

# Indiana Election Division

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# ELECTION

The Newsletter of the Indiana Election Division  
2003 Summer Edition

# Express

## *Municipal Election Time*

We're starting the last lap of one of the most challenging parts of the election process: the municipal elections in our cities and small towns. The municipal elections are especially difficult sometimes since the candidates, town officials, and voters may be less familiar with the election process than candidates and officials at the county level who participate in general elections every two years. In contrast, some small towns may not have had an election in living memory. Since no one ever files as a candidate, or decides to challenge an incumbent, the occasional vacancy that occurs on a town council is filled through the vacancy filling process under state law rather than at the ballot box.

Some unlucky clerks have already waded through controversial town political party conventions and a few county election boards struggled with candidate challenges that had to be resolved very quickly to finalize the ballots for fall.

Here are procedures and deadlines to keep in mind:

Monday, September 15: Deadline by noon to file (or withdraw) as a write-in candidate.

Now that this deadline has passed, you should know whether you'll be able to get by without having an election in a town or city if no candidates have filed to oppose each other for the same office. But remember that whether or not you have *declared* write-in candidates, the ballot must include a column or space for write-in votes to be cast.

Saturday, September 20: Deadline for delivery of printed absentee ballots to clerk. Double-check your ballot proofs to make certain that the correct titles and instructions have been used. For example, use "Town Council", not the former name of "Town Board." If your ballot includes at large seats on a town council, IC 3-11-2-12.7 requires that the ballot contain instructions reading "Vote for not more than (*insert number of candidates to be elected*) candidates of ANY party or ticket for this office."

Monday, October 6: Deadline for voter registration; beginning of absentee voting.

Remember that a county election board (or a town election board) can reduce the number of hours that in-office absentee voting must be made available. Under IC 3-11-10-26.5, if the board adopts a resolution by unanimous vote to do so, and makes certain findings in the resolution, the hours and days for absentee voting can be reduced from the usual 29 day (or even the four hours on two Saturdays) requirement.

Tuesday, October 21: Deadline for public test of optical scan or punch card ballots.

If your county has recently purchased an optical scan system, or will be using optical scan ballots for absentee voters for the first time, you may be conducting the public test required by state law as a new pre-election procedure. Please note that public notice of the test must be published before the test, and that Form IEC-10 must be filed with the Election Division after the public test is conducted.

Wednesday, November 5: New requirement for small towns to forward election material to circuit court clerk. Under IC 3-10-7-33(b), after a town election board completes the canvass of votes, the town election board must "immediately file the poll lists, ballots, tally sheets, and other election forms with the circuit court clerk" The clerk then preserves the town election material for the usual 22 month period after the election. This procedure will become important if a recount or election contest is filed after an election conducted in a small town by a town election board.

Wednesday, November 12: noon deadline for a candidate to file a recount or contest petition with the appropriate circuit court clerk. A recount petition is a type of lawsuit that will be assigned a cause number, and heard by a local judge, who will appoint a three member local recount commission. If you think that you may have a close election, you may want to take a look at pages 432-436 in the 2002 *Indiana Election Code* for specific information about the recount process. Contest proceedings are similar to recounts in several ways. See pages 442-445 for more information

Dear Friends:

The Help America Vote Act of 2002 (HAVA) is the most significant voting reform measure since the Voting Rights Act of 1965. In Indiana, we have been working over the last year and a half on many of the reforms now required by HAVA.

In February of 2003, I convened the Vote Indiana Team, a diverse group of 28 Hoosiers, to help create the blueprint for our elections for the next five years and beyond. The Vote Indiana Team members come from across the state and represent three political parties, the state legislature, minority groups, military voters, people with disabilities, county election and voter registration officials, and the media.

The Vote Indiana Team met over a six-month period as a full group and in smaller working groups to address specific issues and draft a comprehensive election reform plan for Indiana that implements the requirements of HAVA. After five meetings of the Vote Indiana Team as a whole and twenty-four singularly focused sub-group meetings, the Indiana State Plan is now available to you and all Hoosiers.

