Election Division Dispatch

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NEWS & UPDATES

Online Absentee Portal Updates

The online absentee portal for the November 2020 went live on June 16, the first day counties can begin receiving absentee applications for the fall election. One noticeable chance on the public-facing site is the addition of buttons on the main page of the voter's portal page.

While a voter can select absentee voting from the gray navigation bar to access the application, larger ABS buttons can be found under the "Update my Registration" and lead the voter to the proper application - ABS-Mail; ABS Por Correo; ABS-Traveling Board.

Other enhancement requests are logged and will be deployed throughout the summer, including adding Avery labels as a printing choice for the ballot envelope and further refining the signature rendering on the printed document. We are also looking to improve the main web page to better direct voters to the services contained within the voter portal. Stay tuned!

Reminder:
US District Court Data VLM Project

After the primary election, the Election Division circulated information about accessing the US District Court Data in the INSVRS county portal. County voter registration officials must complete the project and send out SAMC notices, if required, **not later than July 14, 2020**. A reminder that a postage pre-paid return envelope must be included with the SAMC pursuant to state law.

Additionally, at least 30-days must pass after mailing the SAMC or the SAMC returned as undeliverable (as defined in IC 3-5-2-49.7) before a voter's registration can be moved to "inactive" status. A voter's status cannot be moved to "inactive" between August 6 and November 3, 2020, due to the 90-day federal freeze period. However, a county may treat a SAMC the same as a voter registration form should a voter use it to confirm, update, or cancel their registration in writing during this "freeze" window.

JULY WEB TRAINING

July 14 & 16 | Election & Candidate Set-up

July 21 & 23 | Refresher Training

Dates are subject to change; check the 2020 INSVRS Training Schedule on the county portal to confirm.

CALENDAR

July 3, 2020 IED Closed

July 6, 2020 (NOON) Deadline for D/R to file certificate of candidate selection nominating candidates to fill ballot vacancies resulting in no person running in the primary election OR in cases of a direct appointment, the CAN-12, CAN-29, CAN-31 and copy of meeting minutes/resolution giving chair the authority to fill ballot vacancy

July 6, 2020 (NOON) Deadline for L party to file certification of nomination existing as a result of no person being nominated at convention

July 6, 2020 (NOON) Deadline for minor party/ independent candidate to file CAN-3 to be a declared write-in candidate

July 15, 2020 (NOON) Deadline for a candidate to withdraw for any reason

July 15, 2020 (NOON) Deadline for an independent/ minor party candidate who wants their name printed on the ballot to file CAN-20 consent (and for the few counties with separate VR board, the CAN-12 and certified petitions with clerk/CEB)

July 15, 2020 (NOON) Deadline for L party to file paperwork for those candidates nominated at county or state convention

July 22, 2020: First day for school board candidates to file CAN-34 & CAN-12

August 3, 2020 (NOON): Deadline for a D, R, or L candidate in a "small" town (less than 3500 person) to file CAN-16 & CAN-12 where no primary was held

August 3, 2020 (NOON): Deadline for a public question to be certified to a county election board for the November election

August 3, 2020: Deadline to update voting history from the June 2, 2020, primary election, unless county has a local recount or contest action

August 5, 2020: Deadline to complete VLM work to move a voter's registration status to "inactive"

August 21, 2020 (NOON): Deadline for school board candidates to file CAN-34 & CAN-12

August 21, 2020: Deadline for a "small" town to conduct a town convention, if it's necessary to do so

August 28, 2020 (NOON): Deadline for town party chair to file CAN-18 with county clerk to certify who won the town party convention, if applicable

CAMPAIGN FINANCE REMINDERS:
Vacancy Reports

Democratic and Republican candidates who filled a ballot vacancy may have a CFA-1 and CFA-4 report due at the local level soon. If the office pays more than $5,000 in a calendar year, then a CFA-1 is required to be filed not later than 7-days after the CAN-29 was filed. A "vacancy" CFA-4 report is due not later than 21-days after the CAN-29 is filed. The reporting period will be from the date the candidate filled the vacancy through 14 days from that date.

