



# Election Division Dispatch

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## NEWS & UPDATES

### Commissions for Constitutional Officeholders

A reminder that constitutional officeholders (sheriff, surveyor, treasurer, auditor, clerk, coroner, prosecuting attorney, judge, recorder) receive a Commission from the governor along with a copy of an oath of office. There is no certificate of election for the county clerk to issue, as a result. Commissions will be in the mail to the home address of the candidate by mid-December. If you are alerted to an issue with the Commission, please ask the officeholder to send an email to [elections@iec.in.gov](mailto:elections@iec.in.gov) for IED to resolve the matter.

Additionally, the oath of office included with the Commission or with the certificate of election is provided as a courtesy. While most oaths are filed with the county clerk not later than Jan. 31, 2023, a clerk would not reject an oath that is not on the state form. It is acceptable for an individual to transcribe an oath on letterhead, for example, if the person swearing in the officeholder wants a more formal document.

### Redistricting Ordinances Filing Reminders

Cities and towns (and other jurisdictions that did not redistrict in 2022) have until December 31, 2022, to pass an ordinance describing their new election districts OR to recertify their existing districts. Copies of the ordinances to redistrict or recertify city or town elections districts must be filed not later than 30-days after adoption. An ordinance adopted on the very last day—December 31, 2022—would need to be filed with the county clerk by January 30, 2023. NOTE: Some small towns may have previously adopted an ordinance to abolish town council districts and elect all members at large, and then filed that ordinance with you. Unless the town chooses to adopt new districts, no further action is needed by that town to keep its ordinance to abolish districts in effect.

Ideally, the cities and towns will file those ordinances ahead of candidate filing, which opens on January 4, 2023. County election administrators are encouraged to reach out to municipalities to gather the information you need to update precinct keys within SVRS with those new districts to ensure smooth candidate filing for the May primary election.

### 2023 Forms, Guidebooks & Manuals

Nearly all forms used for 2023 are now updated and available on the INSVRS County Portal (word and .pdf versions) or online at [in.gov/sos/elections](http://in.gov/sos/elections) in fillable .pdf format only. The ABS form series are updated as well for 2023.

IED has completed its updates to our manuals and guidebooks for 2023, including the special “Small” Town Guidebook. You can find those materials online at [in.gov/sos/elections](http://in.gov/sos/elections) under the “Election Administrator’s Portal.” Physical copies will be provided to registrants of the December conference along with supplements to the 2022 Code Book. Additional copies can be purchased at the conference, too.

## CALENDAR

- Dec. 1, 2022: Voter registration re-opens
- Dec. 1, 2022: First day a voter can file an ABS app for May 2023 primary (NOTE: Ongoing ABS applications for FPCA, ABS-VPD expire on 12/31/22 for current year)
- Dec. 12-14, 2022: Election Administrator’s Conference
- Dec. 16, 2022: CEB-9, Section II due
- Dec. 23, 2022: Washington’s Birthday (observed) (IED Closed)
- Dec. 26, 2022: Christmas Day (observed) (IED Closed)
- Dec. 31, 2022: Campaign finance reporting period ends
- Dec. 31, 2022: Deadline for cities and towns to pass a redistricting ordinance for municipal election districts
- Jan. 1, 2023: First day a voter can file an ABS-VPD application or FPCA for the 2023 election cycle
- Jan. 4, 2023: Candidate filing opens
- Jan. 9, 2023: Indiana General Assembly reconvenes
- Jan. 16, 2023: IED closed (Martin Luther King, Jr. Day)
- Jan. 18, 2023 (NOON): 2022 Annual Report due for all open candidate committees & PACs (NOTE: Regular party committees have until noon, March 1, 2023 to file 2022 annual report)
- Jan. 27, 2023: Deadline for CEB to review its campaign finance records to determine if committees can be administratively dissolved (IC 3-9-1-12)
- Jan. 30, 2023: Deadline to for cities and towns to file its redistricting ordinance with new election district boundaries or to recertify election districts, if ordinance adopted on Dec. 31, 2022
- Jan. 31, 2023: Deadline for oath of office to be filed with county clerk
- Jan. 31, 2023: Deadline for reprecincting order to become effective
- Feb. 3, 2023 (NOON): Candidate Filing closes
- Feb. 10, 2023 (NOON): Candidate withdrawal deadline for May primary (CAN-43)
- Feb. 10, 2023 (NOON): Deadline to challenge a candidate who filed to run in May 2023 primary (CAN-1)
- Feb. 10, 2023 (NOON): Deadline for a candidate running in D/R primary for an office paying more than \$5,000 in a calendar year to open a campaign finance committee (CFA-1)
- Feb. 17, 2023 (NOON): Deadline for a public question to be certified to the CEB for the May primary election
- Mar. 1, 2023 (NOON): Deadline for party committees to file 2022 Annual Report

## DECEMBER WEB TRAINING

Dec. 1 | ABS Training

2023 Calendar is pending review and will be posted to the INSVRS County Portal as soon as possible.

# IN FOCUS: 2023 CANDIDATE FILING

## CANDIDATE QUALIFICATIONS

The red *2023 Candidate Guide* is an invaluable resource for candidates to understand the requirements to run for a specific office. Requirements to run may include, but are not limited to, residency, voter registration status, felony conviction restrictions, and other considerations such as how government employment may impact their ability to assume office and retain their job.

