



# *2002 Summer Edition* **Election Express**

*The Newsletter of the Indiana Election Division*

## **MARK YOUR CALENDARS NOW! 2002 COUNTY ELECTION ADMINISTRATOR CONFERENCE IS DECEMBER 9TH AND 10TH**

The December 2002 County Election Administrators Conference will be held at the new Downtown Marriott, just across Washington Street from our offices in Government Center South. The agenda calls for registration to begin the evening of Sunday, December 8, with a full day of presentations and discussions on Monday. The conference is scheduled to adjourn at noon on Tuesday, December 10, 2002.

We think that you will find the conference and dining facilities at the Marriott to be first-rate. We welcomed about 425 participants at our last conference, and we are hoping that you can join us for an informative meeting. You may even want to do some holiday shopping for that hard-to-find gift. After conference hours, of course.

The Downtown Marriott is located at on the south side of Washington Street across from our offices in the Indiana Government Center South at 50 North Capitol in Indianapolis.

Based on room reservations from previous years, we have arranged for 250 rooms to be reserved for Sunday night and the same number for Monday night.

It is first come, first served so get your reservations now. Call the Downtown Marriott at 877-640-7666 or 317-822-3500.

Be sure to mention that you are reserving rooms for the "County Election Official Conference", so you will be guaranteed the low government rate of \$79 per night.

Reservations will be accepted through October 31, 2002, but the available rooms may be gone by that date, so please don't wait.

We mail you conference registration forms and agendas in the near future...

### **Best Wishes and Thanks to Michelle Brzycki**

It is bittersweet when they grow up and leave the nest. This is the feeling we have as we say goodbye to our own Michelle Brzycki. Michelle, or Shell as she was commonly known, leaves her position as a Voter Registration and Mapping Coordinator in our office to go manage a political campaign.

Shell first experienced our office as a member of the Governor's Fellowship Program during the 2000 election season. She rejoined our staff as a full-time Division staffer in the Spring of 2001. We thank her for her public service and know you all join us in wishing her well in all her future endeavors.

As she left she expressed her great pride in having been a part of our state election system and that she would miss working with the county clerks and voter registration officials.

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**BALLOT ORDER FORMS HAVE  
GONE OUT  
PLEASE RESPOND!**

Each circuit court clerk should have received a mailing from this office regarding 2002 paper ballots printed by the Election Division for use in certain counties.

As the memo in this mailing explains, most counties will NOT order any of these ballots from us since those counties use punch card or optical scan cards instead. Over the years, fewer counties have ordered these traditional paper ballots and we expect this trend to continue as counties purchase newer voting systems.

However, even if you will not be ordering these ballots, please respond to this mailing as soon as possible. This will help us finalize our printing arrangements as soon as possible and help us fulfill orders faster.

**VOTER REGISTRATION  
NEWS**

Our thanks go out to those counties who have already submitted their NVRA Quarterly Tracking Reports to this office. If you have not done so yet, please take a moment to compile the report and fax it to 317-233-6793.

We also thank each of you for your efforts in helping us compile the Statewide Voter Registration File. This compilation of information from the voter registration rolls from February of this year has been completed. It's a very complicated and sometimes frustrating project that many counties, their vendors, this office, and our vendor, have all worked together to accomplish.

Although there are still improvements we need to make in this process, it seems clear that this year's compilation was our best effort so far. Once again, our thanks to all who helped with this effort.

**BALLOT VACANCIES,  
CANDIDATE LISTS, AND  
CANDIDATE CERTIFICATIONS**

The November 2002 general election ballot is beginning to take shape. The primary nominees for state level offices (and those who have been chosen to fill ballot vacancies for these offices) are listed on our web site at <http://www.in.gov/sos/elections/Filings.pdf>

Although the July 3 certification deadline for primary ballot vacancies has passed, there can still be changes (additions or deletions) from this candidate list, and on your own local ballots.

