

Election Division Dispatch

Brad King & Angie Nussmeyer, Co-Directors | May 2019

NEWS & UPDATES

Election Night Reporting

On Election night don't forget to enter your preliminary election results in SVRS! Unofficial results will be displayed on indianavoters.com/electionresults. Before election day, please visit the site and confirm races are displaying correctly. Please contact the Help Desk about any errors or issues.

Certification of Election Results

There isn't much time to rest following election day! Your county election boards must canvass the results of your election no later than noon, ten days (May 17) after the election, and process any provisional ballots or late arriving overseas ballots by 3PM that same day. In SVRS you'll complete and file the CEB-25 (if you had a public question), and separately send your precinct level results to IED by noon, Monday, May 20, 2019. **The CEB-9 is due Tuesday, May 21.** Web training on these post election processing pieces will be held, so please attend if you're unsure of the process.

PRE-16 Form

Adopted by law in 2018, the PRE-16 form was first used in the November 2018 election and may be new for many counties. This form is ONLY for counties using a direct record electronic (DRE) voting system on Election Day. (A ballot marking device is not a DRE!) Poll workers are to complete this form after the polls close to report any discrepancy between the number of voters signing the poll list and the number of ballots cast on the DRE system. After the election, the county election board must compile the information and not later than noon, the second Friday after the election, discuss and publish the document at an election board meeting. Additional reporting requirements may be necessary. See IC 3-12-3.5-8 for more details (NOTE: The pink code book does not have the updated language of this law. Rely on the supplement OR go online at iga.in.gov)

Updates to Current Forms

Changes in state election law this legislative session will require a forms update for the November 2019 election. We anticipate changes to the PRE-1 Oath Book (including updates to aid vote center counties), CFA-1, CFA-4, CFA-11, and potentially a few others. Most of the new forms will be available on or after July 1.

MAY WEB TRAINING

May 9 & 13 | Post Election Processing

May 29 & 30 | Statewide VLM Project

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

CALENDAR

May 6, 2019 (Primary Election Eve):

Check yellow calendar book for multiple deadlines

May 7, 2019 (Election Day):

Poll are open from 6A to 6P, local prevailing time

May 8, 2019:

First day D or R party may fill a primary election ballot vacancy (see IC 3-13-1 for details)

May 17, 2019 (NOON):

Deadline to receive overseas absentee by mail ballots postmarked on or before May 7, 2019;

Deadline for voter to bring ID to the clerk's office to count provisional ballot for lacking proper ID

May 17, 2019 (3PM):

Deadline for county election board to determine whether or not to count a provisional ballot

May 20, 2019 (NOON, Indy Time):

Deadline to certify election results to IED;

Card 1 of Statewide VLM Postcard Mailing drops

May 21, 2019:

Voter Registration Opens;

Deadline by noon for a candidate to file a recount or contest action with the clerk

May 24, 2019:

Deadline by noon for a county chair to file a recount or contest action with county clerk

May 27, 2019:

Memorial Day; IED Closed

June 4, 2019:

Card 2 of Statewide VLM Postcard Mailing drops;
Statewide VLM Hoppers go "live"

IN FOCUS: Filling Ballot Vacancies After Primary Election

NOTE: The 2019 Election Administrator's Manual included incorrect forms used in filling ballot vacancies (on pages 26-28). The pages are updated in the online edition of the Manual, and are noted in the text below.

Last month the newsletter touched on ballot access rules for independent and minor party candidates. In addition to this group of "summer" filings, it is possible for the Democratic and Republican parties to fill ballot vacancies where no candidate filed to run in the primary election or withdrew after the primary, and for the Libertarian Party to fill ballot vacancies where a state or county convention was not held.

It's important to note that the following does not apply to "small" town (population of less than 3,500) offices where a primary election was not conducted. The Democratic, Republican, and Libertarian parties follow a specific process to nominate their candidates, which will be reviewed in the newsletter next month or by consulting the orange "Small" Town Guide.

DEMOCRATIC & REPUBLICAN PARTIES

For local offices, the Democratic and Republican parties have two options to fill a ballot vacancy where no person ran in the primary election: 1) Caucus of eligible precinct committeemen; OR 2) Direct appointment.

