



Election Division Dispatch

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NEWS & UPDATES

Thank You!

Congratulations on a successful election year, despite all of the hardships and obstacles. For those of you retiring at the end of 2020, thank you for your service and fellowship. We are grateful to your commitment to Hoosier voters and wish you the very best for whatever comes next!

Filing Provisional Ballot Affidavits with SOS

State law requires copies of all PRE-4 affidavits, regardless if the provisional was counted, to be filed with the Secretary of State following the election. Now that the recount and contest deadline has passed and assuming your county does not have a pending local or state recount or contest, the original provisional ballot PRE-4/PRO-2 envelopes (sealed or unsealed and ballot counted) are to be delivered to the foreman of your county's grand jury. See IC 3-14-5-2 for more details.

Election Materials

A reminder all election materials are to be retained for at least 22-months following the election. While ballots and provisional ballots are confidential, other materials like provisional ballot affidavits, poll lists, tally tapes, etc. are public record. (IC 3-10-1-31.1) Please note voter registration documents follow a different schedule. The purple VR Guidebook has more information.

No December Conference or New Printed Materials

A few counties have reached out to the office about the annual December Election Administrator's Conference. Traditionally, no conference has been held after the presidential election and as a result, there will not be one held in December 2020. The yellow Calendar Guidebook does have a few key dates for 2021, though new publications—and a new Code Book—will be made available at the December 2021 Conference. Stay tuned for updates on that event in mid-2021!

DEC. WEB TRAINING

No Training Scheduled.

2021 Calendar to be posted to INSVRS County Portal soon.

CALENDAR

December 14, 2020: Presidential Electors meet

December 18, 2020: Deadline to finalize the CEB-9 Section II in INSVRS

December 21, 2020: Deadline for local recounts to be completed (unless court extends deadline)

December 24 & 25, 2020: IED Closed - Christmas Day/Washington's Birthday (observed)

January 1, 2021: IED Closed - New Year's Day

January 1, 2021: Start of term for newly elected officeholders

January 4, 2021: Deadline to apply vote history from 11/3/20 election to voter records in SVRS, unless a recount or contest action was filed

January 4, 2021: First day of session for the Indiana General Assembly

January 11, 2021: First day of term for Governor & Lt. Governor and Attorney General

January 18, 2021: IED Closed - MLK Day

January 20, 2021 (NOON): First day of term of US President & Vice President

January 20, 2021 (NOON): Campaign Finance CFA-4 Annual Reports Due for OPEN Candidate Committees & PACs (See March 1 for related date)

January 29, 2021: Deadline to determine if any campaign finance committee can be administratively dissolved (IC 3-9-1-12)

January 31, 2021: Deadline for newly elected office holders to take their oath of office

February 1, 2021: Deadline for newly elected office holders to file their oath of office

February 9, 2021 (NOON): Deadline for a political subdivision to certify to the circuit court clerk a special election for a controlled project to be held on May 4, 2021

March 1, 2021 (NOON): Deadline for Regular Party Committees to file 2020 Annual Report

March 5, 2021 (NOON): Deadline for a school corporation to certify to the circuit court clerk a special election for a school tax or school safety levy referendum to be held on May 4, 2021

IN FOCUS: Campaign Finance Annual Report & Committee Disbands

CANDIDATE COMMITTEES

With the election now behind us, candidates may be approaching you about campaign finance next steps.

Whether a candidate is elected or defeated, the committee can remain open or be disbanded. Unless a candidate disbands their committee, their campaign finance committee is considered to be open and active. This will require the candidate's committee to file an annual report EACH YEAR until their committee is disbanded.

CANDIDATE COMMITTEES ARE NOT CLOSED AUTOMATICALLY AT THE END OF THE ELECTION CYCLE!

To disband a campaign finance committee, their final report MUST have a \$0 balance and may NOT have any debts or loans owed to or by the committee. Committee funds can be

donated to another regular party committee, another candidate's committee, the election division, or certain non-profits. Alternatively, contributions can be returned to donors on a *pro rata* basis. (Pages 31-32 of the green *Campaign Finance Manual* has more details.)

To communicate their committee is disbanded, committees will need to mark on their final CFA-4 summary sheet the "Final/Disbands" box under the "Type of Report" Section.

It is possible for a committee to mark both "Annual" and "Final/Disbands" to satisfy both their annual report filing and their final report filing.

REGULAR PARTY/PACs

Similar to candidate committees, it is possible for a regular party committee or PAC to disband. The same

procedures—\$0 balance, no debts or loans, mark "final/disbands" - apply to these committee types, too.

If the committees remain open, then their reporting requirements are different in that PACs & regular party committees file a pre-primary, pre-election, and annual report. However, in 2021, committees are only required to file an annual report since there are no scheduled elections held.

ALL OPEN CANDIDATE COMMITTEES & PACs MUST FILE THEIR 2020 ANNUAL REPORT NOT LATER THAN NOON, JANUARY 20, 2021! REGULAR PARTY COMMITTEES MUST FILE THE ANNUAL REPORT NOT LATER THAN NOON, MARCH 1, 2021!

Failure to do so is a \$50 per calendar day fine, up to \$1,000. County election boards must enforce delinquent campaign finance reporting.

VR CORNER

VRG 4/12 from November General Election

After election day, state law requires county voter registration officials to make updates to a voter's registration records as requested by a voter who filed a VRG-4/12 during election season. There is no specific timetable set forth in state law beyond requiring the update to be made.

Our best advice is to first post vote history from the November 2020 election to each voter's record in INSVRS and then make the update to the registration information. This will ensure the voter gets credit for voting in the election, which is important if the voter's change results in their record being transferred to another county.

If the voter updated their registration address using the VRG-4/12 to an address outside the county then you should scan a copy of the VRG-4/12 into the voter's SVRS record so the voter registration official where the voter now resides has an electronic copy for their records.

DON'T FORGET! Voter Registration Opened on Dec. 1, 2020

QUESTIONS OF THE MONTH

Q. What happens if an officeholder fails to take and file their oath of office by February 1?

A. For non-commissioned local office holders, their office would be considered vacant for failure to be sworn into service (IC 5-4-1-1.2) unless they are entitled to hold over under the Indiana Constitution. Any dispute would be resolved by a judge ruling on a court case.

Q. Can a new officeholder be sworn in and file their oath before January 1?

A. Yes. See IC 33-42-9-7 for who can perform swearing-in.

Q. Does the oath included with the state's Certificate of Election form need to be used or can it be created on a separate document? For example, can the oath be printed on a judge's letterhead?

A. The oath found with commissions or with the certificate of election is included as a courtesy. It's OK if a new officeholder wants to create their own document using the text found on pages 45 & 46 of the blue *Election Administrator's Manual*.

Q. Where are oaths filed?

A. Judges file their oath with SOS/IED. All other offices, even commissioned local officeholders, file their oath with the county clerk.