



Election Division Dispatch

Brad King & Angie Nussmeyer, Co-Directors | August 2024

NEWS & UPDATES

November 2024 Ballot Certification

IED will certify the official list of candidates, judicial retention questions, a state constitutional amendment question, and the straight party devices (that is, the image used on the ballot in November for straight party voting) to counties not later than Aug. 23, 2024—EXCEPT for the presidential tickets for all parties. These tickets will be certified to counties not later than Sept. 12, 2024. Please do not rely on spellings that you might find on websites—even our candidate list posted to the election division website! The certification documents are the ballot names provided by the candidates and reviewed by staff.

electionmail.org

As you begin planning for the November election, please bookmark electionmail.org - a website specifically for election administrators to report specific issues with the USPS related to their election mail. Your fact-specific scenarios are used to help troubleshoot issues within the USPS workflow and is shared with the state.

US EAC Social Media Toolkit

The US Election Assistance Commission has a number of toolkits available for local election administrators on their website: <https://www.eac.gov/election-officials/toolkits>

Most recently their agency launched a Social Media Toolkit, which includes over 150 images that are organized into 17 different categories from "Community Engagement" to "Voting Options." Each image includes links to two versions of the image in Canva - one square and one horizontal - that can be fully customized to meet your needs. Here's a link to this kit: https://www.eac.gov/sites/default/files/2024-05/Election_Official_Social_Media_Toolkit_508_Final.pdf

VSTOP Public Test Lists & Reminders

By August 23, 2024, VSTOP is to provide counties with a list of voting systems to pull for the public test of voting systems. **Please be certain your equipment list is up to date in the VSTOP database!** For those counties using the MicroVote DRE, you must have your DRE, VVPAT, AND OpScan units in the database. If you need assistance, please contact vstop@bsu.edu.

Counties will receive one VSTOP list for opScan systems and, in MicroVote counties, one list for DRE systems. For each list, the county will need to test at least 5% of the machines on the list, starting at the top and skipping those machines that might be in the database but not pulled for this election.

Public tests must be completed by October 7, 2024. This is a public meeting conducted by the county election board, which requires the CEB to follow the Open Door Law to give proper notice. Additionally, state law requires counties to publish, at least 48-hours before the public test, notice of the public test in the newspaper in accordance with IC 5-3-1.

MicroVote counties will submit both the IEC-9 (DRE Public Test Affidavit) AND the IEC-10 (OpScan Public Test Affidavit) to the Election Division, since both the DRE units and the OpScan units must be tested. All other election systems used by counties are exclusively OpScan. Therefore, only the IEC-10 needs to be filed with the Division by those counties. State law changed this year and now permits the IEC-9 and IEC-10 to be filed by email (elections@iec.in.gov).

CALENDAR

- August 1, 2024 (NOON):** Deadline for local public question to be certified to CEB
- August 1, 2024 (NOON):** Deadline for a D, R, and L candidate in a "small" town (less than 3500 pop) to file CAN-16 & CAN-12, if no primary election was held to nominate candidates for town office
- August 8, 2024:** "Freeze" period begins; counties cannot move a voter's registration to inactive status until after the November election
- August 20, 2024:** Deadline for counties to file VRG-21 affidavit concerning completion of VLM activities with IED
- August 21, 2024:** Deadline for a "small" town to conduct a political party town convention, if it's necessary for the party to do so
- August 23, 2024 (NOON):** Deadline for CAN-1 challenge to be filed against a candidate: filing a ballot vacancy, nominated at a convention, filing as a minor party or independent candidate (petition or write-in), filing as a school board candidate using the CAN-34 petition, or for a candidate to dispute the rejection of petition signatures
- August 23, 2024 (NOON):** Deadline to file as a write-in candidate for school board (CAN-26, CAN-12)
- August 23, 2024 (NOON):** Deadline for IED to certify candidate names & judicial retention questions (NOTE: Pres/VP ticket certified by noon, Sept. 12)
- August 23, 2024:** Deadline for VSTOP to supply counties with their public test lists
- August 28, 2024 (NOON):** Deadline for town party chair to file CAN-18 with county clerk to certify who won the town party convention, if applicable
- September 2, 2024:** Labor Day - IED Closed
- September 3, 2024 (NOON):** Deadline for entity to withdraw certain local public questions
- September 6, 2024 (NOON):** Deadline for CEB to determine validity of CAN-1 challenges for most offices
- September 6, 2024:** Deadline for clerk or boards of election/registration to estimate number of ABS ballots
- September 12, 2024 (NOON):** Deadline for IED to certify Pres./VP candidates to counties
- September 21, 2024:** Deadline for counties receiving ABS ballots by Sept 16 to mail, email, or fax ABS ballots to voters with approved FPCA, ABS-VPD, & ABS-Mail apps

