



# Election Division Dispatch

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## NEWS & UPDATES

### Don't Forget the CAN-5!

When a candidate files to run for office, counties must hand-deliver or mail the CAN-5 (Candidacy Filing Confirmation for 2024) not later than one day after receiving the candidate's filing. You can use the form found on the INSVRS County Portal or use SVRS to generate the document after creating the candidate's profile in the system. Questions? Contact the Help Desk or visit the online training portal for a step-by-step guide.

### 2023 Annual Report

ALL open candidate and political action committees are required to file a 2023 Annual Report not later than noon, January 17, 2024. Regular party committees are the exception to this deadline; these committees have until noon, March 1, 2024, to file the annual report.

### Administrative Disbanding of Committees

Not later than January 26, 2024, the CEB must review its campaign finance records to determine if a committee is subject to the administrative dissolution procedure. To move forward with dissolution, the committee must have not filed any CFA-4 or CFA-11 during the previous three calendar years AND the cash on hand on their last filed report is \$1,000 or less. If both conditions are met, then the CEB may move forward with the process found in IC 3-9-1-12, including providing notice by certified mail to the treasurer and making additional findings by the CEB.

### Accessible Elections Resources

The US Election Assistance Commission recently released an on-demand training series on making elections more accessible to voters with disabilities. The videos are now available on the EAC's YouTube Channel. More resources, including a link to their training videos, can be found at [eac.gov/voting-accessibility](https://eac.gov/voting-accessibility).

To that end, stay tuned for more information related to the OmniBallot Portal, the online ballot marking device for voters with print disabilities. 2024 will be the first full statewide implementation of the tool.

## CALENDAR

- January 1, 2024:** First day FPCA/ABS-VPD/ABS-AG requests for 2024 can be filed
- Jan. 9, 2024:** Indiana General Assembly reconvenes
- Jan. 10, 2024:** Candidate filing opens
- Jan. 15, 2024:** IED closed (Martin Luther King, Jr. Day)
- Jan. 17, 2024 (NOON):** 2023 Annual Report due for all open candidate committees & PACs (NOTE: Regular party committees have until noon, March 1, 2024 to file 2023 annual report)
- Jan. 26, 2024:** Deadline for CEB to review its campaign finance records to determine if committees can be administratively dissolved (IC 3-9-1-12)
- Jan. 30, 2024 (NOON):** Deadline for CAN-8 (D/R US President) petition to be filed with COUNTY for certification of signatures
- Jan. 31, 2024:** Deadline for oath of office from 2023 candidates to be filed with county clerk
- Feb. 6, 2024 (NOON):** Deadline for CAN-4 (D/R US Senate) and CAN-25 (D/R Governor) petitions to be filed with COUNTY for certification of signatures
- Feb. 7, 2024:** Last day for county VR officials to complete VLM activities before "freeze" period begins on Feb. 8, 2024
- Feb. 9, 2024 (NOON):** Candidate Filing closes
- Feb. 16, 2024 (NOON):** Candidate withdrawal deadline for May primary (CAN-10) for all candidates but US President
- Feb. 16, 2024 (NOON):** Deadline to challenge a candidate who filed to run in May 2024 primary (CAN-1)
- Feb. 16, 2024 (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. 20, 2024 (NOON):** Deadline for county VR official to file VRG-21 with IED
- Feb. 22, 2024 (NOON):** Deadline for D/R candidate for US President to withdraw from the primary election (CAN-10)
- Feb. 23, 2024 (NOON):** Deadline for a public question to be certified to the CEB for the May primary election
- Mar. 1, 2024 (NOON):** Deadline for party committees to file 2023 Annual Report

## JANUARY WEB TRAINING

- Jan 2 & 4 |** How to Access the County Portal
- Jan 9 & 11 |** Petitions Overview
- Jan 16 & 18 |** Processing VR Records Overview
- Jan 23 & 25 |** New User Overview
- Jan 30 & Feb 1 |** January Build Overview Placeholder

2024 Calendar is posted to the INSVRS County Portal but is subject to revision.

## IN FOCUS: AUTHORIZED VOTING METHODS

Indiana state law authorizes a county election board to determine how ballots are to be cast in their county: using a direct record electronic voting system (DRE) or an optical scan voting system or traditional hand-counted paper ballots (or a combination of those methods.) However, the DRE or opScan voting systems must be certified by the Indiana Election Commission to be selected for use in a county.

