



# Election Division Dispatch

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## NEWS & UPDATES

### Election Day Poll Workers

D & R county chairs have until noon, Oct. 15, 2024, to nominate individuals to serve as an Election Day poll workers. Unless the person is a 16 or 17-year-old student, poll workers must be a registered voter of the county. In a non-vote center county, a candidate can be a poll worker in a precinct where their name does not appear on the ballot. However, in a vote center county, a candidate cannot serve as a poll worker since all precincts vote at each vote center. See IC 3-6-6-7 and IC 3-6-6-39 for details, including limitations on a candidate's family members from serving.

### CFA-11 Supplemental Reporting Period

The large contribution supplemental reporting period begins Oct. 12, 2024, and ends 6AM on Nov. 3, 2024. During this window, any candidate on the ballot receiving and accepting a contribution totaling \$1000 or more from a single source must file the CFA-11 not later than 48-hours after receipt. This contribution can be given in one lump sum or be an aggregate from the single donor during this period. Remember, loans to the committee and in-kind contributions count!

For example, Sally gives Tom's committee a \$1000 contribution on Oct. 16. Tom then must file a CFA-11 within 48-hours of receiving and accepting the contribution. Ron gives Tom's committee a \$300 contribution on Oct. 19 and gives \$800 on Nov. 1. Because Ron gave \$1100 between October 12 and November 3, Tom must file a CFA-11 disclosing both contributions within 48-hours of receiving and accepting the \$800 check. More information can be found in the *2024 Indiana Campaign Finance Manual*.

### Ballot Selfies

While there is a statute "on the books" (IC 3-11-8-17.5) that prohibits a voter from taking a picture of their ballot, it was found unconstitutional by a federal court and cannot be enforced by counties. (ICLU v. IN SOS)

This is different from a media watcher, who is permitted under state law to photograph a voter unless the voter objects to the photograph, and the media watcher cannot capture how the voter voted. More information about media watchers can be found in IC 3-6-10, generally, including the requirement to have a written credential. If a media watcher is covering more than one county, then a request for a watcher credential is to be filed with IED.

### Timely/Untimely VR and ABS applications

A reminder that if a VR or ABS app is timely received by IED or another county, then it is considered timely when transferred to the correct county - even if it is received by the correct county after the form-specific deadline. IED will include a "timely" or "untimely" memo in its mailed packets to assist with this determination.

## CALENDAR

- October 6, 2024:** "Late" ballot vacancy procedures under IC 3-13-2 begin, if a candidate is disqualified or withdraws for limited reasons under state law
- October 7, 2024:** Statewide VR Deadline
- October 7, 2024:** Deadline to conduct public tests of voting systems
- October 8, 2024:** Early voting (In-Person Absentee Voting) begins at clerk's office or satellite voting facility
- October 11, 2024:** End of pre-election campaign finance reporting period
- October 12, 2024:** First day for CFA-11 reporting of large contributions by candidate committees
- October 14, 2024:** Columbus Day—IED Closed
- October 15, 2024:** Deadline for county VR office to receive and process a "mail-in" VR form, if the postmark is missing or illegible (NOTE: Any envelope containing a VR app that has a legible postmark on or before Oct. 7, 2024 is to be processed, if the person is otherwise eligible, regardless of date received)
- October 15, 2024 (NOON):** Deadline for D/R county chairs to fill poll worker positions (CEB may fill vacancies after this deadline)
- October 15, 2024:** Deadline for county to file IEC-9 and IEC-10 (public test forms) with IED
- October 15, 2024:** Deadline to publish CAN-39 notice of general election and a list of Election Day voting locations in the newspaper
- October 17, 2024:** Travel Board Appointments Begin
- October 18, 2024 (NOON):** Pre-Election CFA-4 reporting deadline by candidate/party/political action committees
- October 24, 2024 (11:59P):** ABS-Mail and ABS-VPD application deadline; Deadline for FPCA to be filed to request a mailed ABS ballot
- October 26, 2024:** First of two Saturdays ALL counties must be open for early voting
- October 28, 2024:** Deadline for an FPCA to be filed to register to vote or update a registration.
- November 2, 2024:** Second of two Saturdays ALL counties must be open for early voting
- November 4, 2024:** Multiple deadlines, including NOON deadline to receive FPCA requesting an emailed or faxed absentee ballot
- November 5, 2024:** Election Day

## OCTOBER WEB TRAINING

- Oct 1 & 3 | ePollbook Overview
- Oct 8 & 10 | Election Results Mapping
- Oct 15 & 17 | County Election Results Entry
- Oct 22 & 24 | Certificate of Error Processing
- Oct 31 & Nov 7 | Post Election Processing

2024 Calendar is posted to the INSVRS County Portal but is subject to revision.

# IN FOCUS: TABULATING VOTES CAST FOR WRITE-IN CANDIDATES

In Indiana, candidates must file a CAN-3 declaration to be an “official” or declared write-in candidate. **While write-in candidates are never printed on the ballot and a list is not posted in the polling place or included with absentee ballot materials,** the CAN-3 must be filed in order for the CEB to tabulate votes for the write-in candidate during post-election canvassing.

