



Election Division Dispatch

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NEWS & UPDATES

SVRS Candidate Entry & CAN-5 Confirmation Notice

State law requires all primary and municipal candidates to be entered into SVRS. Counties will want to confirm their election is set up and all offices on the ballot in 2023 are associated to it. The Help Desk can provide some support and point you to the appropriate step-by-step resources if you are unfamiliar with the process to set-up an election.

Once the candidate information is entered into SVRS, you can use it to create your CAN-5 notice. The CAN-5 is required to be provided to the candidate within one business day of filing pursuant to state law, and it can be emailed, hand-delivered, or mailed to the candidate. Keeping up on candidate entry, daily, means you can leverage SVRS to manage the CAN-5 process and mail them by batch each day.

Note: The CAN-5 is now a “discontinued” form since it can be generated in SVRS, and as a result, cannot be found online or in the 2023 forms folder on the county portal.

IEC-22 Due by Jan. 31

Don't forget to file your county's IEC-22 before Jan. 31, 2023. This is a state form that acknowledges the voting system and ePB inventory database managed by VSTOP is up-to-date with your county's inventory, and must be signed by your county election board.

Changes to BMV Temporary Paper License

Beginning Jan. 1, 2023, the BMV has made an update to the paper license it issues to customers as a temporary measure until the “original” license is received by the customer. The change simply prints the bar code on the front of the temporary license, when before it was printed on the back. This change allows the temporary license to be printed from self-service kiosks. Old versions of the temporary paper credential are “on the street” until March 1, 2023.

Independent Candidate Signature Threshold

The online version of the *2023 Candidate Guide* was revised to include countywide totals for independent candidates that want their name printed on the ballot in any election between 2023 and 2026. The number is calculated from reviewing the total votes cast for all candidates for SOS in 2022 within the county and multiplying the total by 2%. A statewide total is included, too.

However, if an election district is smaller than the entire county, then the county clerk will need to pull out the November 2022 precinct level results, add up the total votes cast for ALL candidates running for SOS in those precincts making up the election district, multiple the number by 2%, and then round down, if there is a fraction of a number. (For example, 11.88 is rounded to 11.) In 2023, some election districts may not be a whole precinct. Our best advice is compute the number based on the total votes cast for SOS for the whole precinct.

CALENDAR

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)

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

Mar. 18, 2023: Deadline for counties to send ABS ballots to voters with approved ABS-Mail, ABS-VPD or FPCA applications

Apr. 3, 2023: Voter Registration Ends

Apr. 4, 2023: First Day of Early Voting

JANUARY WEB TRAINING

Jan. 3 & 5 | Election, Office & Candidate Set-Up

Jan. 10 & 12 | New User Overview

Jan. 17 & 19 | County Admin Training

Jan. 24 & 26 | How to Access County Portal

Jan. 31 & Feb. 2 | Manually Adding & Updating a Voter

2023 Calendar posted to INSVRS County Portal. Dates/times subject to change. Please verify against the training calendar.

IN FOCUS: Candidate Filings & CAN-1 Challenges

Candidate filings can only be rejected for a handful of reasons as permitted under state law. Once filed, a candidate form cannot be given back to a candidate to amend (exception: missing petition carrier information on the CAN-44 can be amended when required). They may complete a new form as an amendment for the same office before the filing period ends, but if the person filed for the wrong office, they must first withdraw using the CAN-43 form in the primary or CAN-46 for the general election and then file the correct candidacy paperwork for the new office.

Otherwise, the clerk and CEB do not police candidate filings, unless a CAN-1 challenge is timely filed, which would result in a CEB hearing on the matter.

Reasons to Reject a Candidate Filing

1. Faxed or emailed candidacy

paperwork. State law requires a filing to be an original document, which means it cannot be faxed or emailed. Instead, the forms must be mailed or hand-delivered by the candidate or a third party. (IC 3-5-4-1.7)

2. Received after the deadline. The deadline to file in the May primary election is noon, Feb. 3, 2023. Any form received

after this deadline (even if it was mailed and the postmark was dated before the deadline) must be rejected. (IC 3-5-4-1.9)

3. Filed with the wrong office. Candidates for local offices must file candidacy paperwork with the CEB. If a candidate for local office comes to IED (the state) to file, then their filing is rejected. This would also be true if a state legislator, for example, tries to file their candidacy paperwork with the CEB. (IC 3-5-4-1.2)

4. Used the wrong form. Candidates must use the current version of the candidate filing forms. Please see the Forms Master List to identify which version of the form is current, if there are questions. (IC 3-5-4-8)

5. Failed to attach the CAN-12 statement of economic interests (or, for certain state or judicial offices, the statement of economic interests created by the specific agency in statute). Failure to include the CAN-12 for local office must result in the CAN-42 being rejected in the primary election, for example.

Candidate Challenges

There are a number of reasons why a candidate challenge may be filed. For example, the candidate does not meet

the primary voting history requirement, or does not reside in the election district, or has defective paperwork.

Any voter in the election district OR the county chair may file a CAN-1 challenge not later than the specified deadline to do so. (IC 3-8-1-2) For the May primary election, the deadline to file the CAN-1 is noon, Friday, Feb. 10, 2023.

When filed, the CEB must hold a hearing. The hearing must be noticed in accordance with the Open Door Law. It is advised that best possible notice of the hearing must be given to the individual making the challenge and the candidate.

Both parties will present their facts and evidence to the CEB, who then must determine if the candidate will remain on the ballot once they review the facts and apply the law.

Many of the candidate qualifications are found in the *2023 Candidate Guide*, which may be helpful to the CEB to identify statutes or other issues related to residency or the Hatch Act, for example.

At the hearing, the CEB would order the candidate not to be printed on the ballot, if it is decided to uphold the challenge.

VR CORNER

Several municipalities in Indiana have boundaries that cover more than one county. For candidate filing, the candidate files their CAN-42 or CAN-16 with the county clerk with the largest percentage of the population of the election district, according to the 2020 census. BUT, independent and minor party candidates using the CAN-44 form to gather petition signatures, the county VR official can only certify signatures of voters registered within their county.

For example, Sally has a CAN-44 with 6 signatures of voters in county A and 4 signatures of voters in county B. She files the petition with county A first. The VR official would determine if any of the 6 signatures of voters within county A should be certified and complete the certification for their county on the back of the form. The candidate could then pick up their county A certified petition and deliver it to county B for review, assuming the candidate has not missed the noon, June 30, 2023, deadline to file petitions for certification. County B would then review the four signatures and complete their part of the certification on the back of the form.

QUESTION OF THE MONTH

Q. What can the CEB do to disband a committee that no longer files campaign finance reports??

A. Not later than January 27, 2023, the CEB may 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.

Q. When and where do oaths of office need to be filed?

A. Most newly elected officials can take their oath of office as late as January 31, 2023, but it would also need to be filed by this deadline date as well. Local elected officials file their oath with the county clerk; however, judges and prosecuting attorney file with the SOS/IED.