

# Summer SBOA Clerk's Conference

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## Acronyms



- ABS = absentee
- CEB = county election board
- DLN = Indiana driver's license, but for this presentation, also Indiana ID card or learner's permit
- IED = Indiana Election Division
- SOS = Secretary of State
- SSN4 = last 4 digits of Social Security Number
- VR = voter registration

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### Remember:

- Legislative Services Agency updates the Indiana Code on [iga.in.gov](http://iga.in.gov) around July 1, so online code searches won't return revised statutory text
  - House or Senate Enrolled Acts (HEA or SEA) are best resource until this update
  - Search for the bill number and find the relevant sections ("§") as noted on the summary):

(HEA 1265 § 23, 25; Effective Date: March 13, 2024; Citations affected IC 3-13-1-19, IC 3-13-2-10)

- Supplement to the black Title 3 Code Book available in mid-September 2024

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## First Time Voters

- + Adding first time voters who register in person at a voter registration agency to the procedures already used by counties for first time voters who register to vote by mail
- + "Voter Registration Agency" includes, but not limited to:
  - IED/SOS office
  - Clerk/CEB/VR Office
  - Full Service Agencies: BMV, FSSA, DWD, etc.
  - Law Enforcement Agencies during handgun licensing

IC 3-7-14-7 | C 3-7-15-5 | IC 3-7-15-7 | IC 3-7-16-12 | IC 3-7-16-14 | IC 3-7-18-4 | IC 3-7-18-6 | IC 3-7-22-5 | IC 3-7-27-20.2 | IC 3-7-29-1 | IC 3-7-33-4.7 [NEW]

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## First Time Voters VR Application Review

- Does app include IN DLN or SSN4?
  - If yes, validate the number on the app within SVRS
    - Match? Then voter does NOT need to provide proof of residency and NO flag should be added to the record
    - No Match? Then voter DOES need to provide proof of residency
      - Confirm whether voter provided proof of residency with application
      - If included and valid, NO proof of residency flag should be added to the record
      - If not included, proof of residency flag must be added to the record
  - If no (that is, voter marked "none") then voter must provide proof of residency
    - Flag must be added to the voter's record in SVRS
- Voter's app is processed, if otherwise qualified

IC 3-7-14-7 | C 3-7-15-5 | IC 3-7-15-7 | IC 3-7-16-12 | IC 3-7-16-14 | IC 3-7-18-4 | IC 3-7-18-6 | IC 3-7-22-5 | IC 3-7-27-20.2 | IC 3-7-29-1 | IC 3-7-33-4.7[NEW]

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## Proof of Residency

- NOT the same as photo ID law
- Confirm the voter's address on residency doc corresponds to their registration address
  - NO address conformity requirement when checking ID to vote
- Some types of acceptable docs include:
  - IN DLN/ID Card/Learner's Permit
  - Bank Statement
  - Utility Bill
  - Government Document
  - Paycheck

IC 3-7-14-7 | C 3-7-15-5 | IC 3-7-15-7 | IC 3-7-16-12 | IC 3-7-16-14 | IC 3-7-18-4 | IC 3-7-18-6 | IC 3-7-22-5 | IC 3-7-27-20.2 | IC 3-7-29-1 | IC 3-7-33-4.7[NEW]

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## Proof of Residency

- Absentee Voters with Proof of Residency Flag
  - Send ABS-12 Form generated from SVRS with ABS balloting materials
    - Includes ABS-Mail, ABS-Travel Board, ABS-VPD, ABS-Attorney General
    - Voters using FPCA are exempt from this requirement
  - Must return form & proof of residency to CEB not later than 6P on Election Day
    - If not, ABS ballot is made provisional & cannot be counted
- In-Person Voters with Proof of Residency Flag
  - Applies to Election Day & Early In-Person Absentee Voting
  - Pollbook entry should prompt workers to ask voter for proof of residency before signing poll list
    - Voter can produce proof of residency using a smartphone, but can be an ID or paper document
  - If voter can't provide proof of residency OR has signed the poll list, then provisional ballot must be issued & PRO-9 provided to the voter
    - Voter has until 6PM on Election Day to bring proof of residency to CEB for ballot to count

IC 3-7-33-4.7[NEW] | IC 3-11-4-17.5 | IC 3-11-4-18 | IC 3-11-8-10.3 | IC 3-11-8-23 | IC 3-11-8-25.2 | IC 3-11-10-28 | IC 3-11-7-2-1 | IC 3-11-7-2-2 | IC 3-11-7-5-2 | IC 3-14-5-1

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## "First Time Voter" Updates to Forms

- IED is adding updates first time voter info to the following forms effective July 1, 2024:
  - **ABS-12**
    - Proof of residency notice sent with ABS ballots & generated from SVRS
  - **PRO-9**
    - Notice & info given to voters when casting a provisional ballot
  - **ABS-VPD**
    - Instructions in voter registration section need an update
  - **VRG-7 & VRG-11**
    - State voter registration forms
    - Note - have an address update for the ABS/VR forms? Now is the time to tell our office so we can work in the revision with the updated forms set