A write-in line is added to the ballot for those offices where a write-in candidate has filed. In addition, federal law requires a write-in line to be added to all federal offices (US President, US House, US Senate), even if no CAN-3 was filed.

If a write-in line is present for a particular race, the voter will select the write-in option and either hand-write or type in the name of their preferred candidate, depending on the voting system. Then, after the polls close, a tally tape is generated from the machine. Again, depending on the system, this tape will either include a grand total for the “write-in” selection type only or include the candidate specific information typed in by the voter.

The CEB or the bi-partisan write-in team will need to review the ballot cards or to-

tals tapes for those precincts where a write-in candidate is indicated. Then, the team will need to evaluate whether the person is a declared write-in candidate OR a candidate who filed for office and appears on the ballot in that particular race. Only these two candidate types can have votes tabulated by the CEB.

For example, Donald Duck filed a CAN-3 to be a declared write-in candidate for dog-catcher. A voter wrote “Donald Duck” on the write-in line for the office; therefore, Donald Duck gets a vote tallied for him.

On the other hand, Goofy filed a CAN-2 (declaration of candidacy) and appears on the ballot for dogcatcher as the R candidate. Rather than voting for Goofy in the area provided on the ballot, a voter instead wrote Goofy’s name in on the write-in line for dogcatcher. The CEB will count a vote for Goofy because he filed to run for that office and appears on the ballot.

Or, a voter writes in “Minnie Mouse” for dogcatcher. Minnie did NOT file a CAN-3 to be a declared write-in candidate and she is not a candidate already on the ballot in the dogcatcher race. The CEB cannot tally a vote for Minnie.

State law provides guidance on counting write-in votes. Generally, the CEB or the write-in team will have to ascertain the voter’s intent. This usually means the name does not have to be spelled perfectly, BUT this is at the discretion of the individuals performing the canvass. For example, Mickey Mouse is a declared write-in candidate for dog catcher. The voter writes in Mick Mouse. This write-in vote is likely to be counted for Mickey Mouse if the CEB finds this was the voter’s intent.

If your voting system includes an approved electronic adjudication feature in the system’s EMS then you can use the feature to assist in determining what a voter provided on a write-in voting line and if it is a vote for a candidate either on the ballot or filed as a DECLARED write-in candidate. (IC3-11-15-13.8)

Once counties complete their canvass, **it is vitally important to make sure your precinct level results are adjusted to correctly reflect vote totals.** Please confirm totals posted to SVRS are updated so that the statements of votes cast align with your precinct election results filed with the state.

## VR CORNER

### Forwarding Voter Registrations in SVRS

Voters registering to vote online select their county of residence; the county is not automatically pre-populated. For this reason, your county from time-to-time may receive a registration request for another county. Rather than rejecting the registration, state law requires you to forward the registration as expeditiously as possible. The OVR and BMV Hopper both have a transfer function to direct the registration to the proper county. Transferring records between hoppers is an overnight process, so the “new” county will not see the record until the next day. See the “Processing BMV and OVR Hopper Records” Step-by-Step on the INSVRS County Portal for more details.

### FPCA & Registration

A military or overseas voter using the federal postcard application (FPCA) does not need to have previously been registered to vote in Indiana to be considered for registration. Instead, the voter must meet the general requirements under state and federal law such as being a US citizen who will be 18 by Nov. 5, 2024. The FPCA provides special dispensation for residency at their last IN address, assuming the voter lived there for at least 30-days before being deployed or moving overseas.

## ABS-5 & PRE-5

Sometimes a voter’s absentee ballot does not arrive or the voter changes their mind about voting by mail or the county corrects a ballot defect. Below are the common reasons BEFORE election day to use the ABS-5 or ON election day to use the PRE-5.

If a voter DOES NOT receive their absentee ballot, then the voter would complete and file the ABS-5 for the county to reissue the absentee. OR, on Election Day, the voter would complete the PRE-5 form and be issued a regular ballot, if otherwise qualified.

If a voter DOES receive their absentee ballot but would prefer to vote in person during early voting, then the voter must surrender their original ballot, complete the ABS-5, and a replacement ballot can be issued. OR, on Election Day, the voter can surrender their absentee to the Inspector and be issued a regular ballot, if otherwise qualified.

Should a voter spoil their absentee ballot or the county finds an error and the original ballot is “defective,” then the voter completes and files the ABS-5 and a replacement ballot can be issued. However, on Election Day, the voter would need to bring in their defective ballot to surrender their ballot to the Inspector and then a regular ballot would be issued.

More details about the forms and their related processes are found in the blue *Election Administrators’ Manual*.