For example, counties using the MicroVote system use the DRE, generally, for all in-person voting but use an optical scan paper ballot card for absentee by mail voting, for example. Those counties may also have hand-counted paper ballots used for provisional ballots.

In counties using ES&S, Hart, or Unisyn optical scan voting systems, only one voting method (optical scan ballot cards) is likely being used (the ballot marking device is not a DRE since it does not store votes on the equipment).

Often, the term “paper ballot” is used as a generic catch-all term. **However, Indiana state law makes a distinction between a “ballot card” and “paper ballot.”** Ballot cards, while on paper, are only used with optical scan voting systems to be tabulated by the voting equipment.

On the other hand, paper ballots are traditional, hand-counted ballots that are not used with an optical scan voting system. Counties using an optical scan voting system also could not use their elec-

tion management software to create their hand-counted paper ballot as the ballot layout standards for hand-counted paper ballot are different than ballot cards and the optical scan voting system would not be used to tabulate votes.

IC 3-12-2, generally, directs counties how to count paper ballots should the county election board opt to use hand-counted paper ballot cards. The procedures under IC 3-12-2 ARE NOT the procedures for counting a ballot card used with an optical scan voting system.

The canvassing and tabulation procedures for an optical scan voting systems are covered under IC 3-12-3, generally. (And for DRE systems, under IC 3-12-3.5)

The ballot layout requirements for hand counted paper ballots can be found in IC 3-11-2, for optical scan ballot cards in IC 3-11-13, and DRE systems in IC 3-11-14. In addition when using optical scan ballot cards or a DRE system, there are specific requirements for the delivery or return of those voting systems’ equipment. The delivery of both OPSCAN and DRE equipment to the polls can be found in IC 3-11-3-10. Returning OPSCAN equipment from the polls to the CEB can be found in IC 3-12-3-2.2. For DRE systems, see IC 3-12-3.5-4.5

If traditional hand counted paper ballots are used, then a ballot box must be provided at the polls. Procedures on using and returning the ballot box can be found in IC 3-11-11 and IC 3-12-2.

## Upcoming VLM Projects

County voter registration officials will have access to at least two pieces of information from other county officials to assist with voter list maintenance at the end of January.

At minimum, the county sheriff must file on a quarterly basis a list of each Indiana resident who has been convicted of a crime and placed in a county correctional facility during the previous quarter. The first list for 2024 is due to the county VR official not later than January 31, 2024. The VRG-1 cover sheet is to be attached to any list provided to the county from the sheriff’s office.

Using the sheriff’s list, the county VR official is to move a person’s registration status to “cancelled” if the person is currently imprisoned following conviction of a crime. If the individual is no longer imprisoned, then the person’s registration is not to be moved to “cancelled” status. (IC 3-7-46-6; IC 3-7-46-1)

Additionally, the local health department files a copy of death records with the county Auditor pursuant to IC 16-37-3-9(d). Counties may request this list from the auditor and use it to move a registered voter’s status to “cancelled” as the individual is certified as deceased. (IC 3-7-45-2.1(d); IC 3-7-45-1)

Later this spring counties will be hearing from IED about a project using data from the U.S. Northern and Southern District Courts. Stay tuned!

### Voting Systems & ePB Inventory Due Jan. 31!

Each year county election boards must certify to SOS that the inventory the county enters and maintains in the VSTOP voting system and electronic poll books inventory database is accurate. This review must be completed not later than Jan. 31, 2024, which is the deadline to send the IEC-22 to VSTOP@bsu.edu. (IC 3-11-16-5)

Ensuring an accurate inventory is important for election administration, especially the public test of voting systems. If you have questions about the VSTOP inventory database, please email VSTOP@bsu.edu. Their team can assist counties with logging in to the system.