## CITY & "LARGE" TOWN OFFICES

Candidate filing in cities and "large" towns (those with a population of 3,500 or more as of the 2020 census) in 2023 is similar to the process used in 2022. However, form names are different and municipalities pay for their elections.

Democratic and Republican party candidate filing for the 2023 primary election starts Jan. 4, 2023, and ends at noon, Feb. 3, 2023. These candidates file the CAN-42 and CAN-12 with the county clerk. (NOTE: The "two" primary rule to run as a D or R does not apply to candidates running for an office nominated at a "small" town convention. This means a D or R candidate needs to have pulled a D or R ballot in the last primary in Indiana in which the person voted, if seeking a "small" town office nominated at a convention and not a primary election.)

Libertarian candidates in cities and large towns are nominated by convention in order for their candidates to appear on the November ballot. The form used here is the CAN-22 and CAN-12 for local offices in 2023. The deadline to file these forms is noon, July 3, 2023.

Parties can also fill ballot vacancies when no candidate files or a candidate withdraws from

the Nov. ballot, which be covered later.

## "SMALL" TOWN OFFICES

For election purposes, a "small" town has a population of less than 3,500 as of the 2020 decennial census. By default, a "small" town does not hold a May primary election. Instead, the D/R/L candidates are nominated at a town convention held in August if there is a contest within a party for a nomination. The CAN-16 and CAN-12 forms are used for a "small" town D/R/L nominating convention and the filing period is Jan. 4, 2023 to NOON, Aug. 1, 2023.

If there is a contest within the party for a particular office, then the town convention is held for that party and voters at the convention will nominate the candidate who will appear on the November ballot. If there is no contest for an office within that party, then no convention is held and the candidates that filed with appear on the November ballot.

Some town councils in a "small" town will have adopted an ordinance not later than January 1, 2023, for the county election board to conduct a primary election for the D and R parties. If so, then the "small" town follows the primary filing deadlines of Jan. 4, 2023 to noon, Feb. 3, 2023 using the CAN-42 and CAN-12. The Libertarian party will still need to hold convention to nominate their candidates not later than noon, Aug. 1, 2023.

## INDEPENDENT & MINOR PARTY CANDIDATES

An independent or minor party candidate gains ballot access through the petition process (CAN-44) in order for their name to be printed on the ballot. Candidates must collect signatures of registered voters in precincts contained in their election district totaling at least 2% of the

total votes cast amongst all candidates in the 2022 Secretary of State's election.

The CAN-44 may be filed as early as Jan. 4, 2023, and not later than noon, June 30, 2023. The CAN-12 would accompany the CAN-44 petitions, unless the county has a separate Board of Registration (Allen, LaPorte, Madison, Marion, St. Joe, Vanderburgh & Vigo counties only). Please also see note in second question below, if municipality covers more than one county.

The county VR official certifies the individuals are registered voters of the election district. (More info about petition processing is found in the purple *VR Guidebook*. The candidate then files the CAN-45 consent not later than noon, July 17, 2023, to qualify for the ballot. (In those counties with a separate VR Board, the CAN-12 is filed with the CAN-45 along with the certified petitions to the clerk or CEB.)

To be a declared write-in candidate where the person's name is NOT printed on the ballot, a candidate must file the CAN-51 and CAN-12 not earlier than Jan. 4, 2023, and not later than noon, July 3, 2023.

## STATEMENT OF ECONOMIC INTERESTS (CAN-12)

The CAN-12 is required of nearly every person running for a local office in 2023. (Candidates for judge complete the statement of economic interests form available through the Commission on Judicial Qualifications and will need to print out the receipt showing it has been filed to attach to their candidate form.)

The candidate should fill it out looking through the lens of 2022, and this should be the year the candidate includes near the top of the black box where the "20\_\_" appears.

## QUESTIONS OF THE MONTH

### Q. Can the clerk or staff reject a filing because a candidate does not meet the qualifications to run for office?

A. NO! County election administrators are not the candidate police! Candidates must be fully and properly advised before running for office, and their filings are public information. There is a challenge period that ends after candidate filing that will allow a party chair or voter of the election district to file a CAN-1 challenge because a candidate may not meet the qualifications to run for office or may have deficient or incomplete paperwork. The CEB must then hold a hearing, after giving the candidate and complainant notice of the hearing to allow both parties to present their facts and evidence. The CEB will then determine whether the candidate can remain on the ballot. (See separate box in the newsletter about the four reasons in state law to reject a candidate filing for more information.)