The changes you will see over the next few years will be significant. Indiana will be replacing punch card and lever machine voting systems still in use in 32 counties. An accessible voting machine will be placed in every voting location in Indiana. The creation of a statewide voter registration system will allow election officials in every county to communicate with each other as well as with officials from the Indiana Bureau of Motor Vehicles and the Departments of Health and Correction. The statewide voter registration system will help to ensure that every voter is registered at the proper location and only the proper location.

These improvements, along with advances in technology, will help to ensure the voting rights of all Hoosiers are protected and will position Indiana as a nationwide model for election success and reliability.

None of these changes would be possible without the cooperation, coordination and continued hard work of Indiana's county clerks, election board members, and voter registration officials. I also want to thank the Vote Indiana Team for their generous time and effort in putting forth these recommendations.

I look forward to continuing to serve you as Indiana's chief election official and as Secretary of State. I am committed to making sure that Indiana's elections are efficient, accurate and fair.

Yours truly,



Todd Rokita  
Indiana Secretary of State

## Highlighting HAVA

**REMINDER: October 31, 2003 at noon** is the deadline for your county to file the Voting System Reimbursement Application. If you have questions, please call Joe McLain, the HAVA Administrator, at (317) 234-VOTE (8683). You may also stop by and visit him in the Secretary of State's office in Room 201 of the Statehouse in Indianapolis. You may e-mail Joe at [havaadministrator@sos.state.in.us](mailto:havaadministrator@sos.state.in.us).

### Training & Education Update: Indiana Voter's Bill of Rights

The Indiana Voter's Bill of Rights is a guide prepared to assist election officials with educating voters. The Voter's Bill of Rights is a plain language document about accessibility and accountability; it provides accessibility for all of our fellow Hoosiers by letting them clearly know their rights and accountability for criminals who would commit fraud and deny Hoosier voters their rights. In an effort to ensure a fair and efficient election process, an updated version of the Indiana Voter's Bill of Rights for November 2003 has been sent to all 92 county election offices to be posted in every polling place. The Indiana Voter's Bill of Rights can be found on the Secretary Rokita's website at [www.sos.IN.gov](http://www.sos.IN.gov).

For more information or to ask questions about the Indiana Voter's Bill of Rights, please contact Susan Tielking, the HAVA Training and Education Coordinator, via email at [stielking@sos.state.in.us](mailto:stielking@sos.state.in.us), or call (317) 232-6541. You may also call the Indiana Election Division toll free at (800) 622-1948.

### Contact Congress

**When Congress passed the Help America Vote Act of 2002, they projected appropriating \$1.7 billion in 2003, and \$1 billion each in 2004 and 2005. Unfortunately, the states were left \$700 million short in 2003, and the current federal budget only calls for a \$500 million appropriation in 2004. It is time for you to contact Senators Lugar and Bayh and your member of Congress and ask them to support full funding for HAVA!**

Senator Lugar: (202) 224-4814; (317) 226-5555  
Senator Bayh: (202) 224-5623; (317) 554-0750  
Rep. Visclosky: (202) 225-2461; (219) 795-1844  
Rep. Chocoma: (202) 255-3915; (574) 251-0596  
Rep. Souder: (202) 25-4436; (260) 424-3041  
Rep. Buyer: (202) 225-5037; (574) 583-9819  
Rep. Burton: (202) 225-2276; (317) 848-0201  
Rep. Pence: (202) 225-3021; (765) 747-5566  
Rep. Carson: (202) 225-4011; (317) 283-6516  
Rep. Hostettler: (202) 225-4636; (812) 465-6484  
Rep. Hill: (202) 225-5315; (812) 524-8744

Find your copy of the Indiana State Plan to implement the Help America Vote Act of 2002 on Secretary Rokita's website at [www.sos.IN.gov](http://www.sos.IN.gov).

