



Election Division Dispatch

Brad King & Angie Nussmeyer, Co-Directors | Nov. 2020

NEWS & UPDATES

Certification of Election Results

There isn't much time to rest following election day! Your county election boards must complete the canvass the results of your election no later than ten days after the election, and process any provisional ballots or late arriving overseas ballots by 3PM that same day. You'll then need to file the CEB series of forms using SVRS, and separately send your precinct level results to IED by noon, Monday, November 16, 2020 unless your county has opted to send precinct level results through SVRS. The CEB-9 is due Tuesday, November 17, 2020.

County clerks may begin issuing certificates of election to newly elected officials after 12P local prevailing time on November 20, 2020.

BMV Open on Election Eve & Election Day

State law requires BMV branches that issue credentials like driver's licenses or state ID cards to be open from 8:30A to 8P, local prevailing time, Mon., Nov. 2, 2020 and from 6A to 6P, local prevailing time, Tues., Nov. 3, 2020, to assist individuals in getting ID required to vote. As a reminder, state law requires a photo ID to include a photo of the voter, be issued by the state or federal government, be current or expired since 11/6/18, and include the voter's name that conforms (not necessarily be exact!) to their registration record. (IC 3-5-2-40.5) Further, an address on a state ID does not need to match the person's registration record. Exceptions exist for military and veterans' IDs.

#Protect2020

CISA has a new Election Rumor control in support of our #Protect2020 for public messaging against threats: <https://www.cisa.gov/rumorcontrol>. This webpage can answer questions about the security of an individual's vote and preemptively debunks potential areas for disinformation.

The US Centers for Disease Control & Prevention has also added tips for voters to reduce spread of COVID-19. You can learn more by visiting <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/going-out/voting-tips.html>

NOV WEB TRAINING

Nov 5 & 10 | Post Election Processing

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

CALENDAR

- October 31, 2020:** All counties open for "early" voting
- November 2, 2020 (NOON):** Deadline to receive ABS-Travel Board application
- November 2, 2020 (NOON):** Deadline to receive FPCA to request ABS ballot by email or fax
- November 2, 2020 (NOON):** In-person absentee voting ends (people in line are permitted to vote)
- November 3, 2020:** Election Day
- November 3, 2020 (NOON):** Deadline to receive mail absentee ballots & ballots faxed/emailed by FPCA voters (*If UOCAVA voter with emailed/faxed ballot has FWAB on file and ballot not received, remake FWAB on ballot card*)
- November 11, 2020:** Veterans' Day, IED Closed
- November 12, 2020 (NOON):** Deadline for counties to receive signature mismatch affidavit from a voter by mail, email, fax or hand-delivery pursuant to the SOS Order.
- November 13, 2020 (NOON):** Deadline for voter to cure provisional ballot due to ID issues
- November 13, 2020 (NOON):** Deadline to receive mailed ABS ballots from overseas FPCA voters (*If mailed ABS ballot for overseas & overseas UOCAVA voters does not arrive & FWAB is on file, then remake FWAB on ballot card*)
- November 13, 2020 (3P):** Deadline to count provisional ballots
- November 16, 2020 (NOON):** Deadline to certify election results to IED
- November 17, 2020 (NOON):** Deadline to file CEB-9 with IED
- November 17, 2020 (NOON):** Deadline for candidates to file recount/contest action
- November 20, 2020 (NOON):** Deadline for county chair (and for some races, state chair) to file recount/contest action
- November 24, 2020:** Results certified by SOS
- November 26 & 27, 2020:** IED Closed—Thanksgiving/Lincoln's Birthday (observed)
- December 14, 2020:** Presidential Electors meet
- 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

IN FOCUS: Provisional Ballots & After Certification, Recounts

PROVISIONAL BALLOTS (IC 3-11.7, generally)

County election boards must review each provisional ballot after election day at a public hearing. The hearing must be conducted not later than noon, ten days after the election and ballots found to be valid are to be counted not later than 3P by the same 10-day deadline.

