



# Election Division Dispatch

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## NEWS & UPDATES

### NEW! Primary Certification Deadline

A reminder that counties must certify their final election results from the June 2, 2020, primary election to **not later than 3P (local prevailing time), FRIDAY, JUNE 12!** This is an earlier deadline than required by statute. Counties are to file all their required forms in INSVRS and either upload precinct results in INSVRS or provide a hard copy of those results to IED not later than the 3P (local prevailing time), deadline of June 12, 2020.

### Recount & Contests

With the June 2 primary nearing certification, candidates may be asking about recount and contest actions. IC 3-12-6, generally, walks through the procedures and candidates should secure their own attorney to be properly advised. The deadline for a candidate to file a recount or contest action stemming from the June 2, 2020 election is noon (local prevailing time), Tuesday, June 16, 2020. The deadline for a county chair to do so is noon (local prevailing time), Friday, June 19.

A recount or contest action is a court action, meaning a civil complaint is filed with the county clerk. The person filing the case pays the court filing fee. For a recount, the individual must also pay a minimum \$100 bond at the time of filing. The \$100 bond allows for the person to request up to 10 precincts to be recounted. If the person wants more than 10 precincts counted, then the bond increases by:

- \$10 per precinct if the difference in the vote totals between the candidates is not more than 1%; OR
- \$100 per precinct if the difference in the vote totals between the candidates is more than 1%.

The case is filed with a court assigned randomly to civil or circuit courts in your county. The judge will appoint a local recount commission, consisting of a Democrat, Republican, and mechanic. The CEB plays no official role beyond making requested election material available. Please note: original poll lists may be impounded due to the court action. Counties may make copies of poll lists to update vote history, but the deadline to update vote history is extended to end 60-days after the date the recount ends.

### US District Court Data VLM Project

State law requires IED to provide jury return information from the US Northern and Southern District Courts in Indiana not later than 24-days after the primary, or June 26, 2020. County VR officials must then act on the information and complete work before the August 5, 2020, 90-day federal freeze deadline. More information to come on this project.

## JUNE WEB TRAINING

June 3 & 9 | Post Election Processing

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

## CALENDAR

**June 12, 2020 (3PM)** Deadline to certify primary election results

**June 30, 2020 (NOON)** Deadline to hold a caucus or make an appointment to fill a local office ballot vacancy where no D/R candidate ran in the primary

**June 30, 2020 (NOON)** Deadline for L party to fill vacancy resulting from a vacancy for an office nominated at its state/county convention

**June 30, 2020 (NOON)** Deadline for minor party/independent candidates who want their name printed on the ballot to file petitions & CAN-12 with county VR official to review and certify (NOTE: for the few counties with a separate VR board, see July 15, 2020 entry)

**July 3, 2020** IED Closed

**July 6, 2020 (NOON)** Deadline for D/R to file certificate of candidate selection nominating candidates to fill ballot vacancies resulting in no person running in the primary election

**July 6, 2020 (NOON)** Deadline for L party to file certification of nomination existing as a result of no person being nominated at convention

**July 6, 2020 (NOON)** Deadline for minor party/independent candidate to file CAN-3 to be a declared write-in candidate

**July 15, 2020 (NOON)** Deadline for a candidate to withdraw for any reason

**July 15, 2020 (NOON)** Deadline for an independent/minor party candidate who wants their name printed on the ballot to file CAN-20 consent (and for the few counties with separate VR board, the CAN-12 and certified petitions with clerk/CEB)

**July 15, 2020 (NOON)** Deadline for L party to file paperwork for those candidates nominated at county or state convention

# IN FOCUS: SUMMER CANDIDATE FILINGS

While the primary was moved 28-days to June 2, the IEC Orders did **not** change dates for preparations for the November election, including filling ballot vacancies by the Democratic, Republican and Libertarian parties.

## 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. The deadline to fill a ballot vacancy where no person ran in the primary election is NOON, June 30, 2020.

### Caucus

The county chair must send written notice (CAN-30) 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-30 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-31 with the chair of the caucus not later than 72-hours before the caucus is held. The CAN-31 must also be filed with the county clerk not later than 72-hours before the caucus.

The caucus is to be held according to the procedures in IC 3-13-1, and **must be held not later than noon, June 30, 2020**. The nominated candidate's CAN-12 statement of economic interest AND the CAN-29 certification must be filed with the county clerk not later than noon, July 6, 2020.

### 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, 2020**. The candidate's CAN-12 and CAN-31, and the CAN-29 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 6, 2020. (NOTE: If the party is filling multiple vacancies by direct appointment, the resolution or meeting minutes must be attached to EACH CAN-29.)

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-29 form has a box for the chair to mark and indicate this reason.

NOTE: The Democratic and Republican parties may fill state legislative vacancies, but those are handled by the state parties and calls directed to their office and IED.

## LIBERTARIAN PARTY

The Libertarian Party generally fills their federal, state, and local offices at a state or county 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 ~~state and~~ county convention for the Libertarian Party must be held not later than noon, June 30, 2020.

