



# Election Division Dispatch

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## NEWS & UPDATES

### December 2019 Conference Registration

This year's conference will be held December 16-18, 2019, at Hyatt in downtown Indianapolis. Online conference registration is now open at <https://kwiksurveys.com/s/nEHweulG>. After your county registers for the conference, an invoice will be sent under separate cover. The Hyatt has also opened our room block for counties to make reservations: <https://www.hyatt.com/en-US/group-booking/INDRI/G-IE20>. For more information about the conference, visit [www.in.gov/sos/elections/2397.htm](http://www.in.gov/sos/elections/2397.htm)

### 2019 Reprecincting

Counties who would like to update precinct boundaries before the 2020 election cycle must submit the IED County Survey not later than August 2, 2019. The survey indicates your county is planning to do reprecincting, and IEC-8 paperwork is not required at this time. Instead, the info is used to assign staff to your county's project. The memo and survey is posted in the SVRS County Portal in the shared documents folder under "2019 Reprecincting."

### August 2019 Build

A couple of exciting updates to SVRS are coming with the August Build: precinct level results uploading and an improved reports library interface. Beginning with this November's election, most counties will be able to map their results data and upload precinct level results directly into SVRS instead of submitting paper copies. Not only does this aid with county reporting to IED, but it also makes precinct level results available to the public on [indianavoters.com](http://indianavoters.com).

The Reports Library is also getting a makeover. The improvements will integrate report and tier descriptions (instead of the current "Help" button in the upper left corner of screen), add search capabilities to find a specific report in the library (rather than hunting through each category), and reduce clicks when navigating across report categories.

## AUGUST WEB TRAINING

**August 1** | Refresher Training

**August 6 & 27** | ePB Acceptance Testing

**August 8 & 13** | 2019 General Election Prep

**August 14 & 15** | August Build Overview

**August 15** | ABS Overview

*Dates are subject to change; check the 2019 INSVRS Training Schedule on the county portal to confirm.*

## CALENDAR

**August 1, 2019 (NOON):** Deadline for candidates running for "small" town office (pop. less than 3,500) to file CAN-16 & CAN-12 with county clerk

**August 1, 2019 (NOON):** Deadline for candidates running for "small" town office (pop. less than 3,500) to file CAN-46 with county clerk to withdraw from Nov. ballot

**August 7, 2019:** Deadline for county VR to finish VLM work to change voter registration record status to "inactive"

**August 8, 2019:** "Freeze" period begins; no voter record status may be changed to inactive until after 11/5/19

**August 8, 2019:** Deadline for town council to pass resolution to conduct its own November election

**August 9, 2019 (NOON):** Deadline to file CAN-1 challenge against declared write-in candidate

**August 20, 2019:** Deadline for counties to file VRG-21 (VLM Compliance) with IED

**August 21, 2019:** Deadline for D, L, R parties to hold "small" town nominating convention, if required

**August 21, 2019 (NOON):** Deadline for "small" town to file with CEB its resolution to conduct its own election

**August 23, 2019 (NOON):** Deadline to file CAN-1 to challenge candidate filling a ballot vacancy or an independent or minor party candidate filing petition of nomination

**August 23, 2019 (NOON):** Deadline for independent minor party to file CAN-1 challenge disputing rejected petition

**August 28, 2019 (NOON):** Deadline for town chair to file CAN-18 with county clerk, if "small" town nominating convention held

**August 30, 2019:** Returned "scanned" VLM cards will be received by counties (approximate date)

**September 2, 2019:** Labor Day - IED Closed

**September 4, 2019:** Deadline to file copy of CAN-18 with town clerk-treasurer, if "small" town held convention

**September 4, 2019 (NOON):** Deadline to file CAN-1 to challenge D, L, R, independent/minor party candidate in a "small" town where no primary was conducted

# IN FOCUS: Small Town Nominating Conventions

In Indiana, the Democratic, Libertarian, and Republican parties in “small” towns (population of less than 3,500) may need to nominate candidates for the November ballot at a town convention held in late summer.

This convention replaces the May primary election, unless the small town’s council passed an ordinance for the county election board to conduct a May primary. A “small” town nominating convention is not a caucus nor a primary election nor the municipal election. Instead, it’s how the Democratic, Republican, and Libertarian parties nominate their candidates for the November ballot where all candidates go head-to-head to determine who is elected to serve a specific term in office.

The candidate filing deadline for “small” town offices (where no primary election was held) is noon, August 1, 2019. This is also the deadline for a candidate who filed the CAN-16/CAN-12 to withdraw to be a candidate for “small” town office with one exception noted later.

The county’s political parties will then determine if a nominating convention is necessary. **A convention is only held if more individuals from the same political party file to run for the same office than is permitted.** For example, town dogcatcher is one race. Two Democrats filed to run; one Republican filed. The Democratic Party must hold a town convention, while the Republican Party does not.

Sometimes more than one person can be elected to a position, usually in at-large council seats. Let’s say in a vote-for-three small town office that four Republicans file and two Democrats file. In this example, the Republican Party would hold a convention to determine which of their four candidates will be one of three nominees; the Democratic

Party would not hold a convention since fewer than three people filed.

The orange *2019 Town Election Guidebook* contains the steps in conducting a small town convention. In a nutshell, the county party chair nominates a registered voter of the town who is not a candidate or an elected official of the town to serve as the town party chair. The town party chair then selects a registered voter of the town to serve as the party’s secretary. The secretary will also serve as secretary of the “small” town convention.

The town chair and secretary must then post the call to convention (CAN-15) notice in at least three prominent locations, including the town clerk-treasurer’s office, at least three days before the convention is to be held.

Any registered voter within the town may participate in **one** party’s convention, as long as the person meets the requirements under state law and the political party’s rules.