The board will need to review the facts and apply the law to determine if a voter's provisional ballot is to be counted. Generally, if the voter is found not to be a qualified voter of the precinct, then the provisional ballot should not be counted.

However, state law was clarified this last legislative session to provide more guidance (see IC 3-11.7-5-1.7 in the supplement). If the voter is found to be a qualified voter of the precinct by the CEB, and there is only the PRE-4 affidavit before the CEB to consider, then the provisional ballot is counted unless the provisional ballot was cast as a result of:

- 1/ a court order extending polling location hours (court will provide direction on this group of voters);
- 2/ being omitted from a poll list and the

voter applied at a voter registration agency like the BMV or FSSA;

- 3/ failing to produce required ID by the noon, ten-day post election deadline; or
- 4/ failing to provide proof of residency if required to do so not later than noon election day for absentee ballots or 6P election day for voting at the polls.

If the provisional ballot was issued for any of the four reasons above then there is a specific procedure the CEB must follow to determine if the voter's provisional ballot can be counted.

LOCAL RECOUNTS (IC 3-12-6, generally)

All CEBs must certify their election results to IED not later than noon (Indy time), November 16, 2020. (The CEB-9 can be sent as late as noon, November 17, 2020.) A candidate can file for a recount not later than noon, November 17, 2020. For local offices, a county chair can file for a recount as late as noon, Nov. 20, 2020.

There are no automatic recounts in Indiana! Instead, the vote margin between the candidates dictates the amount of the bond the individual pays. The person filing the recount, at minimum, must pay the filing fee for a civil court case and a bond

amount of at least \$100.

The \$100 bond allows for up to ten precincts to go through the recount process. If the vote margin is 1% or less, then each additional precinct is \$10. If the vote margin is more than 1%, then the price per precinct is \$100.

For example, the person filing the recount petition wants to recount 15 precincts. If the vote margin is 1% or less, her bond will be \$150. If the vote margin is more than 1%, then her bond is \$600.

The judge assigned to the civil miscellaneous case will set up a recount commission made up of one Democratic and one Republican member and a mechanic, a person familiar with the voting system. The local recount commission manages the process and brings the findings back to the judge, who makes the final determination.

(Statewide and state legislative candidates use different procedures, so please direct those inquiries to IED.)

More information about both topics can be found in the blue *2020 Election Administrators' Manual*.

VR CORNER

Voting History

County voter registration officials can begin updating vote history from the November 3, 2020 election once the poll lists are returned to the CEB. If a state or local recount is going to be conducted, your election materials will be impounded. For those counties using paper poll lists, this means you will not have access to the poll lists to make updates. However, you can make copies of the poll lists if copies are made in the presence of the agency impounding the materials. (IC 3-12-6-19) Vote history must be uploaded to SVRS not later than sixty days following the election. Should a recount be conducted, this deadline is extended to sixty days following the conclusion of the recount. (IC 3-10-1-31.2)

DON'T FORGET!

VR Re-Opens Dec. 1, 2020

QUESTION OF THE MONTH

Q. How should we manage voters who asked for an absentee ballot and now want to vote on Election Day?

A. Because all voters who asked for an absentee are to be flagged in the poll list, there are a couple of paths for the voter & CEB to address issues where an absentee voter appears in person at the polls:

- 1/ Complete the PRE-5 ONLY if the voter's absentee ballot was mailed and not received by the voter. After completing the PRE-5, the voter votes a regular ballot if otherwise qualified.
- 2/ Before signing the poll list, voter surrenders their ballot to the Inspector, who cancels it and issues a regular ballot to the voter, if otherwise qualified.
- 3/ Before signing the poll list, voter discloses they forgot their ballot or it was lost at home. Voter can go to CEB before 5P to request an ABS-21, which will allow them to vote at their polling location.
- 4/ If the voter signed the poll list, then offer a provisional ballot to the voter. The CEB will determine if the voter was a qualified voter of the precinct.