Libertarian candidates who were nominated at a state or county party convention may have a pre– or post-convention CFA-1 and CFA-4 report due, assuming the office pays more than $5,000. Any Libertarian candidate who filled a ballot vacancy would follow the same rule as their D & R counterparts as noted above.

Independent and minor party candidates who are seeking an office paying more than $5,000 a year would file a CFA-1 not later than 7 days after filing the CAN-29 form and a "post-nomination" report not later than 21 days after the CAN-29 was filed. The filing period would be the date the candidate filed the CAN-29 form through 14 days following that date.

More information can be found in the *2020 Campaign Finance Manual.*

CANDIDATE CHALLENGES

Candidates Filling Ballot Vacancies, Nominated at Convention, Gaining Ballot Access by Petition & Declared Write-In

For candidates falling into this broad category, the deadline to file a CAN-1 challenge by a voter or county chair in the election district is noon, August 21, 2020. The CEB has until noon, Sept. 4, 2020, to determine its validity.

NOTE: An independent candidate who filed petitions and did not qualify for the ballot can file a CAN-1 challenge to dispute rejected signatures not later than noon, August 21, 2020.

School Board Candidates

The deadline for a voter in the election district to file a CAN-1 challenge a school board candidate OR for a school board candidate to dispute rejected signatures is noon, Aug. 28, 2020. The deadline for CEB to determine its validity is noon, September 10, 2020.

CDC/COVID-19 Polling Place Updates

The US CDC recently updated its advice on polling place safety related to the COVID-19 virus. For more details, visit: https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html

QUESTIONS OF THE MONTH:
School Board Filing Focus

Q. Do school board candidates have to open a campaign finance committee?

A. Maybe. A school board candidate must open a campaign finance committee and file required reports if and when they raise or spend $500 toward running for office. Until then, there is no need to file a CFA-1.

Q. Who can sign a school board petition?

A. Registered voters within the boundaries of the community school corporation. School board information should be part of your county's precinct key matrix and included in the voter's record. If not, reach out to your GIS department or the school corporation for a map. (The only metropolitan school district in Indiana is in Indianapolis, and the voters signing the petition must be in the school board district.)

Q. Does a candidate for school board need to submit multiple candidate consent forms?

A. No. The CAN-34 form is designed to capture the 10 signatures of registered voters on the front of the form, while the back of the form includes the candidate's consent. While the candidate can submit multiple CAN-34 documents to ensure he or she has enough petition signatures, only one "back" side needs to be completed by the candidate.

Q. Where is the CAN-34 petition filed?

A. In most Indiana counties, the county clerk is the county's voter registration official, so the CAN-34 and CAN-12 is filed with the clerk's office not later than noon, August 21, 2020.

In the few counties where the county has a separate VR board, the CAN-34 and CAN-12 is filed first with the election board by noon, August 21, but the CAN-34 is to be forwarded to the VR Board. Only the county VR board can certify the number of signatures on the petition. The certified petition is then delivered to the clerk.

In both cases, the clerk has a responsibility to inform the candidate if the petition was approved or denied either in person or by certified mail. If denied, the candidate may file a CAN-1 challenge by noon, August 28 to contest the denied signatures.

IN FOCUS: Candidate Withdrawals & the November Ballot

Summer candidate filing season is about at its mid-point with school board filings ramping up and most other types of filings winding down.

Candidate withdrawals are part of this process that are often overlooked and can be confusing to candidates, party officials, and election administrators.

Vacancies ON or BEFORE Noon, July 15, 2020

July 15 is the most important date for purposes of candidate withdrawing for the November election. Any candidate can withdraw for any reason until noon, July 15, 2020. The candidate simply files the CAN-24 form with the county election official (or IED, for federal, state, state legislative, and judicial offices) by this deadline and their name is removed from the November ballot. It does not matter if this candidate was selected to fill a ballot vacancy, was nominated at the primary election, or filed a form to be a write-in candidate. Again, a candidate needs no reason to withdraw up to noon, July 15, 2020.