# VR CORNER/QUESTIONS OF THE MONTH GRAB BAG

*Most of the questions noted below were submitted at the 2024 Election Administrators' Conference. Most presentations are now available on the "Election Administrator's Portal" at [in.gov/sos/elections](https://in.gov/sos/elections). Thank you to everyone who attended!*

**Q. I'm the elected Clerk and plan to run for re-election or for another office in 2024. What, if any, special steps do I need to take to manage elections?**

A. The only restriction you should be concerned about relates to absentee ballots. A county clerk running for re-election or another elected office on the ballot may not print their signature on the absentee ballot and must instead use the generic county seal on it. (Your county's generic seal can be found on the SVRS county portal in the "Shared Documents" folder.) State law does not require the clerk's signature or county seal be printed on election day ballots, but if the county does so, then it's our best advice to apply the same ballot printing rule.

**Q. Do candidates for U.S. House need to collect petition signatures?**

A. It depends. Democratic, Libertarian, and Republican candidates do not, but Independent and minor party candidates who want their names printed on the general election ballot do. The independent and minor party candidates must collect signatures of registered voters within their Congressional district totaling 2% of ALL votes cast in the 2022 Secretary of State's race in that district.

**Q. Does a Republican running for precinct committeeman need to file a separate CAN-37 to run for state convention delegate?**

A. Because she is running for two different party offices, a Republican who wants to seek both positions must file two separate CAN-37 forms—one for each office—as noted in the instructions on the CAN-37 form..

**Q. I want to minimize the time necessary to search the Indiana Election Code. Is there an ability to search "words" or "phrases" in the election code book or on a website?**

A. The Title 3 Code Book published by IED does contain an Index in the back of the book with keywords to identify potential code cite matches. Additionally, the Indiana General Assembly's website ([iga.in.gov](https://iga.in.gov)) has a code search feature that will allow you to do a code word search within that database. Another option is to find the relevant chapter in the table of contents of one of the handbooks published by IED like the current version of *Voter Registration Guidebook* or *Campaign Finance Manual*, as most passages do include the relevant code cite. This cite can be used by your CEB to cross reference in the code book, whether online or the paper version.

**Q. Are D & R county chairs responsible for assigned ABS voter board, central count, and precinct workers to specific roles? Or just give a list of names?**

A. The county election board should be requesting the number of ABS voter boards and Election Day central count teams

needed to perform absentee work on or before election day. This request would separate the functionalities of ABS voter board and central count, since those duties and "work days" are distinct in state law. Beyond requesting the number of team members needed, it would be up to the CEB to determine how granular the Board would like to be to assign people to specific days or work function, such as absentee application review or travel board. IC 3-11.5-4-22 and IC 3-11.5-4-23.

For poll workers, the statute does not require the same written notice to the party chairs by the CEB. However, the chair's nominations should include which position the person is being nominated and, for the positions of judge, clerk, assistant clerk, and sheriff, if the individual is serving a full day or half day (poll opening to noon and noon to poll closing). The CEB must appoint the individuals to the poll worker positions, if otherwise qualified. IC 3-6-6-9; IC 36-6-10; IC 3-6-6-11.

**Q. When does the CEB review the ABS-18A or ABS-18B for missing or mismatched signatures on absentee balloting materials—before Election Day, on Election Day, or at the provisional hearing?**

A. Because absentee voters with a missing/mismatched signature issue are made provisional, the CEB must make the determination whether to count the provisional ballot at the county's provisional ballot hearing. Counties are not limited to hold only one provisional hearing; it is possible to have multiple hearings as long as CEB properly notices them. Regardless, the CEB must make its determination whether to count a provisional ballot not later than 3PM, ten days after each election.

**Q. If an existing voter fails to mark the age/citizenship questions to update their registration to a new residence address, do we send it back to the voter?**

A. The county would not send the original document back to the voter. Instead, this would be treated as an incomplete registration (see IC 3-7-34) and the voter would need to submit, in writing under a penalty of perjury statement, the answer(s) to the missing question(s). This is usually done by submitting a new registration document. The voter would need to perfect their incomplete registration not later than 29-days before election day. (For any other incompletes, the deadline to correct is 10-days before the election.) Counties would handle this process in SVRS the same as they would a new registrant whose application was marked as incomplete for any reason. Questions on using SVRS to flag an incomplete registration request should be directed to the Civix Help Desk.

