

NOTE: This collaborative effort was an exploratory exercise examining how state-level state of emergency statutes would cope with various election disruption hypotheticals. This resulting report was not necessarily intended for public release, but given the extraordinary circumstances unfolding due to the coronavirus, we are releasing this document in case election administrators, courts, members of the media, members of the public, or legislators might find this thinking of use.

**A REPORT OF THE LEGAL LANDSCAPE OF ELECTIONS EMERGENCIES  
COLLABORATION MEETING**

**Co-Hosted by the:  
National Center for State Courts,  
William & Mary Law School  
and the  
National Conference of State Legislatures**

**February 15, 2019**

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## Background

On November 16, 2018, the Election Law Program and the National Conference of State Legislatures convened a collaborative meeting to discuss ways in which state legislation directs, guides, or fails to ensure functioning elections during emergency situations. The meeting explored potential and actual election emergencies and examined how existing state laws fare in accommodating them. From these explorations, the meeting looked at next steps to improving statutory preparedness for holding elections when emergencies arise.

The group did not adopt or discuss statutory recommendations. The goal of the session was to assess whether state laws governing election emergencies are up to the task when measured against the different types of emergencies that may arise as a means of helping legislators who write such laws and judges who interpret them do a better job of anticipating and coping with election emergencies. The group collected a number of potential ideas for follow-up from the session.

Meeting attendees included:<sup>1</sup>

- **Robert Giles**, Director of New Jersey's Division of Elections;
- **Robert Mooney**, DHS Supervisory Protective Security Advisor for the Virginia, Maryland and National Capital Region Districts;
- **Tammy Patrick**, Senior Advisor to the Elections program at the Democracy Fund<sup>2</sup>;
- **Leslie Reynolds**, Executive Director of the National Association of Secretaries of State;
- **Wendy Underhill**, Director for Elections and Redistricting at the National Conference of State Legislatures;
- **Dylan Lynch**, Policy Associate with the National Conference of State Legislatures' Elections and Redistricting Program;
- **Rebecca Green**, Co-director of the Election Law Program and Professor of Election Law, Privacy Law, and Alternative Dispute Resolution at William & Mary Law School;
- **Amy McDowell**, Co-director of the Election Law Program and Associate Dean of the Fellows Program with the Institute for Court Management at the National Center for State Courts;
- **Matt Catron**; student at William & Mary Law School '20 and Co-President of the William & Mary Election Law Society; and
- **Reiko Dogu**, Program Manager for the Election Law Program.

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<sup>1</sup> Participant biographies are included in Appendix A.

<sup>2</sup> The Democracy Fund is a bipartisan foundation working to ensure that the political system is able to withstand new challenges and deliver on its promise to the American people.

## Discussion of Elections Emergencies and Suggested Mitigation Strategies

During introductions,<sup>3</sup> attendees started by sharing experiences of emergency circumstances that impacted elections. Participants discussed many real and potential emergencies that can impact elections. We started with a paradigmatic example, Hurricane Sandy—a major weather event striking major urban areas just days before an election. Agreeing that weather-related events were a good place to start, the group worked to expand the scope of possibility election disruptors, thinking through the various types of emergencies that might impact elections. We also set the goal of discussing consequent mitigation strategies that might be used to address each. Our intent in doing so is to develop a list of strategies and topics for consideration for use by legislators reviewing or drafting election emergency laws.

Two significant hurricane events have impacted elections in recent years. The group discussed the impact of Hurricane Michael (October 2018 event in Florida), and Hurricane Sandy (October-November 2012 event in New Jersey) on elections. Robert Giles shared that, during Hurricane Sandy, actions taken aimed to err on the side of providing affected residents with the opportunity to vote. The New Jersey Lieutenant Governor issued a total of six directives aimed at protecting the opportunity to vote:

1. Voters could apply for absentee ballots the weekend before the election
2. Provisional voting was allowed at any polling place
3. All voters were treated as UOCAVA voters
4. Certification deadlines were extended
5. Ballots that were postmarked by the deadline were counted
6. Recovery workers received absentee ballots that could be sent to their home states<sup>4</sup>

In keeping these conflicting goals in mind—flexibility within limits—the group considered these six mitigation strategies and whether they could be enacted statutorily. The group did not try to agree on best strategies, but agreed these directives form a good starting point.

With that in mind, the group first discussed some global issues related to planning for emergencies that impact elections and then developed a series of “problems” and discussed mitigation strategies for each.

### *Global Issues*

Speaking from experience as a former local election official, one participant pointed out that when planning for emergencies, it is helpful to focus on the resulting situations instead of on the event or type of event itself. The effects of two different types of elections emergencies may be similar although the types of events experienced are dramatically different. Also discussed was the possibility of provisions that focus on the timing of the event within the election cycle.

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<sup>3</sup> Existing resources compiled on state election emergency laws and procedures are available at Appendix B.

<sup>4</sup> This prompted a discussion about the availability and provision of voting opportunities to emergency workers and utility workers who are dispatched outside of their home states on the day of election in response to an emergency event.

For example, did the event occur prior to an election or on the day of election? Depending on the timing, different mitigation strategies are appropriate and/or available. The discussion noted that, based on a comparison of legislative guidance in different states, it is necessary to make a conscious effort to consider how prescriptive to be and, if prescriptive, to identify gaps that should be filled through regulation or local planning.

**Mitigation Strategy 1: Statutes, regulations, and contingency plans can focus on the effects and circumstances, including the timing of an election, that is created by an emergency event in lieu of the type of emergency event itself.**

**Mitigation Strategy 2: Existing gaps in statutory and regulatory guidance can be identified for closure.**

The attendees pointed out that turnout and voting is also affected by voters' independent decision making. During an emergency, some people may feel that voting is an important part of regularizing their lives but for others it may be the last thing on their radar.