AUGUST WEB TRAINING

Aug 1 | Hopper Overview

Aug 6 & 8 | Reports Overview

Aug 13 & 15 | ABS VPD Overview

Aug 20 & 22 | FPCA Overview

Aug 27 & 29 | August Build Overview

2024 Calendar is posted to the [INSVRS County Portal](#) but is subject to revision.

IN FOCUS: ABSENTEE VOTER BOARDS & ABS-Mail PRINTING DEADLINES

With the election just around the corner, county election officials are ramping up their absentee operations. Critical to its success are absentee voter boards. Each county election board must notify the D/R county chair of the number of absentee voter boards needed to support absentee operations—mail, travel board, and in-person voting—not later than 50-days before the election, or September 16, 2024. (IC 3-11.5-4-23)

The D/R county chairs have until noon, 46-days before the election (Sept. 20) to file, in writing, their nominations for those absentee voter board positions. Of course, CEBs can request ABS voter boards more than 50-days out and county chairs can file nominations before their noon deadline, but these dates are the very latest to make the request or nominate ABS workers.

Individuals serving as ABS voter board members must meet the qualifications under IC 3-11.5-4-22. While contested and uncontested candidates cannot work in this capacity, it may be possible to assign their family members to work with ABS ballots in those precincts where their “candidate” family member is not on the ballot.

State law requires the CEB or the ABS

voter board to review and approve all ABS applications. (IC 3-11-4-17.5) After the clerk’s office enters the apps into the system, the D/R appointed members of the CEB or the ABS voter board must affix their initials to the back of the ABS ballot. (IC 3-11-4-19)

ABS voter boards OR the CEB also perform the first absentee signature review, comparing the signature on the voter’s ABS application against the ABS ballot security envelope. This work must be performed before Election Day and then the apps/ballots (sealed in the ballot envelope) are filed by precinct in a cabinet/office/receptacle with a bi-partisan lock. The D/R CEB member or their designee is to maintain custody of their key at all times.

Early voting or in-person absentee voting is voting that occurs before an absentee voter board, much like traveling board. ABS voter boards are to be present during in-person absentee voting at the clerk’s office or other satellite locations to perform work like approving applications, checking a voter’s ID, or assisting voters with the voting equipment or ballot.

Traveling board is a specific function of the ABS voter board, where a two-person team travels to the voter to assist them

with completing a ballot or to bring a DRE unit or BMD unit to allow the voter to vote privately and independently. (The DRE or BMD resolution has to be approved by the CEB first; see IC 3-11-10-26.2)

ABS Ballot Printing. Not later than 60-days before the election, the clerk or the board of elections & registration in Lake, Porter, and Tippecanoe counties must estimate the number of absentee ballots needed for the election.

Those absentee ballots must be delivered not later than 50-days before the election. And not later than 5-days after receiving the printed ballots, counties must begin mailing ABS ballots to those voters with approved applications.

Using 50-days as the rule of thumb, counties receiving their ABS ballots on day 50 have until Saturday, September 21, 2024 (or 45-days before the election) to begin mailing ABS ballots. However, if your county receives ballots on day 55, then your deadline to begin mailing ballots is day 50 to comply with the “5-day” rule found in IC 3-11-4-18(c). More information can be found in the blue *Election Administrator’s Manual*.

HOLDOVERS & UNCONTESTED RACES ON THE NOV. BALLOT

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, County Surveyor is on the ballot in November 2024. Mia is the currently elected county surveyor, who is serving her second four-year term*. No one—not even Mia—filed for the office. Therefore, Mia will continue serving as the county surveyor for another four-year term, until her successor is elected and qualified. Because she is a “holdover” under state law, Mia does not file a new oath of office and will not receive a Commission from the Governor.

Counties often ask what happens if Mia didn’t file because she doesn’t want to continue serving? Mia may resign from elected office by filing a written resignation with the Governor (as she is a constitutional office holder), and the elected office vacancy would be filed according to statute. (IC 3-13-3 through IC 3-13-11, generally) The individual selected is a “pro-temp appointment” for the remainder of the term.

UNCONTESTED RACES. Unlike the odd-numbered municipal election years, **ALL candidates appear on the November general election ballot, even if only one person filed.** Counties may use “No Candidate Filed” on the ballot for races where no person filed to run OR for those parties that did not find a candidate to run for a specific office.