1. CAUCUS

The county chair must send written notice (CAN-47) to all eligible precinct committeemen via first class mail not later than ten days before the caucus is to be

held. In addition, the CAN-47 must be filed with the county clerk not later than noon, ten days before the caucus is held.

Candidates for the caucus are required to file the CAN-48 with the chair of the caucus not later than 72-hours before the caucus is held. The CAN-48 must also be filed with the county clerk not later than 72-hours before the caucus.

The caucus is held according to the procedures in IC 3-13-1, and must be held not later than noon, June 30, 2019. The nominated candidate's CAN-12 statement of economic interest AND the CAN-49 consent must be filed with the county clerk not later than noon, July 3, 2019.

2. DIRECT APPOINTMENT

The county party organization can pass a resolution or otherwise vote to give authority to the county chair or the county committee (chair, vice chair, secretary and treasurer) to fill a ballot vacancy by direct appointment. State law does not prescribe the form of the resolution; some are very specific to an election, while others are open-ended. It's ultimately up to the party organization to decide the form of their resolution or other authorization.

The direct appointment must be made not later than noon, June 30, 2019. The candidate's CAN-12 and CAN-48, and the CAN-49 along with a copy of the meeting minutes, resolution or other document granting the direct appointment authority must be filed with the county clerk not later than noon, July 3, 2019. (NOTE: If the party is filling multiple vacancies by direct appointment, the resolution or meeting

minutes must be attached to EACH CAN-49.)

Alternatively, if only one precinct committeeman is eligible to participate in the caucus, the county chair is required to fill a ballot vacancy by direct appointment. The CAN-49 form has a box for the chair to mark and indicate this reason.

LIBERTARIAN PARTY

The Libertarian Party generally fills their city and large town offices at a city convention. Instead of filing declarations of candidacy with the county election board, the Libertarian Party chair and secretary will certify the Party's nominees to the county election board using the CAN-22 certificate of nomination along with the candidate's CAN-12 statement of economic interests. The city convention for the Libertarian Party must be held not later than noon, June 30, 2019.

If after the Libertarian Party holds its city convention and fails to fill a position, its state party committee may fill the ballot vacancy not later than noon, June 30, 2019. The Libertarian Party State chair will file notice with the county election board of their party's intent to fill a ballot vacancy, which must be filed not later than ten days before the vacancy can be filled. The CAN-22 and CAN-12 must be then be filed with the county election board not later than noon, July 3, 2019.

FINAL NOTE. Filling a ballot vacancy is NOT the same as filling an elected office vacancy, where an individual is no longer serving. Elected office vacancy procedures can be found on pages 28-34 of the blue *2019 Election Administrator's Manual*.

QUESTIONS OF THE MONTH: Last Minute Election Reminders

Q. Are people who are in line (or on Election Day, entering the chute) allowed to vote?

A. If otherwise eligible, yes. Individuals in line at noon, Monday, May 6 (last day of in-person early voting) and those in line at 6PM on election day, even if the line extends beyond the chute, must be allowed to vote. However, poll workers should determine the end of the line and use one of the following methods to denote who may vote: (1) write down name of each voter; (2) stamp each voter's hand; or (2) stand or designate another person to stand immediately behind the last voter who may vote. A person entering the polling site after 6PM on Election Day is not eligible to vote, unless a judge issues a court order on Election Day. If the judge extends the hours of the polling site, all voters must vote a provisional ballot. See IC 3-11-8-11 and IC 3-11-10-29.2 for more details.

QUESTIONS OF THE MONTH: Last Minute Election Reminders, con't.

Q. Can a media watcher film inside a polling place?

A. Yes, but they may not view which candidates an individual votes for. They may not photograph a voter who objects.

Q. How do we help a voter on Election Day who never received their absentee by mail ballot?

A. Ask the voter to complete a PRE-5 at their polling site and issue them a regular ballot, if otherwise eligible. The PRE-5 is the voter's written affirmation that they did not receive their absentee by mail ballot.

Q. Can a voter who returned their absentee ballot to the election board vote on Election Day?

A. Generally, no. State law does not permit a person who already submitted an absentee ballot to vote again in person that would "supersede" their absentee ballot. The exception would be a person who's absentee ballot was rejected on Election Day. In a central count county, the county election board has to give best possible notice to the individual that their ballot was rejected and issue them a certificate that would allow them to vote at the polling site on Election Day. (IC 3-11.5-4-18)

Q. Does a person who moves in or out of a municipality qualify for a fail-safe to vote at their old precinct one last time, if the person did not update their registration by the statewide deadline?