## *Small Town Election Story*

Several years ago, a collection of photographs of the very smallest incorporated towns in each of the fifty states was published. A story about the small town, and the people who live there, is often included with the photograph. Indiana's entry in this book tells the story of a small town election that captures the flavor of what many local election officials have already experienced this year.

Reprinted by permission, Mr. Dennis Kitchen, Dennis Kitchen Studios, New York, NY, from *Our Smallest Towns: Big Falls, Blue Eye, Bonanza, & beyond* (1995):

"New Amsterdam, Indiana. Population: 30.

There hadn't been a town election in New Amsterdam in over forty years. The issue was over a problem we were having with a loose dog that was running around out here. What happened was the dog bit a three year-old girl about a mile down the road from here. After hearing the complaints, the town board asked the owner to tie up his dog. Not only did he not tie up his dog, he challenged the [town board president] to run against him in the coming election. This was a first. As far as anyone could remember, town officials always ran unopposed in New Amsterdam. We hadn't had an election here in so long, I spent nearly thirty dollars in long-distance calls to the state election board in Indianapolis to make sure we were doing everything legal. Imagine having to have a six-member town election board sitting around up there from six in the morning to six at night waiting for twenty-four eligible townspeople to cast their votes. The six-hundred-dollar election bill ate up our general fund and put the town way into debt. By law, we had to hold that election even though we couldn't afford to. Needless to say, my husband Brett, the incumbent, was reelected by a vote of sixteen to eight. The loose dog was put to sleep. That little girl is doing just fine, and the man who lost hasn't spoken to none of us since the election. Mary Faye Shaffer, Clerk-Treasurer."

## **Voting Equipment Reimbursement Applications**

We hope all of you received the voting equipment reimbursement application forms we mailed to you on the Friday before Labor Day. We have had several calls from clerks who are working on the application and asked for information to make certain they were completing this correctly. That's fine, please call us if we can help explain the application process or clarify what's meant on the form.

Here are some common questions we've had since sending out the application form:

- (1) **The application says it is due noon October 31, 2003. Does that mean that it would be too late to apply next year? My county is looking at voting system vendors, but may not be ready to decide on a model by that date.**

**No, it would not be too late for your county to file an application next year.** The October 2003 deadline only applies to applications to be considered during 2003. That's because other state agencies (the Budget Committee and the Budget Agency) must review the application before money can be sent to a county. Since the Budget Committee plans to meet in November and December 2003, and will not meet again until after next year's state legislative session is over (probably April 2004), applications that will be considered at those meetings must arrive in time for processing. During 2004, the Budget Committee will meet several more times, and your county's reimbursement application can still be filed and considered then.

- (2) **What are the quantity purchase agreements mentioned in the application? Will there be new agreements soon for other products or with other vendors?**

**Yes, we expect there to be new quantity purchase agreements soon with several vendors.** A quantity purchase agreement (QPA) is a contract between a voting system vendor and the State of Indiana that sets a "ceiling" on the price of voting equipment that the vendor sells to Indiana counties.

When a county chooses to buy a new voting system, the county may, but is not required, to buy the system from a vendor by using the QPA. **One advantage in doing so is that if the county buys off the QPA, the county is not required to go through the bidding and other procedures that are required by state law for these procurements. Contact your county attorney for more information concerning these procurement laws.** Also, if the county buys a voting system off of a QPA, the QPA price is considered a "reasonable" price when the county's application for reimbursement is reviewed. (A higher price might lead to delays in the review of the application, since the program does not permit counties to be reimbursed for unreasonable or excessive prices for voting equipment.) **Of course, a county and a vendor may decide on a lower price than the amount quoted in the QPA. The QPA price is a ceiling, not a floor.**

There are currently four QPAs in effect with Indiana voting system vendors. However, these agreements will be expiring September 29, 2003. We are planning to renew the existing QPAs through the end of this year, but will be reopening the QPA process to negotiate a new agreement with those Indiana certified vendors who wish to participate in a QPA for 2004. The new QPAs may include new vendors and new products from vendors currently listed on a QPA. The current QPAs (with terms, products, and prices) can be found on the Department of Administration website. Look under "Voting Systems" at <http://www.in.gov/idoa/proc/qpa.html>.

