



Election Division Dispatch

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NEWS & UPDATES

December Conference Reminders

- If you haven't registered for the December Election Administrators' conference, please do so before 5PM (Indy time), Friday, November 3, 2023, to avoid a \$50 per person late fee added to the registration fee.
- The Westin room block was expanded to include a few more rooms at the reduced rate, but room block is nearing capacity. Make your hotel reservations soon!
- IED has only received a handful of nominations for deserving county officials to be recognized at our conference. Nominations for the annual awards luncheon are due to IED not later than 5PM (Indy time), November 13, 2023. Please make sure to include background as to why you've nominated this person for consideration.

Certifying Election Results

There isn't much time to rest following election day! Your county election boards must complete the canvass of the results of your election, and also process any provisional ballots or late arriving overseas ballots by 3PM, ten days after the election. You'll then need to file the CEB series of forms using SVRS not later than noon, Monday, November 20, 2023. Most counties upload precinct level results directly into SVRS, but if your county does not, please attach the precinct level results to your CEB-9, Section I submission. The CEB-9, Section I is due not later than noon, Indy time, Tuesday, November 21, 2023. Counties will need to complete the wait time information in the CEB-9, Section II module. This information is found in the PRE-1 oath book completed by your poll workers.

Don't forget! Counties certify election results, including those from small towns holding their own elections. The town election board should be reminded to get their results to the county asap. Further, the town is required to file all of its election materials with the county election board to comply with retention laws.

County clerks may begin issuing certificates of election to newly elected officials (even for those uncontested races or where no elections need to be held) after 12P local prevailing time on November 27, 2023.

2024 Resources

Counties attending December's Election Administrators' Conference will receive a new 2024 Election Code book and other IED publications. Candidates and county officials can preview forms and 2024 publications in the Election Administrator's Portal at in.gov/sos/elections.

CALENDAR

- **November 3, 2023 (5PM):** Deadline to register for the Dec. conference to avoid \$50 per person late fee
- **November 4, 2023:** 2nd of 2 Saturdays the clerk's office must be open for in-person absentee voting, unless CEB adopts resolution under IC 3-11-10-26.5; all vote center counties must have at least 1 vote center open for absentee voting
- **November 6, 2023 (NOON) "Election Eve":** Numerous deadlines; consult yellow calendar guidebook for specifics
- **November 7, 2023:** Election Day (6A to 6P)
- **November 10, 2023:** Veterans Day (observed), IED closed
- **November 17, 2023 (NOON):** Deadline to receive an absentee by mail ballot from an overseas or overseas military voter that is postmarked on or before November 7, 2023
- **November 17, 2023 (NOON):** Deadline for voter to bring ID to the clerk's office to count provisional ballot for lacking proper ID or sign the PRO-10 (PRO-11 in small town where town election board is used) affidavit that the individual is indigent or has a religious exception
- **November 17, 2023 (3PM):** Deadline for CEB to determine whether or not to count a provisional ballot
- **November 20, 2023 (NOON, Indy Time):** Deadline to certify election results to IED via SVRS
- **November 21, 2023 (NOON, Indy Time):** CEB-9, Section I is to be filed in SVRS, along with precinct-level election results
- **November 21, 2023 (NOON):** Deadline by noon for a candidate to file a recount or contest action with county clerk
- **November 23 & 24, 2023:** Thanksgiving, IED closed
- **November 27, 2023 (NOON):** Deadline by noon for a county or state party chair to file a recount or contest action with county clerk
- **December 1, 2023:** Voter Registration Opens
- **December 1, 2023:** First day some ABS applications for 2024 Primary Election can be filed (see Jan 1 note below)
- **December 11-13, 2023:** Election Administrator's Conference
- **December 20, 2023:** Deadline for local recount commission to complete their work, unless judge extends deadline
- **December 25 & 26, 2023:** Christmas & Washington's Birthday (observed), IED closed
- **December 31, 2023:** FPCA/ABS-VPD/ABS-AG requests for 2023 expire
- **January 1, 2024:** First day FPCA/ABS-VPD/ABS-AG requests for 2024 can be filed

NOVEMBER WEB TRAINING

Nov. 2 & 9 | Post-Election Processing

Nov. 14 & 16 | CEB Form Generation Overview

2023 Calendar posted to INSVRS County Portal. Dates/times subject to change.

IN FOCUS: Quick Election Day FAQs

Below are some topics that are asked of IED before many elections As a reminder. IED is open on Election Day , so please do not hesitate to reach out if issues or questions arise.

BMV Hours

The BMV is required to be open on Election Day for the same hours polls are open. If a voter needs an ID for voting purposes, they may bring their required materials to a BMV branch to secure an ID. However, a voter who signs the poll list cannot leave and come back. If a voter lacks sufficient ID and they sign the poll book, the voter must be offered a provisional ballot. The voter then has until noon, ten days after Election Day to bring their ID to the county election board (or affirm they are indigent or have a religious exemption) using the PRO-10 or PRO-11 in a small town where town election board is used.