**Q. Who is the best one to speak with about a Driver's License that does not match the voter?**

A. It depends. It could be the voter mis-entered the information, so the first person to check with is the voter. Rarely, a voter sharing a smartphone or iPad, even in the same home, can mistakenly autofill a DLN with a number that is not theirs, for example. If the DLN on their request corresponds to the

voter's information, then send a note to [elections@iec.in.gov](mailto:elections@iec.in.gov) and we can check with our IN BMV contact and confirm if there was a transmission error on the back-end.

**Q. Is the travel board for people who can mark their own ballot?**

A. A voter that is confined to their own home due to illness or injury, their caregiver, or a person with a disability who believes their polling place is inaccessible to them is entitled to use the ABS-Traveling Board application and vote by this absentee method. The voter would decide whether they need assistance or not from the bi-partisan absentee voter board team. However, a voter who cannot personally mark their own ballot is required, by law, to vote by travel board unless the person qualifies to use the ABS-VPD form, which would allow the individual to use adaptive technology to complete their absentee ballot, such as the Democracy Live online marking device offered by the State for counties to use. Illness or injury can also be temporary and may not be a visible disability. A voter affirms, under penalties of perjury, they meet one of these qualifications and must not be used by voters who simply want to vote on a paper ballot or optical scan ballot card.

**Q. We are starting to see voter registrations from the BMV with name change and sex changes. How do you verify this information from the voter?**

A. A voter does not need to provide a court order to make a name change on their voter registration form or absentee application. Further, marking the person's sex is optional on the voter registration form and has no bearing on whether to reject the form. Both forms are signed under the penalties of perjury and act as the voter's sworn statement to permit the changes to their voter record.

**Q. So much of our conference was on cybersecurity. Our IT is off-site and private. This is so important. Do you have a conference for our IT Department or third parties?**

A. IED is required, by state law, to cover a number of topics at our annual conference, including cybersecurity. Your IT professionals are welcome to attend, though are not specifically covered for reimbursement for attendance. This would be a local decision. Otherwise, the key persons from the Cybersecurity and Infrastructure Security Agency (CISA) at the conference would be a good point of contact for your IT professionals. Additionally, state law requires the county IT point of contact to be "on file" with the SOS office, who works directly with those individuals on implementing FireEye, for example. Lastly, the Governor's Council on Cybersecurity may have more informational resources beneficial to local IT professionals: <https://www.in.gov/cybersecurity/executive-council/>

**Q. Can there be some type of training to get election staff and auditors on the same page in regard to poll worker pay?**

A. State Board of Accounts created resources on this very topic. You can find links to presentations in the SBOA Resource Library ([in.gov/sboa](http://in.gov/sboa)) like this one: [https://www.in.gov/sboa/files/Hofherr\\_Election-Payroll\\_2022\\_Clerks.pdf](https://www.in.gov/sboa/files/Hofherr_Election-Payroll_2022_Clerks.pdf). Otherwise, SBOA would be your best resource to answer technical payroll questions. The state's election laws set forth basic parameters in

terms of the type of pay election day poll workers, absentee voter boards, absentee ballot counters, provisional ballot counters, write-in vote counting teams, assistants to CEB when canvassing votes, and which county body sets that pay.

**Q. Can we use an "initial stamp" to sign the ballots to be sent out on the ballots? Both the D/R members have other jobs and at times, time is limited.**

A. No, IC 3-11-4-19 is clear that the initials on the back of an absentee ballot to be mailed must be initialed by hand in ink. The appointed members of the CEB can designate a proxy to initial absentee ballots or the D/R absentee voter board team is authorized by state law to perform this duty.

**Q. What do you do when a husband signs his wife's ballot and vice versa?**

A. All absentee ballots undergo a first signature review performed by the CEB or an absentee voter board. A second signature review is performed by a central count team on Election Day, which applies to all absentees unless the CEB adopts a resolution to only perform this second review on ABS-Mail ballots. If during either review, a signature is mismatched (or missing) the county must send the ABS-18A or ABS-18B within 2 business days from making the determination. The voter has until noon, eight days after the election to return the affidavit by email, mail, hand-delivery, or fax. This applies to a situation where a married couple mistakenly signs the other's ballot security envelope—this is a mismatch that should be identified through the bi-partisan review process noted above.