A. No. The fail-safe provision that allows a person to vote at their old precinct one last time does not apply to a person who moved in/out of a municipality (even within the same precinct—if the precinct is split by a municipal boundary—under new state law) during a municipal election year like 2019. (IC 3-10-11-4(b); 3-10-12-3.4(d))

Statewide VLM Project Updates

We noted in our March 2019 newsletter that the statewide VLM Project was underway and launching a short time after the May 7 primary election. As a refresher, the project's implementation follows federal election law guidelines and consists of two mailers, included in this packet:

- 1) Card 1: Sent to the mailing address of every active voter in Indiana via USPS non-forwardable mail. If the card is returned undeliverable pursuant to IC 3-5-2-49.7, then card 2 is sent to the voter.
- 2) Card 2: Sent by USPS forwardable mail to the mailing address of a person whose card 1 is returned undeliverable. Card 2 allows the person to a) confirm their residence address is their registration address or b) update their registration within the county or c) cancel their registration if they've moved out of county.

Card 2 is the main focus for county VR officials. The vendor will enter information from the "response card." If the response is unclear, then the county VR official makes the determination in the new VLM Exceptions hopper. County VR officials must also review the other VLM related hoppers to confirm the returned voter cards with the voter's request were correctly categorized.

Training

Your training will be critical to the success of counties completing the statewide VLM project on time, and all counties are encouraged to attend one of the two "live" webinar sessions:

- Wednesday, May 29 at 2:30P (ET)
- Thursday, May 30 at 2:30P (ET)

The sessions will be recorded and posted to the county portal along with the step-by-step instructions on using the modules within SVRS.

There will be new information to learn, even for veteran election administrators! For example, the "image" viewer is now integrated with SVRS, which gives counties more options for clipping signatures and storing card images. Plus, duplicative processing steps have been eliminated to further streamline your work, and a new VLM Exceptions Hopper has been implemented.

Key Dates:

May 23: Card 1 drops
May 29: Online Webinar Training
May 30: Online Webinar Training
June 4: Card 2 begins to drop on a rolling basis until June 25, as cards are returned undeliverable
June 4: Data may begin to appear in SVRS VLM Hoppers
August 7: Deadline to finish VLM work to change voter status to "inactive"
August 8: Freeze period begins so no voter status may be changed to inactive
August 12: Returned cards will be shipped to counties

INDIANA ELECTION DIVISION
PO BOX 44261
INDIANAPOLIS, IN 46244-0261

RETURN SERVICE REQUESTED



PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
INDIANA ELECTION
DIVISION



1000001

Gibson 26
47648

2019 CARD 1 EXAMPLE



1*1*****AUTO**SCH 5-DIGIT 47601

NAME
ADDRESS
CITY, STATE ZIP

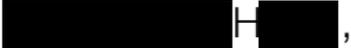


FROM THE INDIANA ELECTION DIVISION

Election Day is Tuesday, November 5, 2019

If you **are** the addressee on this postcard, then you are already registered to vote at this address. No further action by you is needed.

If you **are not**

,
please write “No longer lives here”
on the front of this postcard and
place in a mail receptacle.



F1156764333340708C7AC70D83C8F5C4

INDIANA ELECTION DIVISION
PO BOX 44528
INDIANAPOLIS, IN 46244-0528

FORWARDING SERVICE REQUESTED



PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
INDIANA ELECTION
DIVISION

2019 CARD 2 EXAMPLE

Important Information

PLEASE OPEN

NAME
ADDRESS
CITY, STATE ZIP

Dear <Full Name>, Please return this postcard not later than July 27, 2019.
If you are not <Full Name>, please disregard this mailing.