These changes can happen for several reasons, including:

- (1) Candidate withdrawal, which can occur as late as noon July 15. If a candidate withdraws, the political party has a 30 day period to fill the ballot vacancy;
- (2) Candidate death or disqualification, which can happen at any time. If this occurs, the procedure for filling the ballot vacancy depends on how close to the general election the vacancy occurs;
- (3) Town elections with staggered terms. Candidates for major parties and the Libertarian Party can file declarations of candidacy for these offices until noon August 1; and
- (4) Local public questions. If state law permits a referendum to be held, the necessary petitions usually must be filed by noon August 1.

Under state law (IC 3-8-7-2), the Election Division will certify the list of state level candidates to you no later than noon, August 20. However, if you wish to check out our web site before then to make some initial preparations for your ballot printing, please do so. Just remember to double (and triple!) check any of your preliminary work with the official certification when it arrives.

## **SAVE TIME, PAPER AND POSTAGE!**

### **STOP NEEDLESS CROSS-COUNTY ELECTION RESULT CERTIFICATIONS!**

It's great to be able to tell you that there is some election-related paper work you *don't* have to do.

We received several calls from circuit court clerks after the May 2002 primary asking for the Code cite requiring the clerk to certify that county's election results to other counties in the same congressional district. Usually the clerk was calling us because they had received a certification from another clerk, and wondered if they were required to send their election results to other counties.

The short answer: *there is no such Code cite* and no such requirement. You *do not* have to certify any of your election results to another county in Indiana.

There are only two exceptions to this rule: (1) for school board elections, if most of the school district's population is in another county besides your own, then you certify school board election results only to that other county; and (2) for city and town elections, the same procedure applies when a city or town is partly in your county, but most of the population is in another county.

Remember that you must send certifications of statewide, congressional, and state legislative election results to us here at the Election Division, but not to any other office.

## **IMPORTANT SAFETY TIP DOUBLE CHECK YOUR DISTRICTS!**

In our last newsletter, we alerted you to the potential problems that can happen when preparing your ballot variations for the new Congressional, State Senate, and State House districts that are being used for the first time in the 2002 elections.

*It is critical to make sure that you have assigned each precinct to its correct legislative district!*

This problem seems most likely to occur with State House of Representative Districts since there are more of them.

If there is a close race in that district in the fall, and voters in a precinct have been assigned to the wrong district, then a contest lawsuit and a special election could be the result!

We urge you to take a few moments and have as many eyes as possible double-check your work on this.

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## **A ROSE BY ANY OTHER NAME WOULD SMELL AS SWEET**

That may be true for flowers, but names, *particularly office titles*, **must** be correct on general election ballots. Over the years, the legislature has changed the names of several state and local level offices. In some cases, like "township advisory board", the old name continues to be used in everyday speech, but the ballot must be up-to-date in listing these offices to comply with state law. Here are some common office names that you want to be certain appear correctly on your ballots

### **USE**

Clerk of the Supreme Court

County Council Member

Township Board Member

Town Council Member

### **DO NOT USE**

Clerk of the Courts or other variations

County Councilman

Township Advisory Board Member

Town Board Member

## **CITY AND TOWN REDISTRICTING: COMING SOONER THAN YOU THINK!**

Although most county offices are busy preparing for the November 2002 elections, please keep in mind that city and town elections will be held next year. Since this is the first municipal election after the 2000 census, this also means that all cities (and many towns) are required to adopt ordinances to set up city council and town council districts.

Under state law (IC 3-11-1.5-32), cities and towns must have these ordinances adopted no later than November 8, 2002. In small towns, the town council also has the option of adopting an ordinance to abolish town council districts and elect all members at large.

Whichever type of ordinance a city or town adopts regarding its council districts, the city clerk or town clerk-treasurer is

required to file a copy of this ordinance with the circuit court clerk. (See IC 36-4-6-3(l) on page 611 of the Election Code book, for example).

You can begin preparing for this work by: (1) checking your current files to see if you have city and town council district ordinances (or ordinances abolishing town council districts) for each city or town in your county; (2) contacting each city clerk/town clerk-treasurer to remind them to file a copy of any new ordinance with you; and (3) touching base with any city or town attorneys who might come to your office on other business to remind them of these statutes.