**Mitigation Strategy 3: Statutes and regulations can provide authority for extension of deadlines, election postponements, or public outreach to address the loss of public participation in elections affected by an emergency event.**

#### *Problem One: Hurricanes and Other Natural Disasters*

Actions taken to address election disruption before, during, and after Sandy came under scrutiny in the days, weeks and months that followed as potentially conflicting with provisions in state law. Meeting attendees agreed that a major function of election emergency laws is to minimize the disruption of the election and to provide voters with the ability to participate in the election despite the emergency circumstances. The Hurricane Sandy example suggested to the group that highly detailed and specific laws may interfere with the ability of authorities to act quickly to make decisions, and that flexibility during emergencies is essential. It is difficult to plan for the unknown. Overly detailed statutes can present roadblocks.

The group discussed the necessity of balancing two important—and conflicting—voter interests when considering the ideal level of government flexibility during an emergency. First, the voters have an interest in agile, flexible rulemaking during an emergency so that the effect of disruptions to regular voting procedures may be mitigated by last minute changes. Second, voters have an interest in less agile, more limited rulemaking during an emergency to avoid the potentially discriminatory effects of last-minute changes to voting procedures.

In keeping these conflicting goals in mind—flexibility within limits—the group considered mitigation strategies that could be enacted statutorily. The group did not try to agree on best strategies, but agreed it was worth noting these as options for further review.

**Mitigation Strategy 4: During an emergency, UOCAVA standards can be applied to first responders and utility workers who are out of state to provide emergency services. [See e.g., Alabama (Code of Ala. § 17-11-50); Arizona (A.R.S. § 16-543); Colorado (C.R.S. 1-8.3-105(2)); and Idaho (Idaho Code § 34-201)]**

In general, the group agreed that addressing voting rights of first responders (both in state and those that travel to the emergency from other states] is a critical and underappreciated necessity.

*Problem Two: Challenges with physical equipment*

Lapses in physical equipment can cause major disruption on election day, from malfunctioning voting machines to broken vote tabulators and everything in between. Most state and local election administrators have carefully thought through back up plans to such malfunctions. The committee considered whether state laws and regulations adequately address these issues and agreed that further study is warranted.

Optical scan machines read ballots that are printed on special paper, so ordering enough from the printer is essential. The expense of the paper, the waste involved when turnout is lower than expected, and the state's limited ability to reimburse localities all raise the chances that a locality will not have a sufficient quantity. Even where duplication/production is possible on-site, doing so usually requires authorization. The reliance on this special paper can lead to problems in weather-related emergencies or fires when quantities of ballots may come into contact with moisture or subjected to other hazards.

**Mitigation Strategy 5: Statutes and regulations can require that a sufficient quantity of ballots be produced.**

**Mitigation Strategy 6: Statutes and regulations can specify minimum storage requirements to protect ballots from hazardous conditions.**

The National Association of Secretaries of State, although focused on advising and assisting members (secretaries of state), has an online service that directs individuals to their states for voting registration (available at <https://www.nass.org/can-i-vote/voter-registration>). The National Association of Secretaries of State also collects surveys and other information for the secretaries and makes them available to the public.

*Problem Three: Cybersecurity Challenges*

The group agreed that security of polling places should focus both on physical security and cybersecurity and suggested that secretaries of state can engage in more cyber security planning.

**Mitigation Strategy 7: Secretaries of state and legislators can engage in advanced planning by reviewing election emergency statutes in their state and assess whether they accommodate cybersecurity issues.**

Various ways in which elections are supported and prioritized by the Department of Homeland Security were discussed. Levels of coordination differ as states balance the interests of independent decision-making during emergencies with those of securing federal support. Examples of support provided to states were shared; assistance varies based on the circumstances of each situation. As a result, the nature of an individual emergency event will at least in part impact the type of assistance required.

**Mitigation Strategy 8: Legislators should recommend that state agencies review options for support and assistance activities offered by the Department of Homeland Security, including pre-event emergency preparedness training.”**

The group also discussed that during an emergency event, critical infrastructure may not receive top priority, especially in circumstances where public safety is involved. This makes it even more important to engage in planning efforts to mitigate risks in advance. Regular communication with agencies that respond to emergency events, such as federal agencies and local law enforcement, provide opportunities for clear lines of communication, education about ongoing threats and risks, and necessary assistance. Such coordination can be facilitated through new or existing emergency management resources, such as the National Emergency Managers Association database.

**Mitigation Strategy 9: Consider statutory or regulatory designation to chief election official or designee to regularly communicate with federal (such as FEMA and DHS), state and local agencies that provide response to emergency events for purposes of designating plans to protect election resources where possible. Such communication can be coordinated through readily-available resources, such as the National Emergency Managers Association database.**

## Overview of Election Laws Related to Emergencies Presented by Matt Catron

Matt Catron, a law student at William & Mary who interned at the National Conference of State Legislatures where in prepared a report comprising 50-state review of statutes that focus on election laws related to emergencies, presented his findings to the group.<sup>5</sup> (See Appendix C for a copy of the PowerPoint presentation and Appendix D for the full report). Catron's research excluded review of statutes that might cover emergencies affecting candidate filing dates, ethics, or campaign finance statutes. The findings noted that many state statutes take a reactionary approach, sometimes focusing too narrowly on a specific type of emergency or a particular situation after it has occurred. Two examples of this phenomenon are 15 Del. C. § 5302 which imposes a \$1,000 fine and 1 year of imprisonment for leading an army on Delaware during an election day; and 25 P.S. § 3049 which allows Pennsylvania to suspend the destruction of paper ballots in case there is an emergency need for waste paper (from World War II rationing days).