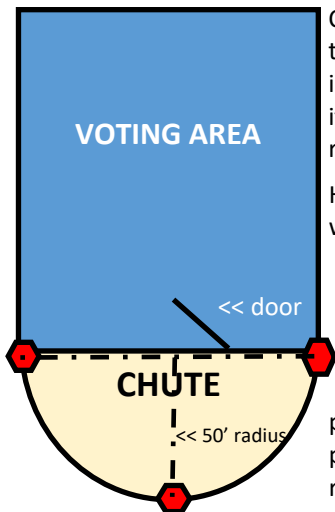
**The position of county surveyor is NOT a state constitutional office with a term limit, so the person holding this office will hold-over. Think of the holdover as a continuation of her service rather than a “new” four-year term. She’ll serve until December 31, 2028, unless she resigns OR until her successor is elected and qualified in the 2028 election. HOWEVER, other county constitutional officeholders such as county clerk or recorder have term limits. No person can serve more than 8 years in a 12 year period. (Gosman v. State)*

President/VP & Electors

On November 5, 2024, voters are not selecting their presidential and vice presidential candidates, who run as a ticket. Technically, voters are voting for the 11 Indiana electors who will cast their vote for the ticket at a meeting of the electoral college held in December 2024. The electors of the state's winning presidential ticket then cast their votes, which are recorded and are the official election results for the office of president and vice-president for our state. **Please remember your ballot instructions MUST include "electors" language found in IC 3-10-4-3 this year!**

CHANGES TO THE "CHUTE"

New for November 2024 is an adjustment to the definition of "chute." Not only does it now apply to election day and early (absentee) voting locations, it also changed from a 50 foot **line** from the entrance to the room where voting occurs to a 50 foot **radius** from the entrance.



Counties may want to consider how to best mark the chute area to ensure individuals do not electioneer inside it; no one can electioneer inside the room where voting occurs.

Here is a mock-up to help visualize what this might look like. The dotted lines are the 50 foot radii and the yellow area then becomes the chute or the area where electioneering is prohibited. It almost looks like a basketball key—perhaps telling folks they can't campaign inside the three foot line would resonate with sports fans?

VR CORNER

FPCA & Voter Residency

On the FPCA, military and overseas voters are asked to provide the last address where the person last lived in Indiana before moving overseas or being deployed. In some cases, the voter may not intend to return to this address. However, there are special allowances in state and federal law that permit the person's registration address to be listed as the last location where they personally lived in Indiana.

In Indiana, an overseas voter may mark "I am a US citizen, but my return is uncertain." These voters must have lived in Indiana for at least 30 consecutive days at some point in their life from birth to their current age. Wherever they formerly lived, state law requires the county VR official to register the person to vote at their VR office address. Remember, overseas voters who mark "my return is uncertain" are provided the Federal Only ballot style! More information can be found in the *2024 Military & Overseas Handbook* found on in.gov/sos/elections

QUESTIONS OF THE MONTH

Q. Anything else special to include in the instructions in a presidential election year?

A. Yes. Every ballot must contain a statement in the instructions found at the top of the ballot that a vote for the presidential ticket is a vote for the electors. See IC 3-10-4-3 for specific details.

Q. Do voter fail-safes apply to absentee voters?

A. Yes. Voter fail-safes apply to an absentee voter in the same way it would apply to an Election Day voter. The only difference is the VRG 4/12 would be filed at the same time as their ABS application or during in-person absentee voting before signing an ePollbook.

Q. What is the presidential only ballot?

A. This ballot is **ONLY** used for voters who moved out of the state of Indiana after October 6, 2024, and did not register to vote in their new state. Federal and state law allow this specific voter to return to their old state and vote for president only one last time at their old polling place (or by absentee ballot). The voter completes the VRG-15 form at the polling place or, if requesting an absentee ballot, the VRG-15 form should be filed with their ABS application. The voter is then given the presidential only ballot to complete and return to election officials. After the election, the voter's registration is cancelled, as authorized by the VRG-15 form. **NOTE: Please do NOT instruct your poll workers or absentee voter boards to use this ballot for voters who simply express interest in only voting for president. This is not the proper use for this ballot!**

Q. When will we be able to pull a list of candidates for the November 2024 election that is complete, including the D/R candidates that won the primary?

A. The State Recount Commission meets on Aug. 7, 2024, to make its final determination on two House district primary recounts. Once this work is complete, IED can certify primary election results online and in SVRS. This will then "get winners" from the primary and make all candidate lists whole. IED may need a day or two to complete this work, so lists should be in good shape around Aug. 12, 2024.

Q. What is the deadline to challenge candidates who filled a ballot vacancy or filed to run for school board?

A. A voter of the election district or a county chair has until noon, Aug. 23, 2024, to file a CAN-1 challenge against those filling a ballot vacancy or filing a CAN-34 to run for school board.

It is possible to have a write-in candidate for school board. The CAN-1 challenge deadline for these candidates using the CAN-26 form is noon, Aug. 30, 2024. If you had a small town that followed a convention model to nominate D/R/L candidates, the CAN-1 challenge deadline is noon, September 4, 2024.

Note: Local candidates who won the primary election can no longer be challenged. Instead, individuals should consult with their attorney on filing a lawsuit.