RESIDENCE ADDRESS MAILING ADDRESS COUNTY

SELECT ONLY ONE OPTION, COMPLETELY FILLING IN THE OVAL  NEXT TO YOUR CHOICE IN BLACK OR BLUE INK:

- #1:** The above residence address is my current Indiana residence address.
- #2:** I have moved my residence **OUTSIDE** of <County> County or **OUTSIDE** of Indiana.
Please contact your new county voter registration office to register to vote.
Indiana residents with a valid Indiana driver's license or Indiana State ID Card can register to vote online at Indianavoters.com.
- #3:** My **residence address** has changed **WITHIN** <County> County to:

_____, IN _____
RESIDENCE ADDRESS (no PO boxes) CITY ZIP

MAILING ADDRESS (if different from residence address) CITY STATE ZIP

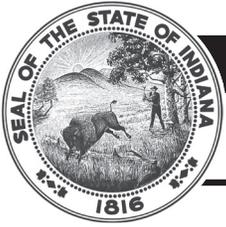
IF YOU SELECTED OPTION #3, COMPLETELY FILL IN THE APPLICABLE OVALS BELOW:

Are you a citizen of the United States of America? YES NO

Will you be at least 18 years of age on or before election day? YES NO

I swear or affirm, under the penalties for perjury, the accuracy of the information I provided. If I selected Option #2 above, I authorize my voter registration record at any previous residence address to be cancelled. If I selected Option #3 above, I authorize my Indiana voter registration record to be updated.

PRINTED NAME – CHECK IF NAME CHANGE  SIGNATURE – **YOU MUST SIGN THIS CARD TO MAKE THIS CHANGE EFFECTIVE**



FROM THE INDIANA ELECTION DIVISION

YOUR RESPONSE IS NEEDED!

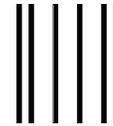
The Indiana Election Division recently sent you a postcard that was returned by the United States Postal Service. To ensure that your voter registration information is accurate, please:

- ▶ **Fill out, sign, and return the attached postcard as soon as possible and not later than July 27, 2019. The Indiana Election Division must receive this postcard not later than August 2, 2019.**

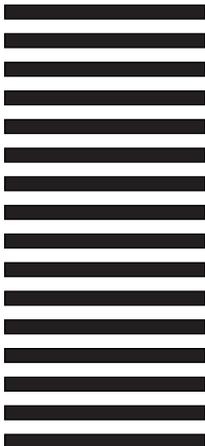
If you do **not** respond to this postcard **OR** do **not** update your voter registration, you may still be eligible to vote at the residence address listed on this card in 2019, 2020, 2021, and 2022.

However, if you do **not** return this postcard **AND** do **not** vote in the 2019, 2020, 2021, or 2022 elections, then your voter registration at the residence address listed on this postcard may be cancelled following the November 2022 election.

Questions? Contact your Indiana county's Voter Registration office by visiting Indianavoters.com or by calling the Indiana Election Division at 800-622-4941 (toll free in Indiana).



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO 1327 INDIANAPOLIS IN

POSTAGE WILL BE PAID BY ADDRESSEE

INDIANA ELECTION DIVISION
PO BOX 44658
INDIANAPOLIS IN 46209-4434



Voter List Maintenance Talking Points

The Secretary of State's Election Division is conducting voter list maintenance to update Indiana's voter registration information. Required by Indiana law, the process will identify outdated and inaccurate voter registration information to help counties improve the accuracy and integrity of Indiana's voter registration list.

In May 2019, all "active" Hoosier voters will receive a postcard sent by non-forwardable, first-class mail to the voter's mailing address. In June, Hoosier voters whose first postcard was returned as "undeliverable for unknown or insufficient address" as addressed will receive a postcard in the mail from the Secretary of State Election Division asking them to update their voter registration information. This second "voter response card" will be sent by forwardable, first-class mail to the voter's mailing address. Voters who receive a second postcard asking for updated information should fill out the postage pre-paid response card, sign it, and return it to the Secretary of State Election Division.

Voters who received a second postcard asking for their current address have until July 27, 2019, to return the postcard to confirm their registration address or update their voter information. The Election Division must receive the postcard by August 2, 2019. Voters who do not respond by confirming their current address or updating their information will have their voter registration record at that address moved to "inactive" status.

Being marked "inactive" does not mean a voter cannot vote. It simply means a voter did not update or confirm their registration record address. The voter will still be eligible to vote in November 2019, if otherwise qualified. If the voter casts a ballot in November 2019 from that address, their status will be reclassified as an "active" voter. If they do not vote in November, they can still vote in the federal elections of 2020 and 2022 and if applicable, a special election in 2021. If they do not vote in any election prior to January 2023, the county voter registration office may move their voter's registration record status to "cancelled," which will remove the name from Election Day poll lists but will remain in the statewide voter registration system.

