



Election Division Dispatch

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NEWS & UPDATES

Redistricting Update

Through HEA 1372, the Indiana General Assembly extended its current session through Nov. 15, 2021, to allow for Congressional and state legislative redistricting activities to occur. The IGA website - www.in.gov/IGA - will have more information once a decision has been made on their return to Indianapolis later this year.

As a reminder, the US Census Bureau is expected to release its 2020 Census data in a legacy format by Aug. 16; the same data in a more “modern” format will be released by Sept. 15. Redistricting efforts and refined census blocks will likely have an impact on your county’s precincts. Stay tuned for details on the re-precincting process later this spring.

Finally, the Bureau released Congressional apportionment information on April 26, which tells states how many US House district seats it’ll have for the next ten years. Indiana will continue to have nine members in the US House.

Statewide VLM Post Card Mailer

The first card in the statewide VLM post card mailer will be dropped in the mail not later than May 17, 2021. By mid-June, counties will likely start seeing their VLM Hoppers populated with records to review and approve. In May, Civix will be hosting two training opportunities on the SVRS modules related to this effort. Please plan for at least one person on your team to attend one of these trainings.

Also, IED is hosting a webinar at 10A ET on May 7, 2021, to review VLM-related activities authorized by state and federal law, including the 2021 statewide postcard. This will be your chance to ask VLM policy-related questions of the IED team.

Legislative Summary

As a reminder, IED publishes a legislative summary each year, usually around the beginning of July, which will highlight the statutes impacted by bills from the most recent legislative session.

MAY WEB TRAINING

May 11 & 13 | SVRS VLM Training for Statewide Mailing

2021 Calendar now posted to INSVRS County Portal. Dates/times subject to change. Please verify against the calendar.

ALPHABET SOUP: TACS

TACS = Title, Article, Chapter, Section

Indiana law is organized by Title, Article, Chapter, and Section—or TACS. We often refer to the state’s election law as title 3, as most of our election laws are found in this title. The article is usually the theme of statutes contained within the subheading. For example, IC 3-7 is where you’ll find voter registration laws or IC 3-9 the campaign finance act.

The chapter further breaks down the “theme” of the article. For example, IC 3-13-7 is where you’ll find information on filling an elected office vacancy for most local offices. IC 3 (elections) - 13 (ballot and elected office vacancies) - 7 (filling some county office vacancies).

The section is the granular detail. IC 3 (elections) - 13 (ballot & elected office vacancies) - 7 (some county office vacancies) - 1 (requires a D/R vacancy to be filled by caucus under IC 3-13-11). Subsections can be even more specific, like IC 3-13-7-2(a)(1).

CALENDAR

- May 4, 2021:** Election Day, if jurisdiction holding special election for a public question
- May 17, 2021:** First mailer for statewide postcard mailer dropped to “active” Indiana voters
- June 1, 2021:** Second mailer start date for those first cards returned as undeliverable
- July 27, 2021:** Final drop date for card 2 to allow for at least 30-days notice to the voter
- Aug 2, 2021 (noon):** Deadline for a public question for the Nov. 2, 2021 special election (*Transfers from Sun., Aug. 1*)
- Aug 21, 2021:** Recommended deadline for a voter to mail back a voter response card from the statewide mailer
- Aug 27, 2021:** Deadline for IED to receive the VRC from card 2
- Oct 4, 2021:** VR deadline for precincts where special Nov. election conducted
- Oct 4, 2021:** “Freeze” deadline for county to move voter to “inactive” status in precincts where a special election conducted (if applicable)
- Nov 2, 2021:** Election Day, if special election conducted

IN FOCUS: Elected Office Vacancies

Occasionally an elected official in a local office will resign from office before their term ends and the office will need to be filled as a *pro tempore* appointment.

Notice of resignation and procedures to notify chairs of a death of an office holder can be found in IC 5-8-3.5 and IC 5-8-6, respectively. Most local office holders will file their resignation letter with the county clerk, who then must notify the chair in writing within 72-hours.

Certifying the death of a local officeholder is also a responsibility of the clerk, once she receives information about the death. A caucus cannot be called until the chair receives notice of the local official's death from the clerk.