Kristi Robertson and Dale Simmons recently made presentations about municipal redistricting laws at well-attended conferences of city and town officials in Merrillville, Noblesville, and Terre Haute, so we know there is plenty of discussion and interest in this topic throughout the state.

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### **BALLOT REVIEW SERVICE AVAILABLE UPON REQUEST**

During the 2000 election, this office provided a "General Election Ballot Review Service" to check for correct party order, office name and voting instructions for any county which requested this assistance. The county interest and participation in this review service was very high, so we are pleased to offer it again. There are some deadlines and restrictions, so here goes:

\*Submit your ballot proofs by Fax to 317-233-6793 or by mail to the attention of Dale and Kristi so that they are received in this office *no later than Thursday, September 12.*

\*This office will check party order, office names, voting instructions, party symbols and judicial retention questions. *We cannot check candidate names or district numbers or other ballot items for you.*

\*This office will review ballot proofs in the order that they are received and will fax back these proofs with any corrections or questions as quickly as possible.

Your participation in this ballot review is purely voluntary. We are pleased to provide additional assistance with ballot proofing in any case where you think it will be helpful.

### **SHORTAGE ON YOUR TOWNSHIP BOARD ?**

Suppose that after all the deadlines for candidates to get on the General Election ballot have passed, you have a township where less than 3 candidates have filed for township board.

If this happens, Indiana Code 3-13-10-6.5 requires the county commissioners to solve this problem.

At some time between October 7 and December 31 of this year, the commissioners must conduct a meeting to determine which of the three currently serving township board members will continue in office after the election and serve another four year term.

Of course, if a township board member does not wish to continue serving after the end of the year, that person can always resign by filing a written statement with the circuit court clerk's office. The resulting vacancy would then be filled by that person's political party.

If it is likely that there will be a township board member shortage in your county after the fall election, you should contact the county attorney and county commissioners to alert them to this statute and procedure.

### **Questions of the Month**

**Q. What do I do with an application where someone did write down a number in the voter ID boxes, but it's obviously a ZIP Code or telephone number, and not a voter ID number?**

**A:** *This is new application problem that may be similar to some other application problems you've encountered in the*

*past. Say, for example, that an applicant wrote down today's date instead of their date of birth on the application. You know that this information is incorrect, and so you would follow the same procedure described above when a voter had refused to provide any ID number at all. The same notice, certification, and rejection procedures would apply if the voter will only give a number you have good cause to believe is not a Voter ID number.*

*Continued on back page.*

## **MILITARY VOTERS: ON THE FRONT LINE FOR FREEDOM**

All of us have a renewed awareness of the contributions made by the men and women of the Armed Forces in protecting our freedoms, including our right to vote. Their willingness to make the highest sacrifice on our behalf should make us willing to assist them in exercising their right to vote.

Here are some things you can do to help military voters and their families participate in the elections process:

\*Make sure that military and other overseas voters receive their ballots and can return them without running afoul of United States Postal Service regulations. You or your printing vendor can find samples and up-to-date specifications for these envelopes on the web at <http://www.fvap.ncr.gov/leo/leo.html>.

\*Request the County Election Board to take action to allow military and overseas voters who are participating in *Operation Enduring Freedom* to receive and cast their ballots by Fax in the November 5, 2002 election. The Federal Voting Assistance Program in the Department of Defense has declared an emergency under state law IC 3-11-4-6(g)(1) to permit ballots by these voters to be sent and received by fax, subject to the following conditions:

- (1) The voter must certify that the voter is a participant in Operation Enduring Freedom. This certification could be a statement to that effect written or added by a sticker on the absentee ballot application form;
- (2) The voter must voluntarily waive the right to a secret ballot by using the fax. The statement "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot" written or placed by a sticker on the absentee ballot application will work;
- (3) After receiving an absentee ballot application, the ballot must be faxed to the Pentagon to be forwarded to the voter. The fax numbers that must be used are (703)-693-5527 or (800) 368-8683 or DSN 223-5527. Faxing the ballot can be challenging, depending on the type of ballot used by the county. If traditional paper ballots, or optical scan ballots are available, these may be relatively easy to fax and return. If a county uses punch card ballots, it may be necessary to prepare a paper ballot for the voter. This should comply as closely as possible with the state laws governing ballot format IC 3-11-2, but the ballot would not need to be professionally printed. The point would be to have the ballot be as easy as possible for the military voter to understand and to vote.
- (4) The County Election Board, *by majority vote*, must agree to participate. This program is totally voluntary for all counties, although it may be a good way to prepare for the change in state law regarding the faxing of absentee ballots to military voters, which becomes effective January 1, 2003. If your county chooses to participate, please let the Election Division know so that we can be prepared to answer questions or inquiries from media or the public about this program.

\*Participate in the survey being conducted by the Reserve Officers Association of the United States regarding the use of Federal Post Card Application for an absentee ballot filed with you by military voters in the 2002 general election. This is a simple two-question survey that will attempt to collect statistics regarding the numbers of these applications that you receive and the number of these absentee ballots that were received too late or could not be counted for other reasons. If you have not received this questionnaire yet, and wish to participate, please contact Samuel F. Wright at [Swright@aol.com](mailto:Swright@aol.com) or at 1-800-809-9448, extension 753.

## QUESTIONS OF THE MONTH, Cont'd

**Q. I have a person standing at my counter who wants to register to vote. This person refuses to write a voter ID number (the ten digit driver's license/BMV ID number, or the last four digits of the social security number) on the form. What do I do with this application?**

*A. Of course you've already told this person that the voter ID number will be required to process the application, but that hasn't solved the problem. If the person insists upon giving you the application, accept it, and then act under IC 3-7-34 (Special Procedures for Processing Incomplete or Incorrectly Filed Applications), found on page 136 of the Election Code book.*

*This statute provides that if the county voter registration office receives an application that is not "fully and properly completed so that the clerk or board can determine if the applicant is eligible to register", then the county voter registration office must send a notice by mail to the voter. You can use the VRG-10 form for this purpose.*

*If the voter has provided a telephone number, the county voter registration office should also make an effort to contact the voter by telephone. This telephone call may be redundant if you've already explained the problem to the voter in person, but if you were to receive an incomplete application through the mail, for example, this telephone call would be necessary.*

*If the voter declines to provide this information after some reasonable period of time that you specify in your notice, then the county voter registration office must certify to the county election board that the voter has been contacted to attempt to obtain this information. After certification to the county election board, the county voter registration office then rejects this application (IC 3-7-34-4).*

### **...from the Co-Directors**

**Spencer Valentine:** I want to reiterate how great it has been to work with Shell Brzycki these last couple years. She is a very professional and organized young woman who has done some really wonderful work with the Election Division.

I would also like to offer my best wishes to Joseph Perkins who leaves the Election Commission after eight years of service. It has been good working with you Joe. I also want to enthusiastically welcome Claudia Cummings as the Governor's latest appointment to the Indiana Election Commission. Many of you know Claudia from her work with the Marion County clerk's office. She joins the Commission at the same time as Butch Morgan of South Bend is reappointed to the Commission. Welcome Commissioners!

**Brad King:** We've all heard the proverb "There's nothing new under the sun!" Some University of Chicago students didn't think so when they were asked to help "redesign" the instructions used to help voters in the polling place. They came up with some innovative ideas as part of this project, but also learned an important lesson about practical politics in the selection of colors for the printed material. You can read their story on the web at [www.csmonitor.com/2002/0409/p12s01-lecs.html](http://www.csmonitor.com/2002/0409/p12s01-lecs.html). Any election worker should enjoy this article.

I hope that each of you is enjoying or at least tolerating the warm sunny days of summer, and that you are gathering strength for the challenges that the fall election will bring. Remember that we are here to help. Don't hesitate to call us with any question you have, or if we can assist you.

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