Catron's report summarized the many approaches adopted across the 50 states:

- 15 states have statewide election emergency response statutes that apply to the entire state and allow for a statewide response.
  - 9 of these 15 states have a coastline.<sup>6</sup>
- Hawaii has a statewide emergency response, but the statute only covers natural (not manmade) disasters.
- 12 states allow delay and rescheduling of elections; others allow relocation of polling places.
- Florida provides an unusual example of a state that has a comprehensive set of laws rather than a limited, narrow exception. The statute allows for relocation of polling places, for the governor to delay and reschedule an election, and adopts a statewide emergency contingency plan.
- Governor's Emergency Power during the state of an emergency:
  - 12 states allow the governor to suspend rules and regulations; 14 states allow the governor to suspend statutes and regulations;
  - 22 states allow the governor to suspend regulatory statutes prescribing the conduct of state business; and,
  - 6 states have election emergency statutes prescribing the governor's power.

Catron's statutory overview of election emergency laws is housed on the National Conference of State Legislature's website at <http://www.ncsl.org/research/elections-and-campaigns/election-emergencies.aspx>. The report includes specifics on state statutory approaches to managing emergencies that impact elections.

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<sup>5</sup> Matt Catron, former National Conference of State Legislatures intern and current second year William & Mary law student, presented the 50-state review, which stemmed from a project undertaken for the National Conference of State Legislatures during his tenure as an intern. See <http://www.ncsl.org/research/elections-and-campaigns/election-emergencies.aspx>.

<sup>6</sup> However, this represents less than half of the total number of states in the U.S. that have a coastline.

## **Department of Homeland Security**

### **Focus on Critical Infrastructure Presented by Robert Mooney**

Robert Mooney, who serves at the Department of Homeland Security as Supervisory Protective Security Advisor (PSA) for the Virginia, Maryland and National Capital Region Districts, provided the group with an overview of DHS emergency preparedness tools available to state and local officials. A summary of his presentation follows.

The federal government has seventeen different critical infrastructure sectors. Elections Infrastructure is a subsector of the Government Facilities Sector. There are three main roles to be fulfilled depending on the circumstances surrounding an emergency event. These include steady state, events (prevention and protection), and incidents (response).

During steady state, the primary role focuses mostly on outreach. Outreach activities include participating in sessions like this collaborative meeting where the Department of Homeland Security's voluntary tools and resources are explained and offered. An example of a type of resource that is available to the states is a customized suite of vulnerability assessments. This can include a walk-through of an area that will require security, such as a polling place, as well as the ability to conduct situational exercises that can be coordinated with local police departments. Examples of special events where this could be useful include a 5k run, a NASCAR race, a marathon, and a high school or college graduation. When responding to incidents, the Department of Homeland Security team focuses on infrastructure that has been affected by the incident, and any cascading affects that may occur.

To support Virginia elections, a Department of Homeland Security representative coordinates with the Commissioner of the Department of Elections. This is an official appointed by the Governor. The Commissioner then passes on communications to local electoral boards. The coordination efforts surrounding elections is described as unique; "[The Commissioner] is a strong partner – one person who is the client and the filter for all of the other individuals impacted." Virginia in particular was characterized as very "forward leaning" with regard to the support requested from the Department of Homeland Security because each resource offered was explored. Virginia is also one of only a few states with a cybersecurity advisor. On election day, a cast of federal and state agencies monitor the election from a "fusion center." These individuals have connections to utilities and other critical partners. They stage the fusion center at a location separate from the Department of Elections because, as a federal representative, it would not be appropriate to operate out of the offices of a state agency.

One circumstance that limits the availability of federal resources to local elections offices is the lack of a requirement that registrars or local electoral boards to go through the state in cases of emergency. In fact, there are often incentives for localities not to report problems to the state. The state has reported election day problems publicly, naming registrars who mishandled events, and has brought registrars and local electoral board members before the State Board of

Elections to be questioned at public meetings. Because of this lack of requirement to escalate emergency issues internally, it is possible for localities to miss out on the suite of resources that are available to them.

The group noted that local law enforcement could provide additional election day support if they were trained on relevant laws. For example, law enforcement officers could provide more knowledgeable support at polling places if trained on specifically prohibited areas and activities. “Nationally, if we could . . . put together the relevant statutes to give law enforcement officers . . ., [it] would go a long way” toward increasing the ability of local law enforcement to provide election day support.

### **Workshop Activity**

The next portion of the convening involved a hands-on exercise designed to tease out whether state laws adequately address election emergencies. Conveners sought to give participants opportunities to apply state election laws to emergency situations to identify potential statutory gaps.

To begin the activity, each participant brainstormed sample emergency scenarios, writing each out on index cards. Participants then broke into groups of two to three and were assigned scenarios from the index cards. Participants were also given a stack of random state election laws that address emergencies. Groups then matched scenario cards with statute cards and discussed how well each state election emergency statute accommodated the specific emergency listed on the index card. (See Appendix E for the scenarios and Appendix F for the applicable state election laws). Groups discussed the following questions for each scenario and shared their findings orally.

- 1. Are state laws satisfactorily up to date and comprehensive enough to address disasters (cyber, natural, etc.) that may affect elections?*
- 2. Can courts easily interpret (and/or fill omissions in) state laws governing emergencies to resolve election disruptions and disputes that may arise?*

The general consensus after completing this exercise is that many state laws fail to adequately address or anticipate different scenario types. The group concluded that a more systematic matching exercise would be useful in identifying gaps in state election codes and flagging specific statutes that need improvement.

Overall, the exercise worked well to demonstrate to participants the gaps that different emergency situations present, and suggested to the group that replicating this exercise at meetings of state election administrators and legislators would be productive as a learning tool and awareness-raiser.