## Statewide Voter Registration System News

We are moving forward with planning for the statewide voter registration system required under the Help America Vote Act (HAVA). Under the Indiana HAVA Plan, we will begin by selecting a consultant to help us design the best possible “state of the art” voter registration system that we can get for the dollars that we have available. Although we are awaiting formal approval to hire a specific consultant as of this writing, we expect that during the next two months, you will be asked to share your ideas, suggestions, and concerns regarding the features to be included in this new system. Please take a few moments to dream about how your voter registration work could be made easier, and more efficient. And then be prepared to share those ideas during the weeks ahead. When the time comes to get out the check book, we may not be able to afford every good idea that everyone has, but we want to make certain that you do have a chance to share your good ideas for the benefit of everyone.

## The Results Are In...

As in 1999, the Election Division will be posting election night results for the races for mayor in cities across Indiana. Soon we will be asking you to confirm the names and party affiliations of the candidates for mayor as they will appear on your ballots. (We will also be asking you to confirm the names of any declared write-in candidates for mayor, who of course won't be on the ballot.)

We will then post this information on our website shortly before election day, and enter the returns for that race on our website on election night after the polls close. We appreciate your assistance in providing us with both candidate information and with election results after the close of the polls on a busy election day.

This website feature receives an amazing number of “hits” in the 24 hours after the polls close. We hope that providing this service reduces the number of media inquiries and other telephone calls asking for election results information.

## New Faces on the Indiana Election Commission:

The Indiana Election Commission is a four member body (not the same as the Election Division of the Office of the Secretary of State). The Election Commission meets several times each year to perform a number of tasks, including ruling on state level candidate challenges, certifying voting systems in Indiana, and campaign finance enforcement, among others. The members are appointed by the Governor, following recommendation by the appropriate major party state chairman.

Brian Burdick has been appointed as a member and as chair of the Commission. He succeeds Dudley Cruea, who served as a member and chair for several years. Mr. Burdick is an attorney with the firm of Barnes & Thornburg in Indianapolis. Claudia Cummings, who also served as a Commission member for the last year, resigned recently to accept a position with the federal government. We expect the resulting vacancy to be filled shortly. S. Anthony Long and Butch Morgan are the remaining members of the Commission. Our thanks go to Claudia and Dudley for their service on the Commission, and we welcome the newest Commission member and chair!

## Welcome to Clay Patton!

Clay M. Patton joined the Indiana Election Division as Co-General Counsel in August after practicing law for 2 ½ years in the private sector. Prior to that, he worked in the Indiana Attorney General's Office and for United States Senator Evan Bayh. Do not hesitate to contact Clay with any election law questions. You can contact him by telephone at 317-232-3939 or by e-mail at [cpatton@iec.state.in.us](mailto:cpatton@iec.state.in.us).

Clay succeeds Kristi Robertson, who served as Co-General Counsel until she was appointed as Co-Director last year. Please join all of us (especially his colleague Dale Simmons!) in welcoming Clay to the Division.

## Welcome to Joe McLain and Susan Tielking!

The Election Division is pleased to welcome two individuals who will be assisting with the implementation of HAVA. Joe McLain has begun serving as HAVA Administrator. His tasks will include the organization and processing of county voting equipment reimbursement applications. Susan Tielking is now serving as HAVA Training and Education Coordinator.

Although they will not be serving as Election Division staff members, both Joe and Susan will be working directly with Secretary of State Todd Rokita and both Co-Directors on several tasks related to HAVA implementation. You can expect to hear more from both of them soon.





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