The orange guidebook walks through many of the steps to help town party chairs conduct their convention. The town chairs should also consult state party rules, as Indiana election law does

defer to party rules in some instances. (Sample rules are in the orange book, but our best advice is to get the information directly from the state party.)

All small town nominating conventions must be held not later than August 21, 2019. Afterward, the town party chair and town party secretary will certify the nominees to the county clerk’s office using the CAN-18 form. The CAN-18 must be filed for each candidate not later than noon (local prevailing time), August 28, 2019.

A candidate nominated at a small town convention may withdraw not later than noon (local prevailing time), three days following the adjournment of the convention. The political party may fill the ballot vacancy if this occurs, **but otherwise, no other ballot vacancies for “small” town office can be filled.** For example, the Democratic Party only fills two of the three at-large council seats. The party is not able to fill the remaining open seat after the noon, August 1, 2019, filing deadline.

The county clerk must then file a copy of each CAN-18 with the town clerk-treasurer not later than noon (local prevailing time), September 4, 2019.

## VR CORNER

What roles does the county voter registration official play in a small town convention? The county does not play a formal role if the county party determines that a convention is necessary to determine who will be the party’s nominee for “small” town office on the November ballot.

**BUT**, the county VR official does need to provide to the town party chair and town party secretary a report with the name and registration date of each individual within the municipality. Those reports can be pulled from SVRS.

The county VR official does not upload any voting history from the town convention. This may seem confusing, but the county would not upload voting history from a state or national party convention held in even-numbered years, and the “small” town convention is a similar type of nominating process.

## QUESTIONS OF THE MONTH

**Q. Can a candidate nominated in the May primary election be challenged now?**

A. No. The opportunity to file a CAN-1 challenge against a Democratic or Republican candidate who filed a CAN-42 to run as a local candidate for the May primary election has passed. There may be other legal options for an individual to explore, but the CAN-1 hearing is no one of them.

**Q. Can candidates who filled a ballot vacancy or those who were certified as an independent/minor party candidate be challenged?**

A. Yes, though the deadlines to file a CAN-1 challenge are staggered depending on the type of filing. Please consult the yellow calendar guide for those details, as some of those dates go into September.

**Q. Does our county need to hold an election in November?**

A. Maybe. Similar to the May primary election, a November election may not be required. Please see IC 3-10-6-7.5 for cities and “large” towns; IC 3-10-7-6 for “small” towns. Your CEB may need to pass a resolution on this.

**Q. When does a small town council need to pass a resolution to conduct its own November election and when does it need to be filed?**

A. A “small” town council must adopt a resolution to conduct its own November election not later than August 8, 2019, and file it with the county clerk not later than noon (local prevailing time), August 21, 2019. (IC 3-10-7-5.5) The resolution expires on December 31, 2019.

**Q. Our small town adopted a resolution in 2011 to conduct its own November election. Can that be used in 2019?**

A. No. A resolution adopted by a “small” town council to conduct its own November election expires on December 31 in the year it was adopted. An outdated resolution cannot be used by the town as justification to conduct their November election with the exception of a few small towns that have special procedures in its town charter.

**Q. What happens if a “small” town doesn’t pass a resolution to conduct its own November election or files it with the clerk after noon, August 21, 2019?**

A. In this scenario, state law requires the county election board to conduct the November election. The “small” town will reimburse the county for the cost of the election.

**Q. Is there anything the clerk’s office needs to do after the August 1, 2019, small town office filing deadline?**

A. Yes. Immediately following candidate filing, the county clerk will need to post a list of candidates who file for “small” town office on your office’s public notice board, certify to the town clerk-treasurer and release a list to the public each candidate who filed, and provide a copy of each CAN-16 to the respective town clerk-treasurer. (IC 3-8-5-10.5)

## HOLDOVERS

On occasion, no one files to run for an office on the November ballot. In these cases, the current officeholder “holds-over” for a new term of office pursuant to Article 15, Section 3 of the Indiana Constitution.

For example, Cardinal Town Council District 1 is on the ballot in November 2019. Julie is the currently elected councilor for district 1, who is serving a four-year term. Not only did Julie not file paperwork to be a candidate on the November ballot, no one else in Cardinal Town did either. Julie continues serving as the town council member for district 1 for another four-year term, until her successor is elected and qualified. Because she is a “holdover” under state law, she does not file a new oath of office.

Counties often ask what happens if Julie didn’t file because she doesn’t want to continue serving? Julie may resign from elected office by filing a written resignation with the county clerk, and the elected office vacancy would be filed according to statute. (IC 3-13-9, generally, for town offices) The individual selected is a “pro-tem appointment” for the remainder of the term.

## VLM PROJECT UPDATE

The statewide VLM Mailing Project finishes this month with records being loaded for county review up to August 7, 2019. The “freeze” period begins August 8, which means counties cannot move a voter’s registration status to “inactive” until after the November 2019 election.

However, counties may consider a late arriving voter response as a voter’s written authorization to **update** or **cancel** a voter’s registration. County VR officials are to follow general voter registration processes when considering these requests.

Since counties are to give priority to the VLM Inactive hopper before it closes on August 8, 2019, the VLM Update and Exception hopper will remain open to allow counties to continue making the changes requested by the voter.

IED will also be mailing letters to individuals who returned a voter response card and indicated a move out of county or who landed in the Exceptions hopper. This letter will include a state VR form so that the person can ensure their registration is updated in time for next election.

Finally, the paper copies of scanned cards will be delivered to counties on or around August 30, 2019. Our vendors will contact your office at least 24-hours ahead of time to alert you to the delivery. Stay tuned for more updates on delivery of unscanned cards, some of which will start to arrive in early September.