## **Ideas Generated During the Convening for Future Exploration**

The meeting closed with a conversation about potential next steps. While the work done during the session helped outline the scope of potential emergencies and how well a few states' statutes might stand up to those emergencies, the group felt the work was just a beginning. Below are ideas the group generated as possible next steps:

- The Election Law Program can request state eBenchbook committee members to annotate the elections emergency statutes (see [www.ebenchbook.org](http://www.ebenchbook.org), a website that features state election codes annotated by in-state experts and supplemented with relevant regulations, advisory opinions and other materials associated with each statute).
- The collaboration initiative could lead to the drafting of wise practices or recommendations for legislators, agencies, or administrators.
- The National Association of Secretaries of State or the National Association of State Election Directors could help organize an event where a similar exercise of matching emergency scenarios with statutes that could lead to recommendations and wise practices.
- The National Conference of State Legislatures webpage is a resource that can be used to distribute the recommendations of the collaborative to a relevant audience. It will be updated with categories as defined by this meeting.
- Similar exercise simulations could be held for legislators, secretaries of state, election directors, and administrators to improve upon and add credibility to the recommendations.
- One way to start addressing changes to the law is to note that if a potential solution to a given scenario is "X," laws should not prohibit "X." Statutes that are too specific prohibit flexibility that may be needed.
- State elections administrators, along with judges and legislators, are a key audience for changes in the law surrounding elections emergencies.
- The National Conference of State Legislatures could host a workgroup session similar to this one for state legislators to work through example scenarios (one idea is to use the same scenarios and to compare attendee responses).
  - There is an opportunity to expand the 50-state research available on elections emergencies. Potential areas for exploration include state constitutions, interactions with federal law, the chaotic nature of election emergencies, and administrative rules and regulations.
  - The National Conference of State Legislatures could send out the compiled research for feedback from among the states.
- A general wise practice for anyone involved with elections is to look through an individual state's statutes given the challenges that we are aware of to have an awareness of the applicable emergency provisions.
- A table that notes which states have responses to these types of issues could be created and published.

- Instead of recommendations for specific provisions or model laws, broadly scoped wise practices could be developed. For example:
  - Review and balance responsiveness and voter access,
  - Create a mission statement,
  - Conduct a threat and vulnerability assessment,
  - Do not limit application of laws to cyber or physical practices,
  - Make sure to address first responders
- Collaborate with the Belfer Center to conduct a tabletop exercises on cyber security. Include other stakeholders in addition to information technology, like general counsel, etc.
- Examine the trigger – i.e., what is the saturation/tipping point when things go from a bad day to a disaster? Is it the number of days to election, the scope of the issue, the percentage of precincts impacted, etc.?
- Consider creating some model principles. (For example, as part of the 50-state statute review, a sample model code section was drafted. As a result of this process, it was noted that “election” was a surprisingly difficult term to define.)
- Have a session with teams representing all stakeholders conducting the workshop exercise – because without the stakeholder groups, necessary checks and balances are unable to function as intended.
- Draft edit and formalize the emergency scenarios developed in this workshop for further exploration, perhaps for use as a “toolkit” to support the exercise at other gatherings interested in focusing on these issues.

## Appendix A: Collaboration Initiative Participant Biographies

# Attendee Bios

The Legal Landscape of Election Emergencies | November 16, 2018 | Williamsburg, VA

**Robert Giles** ([Robert.Giles@sos.nj.gov](mailto:Robert.Giles@sos.nj.gov)) is the Director of New Jersey's Division of Elections and teaches Election Administration at Rutgers University. Mr. Giles has also served as Executive Supervisor for the Ocean County Board of Elections, and as First and Second Vice President on the New Jersey Association of Election Officials' Legal and Legislative Committee.

**Matthew Masterson** ([matthew.masterson@hq.dhs.gov](mailto:matthew.masterson@hq.dhs.gov)) is a senior cybersecurity adviser on election security with the National Protection and Programs Directorate (NPPD) at the Department of Homeland Security. Before DHS, Masterson served as an EAC Commissioner from December 16, 2014 until March 23, 2018. Prior to his appointment with EAC, Commissioner Masterson served as Interim Chief of Staff for the Ohio Secretary of State, a position he held since November 2014, he previously served as Deputy Chief of Staff and Chief Information Officer from 2013 to 2014, as well as Deputy Director of Elections from 2011 to 2013. In these roles Mr. Masterson was responsible for voting system certification efforts by the Secretary of State's office including being the liaison to the Ohio Board of Voting Machine Examiners. Additionally, Mr. Masterson was in charge of Ohio's effort to develop an online voter registration database and online ballot delivery for military and overseas voters. He is widely regarded as an expert on elections administration throughout Ohio and the country.

**Robert Mooney** ([robert.mooney@HQ.DHS.GOV](mailto:robert.mooney@HQ.DHS.GOV)) currently serves as a Supervisory Protective Security Advisor (PSA) for the Virginia, Maryland and National Capital Region Districts, overseeing the performance of half the region III PSAs. Mr. Mooney supports homeland security efforts, serving in an advising and reach-back capacity for State Homeland Security Advisor. He contributes to the development of the national risk picture by assisting with the identification, assessment, monitoring, and minimizing of risk to critical assets at the local level. As a Supv. PSA, Mr. Mooney facilitates, coordinates, and performs vulnerability assessments for local critical infrastructures and assets, and acts as a physical and technical security advisor to Federal, State, and local law enforcement and emergency management agencies.

**Tammy Patrick** ([tpatrick@democracyfund.org](mailto:tpatrick@democracyfund.org)) is a Senior Advisor to the Elections program at the Democracy Fund, a bipartisan foundation working to ensure that our political system is able to withstand new challenges and deliver on its promise to the American people. Focusing on modern elections, Tammy helps lead the Democracy Fund's efforts to foster a voter-centric elections system and work to provide election officials across the country with the tools and knowledge they need to wise serve their voters. In May of 2013 she was selected by President Obama to serve as a Commissioner on the Presidential Commission on Election Administration which led to a position at the Bipartisan Policy Center to further the work of the PCEA. Prior to that she was the Federal Compliance Officer for Maricopa County Elections Department for eleven years, Tammy was tasked with serving more than 2 million registered voters in the greater Phoenix Valley. She collaborates with community and political organizations to create a productive working relationship with the goal of voter participation and efficient election administration and serves as an adjunct professor at the University of Minnesota's Humphrey School of Public Policy.