### Q. Where does a candidate file when a municipality's boundaries cover more than one county?

A. For most candidate filings like the CAN-42 and CAN-12, the candidate will file the form with the clerk in the county with the largest percentage of the population of the election district, if the election district covers more than one county. BUT, for the CAN-44 petitions used by independent and minor party candidates to have their name printed on the ballot, the candidate will file the petition with the county where the individuals signing the petition are registered to vote for that specific county VR official to review and certify those voters registered in their county only. The candidate would then collect and file the certified petitions along with the CAN-45 consent and CAN-12 statement of economic interests not later than noon, July 17, 2023 with the county clerk with the largest percentage of the population of the election district. (IC 3-8-6-10)

## VR CORNER

### Voter Registration Record Retention

IC 3-10-1-31.1(f) requires a county VR official to maintain a voter's paper registration document until such a time the person's registration is cancelled at their registration address.

If at any point the voter moves within or out of your jurisdiction and cancels their registration (or is cancelled through by following proper VLM procedures), paper VR forms corresponding to the cancelled registration address must be 1) scanned in to SVRS, if the records are not already; and 2) retained for at least 24-months following the next general election. After this 24-month period, the county may destroy the paper document by following the proper protocols.

For example, Robert moves within Starke County from Main Street to First Avenue, and submits the update on a paper VRG-7 form on January 10, 2023. Starke County must scan the paper form with the First Avenue address into SVRS. If there is a paper record for his previous address on Main Street, the county must also make sure it is scanned and in the voter's document section of SVRS. However, the paper form with the Main Street address becomes eligible for destruction on or after November 5, 2026, or 24-months after the November 5, 2024, general election.

Paper VR documents include, but are not limited to the VRG-7, VRG-11, federal VR form, Statewide Address Mailing Confirmation (SAMC) notice, and VRG-6 forms submitted by full-service agencies. There is no requirement to print online voter registration forms or electronic submissions from the BMV. However, if your county creates a paper record for the electronic submission, meaning you have printed the online registration form, then you must follow the retention schedule as noted above for the printed copy of the electronic record.

## CAMPAIGN FINANCE REMINDERS

### 2022 Annual Report

ALL candidate and political action committees must file their 2022 Annual Report with the county clerk (or, if applicable, the Indiana Election Division) not later than noon, January 18, 2023. If a candidate was not on the ballot in 2022, then the reporting period is January 1, 2022 (or whenever the committee was opened) through December 31, 2022. For PACs and candidates on the ballot in November, the reporting period for the annual report is October 15, 2022 through December 31, 2022.

ALL regular party committees have until noon, March 1, 2023, to file their 2022 annual report. Party committees have an extended deadline to make this specific candidate filings.

### 2023 Candidates Filing in the D/R May Primary

If an elected office pays \$5,000 or more in a calendar year, then a candidate must open a candidate's committee by filing a CFA-1:

- 1) not later than noon, ten days after raising or spending more than \$100 toward running for office; or
- 2) after filing a declaration of candidacy or consent (for example, CAN-42) or consent (for example, CAN-45), not later than noon, ten days after filing the form or not later than noon, seven days after the filing deadline, whichever comes sooner.

As an example, Joan files for mayor on January 9, and the office pays more than \$5,000 a year. She needs to file the CFA-1 no later than noon, ten days after January 9 to comply with state law. Michael files for mayor on February 3, which is the candidate filing deadline. He has to file his committee's CFA-1 no later than noon, seven days later or Friday, February 10, 2023.

If an elected office pays less than \$5,000 a calendar year, then the candidate files a CFA-1 no later than noon, ten days after raising or spending more than \$500 toward running for office. For example, Martin files to run for dogcatcher on January 10, 2023, an office paying \$3,000 a year. He spends \$750 on t-shirts on June 1. He has to file a CFA-1 no later than noon, ten days after the June 1st expenditure.

## LIMITS ON REJECTING CANDIDATE FILINGS

The blue *Election Administrator's Manual* covers this in more detail, but in short, there are four reasons to for a candidate filing to be rejected:

- 1) Candidate running for state office (federal, statewide, state legislative, judge, prosecuting attorney) presents candidate filing incorrectly to county (Doesn't apply in 2023). (IC 3-5-4-1.2)
- 2) Form presented for filing after the noon, prevailing local time of candidate filing deadline. (IC 3-5-4-1.9)
- 3) Filing made on a form NOT approved by the state. (IC 3-5-4-8)
- 4) Declaration of candidacy is not accompanied by the required statement of economic interest (IC 3-8-2-11; IC 3-8-9-6)

However, if the forms are filed with the office and an error discovered, the filings cannot be rejected after the fact. It would require a CAN-1 challenge to be filed by a party chair or voter within the election district. Remember, clerks & their staff are NOT the candidate police! Questions concerning a candidate's qualifications are managed through the CAN-1 challenge procedures.