If after the Libertarian Party holds its state or county convention and fails to fill a ballot position, its state party committee may fill the ballot vacancy not later than noon, June 30, 2020. 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 6, 2020.

## INDEPENDENT & MINOR PARTY CANDIDATES

### Filing Petitions

Independent and minor party candidates for local office who want their names printed on the ballot file in two-parts.

Step 1: The candidate must file CAN-21 petitions and the CAN-12 with the county VR official not later than noon, June 30, 2020. (NOTE: In the few counties with a separate board of voter registration, the CAN-12 is filed in step 2.)

To qualify, the candidates must have certified signatures of registered voters in their election district totaling at least 2% of the total votes cast for all candidates in the 2018 Secretary of State's race

Step 2: Not later than noon, July 15, the candidate supplements the certified petitions with the CAN-20 candidate consent. (Note: in the few counties with a separate board of voter registration, the CAN-12 is filed with the county election board at the time the certified petitions and CAN-20 consent form is filed.)

Important! The petition form for local candidates is the CAN-21; the form for federal, statewide, and state legislative office is the CAN-19 form. Though county VR official certify petitions signatures for federal, state, and state legislative candidates, the filing of the certified documents is managed at IED.

### Declared Write-in Candidates

Independent or minor party candidates may file to run as a local candidate by submitting the CAN-3 & CAN-12 not later than noon, July 6, 2020. The candidate's name is NOT printed on the ballot.

## SCHOOL BOARD CANDIDATES

Most candidates for school board need to collect at least 10 signatures from registered voters in their election district using the CAN-34. For most school board candidates, the election district is the entire school corporation area. For those in metropolitan school district who are required to run in a district, the signatures are limited to those individuals within that small district. The candidate completes the consent found on the back of the CAN-34 and files the petitions along with the CAN-12 beginning July 22, 2020, and not later than noon, August 21, 2020.

## AN (ALMOST) FINAL NOTE ON SUMMER CANDIDATE FILINGS...

### Candidate Withdrawal

A candidate may withdraw for ANY reason until noon, July 15, 2020. A candidate for local office files the CAN-24 form with the county election board not later than this deadline. The county chair then has thirty days to fill the ballot vacancy, using the same forms and procedures noted above. (IED manages withdrawals for federal, statewide, and state legislative offices, though the deadline of noon ET, July 15, still applies.) After noon, July 15, 2020, a local candidate may withdraw ONLY if the person passes away, is convicted of a felony, moves out of their election district, or is ordered off the ballot by the courts. Should that occur, the ballot vacancy may be filled by the county chair not later than 30-days from the date the vacancy occurred.

### Don't Forget the CAN-5!

State law recently changed and requires the county to provide the CAN-5 notice to all candidate filings, even ballot vacancies, within one business day of accepting the document. This can be generated in INSVRS after entering the candidate information in the election module.

### Rejected Petition Filings

If an independent/minor party candidate files petitions with the clerk, it's the clerk's responsibility to ensure the candidate met the signature threshold requirement of 2% of the total votes cast in the 2018 Secretary of State's race in those precincts within the election district. If the candidate filed at least the minimum certified signatures, then certify the petition. If not, then the clerk must reject the candidate filing and send notice to the candidate by certified mail. The candidate may appeal the decision by filing a CAN-1 by noon, August 21, 2020, and the CEB would conduct a "hearing on the matter. School board rejections are handled a little differently, and this will be covered next month.

## VR CORNER

### VRG 4/12 Updates

County voter registration officials can have access to the VRG 4/12 once the election materials are returned to the county election board, and updates to the voter's record may be made. Please be sure to forward any completed VRG 4/12 that indicates a move to another county to the proper county not later than August 3, 2020. (IC 3-10-1-31.1(f) and IC 3-10-1-31.2)

### Voting History

County VR officials may begin immediately updating vote history from the June 2 primary into INSVRS, once the poll lists have been delivered. (IC 3-10-1-31.1; IC 3-10-1-31.2) If materials are impounded due to a recount, poll books may be copied to continue work. (IC 3-12-6-19.5) However, ePB data may be uploaded into SVRS, even if a recount is occurring. Unless there is a recount/contest action, the deadline to complete vote history is 60-days from the date of the election, or August 3, 2020.

## QUESTIONS OF THE MONTH

**Q. When are our final, certified precinct level results and election reports required to be filed with IED?**

A. Pursuant to IEC Order 2020-37, not later than 3PM (local prevailing time), Friday, June 12, 2020.

**ALL** reports certifying the vote total for each office and public question on the ballot are to be filed electronically through SVRS by this deadline. (The CEB-9 can be filed by noon, June 16.) This reporting is especially critical as the state convention delegate information is needed for the parties to conduct their conventions.

Counties using the precinct upload via mapping can upload their final results using this feature. Counties not using the precinct upload via mapping can attach the final precinct-level results in SVRS to upload OR email them to [elections@iec.in.gov](mailto:elections@iec.in.gov).