*Be sure to look at legislative summary & review statutes online as guidebooks and SOPs will be out-of-date on this topic*

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## Provisional Balloting Materials

Clarified the procedure for filing the PRE-4/PRO-2 (provisional) and PRE-6 (primary election party affiliation challenge) affidavits with the state & county prosecuting attorney

When election materials are returned to CEB after the polls close, counties will make three sets of copies of all affidavits and:

- Save one set for the CEB records to provide for public records requests
  - Fill records requests for provisionals AFTER the recount/contest deadline has expired though!
- Send one set to the prosecuting attorney, who may convene a grand jury to review
- Send one set to the SOS office

IC 3-10-1-31.1 | IC 3-14-5-2

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## Provisional Balloting Materials

*Continued....*

- CEB maintains original PRE-4/PRO-2 and PRE-6 affidavits unless requested by prosecuting attorney or grand jury
  - CEB retains original records as provided for in state's retention schedule
  - If originals ARE delivered to prosecuting attorney or grand jury, then....
    - Must be preserved by prosecuting attorney in the same manner as the counties under IC 3-10-1-31.1
    - Must be returned to the clerk after completion of any proceedings
- Permits a CEB to access provisional balloting materials from sealed election materials to perform their review under IC 3-11.7

IC 3-10-1-31.1 | IC 3-14-5-2

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## “Sore Loser” Law

Candidate running in the D or R primary can only fill ballot vacancies for the same party that they appeared on the ballot in the primary election

- Example:
  - D candidate files to run for dogcatcher in May primary & loses
  - “Losing” D candidate may fill a ballot vacancy for any office for the D party in the Nov election, IF the candidate pulled a D primary ballot OR if they did not, receives their chair’s certification

IC 3-13-1-19 | IC 3-13-2-10

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## Ballot Vacancy Reminders

### Two Timelines:

- No candidate filed to run in D/R primary OR
- No candidate nominated at L convention
  - Fill vacancy & complete paperwork by noon, July 3, 2024
- Candidate withdrew from Nov ballot?
  - Fill vacancy not later than noon, 30-days from date the vacancy occurred (such as date CAN-24 is filed)
  - Complete paperwork filing not later than noon, 3-days after filling vacancy

IC 3-13-1 | IC 3-13-2

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## Filling Local Office Ballot Vacancies

- Direct Appointment
  - Always permitted if one or no eligible PCs are able to vote in caucus
    - Paperwork: CAN-29, CAN-31, CAN-12
  - For ballot vacancies, also permitted if party organization gives chair or central committee authority to fill it, if a caucus would otherwise be required
    - Paperwork: CAN-29, CAN-31, CAN-12 & Copy of meeting minutes/resolution giving authority to fill

IC 3-13-1-7 | IC 3-13-1-13

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## Filling Local Office Ballot Vacancies

- Caucus Requires Dual Filings!
  - CAN-30 Notice of Caucus
    - Must be mailed to all eligible PCs not later than 10-days before caucus is held
    - Must be filed with CEB not later than NOON, 10-days before caucus is held
  - CAN-31 Declaration of Candidacy
    - Must be filed with chair of caucus not later than 72-hours before caucus is held
    - Must be filed with CEB not later than 72-hours before caucus is held
      - CAN-12 not required at this stage
  - CAN-29 Notice of Candidate Selection & CAN-12 Statement of Economic Interests
    - Must be filed with CEB by appropriate deadline noted on previous slide

IC 3-13-1-9 | IC 3-13-1-10.5 | IC 3-13-1-15

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## Filling Other Ballot Vacancies

- Judicial Office Vacancies CAN be filled
  - Managed by county party, but all paperwork filed with IED
  - Statement of economic interests IS filed with CAN-31
    - NOT the CAN-12; instead, it's a special form created by the Commission on Judicial Qualifications and available on their website
- State Legislative Vacancies are filled by STATE party
  - Different forms and rules involved; contact IED for more information

IC 3-13-1 | IC 3-13-2

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## Final Ballot Vacancy Reminders

- Candidate Withdrawals
  - Withdraw for ANY reason until noon, July 15, 2024
  - Withdraw for LIMITED reasons after noon, July 15, 2024
    - Early ballot vacancy (IC 3-13-1) procedures are followed until final 30-days before election when late ballot vacancy (IC 3-13-2) procedures are followed
- Not the candidate police for candidate qualifications but **MUST** enforce filing deadlines
  - Review CAN-30 notice of caucus to confirm it's filed by noon, 10-days before caucus is being held
- Candidates filling vacancies....
  - Can be challenged (CAN-1) by a voter or county chair of the election district not later than noon, August 23, 2024
  - May have special campaign finance reports to file (see *2024 Campaign Finance Manual*), if office pays more than \$5000 in a calendar year or a candidate's committee was opened

IC 3-8-3-3.7 | IC 3-8-2-4 | IC 3-5-4-1.9 | IC 3-13-1-16.5 | IC 3-13-1-20.5

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**Thank You & Enjoy Your Summer!**