation - not the same as photo ID, but photo ID can be used if the address matches (VR Guidebook p. 16-19)
- Voter registration drives (VR Guidebook p. 20-21)
- Receipt ok by paper or online, but not fax or email (IC 3-5-4-1.7) except UOCAVA
- Deadline: remember postmark and agency rules (VR Guidebook p. 31-32) IC 3-7-33
- "Pending" status (VR Guidebook p. 2)
**Voter List Maintenance**

The Freeze is on!
- February 5, 2020 - May 5, 2020
- During the 90 day period, you can
  - Update
  - Transfer using VRG 4/12, absentee in same precinct
  - Cancel
- During the 90 day period you CANNOT
  - inactivate a voter registration record
Fail Safe Procedures

- Mistake by county: certificate of error
- Voter affirmation of continued residence
- Timely registration receipt from agency
- Residence change in same precinct
- VRG 4/12 form residence change within the same county AND same congressional district.
  - Return to former precinct polls one last time to vote.
- Presidential Only ballot (VRG - 15)
  - Moved out of Indiana, less than 30 days before November 3, 2020.
    - Not used in Primary
Public Records

- May 2020 Primary vote history must be posted in SVRS by July 6, 2020 (IC 3-10-1-31.2)
- Original paper voter registration records are available to public for inspection and copying (IC 5-14-3)
- However, CEB must adopt non-discriminatory policy regarding making electronic copies of full county file (not the reports generated in SVRS) and if so at what fee (IC 3-7-27-6)
  - IED has templates available
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Reporting Requirements

CFA - 4 Report Due From Primary Candidates
• Noon local time April 17, 2020
• Even if candidate unopposed
• Even if candidate “only has zeros”
• Even if candidate only spent own money

CFA -11 Large Contribution
• $1,000 or more received after April 17, 2020
• Reported not later than 48 hours after receipt
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ELECTION DAY

- New Requirement: report number of voters in line at vote center or polling place
  - At 6 a.m.
  - At 12:30 p.m.
  - At 6 p.m.
- Use PRE-1 precinct oath book (IC 3-11-8-9)
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Canvass Votes
- Candidate vacancy if dead candidate wins or tie vote (IC 3-13-1-17)
- Provisional ballots (noon, May 15, 2020) to decide whether to count
- When results complete, submit "FINAL" in SVRS
- Hope no recounts or contests
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