Ballot Remakes

Sometimes a ballot cannot be read by an optical scan ballot card tabulator. A bi-partisan remake team is responsible for capturing the voter's intent from their original ballot on to a ballot card. It is important the voter's original and remade ballot have the same serial number printed on it for tracking purposes in case of a recount AND two sets of initials. A remade ballot CANNOT be cast on a DRE voting system (that is, the MicroVote touch screen unit).

Firearms & Polling Locations

Except for polls located on school property, there is no state law that prohibits firearms in a polling place. If the person carrying a weapon is observing the general laws regarding carrying, it may be permissible to carry in a polling location. However, even one who lawfully possesses a firearm can run afoul of the law if they act carelessly (or with any other weapon for that matter). There are voter intimidation laws on the books at both the federal level (18 U.S.C. §§ 241, 245(b)(1)(A) and the state level (IC 3-14-3-21.5). However, mere lawful possession of a firearm does not violate these statutes.

Voter's in "Inactive" Status

Our office is often asked if a voter in "inactive" status within SVRS needs to complete additional paperwork when voting in-person. The answer is no. All active and inactive voters are including in the poll list used on Election Day. However, regardless of their SVRS status, if a voter has moved, poll workers will need to determine if the voter qualifies for a fail-safe to vote at their old precinct one last time. If they do, then the VRG 4/12 is used to capture the voter's new information before being issued a regular ballot, if otherwise qualified.

Electioneering

Electioneering is defined in IC 3-14-3-16. Generally, a person may not wear an article of

clothing or otherwise express the support of a candidate, political party, or public question. A person wearing such an article of clothing, for example, may be asked to cover up. However, a person not complying with this request may not be kept from voting, if otherwise eligible. Instead, the poll workers may forward the voter's name to the county election board, who may determine if an election law violation occurred.

Ballot Selfie

Although the statute has not been repealed (IC 3-11-8-17.5) and remains "on the books," a federal court has ruled the Indiana law unconstitutional and it cannot be enforced. Therefore, ballot "selfies" are permissible.

Voter Assistance

A voter may bring any material with them into a voting booth to assist them, even those materials created by a candidate or political party. This written assistance is not considered electioneering. (IC 3-11-8-18.5) A voter is also entitled to have any person, except for their employer or union representative, assist them with completing their ballot. The PRE-3 form must be completed BEFORE the voter enters their voting booth. The PRE-3 applies to judges who might also be asked for assistance by the voter to help complete their ballot.

QUESTIONS OF THE MONTH

Q. Will the ABS-7 be included in the absentee envelope redesign efforts?

A. All mailed absentee envelopes (ABS-6, ABS-8, ABS-10, ABS-18) are being redesigned in partnership with the USPS to ensure compliance with USPS standards. The ABS-7 is used to secure voted absentee ballots during early voting or travel board, and therefore, not part of the style guidelines for the new envelopes. However, a minor tweak was made to the envelope and an updated version will be released soon. Old stock of the absentee envelopes noted here will be grandfathered and can be used until existing stock is used.

Q. Do we need to complete the envelope redesign survey?

A. The state is offering free envelope design services with The Jackson Group. Before, IED provided a generic template for counties to build out with their print vendor with little USPS input. Now, IED has a more robust style guideline that must be followed by all vendors, and IED is offering support to create a customized print file for counties to take to their print vendor. The survey gauges your county's interest in using this free service.

Q. Can we use our own print vendor instead of the state's vendor (The Jackson Group) to create the template for our absentee envelopes?

A. Yes. However, your print vendor must follow the specs included in the design guidelines (when finalized) when printing the ABS-6, ABS-8, ABS-10A/10B, and ABS-18.

VR CORNER

Voter Fail Safe "Twist" in Municipal Elections

In 2023, the voter fail safes concerning "when" and "where" a voter moved are still in effect. Meaning, a voter who moves within the same county and same Congressional 30-days or more before election day (or any time on or before October 8, 2023) may be eligible to vote at their old precinct one last time. Or, a voter who moves 29-days or less (or on or after October 9, 2023) anywhere in Indiana may be eligible to vote at their old precinct one last time.

However, no matter when the voter moved in 2023, an individual who moved into or out of a municipality is NOT eligible to vote one last time at their old precinct. (IC 3-10-11-4 & IC 3-10-12-3.4)

Poll workers will likely want to ask "where" the voter moved first to determine if their move was within the same municipality. Then, the poll workers would need to know "when" the moved occurred to do the additional analysis noted above.

VLM Records Retention

Last month revisions were made to an October memo outlining the next steps on materials sent to counties from the statewide VLM project. The IARA adopted a new records retention policy for election records maintained by county officials. This policy requires undeliverable Card 1s and Card 2s, and any voter response card where the voter marked option 1 to confirm their registration address, to be retained for two years following the next general election.

For example, a returned card 1 from the 2023 statewide VLM project must be kept until after the November 2026 general election. After election day, this record would be eligible for destruction following the required protocols from your local Records Commission.