## QUESTIONS OF THE MONTH

**Q. Are we able to process the state or federal VR form if the envelope is postmarked on or before Oct. 7, 2024?**

A. If the postmark is legible and is dated on or before Oct. 7, 2024, then yes, counties must process the registration for the Nov. 2024 election if the voter is otherwise qualified. If the postmark is missing or illegible, then counties are to process a VR request for the Nov. 2024 election if it is received by Oct. 15, 2024.

**Q. Are we able to process ABS-Mail or ABS-VPD applications if the envelope is postmarked on or before Oct. 24, 2024, but received after the deadline?**

A. No. State law requires any absentee ballot application to be received not later than the specified deadline. Any ABS app that is received after the deadline for filing - even if the envelope has a pre-deadline postmark—is rejected.

**Q. Can a voter receive assistance completing their absentee application?**

A. Yes. State law permits anyone - other than the voter's employer or union representative - to assist a voter with completing their ABS application on paper or online at indianavoters.com. Additionally, if the voter has a disability, then the assistor can print the voter's name on the signature line. In either case, the affidavit of assistance must be completed on the bottom of the form. If the person is also POA, the POA should be attached. The use of an affidavit of assistance is not a reason for a county to reject an absentee application.

**Q. Do we have to organize our ABS applications and ballot envelopes by precinct before election day?**

A. YES! State law requires this organization of apps and ballots in advance to perform the central count of absentes on election day. See IC 3-11.5-4-5 for details. Counties might also consider running the ABS Ballot Activity Report to use as a checklist for the central count teams to confirm all ballots received are present in their precinct pack.

**Q. Do we have to make copies or scan original absentee applications? Do those need to go into SVRS?**

A. State law requires a county to scan or make copies of original absentee applications, since the originals are stored with the ballot security envelope and unavailable for public records requests. If scanned, the absentee application does not need to be added to SVRS documents unless the application made a change to the voter's record. ABS applications can be used to update a registration address within a precinct or make a name change.

**Q. Can a voter or member of their household or family member drop off a completed ABS-Mail ballot to an early voting site?**

A. Yes! Please be sure your ABS voter boards are prepared to receive ballot security envelope and request the ABS-19 to be completed by anyone other than the voter. The CEB should develop a chain-of-custody protocol for the return of the envelopes to be stored according to state law.

**Q. If we have a line at the end of the day during in-person absentee or "early" voting, are we required to allow voters waiting in line to vote when our office closes?**

A. Much like election day, if there are voters in line waiting to vote during any day of "early" voting at the clerk's office or satellite location, then those individuals are allowed to vote that day, if otherwise eligible. Staff should either write down each person's name who is waiting, mark their hands with a stamp, or designate a staff person to wait at the end of the line to mark the end. (IC 3-11-8-11 and IC 3-11-10-29.2)

**Q. If a voter comes to early voting and doesn't have the correct photo ID, do they vote provisionally?**

A. The voter should be issued a provisional ballot, and given the PRO-9 form. The voter then has until noon, ten days after the election to bring their ID to the CEB or sign the PRO-10 to indicate the person is indigent or that their religion bars them from being photographed.

**Q. Does a voter's ID need to have an address that matches their registration record?**

A. No. The photo ID law does not require a matching address between the ID and registration record. Instead, it must be issued by the state of Indiana or federal government, be current or expired since the last general election (11/8/22), and include a photo and name that conforms with the registration. (IC 3-5-2-40.5) However, a first time voter with a proof of residency flag can use their Indiana driver's license as their proof of residency if the name and address do match. They could also provide a bank statement, utility bill, government document, or paycheck stub if the name and address match.

**Q. Can we remove ballot cards from the ABS security envelope before election day to prepare for tabulation?**

A. No. State law does not permit an absentee ballot envelope to be opened prior to the start of the central count of absentee ballots. **State law also explicitly states that a ballot card cannot be tabulated prior to election day.** (IC 3-11.5-4-6(b))

**Q. Why is there a reason on the ABS-Mail form for IN National Guard members? Would they not be eligible to use the FPCA?**

A. It depends. If a National Guard member is deployed within the state of Indiana, then the voter would not be eligible for the FPCA and would use the ABS-Mail form. If the National Guard member is deployed outside of Indiana or overseas, then the FPCA would be the best form for them. However, a member of the armed services (Army, Navy, Air Force, Marines, Space Force) is always eligible to use the FPCA, even if they are deployed within Indiana.

**Q. Can anyone hand-deliver a VR form or ABS application to the CEB or VR office?**

A. Yes. Any person can hand-deliver a VR form or ABS application to a county office, and the county will review and process the request if the voter is otherwise eligible. If another person takes custody of a voter's state VR form, then the receipt is to be completed and given to the voter and the certificate of acceptance on the lower section completed. On the ABS form, there is a line to include the date the person took custody of another's form. State law requires a person taking custody of another voter's state or federal VR form to submit it by noon, ten days after taking custody of it or by the deadline date, whichever is sooner. If late, the county still processes it but the matter is to be brought to the CEB for investigation.