**Leslie Reynolds** ([reynolds@sso.org](mailto:reynolds@sso.org)) has served as Executive Director of the National Association of Secretaries of State since 2000. As executive director, she oversees the day-to-day operations of the association and all aspects of its management, including key member initiatives on election reform, electronic government, state business services, and digital archiving. Leslie brings to NASS particular expertise in congressional/intergovernmental relations and legislative policymaking. Ms. Reynolds is a graduate of Purdue University and lives in Arlington, Virginia.

**Wendy Underhill** ([wendy.underhill@ncsl.org](mailto:wendy.underhill@ncsl.org)) is the director for elections and redistricting at the National Conference of State Legislatures, headquartered in Denver. She has been with NCSL for eight years. (Her first week included the 2010 midterm election and her job that night was to track the governors' races.) Originally Wendy specialized in research and analysis on elections issues, and more recently Wendy has added redistricting to her portfolio, continuing NCSL's decades-long tradition of providing objective, bipartisan information and analysis on redistricting law and processes. One of the best parts of her job is tracking statewide ballot measures and partisan control of legislatures. Previously, Ms. Underhill worked as a policy analyst for the U. S. Senate and the U.S. Department of the Treasury, and in management for various Colorado nonprofits.

**Dylan Lynch** ([dylan.lynch@ncsl.org](mailto:dylan.lynch@ncsl.org)) is a policy associate with NCSL's Election and Redistricting Program, which he joined in January of 2018. He specializes in election administration and provides resources or customized research on election administration policy throughout all 50 states. He is also editor of The Canvass, the programs monthly newsletter on election administration, where he plans and writes articles, conducts interviews, and helps compile it for final release. Before joining NCSL, he worked for the Iowa Secretary of State's Election Department for almost 20 months. While in Iowa, he also graduated from Drake University's Master of Public Administration program.

**Rebecca Green** ([rgreen@wm.edu](mailto:rgreen@wm.edu)) is co-director of the Election Law Program and teaches Election Law, Privacy Law, and Alternative Dispute Resolution at William & Mary Law School. Green supervises many election-related projects including the state election law eBenchbook platform, Revive My Vote (a program to assist Virginians with felony conviction histories regain the right to vote), and annual election law symposia and speaker series. This fall, Green participated in a Citizens Committee to draft an amendment to the Virginia constitution to establish an independent redistricting commission.

**Amy McDowell** ([amcdowell@ncsc.org](mailto:amcdowell@ncsc.org)) is co-director of the Election Law Program and Associate Dean of the Fellows Program with the Institute for Court Management at the National Center for State Courts, where she provides academic and program management, oversight and support to candidates and representing 1,300 Fellows graduates internationally.

**Matt Catron** ([mwcatron@email.wm.edu](mailto:mwcatron@email.wm.edu)) is a William & Mary Law School '20 and Co-President of the William & Mary Election Law Society. Matt interned at the National Conference of State Legislatures during the summer of 2018 where he researched state election emergency statutes. You can see his work [here](#).

**Reiko Dogu** ([rtdogu@wm.edu](mailto:rtdogu@wm.edu)) started as Election Law Program Manager in May 2017 after previously serving as a Senior Elections Administrator at the Virginia Department of Elections. Since joining ELP, Reiko has overseen the development of the ELP Strategic Plan, manages eBenchbook content, marketing, use testing, state committee oversight and communication, and oversees the Election Law Program's collaborative work.

## Appendix B: State Election Emergency Resources

- National Conference of State Legislatures State Election Emergency Law Resource Page, available at <http://www.ncsl.org/research/elections-and-campaigns/election-emergencies.aspx> (this resource provides a comprehensive listing of state statutes that address election emergency mitigation)
- State Laws and Practices for the Emergency Management of Elections, National Association of Secretaries of State (updated April 2017), available at <https://www.nass.org/sites/default/files/Election%20Cybersecurity/report-NASS-emergency-preparedness-elections-apr2017.pdf>
- Michael T. Morley, Election Emergencies: Voting in the Wake of Natural Disasters and Terrorist Attacks, 67 Emory L.J. 545 (2018), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3160436](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3160436)
- Matthew Catron, Election Emergencies: Unanswered Questions, National Conference of State Legislatures (November 2017), available at <http://www.ncsl.org/blog/2018/11/14/election-emergencies-unanswered-questions.aspx>

## **Appendix C: 50-State Statutory Review – PowerPoint**

# ELECTION EMERGENCY: STATE STATUTES

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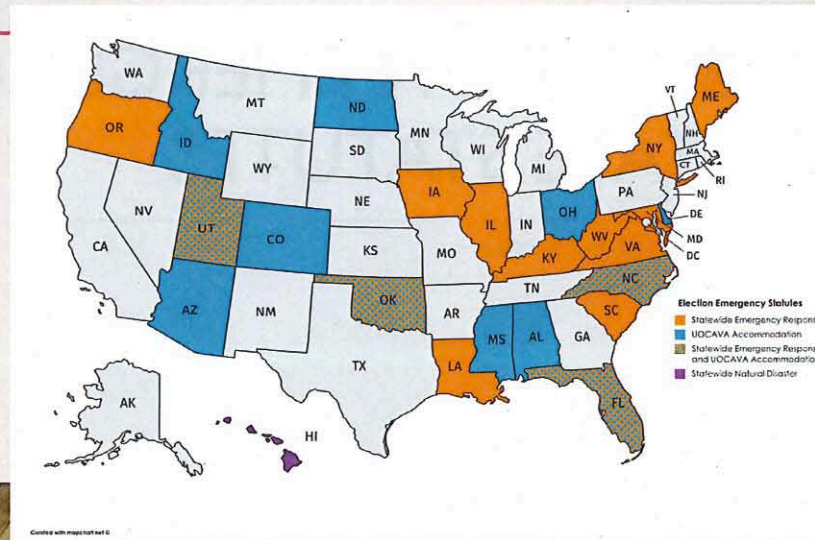
BY: MATTHEW CATRON

## STATE STATUTES ARE REACTIVE

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- 15 Del. C. § 5302: \$1,000 fine and 1 year of imprisonment for leading an army on Delaware during an election day
- 25 P.S. § 3049: Pennsylvania may suspend the destruction of paper ballots in case there is an emergency need for waste paper.