Indiana Voter List Refresh Facts

- In May 2019, all active voters received a postcard reminding them that Election Day is November 5, 2019.
- In June 2019, a second mailing with a postage pre-paid voter response card will be distributed to those whose original mailing was returned via the postal service asking for updated information.
- Voters who received a second mailing have until July 27, 2019, to return the postcard to update their voter information using the postage pre-paid, voter response card on the second mailing.
- Failing to update voter registration information by July 27, 2019, will result in the voter's registration record being moved to "inactive" status.

- As an inactive voter, the voter is still eligible to vote at their registration address in the upcoming November election.
- If the voter votes in November 2019 at their registration address, he or she will be reclassified as an active voter.
- If the voter does not vote in November, he or she can still vote at their registration address in the Primary and General Elections of 2020 and 2022, and, if applicable, any special election held in 2021.
- If the voter fails to respond to the second mailing but has moved, they should update their Indiana registration by submitting a state or federal voter registration form to their county clerk or Indiana Election Division or going online to update it at indianavoters.com. This update to their registration will change their status to “active,” if the voter is otherwise eligible. If the voter does not update their information or vote in any election prior to 2023, the county voter registration office will change the voter’s registration record status to “cancelled,” which results in the person not appearing on Election Day poll lists. However, their registration record is not deleted or otherwise removed from the statewide voter registration system.
- Indiana Code 3-7-38.2 requires county voter registration offices to perform voter list maintenance on a regular basis, which includes the statewide postcard mailing program performed by the Indiana Election Division.
- Since 2013, the General Assembly has fully funded the statewide mailing to all voters.
- Uniform and non-discriminatory voter list maintenance is mandatory pursuant to the federal National Voter Registration Act (NVRA) of 1993 signed into law by President Bill Clinton.
- The National Voter Registration Act requires that a voter registration record must be inactive for two federal election cycles (up to 4 years) before the voter registration record can be cancelled, as part of this specific type of voter list maintenance process.

Frequently Asked Questions

Q: What happens if I receive a postcard?

A: You do not need to do anything to respond to the first postcard. If you receive a second postcard asking for a response, you need to fill out the postage pre-paid response card, sign it, and return it to the Indiana Election Division by July 27, 2019.

Q: What happens if I don’t respond to the second postcard before the due date of July 27, 2019?

A: **This does not mean you can’t vote!** If you do not respond to the second postcard by July 27, your voter registration status may be changed to inactive by your county. If you have not moved, then there is no action for you to take except to vote once in any Indiana election between November 2019 and November 2022. Voting at your registration address confirms you continue to reside there, and will result in your registration record status being moved to “active.”

However, if you have moved from your registration address, then you will need to update your information using a state or federal voter registration form or register to vote online at indianavoters.com. The statewide voter registration deadline for the November 2019 election is October 7, 2019. A person who does not update their registration record address may still be able to vote a regular ballot in an election if certain “fail safe” conditions are met.

If you respond to the second postcard after July 27, the postcard will be forwarded to your county voter registration office. The county can continue to process late arriving postcards to update registration information, but may not change the voter’s registration status to “inactive” during the 90 day “freeze” period before each Election (August 8-Nov. 5, 2019). This is due to federal and state law.

Q: What happens if my record becomes “inactive” and I don’t vote in any of these elections, including the November 2022 General Election?

A: If your record is inactive and you do not update your address or voter registration information nor do you vote or appear to vote from that address in any election before 2022, the county will change your registration status to “cancelled;” however, your record remains in the statewide voter registration system.

Q: If I don’t need to update my information until the November 2022 General Election, why are you doing the mailing and public outreach campaign now?

A: Federal law requires a voter list maintenance process that takes several years to complete, and state law requires the Election Division perform this task in every odd-numbered year. We have to start now. Our goal is to make sure that every Hoosier voter has ample time and information to correct any errors and make his or her voter registration record accurate.

Q. How do I check my current registration information?

A. You can check to see if you are registered to vote online at www.indianavoters.com. You can call the Hoosier Voter Hotline at 866-IN-1-Vote or at 866-461-8683. You may also check at your county clerk’s office or county board of registration.