However, please read the statutes closely as some local offices will file a resignation with the governor or the governor will certify the death of an officeholder.

IC 3-13-6 is the first chapter in the vacancy statutes that directly applies to local offices. While it is important to read the entire chapter, beginning with IC 3-13-7, the first section notes that a vacancy in a local office that was last held by a person elected or selected as a candidate of a

major political party (D or R) of the state shall be filled by a caucus under IC 3-13-11.

The other procedures outlined in the rest of the chapter usually apply only if the official was elected as a Libertarian, Independent, or other minor party. In these instances, a unit of government will hold a public meeting to fill the vacancy, though there are special exceptions with some local offices where the unit is able to fill the vacancy if the chair fails to fill within the 30-day period.

A caucus is required for D or R elected office vacancies with three exceptions:

1/ there is only ONE eligible PC that can participate in the caucus (IC 3-13-11-5(c); IC 3-13-11-5(a) sets forth PC eligibility requirements);

2/ there is a tie at the caucus (IC 3-13-11-8(a)); OR

3/ quorum at the caucus is not established (IC 3-13-11-8(b)).

Please do NOT conflate ballot vacancy rules with elected office vacancy rules. In 2022, a chair may fill a BALLOT vacancy by direct appointment if the party gives the

chair permission to do so. This is NOT allowed for elected office vacancies but for the three exceptions.

For elected office vacancies, there is no state form for notice of a caucus. Instead, chairs send written notice under IC 3-13-11-4, which includes the date, time, location, purpose, and name of the caucus chair, to all eligible PCs by first class mail.

Candidates are required to submit the CEB-5 to the caucus chair not later than 72-hours before the caucus is held (IC 3-13-11-7), and must meet the same general qualifications to run for the elected office. The caucus adopts rules of procedures, which should include some basic rules found in IC 3-13-11, such as establishing the definition of quorum or requiring a secret ballot if more than one candidate files.

The chair files the CEB-4 (if it's a direct appointment, the chair uses the CEB-3) not later than noon, five days after the caucus. Clerks are to give the new official the CEB-22. The oath is filed not later than 30-days after assuming office while the CAN-12 is filed not later than sixty days.

VR CORNER

Registering Underage Voters in the Off-Year

In Indiana, an "underage" voter is permitted to register to vote as long as the person turns 18 on or before the next Nov. municipal or general election, or Nov. 8, 2022. This means any voter who will turn 18 on or before this date can register to vote now and participate in the May '22 primary election, if they desire.

But, in 2021, special elections can throw a wrench into this timeline. If a special election is called for your county in 2021, a registrant residing in a precinct within the election district must be 18 on or before the date of the special election to process a registration.

Again, the impact is limited to those precincts that make up the election district involved in the special election. This may mean you can process an underage voter's registration in a part of the county not involved in the election, but would need to hold the registration form and process after election day for those underage voters living in the special election district who submitted a voter registration form.

Already registered "underage" voters in the special election district for off-years like 2021 are not to be printed in the poll list. Of course, a VR official would reject a VR form from a person answering "no" to the age or citizenship question.

QUESTIONS OF THE MONTH

Q. Can a county clerk receive additional pay for serving as the chief VR official for the county?

A. In a county where the circuit court clerk serves as voter registration officer, the clerk is entitled to per diem compensation, which is paid out of the general fund. (IC 3-7-12-22) In other words, the county council would determine what, if any, pay can be provided to the clerk for serving as the chief VR official and the county commissioners would approve the budget line item. (IC 3-5-3-1)

Q. Can the county election board receive pay in the off-year when no elections are held?

A. The county fiscal body determines the pay schedule for the two appointed members and secretary of the CEB. (IC 3-6-5-9) There is no statute that prohibits pay in an "off-year;" in fact, many counties are busy with administrative tasks put off during the busy election cycles. Further, the CEB is required to propose its budget estimate each year (IC 3-6-5-16), which may be an opportunity to explore changes to compensation. The State Board of Accounts might also have recommendations if this is a concern of your board.