Should a D, R, or L candidate withdraw, then a party chair is able to fill the vacancy not later than 30-days after the CAN-24 was filed. The clerk does not need to give notice to the chair of the vacancy; instead, state law assumes the candidate is coordinating with the political party.

Independent and write-in candidates are not able to fill a ballot vacancy, but minor party candidates who gain ballot access by petition can.

D/R party leaders follow procedures found in IC 3-13-1, generally, to fill the vacancy through direct appointment or caucus and uses forms county officials are already familiar with (CAN-29, CAN-30, CAN-31, CAN-12). L party leaders should review IC 3-13-1-20 for specific procedural details. The party chair then has until noon, three days after filling the vacancy to file their paperwork with the county election official.

Vacancies AFTER Noon, July 15, 2020

After noon, July 15, a candidate can only withdraw if they move out of the election district, die, are convicted of a felony, or ordered off the ballot by the court.

Should this occur, then a CAN-24 is to be filed and the ballot vacancy may be filled. For the D/R party, the vacancy is filled by caucus or direct appointment of the chair. With the exception noted in the coming paragraphs, the D/R parties follow the procedures in IC 3-13-1, generally, and use the CAN-29, CAN-31, CAN-30, and CAN-12.

An L candidate would withdraw using the CAN-24, and their party follow procedures in IC 3-13-1-20. Similarly, it is possible for a minor party who gained ballot access by petition to fill a ballot vacancy, but an independent or write-in candidate cannot.

The second important date on the withdrawal "calendar" is the 30-day mark before the November election, or October 4, 2020. Parties who experience any vacancy occurring before October 4 are to follow the procedures in IC 3-13-1. Ballot vacancies occurring on or after October 4 (that is, within the 30-day window before an election) follow the procedures under IC 3-13-2, generally.

While the party may be able to fill the "late" ballot vacancy, its possible that the ballot may not be reprinted, depending on the timing.

IC 3-11-3-29.5 is the guiding principle on whether or not a ballot is to be re-printed. Further, IC 3-12-1-6 notes how to tabulate results should a late ballot vacancy be filled but the ballot is not re-printed.

Please be in touch with our office if you experience a late ballot vacancy, and need direction on next steps.

Finally, the blue Election Administrator's manual and red Candidate Guide go in to greater detail on these issues, if you would like to learn more.

NOVEMBER BALLOT BUILDING REMINDERS

1/ IED will certify a list of federal, state, and judicial candidates to counties not later than August 21, 2020, but...

2/ IED will certify the candidates for U.S. President & Vice President separately and not later than September 10, 2020.

3/ALL ballots MUST include a write-in option for each federal office (US President, US House in 2020), even if IED does not certify a declared write-in candidate to counties. Federal law requires the write-in line to be present for federal offices.

4/ Should a public question be certified to the county election board by noon, August 3, 2020, the public question will be the first thing printed on your ballot, above the straight party section.

5/ **NEW!** See 2020 Legislative Summary for more details about requirement to add language to straight party voting instructions that straight party voting is not required.

6/ **All** ballots - even federal only or presidential only ballots - must include the straight party section. At minimum, your county will display the Democratic, Libertarian, and Republican party symbol and name. The Democratic or Republican party name/symbol will be displayed in the order on the ballot as to which candidate for the 2018 SOS race came in first in the county. The Libertarian Party will be third, and it is possible to have more parties to include on your ballot in the straight party section.

Information in this newsletter is provided by the Indiana Election Division as a courtesy to county election administrators. If a person is unclear concerning election law provisions, the Election Division can serve as an interpretive source. However, where important legal rights are concerned, you must consult with your own attorney to be fully and properly advised.