## ELECTION EMERGENCY STATUTES: STATEWIDE SCOPE



## COMMON ELECTION EMERGENCY STRATEGIES

### Relocation of Polling Places

- Florida\*
- Hawaii\*
- Louisiana\*
- Maryland\*
- South Carolina\*
- Virginia\*
- Alabama
- Alaska
- Arkansas
- Arizona
- California
- Colorado
- Georgia
- Illinois
- Kansas
- Maine
- Minnesota
- Missouri
- Montana
- Nevada
- New Jersey
- Ohio
- Pennsylvania
- Tennessee
- Vermont
- West Virginia

### Delay and Rescheduling Election

- Florida\*
- Hawaii\*
- Louisiana\*
- Maryland\*
- South Carolina\*
- Virginia\*
- Idaho
- Kentucky
- New York
- Oregon
- South Dakota
- Utah

## UNIFORMITY

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- Ohio: police in each jurisdiction shall have a special force ready to respond to an emergency on election day and have one officer assigned to each polling place.
- Pennsylvania: court of common pleas shall remain open during an election to make emergency decisions.
- North Carolina & Texas: do not need required photo ID if lost in a natural disaster

## MODEL?: FLORIDA

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- Elections Emergency Act:
  - Relocate polling places
  - Governor can delay and reschedule an election
  - Adopts statewide emergency contingency plan



## GOVERNOR'S EMERGENCY POWER

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- Suspend rules and regulations
  - 12 states
- Suspend statutes and regulations
  - 14 states
- Suspend regulatory statutes prescribing the conduct of state business
  - 22 states
- Election emergency statutes prescribing governor's power
  - 6 states—5 states also fall into previous categories

## AREAS FOR EXPLORATION

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- State Constitutions
- Interactions with federal law
- Chaotic nature of election emergencies
- Administrative rules and regulations



# QUESTIONS?

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## Appendix D: 50-State Statutory Review - Full Report

### Election Emergency Legislation

Elections are scheduled well in advance every year. With this kind of advanced planning, it is impossible to predict the natural disasters or emergencies that could disrupt the administration of an election on or before election day. Every state has rules governing what are known as “states of emergency” that include events such as floods, hurricanes, earthquakes, cyber-attacks, active shooters, or even military invasions. At least 45 states have statutes that address election day emergencies in some way directly. There is little consistency between states on rules governing elections upset by emergencies.

California, Florida, Oklahoma, and Virginia have the nation’s most expansive election emergency statutes. Florida law covers everything from canceling and rescheduling an election to requiring that poll workers have emergency guidelines within arms reach. Oklahoma requires that the secretary of the state election board declare an “election emergency,” which is independent of a declared “state of emergency.” Once an election emergency is declared, the Oklahoma secretary of state has authority to cancel and reschedule an election or provide a means to continue the election.

After the September 11, 2001, terrorist attacks, the New York legislature passed the Emergency Primary Election Rescheduling Act of 2001. This was a one-time piece of legislation rescheduling the 2001 New York primary after the attacks. New York also has a unique election emergency statute. If an emergency causes less than 25% of registered voters to show up to vote, then there can be another day of voting not more than 20 days after the original election date.

Emergencies often require unilateral action from the executive branch. In eight states (Florida, Kentucky, Louisiana, Maryland, Oregon, South Carolina, Texas, and Virginia), the governor is statutorily granted the power to delay or reschedule an election. In Utah, the lieutenant governor is granted the authority to delay or reschedule an election. Illinois and Maine also require conferral with the governor’s office to enact emergency procedures during an election. Since this is an area where the three branches of government tend to overlap, statutory and state constitutional questions are likely to arise. Executive powers are discussed in the next section.

The chart below details state of emergency legislation that potentially impacts how elections are run when they arise:

State	Election Emergency Statutes
Alabama	<u>Code of Ala. § 17-11-3(e)</u> : In a state of emergency, citizens can vote by absentee ballot. <u>Code of Ala. § 17-11-50</u> : Secretary of state can adopt special procedures for UOCAVA voters during an emergency.
Alaska	<u>Alaska Stat. § 15.15.060(a)</u> : The election supervisor and election board chair may, in an emergency, secure an alternate location for a polling place.
Arizona	<u>A.R.S. § 16-564</u> : If a polling place is moved, then the ballot box can be moved, but must be accompanied by two members of the election board. <u>A.R.S. § 16-543</u> : The secretary of state can change procedures to comply with UOCAVA in case of an emergency.