Q. How do I register to vote?

A. If you have an Indiana’s driver’s license or ID card, you can register to vote online at www.indianavoters.com or you can pick up a voter registration form at your county clerk’s office, county board of registration, Indiana Election Division, license branch, local family and social services office, WorkOne center or department of health. State and federal paper voter registration forms are available for download at in.gov/sos/elections

Q. How do I update my existing voter registration?

A. If you have an Indiana driver’s license or ID card, you can update your voter registration online at www.indianavoters.com or you can pick up a registration form at your county

clerk's office, county board of registration, Indiana Election Division, license branch, local family and social services office, WorkOne center or department of health. State and federal paper voter registration forms are available for download at in.gov/sos/elections

Q. How do I cancel my outdated voter registration?

A. You can cancel your voter registration by filling out an Authorization to Cancel. A voter must cancel their registration in writing. The cancellation form is available online at <http://www.in.gov/sos/elections/files/VRG-14.pdf> or at your county clerk's office. If you print and fill out the online form, you must mail in the signed form to the Indiana Election Division or your county clerk.

Q. Where can I find contact information for my county clerk or county board of registration?

A. The mailing and contact information for your county clerk or county board of registration is available online at www.indianavoters.com or by calling the Hoosier Voter Hotline at 866-IN-1-VOTE or 866-461-8683.

Q: Why is it important to do voter list maintenance?

A: This is first about cleaning up our voter lists. We need to help county clerks perform much needed maintenance to outdated voter registration information and protect the integrity of elections. Inaccurate voter information can affect public confidence in the integrity of our voting process. Candidates and voters can question the integrity of our voting process when they know we have inaccurate registrations. It can discourage citizen participation in the election process when we have artificially low voter turnout statistics.

Plus, it's the law. The Indiana General Assembly requires voter list information maintenance every two years and voter list maintenance is a continuous, ongoing federal requirement of the National Voter Registration Act of 1993.

Q: How big of a problem is this for counties?

A: Counties often struggle with having enough resources to accomplish all of the important work they have to do. Voter list maintenance can be one of those tasks that is put off to another time. As each election cycle begins, different groups conduct drives to register people to vote. Some people may register to vote not realizing they are still registered at an old address. After each election, counties do not always have enough information to contact the voter's previous county of residence to have the former voter registration record canceled in accordance with the law. And as each election cycle passes without comprehensive maintenance, the voter rolls grow since this old information is still an active record.

Q: What kind of voter list maintenance is done at the county level?

A: Counties conduct voter list maintenance in several ways. This includes receiving information from the Social Security Administration and the State Department of Health to determine if someone has passed away. This also includes removing voters convicted of a crime and put in jail following their conviction based on information from the Indiana Department of Correction and County Sheriffs, and voters who cancel their registration through a cancellation request.

Some counties send a first postcard to all active voters; others may send a first postcard to voters to notify them that polling places or precinct boundaries have changed or to follow up a jury duty summons when a jury notice is returned by the US postal service. If the postcard comes back as “undeliverable due to an unknown or insufficient address,” then the county may send the voter a second voter response postage pre-paid card by forwardable mail to the voter’s mailing address. If the second postcard is also returned as undeliverable, then the voter registration record may be made inactive.

Q: What kind of progress has been made by the counties in removing inaccurate registrations?

A: The National Voter Registration Act requires two federal election cycles (up to 4 years) to pass before a county can move an inactive voter registration record to cancelled status. This means even the most proactive county that does regular maintenance will have inactive voters during this 4 year process. This is why it is so important that counties perform regular voter list maintenance.

Q: Doesn’t this cleaning up of voter rolls have the potential to remove legitimately registered voters, therefore preventing them from exercising their right to vote?

A: A voter is never “purged.” Likewise, voter’s registration record is never removed or deleted from the statewide voter registration system. Instead, the voter’s registration record status is updated to reflect active, inactive, or cancelled status. Even if a voter registration record is cancelled in error, that voter can still cast a regular ballot by simply affirming to the poll workers that they have continuously resided at their registration address. A voter can also cast a provisional ballot, which gives voter registration officials time to sort out the facts in that voter’s case, so that their vote can be counted if they are still eligible.