**Q. If, after the election, you have left over ballots that clerks have initialed but were not voted on by a voter—what are you to do with them?**

A. Unvoted ballots would be sealed and stored with other election materials under IC 3-10-1-31.1. Unvoted ballots may be destroyed after the recount/contest deadline expires, but at least one ballot from each township in the county and one provisional ballot from any precinct in the county must be retained in the election board meeting minutes in perpetuity. Please note—counties should not have leftover absentee ballots that are pre-marked by absentee voter board members or the appointed CEB members. (IC 3-11-10-27(d)). On Election Day, however, a poll clerk can initial a new optical scan ballot card once the ballot before it in the stack has been given to the voter. (IC 3-11-13-28.5)

**Q. When a potential voter is under the age of 18 and registers at the BMV and will not turn 18 until after the current election, do we reject them automatically or do we keep them in the incomplete hopper until they do turn 18?**

A. To start, an underage voter may register to vote as long as they turn 18 on or before the November election, generally speaking. The voter registration form is a little confusing because it asks if the person will be at least 18 by Election Day. In this case, Election Day is the date of the November general or municipal election. Or, in rare instances, the date of a special election. If the voter is otherwise eligible and turns 18 on or before the election date, then the registration form is processed. If the voter does not turn 18 by the date of the gen-

eral, municipal, or special election, then a county would reject the application.

**Q. What happens to voters in a nursing home or assisted living facility that no longer have a valid driver's license within expired time or no longer have a valid state identification card within expired time. Can they still vote without those forms of ID? What needs to happen to ensure our elders can still vote?**

A. State law does not require a voter voting by travel board or by mail or by using the VPD form to provide a valid photo ID to vote their ballot. And, if the nursing home or assisted living facility is used as an Election Day polling place or an early voting location, then the photo ID law does not apply to residents of those residential care facilities.

Now, voters are to provide a voter identification number on their absentee ballot application or a photocopy of the valid photo ID as defined in IC 3-5-2-40.5. The photocopy of the ID must be current or expired since the last general election (November 8, 2022). But, the voter can instead provide a voter ID number that corresponds to the number on their voter registration record. If the voter provides a DLN that is not on their registration record and the query on the ID is returned as expired by the BMV, the credential number itself is still valid and can be added to the voter's registration and used, assuming it is a match to their absentee application. Expired just means their driving privileges have expired; the credential number is theirs (generally speaking) for life.

**Q. Did you say that we need to send the electronic file of new envelope set-up and a physical sample envelope to USPS for approval before ordering? Optional or required?**

A. Our absentee security envelope template was reviewed with USPS and the style guide includes their suggested placement for specific elements like the "official election mail logo." However, we believe the USPS will still recommend a review by their design analyst after your county specific envelope is finalized. The USPS presentation from the Conference is found under the Election Administrator's Portal on [in.gov/sos/elections](https://in.gov/sos/elections) under Tuesday, December 12, 2023 with the file name of "UPSP Mail Design Guidelines and Postage." Slide 26 includes information for our Indiana USPS contacts if you wish to get a definitive answer.

**Q. If an ABS application gets turned in, then is found to have a problem such as no reason selected, do we scan the "problem" app in SVRS now or wait to scan it in until fixed?**

A. There is no state law that requires counties to scan an absentee application and upload into SVRS. Instead, state law requires absentee ballot application information to be entered into SVRS by the clerk's staff. Additionally, absentee applications except those used for early voting or the ABS-Attorney General form, are to be scanned or otherwise copied for public inspection before the approved absentee application is attached to the ballot security envelope. (IC 3-11-10-8.5) All absentee materials such as the original approved application, original rejected application, photocopies of approved application, etc, are maintained as election materials under IC 3-10-1-31.1 for a period of at least 22-months after the election. A county may, but is not re-

quired, to upload the voter's ABS application (rejected or approved) to the voter's documents in SVRS. Some counties choose to do so; others do not. At minimum, the county is responsible for entering data into SVRS about an approved or rejected absentee application or absentee ballot and to make copies or scan into a digital file certain absentee applications before the applications are stored under bi-partisan key with their ballot, which makes filling public records requests for absentee applications difficult.

**Other questions? Please ask! Send an email to [elections@iec.in.gov](mailto:elections@iec.in.gov)**