<b>Arkansas</b>	<u>A.C.A. § 7-5-101</u> : The county board can only change the location of a polling place in an emergency.
<b>California</b>	<p><u>Cal Elec Code § 19104(a)(1)</u>: The Secretary of State, in consultation with county elections officials, shall establish the procedures and guidelines for voting in the event of a natural disaster or other state of emergency.</p> <p><u>Cal Elec Code § 12281(b)</u>: If the location of a polling place is changed at the last minute, it must be as close to the previous poll as possible and the county must post notice.</p> <p><u>Cal Elec Code § 3018(b)</u>: In an emergency, notice of satellite voting locations must be given with 48 hours of the election.</p> <p><u>Cal Elec Code § 15213</u>: In an emergency, ballots may be counted at the precinct.</p> <p><u>Cal Elec Code § 19005</u>: In the event of a power outage, ballots may be marked in ink.</p>
<b>Colorado</b>	<p><u>C.R.S. 1-5-108</u>: Election officials can move a polling location or a drop off location in an emergency.</p> <p><u>C.R.S. 1-5-703</u>: Officials need not heed the specific design standards laid out in 28 CFR Part 36 in the event of an emergency.</p> <p><u>C.R.S. 32-1-103(21)</u>: A district court judge may change the dates of a special election in the event of an unforeseeable emergency.</p> <p><u>C.R.S. 1-8.3-105(2)</u>: The secretary of state can change procedures to comply with UOCAVA in case of an emergency.</p> <p><u>C.R.S. 1-7.5-115(1)</u>: Voters can request a replacement ballot if the original is lost in an emergency or natural disaster.</p>
<b>Connecticut</b>	<u>Conn. Gen. Stat. § 9-174a</u> : Counties shall either create their own emergency plan or adopt the state's model plan.
<b>Delaware</b>	<p><u>15 Del. C. § 5524</u>: The state election commissioner can adopt special procedures for UOCAVA voters during an emergency</p> <p><u>15 Del. C. § 7550</u>: State Election Commissioner may, unless otherwise provided in the municipality's charter and/or ordinance, cancel any municipal election the conduct of which is rendered impracticable due an emergency.</p> <p><u>15 Del. C. § 5302</u>: You could be subject to a fine or imprisonment if you lead an army on the state on an election day.</p>
<b>Florida</b>	<p><u>Fla. Stat. § 101.698</u>: The Election Canvassing Commission may adopt rules that allow overseas citizens an opportunity to vote in an emergency.</p> <p><u>Fla. Stat. § 101.71(3)</u>: The supervisor of elections shall designate a new polling place which shall be accessible to the public on election day and shall cause a notice to be posted at the old polling place advising the electors of the location of the new polling place in an emergency.</p> <p><u>Fla. Stat. § 101.732</u>: Definitions related to the Elections Emergency Act</p> <p><u>Fla. Stat. § 101.733</u>: The governor may delay and reschedule an election with consultation of the secretary of state. The Division of Elections and Department of State must adopt an emergency contingency plan.</p> <p><u>Fla. Stat. § 101.74</u>: In the case of an emergency, the supervisor of elections may establish a new polling place outside of the precinct.</p> <p><u>Fla. Stat. § 101.75</u>: Municipalities can move the date of their elections to conform with the statewide or county election.</p>

	<p><u>Fla. Stat. § 102.014</u>: The polling place procedure manual shall contain emergency procedures.</p> <p><u>Fla. Stat. § 102.112</u>: The deadline for the submission of returns may be moved back by the Election Canvassing Commission in an emergency.</p>
<b>Georgia</b>	<p><u>O.C.G.A. § 21-2-265</u>: If an emergency occurs within 10 days of an election, the superintendent of the county may move the polls to another location inside or outside the precinct.</p> <p><u>O.C.G.A. § 21-2-50.1</u>: The secretary of state may extend filing deadlines for candidates in a state of emergency.</p> <p><u>O.C.G.A. § 21-2-418</u>: Provisional ballots may be used to cast votes if an emergency renders machines unusable.</p>
<b>Hawaii</b>	<p><u>HRS § 15-2.5(a)</u>: The chief election officer and county clerk can require voters in a precinct to vote absentee in an emergency.</p> <p><u>HRS § 11-92.3</u>: If there is a natural disaster, the chief election officer of a county can delay the election no more than 21 days, move polling places, or consolidate precincts.</p>
<b>Idaho</b>	<p><u>Idaho Code § 34-106(1)(C)</u>: In an emergency, the date of an election may be changed by the governing board of a political subdivision.</p> <p><u>Idaho Code § 34-201</u>: The secretary of state can adopt special procedures for UOCAVA voters during an emergency.</p>
<b>Illinois</b>	<p><u>10 ILCS 5/20-25</u>: If the armed forces are deployed or there is a state of emergency declared by the president or governor, then the governor or executive director of the state board of elections can modify registration and voting procedure to use mail-in voting.</p> <p><u>10 ILCS 5/7-47.1</u>: If an emergency requires the use of a precinct that is not handicap accessible, then 2 election judges will meet handicap voters outside to assist with voting.</p> <p><u>10 ILCS 5/11-4.2</u>: Handicap voters must be given an alternative means of voting if a county uses an inaccessible polling place for handicap persons.</p> <p><u>10 ILCS 5/19A-15(c)</u>: The election authority may close an early voting polling place if an emergency occurs.</p>
<b>Indiana</b>	<p><u>Burns Ind. Code Ann. § 3-11-4-1(c)</u>: Citizens can vote absentee if an emergency would prevent them from going to the polls.</p> <p><u>Burns Ind. Code Ann. § 3-6-4.1-16</u>: The election commission can adopt emergency rules to administer an election in a way not specified by the election code.</p> <p><u>Burns Ind. Code Ann. § 3-6-4.1-17(a)</u>: In an emergency, the election commission can extend the deadline for filing documents and performing duties.</p>
<b>Iowa</b>	<p><u>Iowa Code § 47.1</u>: The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural, other disaster, extremely inclement weather, mobilization or the armed forces or an error in an election making it impossible to determine results. The state commissioner shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.</p>
<b>Kansas</b>	<p><u>K.S.A. § 25-622</u>: The secretary of state can adopt alternative methods for distributing ballots in a time of war, equipment failure, or disaster that makes it impossible for voters in an area to obtain ballots.</p>

	<u>K.S.A. § 25-2701(d)(1)</u> : County election officers can change polling places without required notice in an emergency.
<b>Kentucky</b>	<u>KRS § 117.187(2)(q)</u> : County boards must train all election officers on the emergency contingency plans <u>KRS § 39A.100(1)(l)</u> : The governor, upon the recommendation of the Secretary of State, may declare by executive order a different time or place for holding elections in an election area for which a state of emergency has been declared for part or all of the election area. The election shall be held within thirty-five (35) days from the date of the suspended or delayed election.
<b>Louisiana</b>	<u>La. R.S. § 18:401.1</u> : The governor may suspend or delay any election in a state of emergency or a pending emergency. <u>La. R.S. § 18:401.2</u> : Upon recommendation of the county clerk, the secretary of state may move polling places in an emergency. <u>La. R.S. § 18:401.3</u> : If during a state of emergency, the secretary of state believes an emergency will impair the conduct of an election, then the secretary of state will develop a plan to be voted on by committees in both chambers and approved by the governor before implementation. <u>La. R.S. § 18:135(A)(2)(a)</u> : If an emergency causes not a single registration office to be open on the last day of registration, then registration will continue for one more day on the next business day a registration office does open in the parish. <u>La. R.S. § 18:1309(B)(1)</u> : In a state of emergency, the registrar may use a temporary office either within the parish or in the parish immediately adjacent. <u>La. R.S. § 18:534</u> : The governing authority of a parish may move a polling place in an emergency.
<b>Maine</b>	<u>21-A M.R.S. § 631-A(3)</u> : Municipal officers can change the location of a polling place in an emergency. <u>21-A M.R.S. § 663</u> : The secretary of state may work to facilitate voting in areas where the governor has declared a state of emergency. <u>21-A M.R.S. § 604</u> : (Emergency Ballot Procedure) The secretary of state may provide new ballots when a county does not have enough for voters.
<b>Maryland</b>	<u>Md. Election Law Code Ann. § 8-103</u> : In a declared state of emergency, the governor may delay an election, alternate polling locations, or use an alternative method for voting. If it is not a declared state of emergency, the state or local election boards can petition a circuit court for remedies. <u>Md. Election Law Code Ann. § 2-303(f)</u> : In an emergency, local election boards can move and create new precincts subject to approval by the state board.
<b>Massachusetts</b>	N/A
<b>Michigan</b>	<u>MCLS § 168.782b</u> : If the voting machines become inoperable, then the county board shall provide emergency ballots.
<b>Minnesota</b>	<u>Minn. Stat. § 204B.14</u> : Local officials may combine polling places in the event of an emergency. <u>Minn. Stat. § 204B.175</u> : In an emergency, local election officials can designate a new polling place, but must post notice.

	<p><u>Minn. Stat. § 204B.181</u>: The state and counties must have emergency plans in case of an emergency on an election day.</p> <p><u>Minn. Stat. § 205.10</u>: Special elections can be held on a different date than prescribed if there is an emergency.</p>
<b>Mississippi</b>	<p><u>Miss. Code Ann. § 23-15-531.12</u>: Voters can cast emergency paper ballots if DRE's stop working.</p> <p><u>Miss. Code Ann. § 23-15-701</u>: Secretary of state can adopt special procedures for UOCAVA voters during an emergency.</p>
<b>Missouri</b>	<p><u>§ 115.291 R.S.Mo.</u>: In a state of emergency, the secretary of state may allow absentee ballots to be transmitted by fax or electronic transmission.</p> <p><u>§ 115.024 R.S.Mo.</u>: The state supreme court will establish election panels for all districts affected by a disaster. Petitions to move polling places or reschedule elections will be heard by the district's panel.</p>
<b>Montana</b>	<p><u>13-3-105, MCA</u>: An Election administrator can change the location of a polling place in case of an emergency.</p> <p><u>13-3-211, MCA</u>: Emergency polling places are exempt from surveys and typical state requirements.</p>
<b>Nebraska</b>	<p><u>Secretary of State</u>: The secretary of state's office has developed Election Emergency Preparedness Guidelines that are distributed to local jurisdictions.</p>
<b>Nevada</b>	<p><u>Nev. Rev. Stat. Ann. § 293.2955</u>: In case of a natural disaster or other emergency, a polling place may be used that does not accommodate voters with disabilities.</p>
<b>New Hampshire</b>	N/A
<b>New Jersey</b>	<p><u>N.J. Stat. § 19:8-3.1</u>: Polling places must be accessible to those with disabilities unless an emergency causes such a polling place to be unavailable.</p>
<b>New Mexico</b>	<p><u>N.M. Stat. Ann. § 1-12-43</u>: If a voting machine malfunctions, another shall replace it or the voter can mark a paper ballot</p> <p><u>N.M. Stat. Ann. § 1-12-65</u>: Counting and tallying ballots in an emergency shall be done in accordance with procedures set forth by the secretary of state.</p> <p><u>N.M. Stat. Ann. § 1-5-18(c)</u>: The state must maintain a duplicate voter registration system in case of a disaster.</p>
<b>New York</b>	<p><u>Emergency Primary Election Rescheduling Act of 2001, 2001 N.Y. S.N. 5791</u>: After the September 11 terrorist attacks in New York, the legislature passed this act to reschedule the 2001 primary election.</p> <p><u>NY CLS Elec § 3-108</u>: If an emergency causes a less than 25% of registered voters to vote during an election, then there will be a second day of voting not more than 20 days after the original date.</p> <p><u>NY CLS Elec § 7-120</u>: If voting machines malfunction or break down, the local board of elections must provide emergency paper ballots.</p> <p><u>NY CLS Elec § 16-100</u>: The state court is vested with the power to determine questions of law and fact on the New York election code.</p>

<b>North Carolina</b>	<p><u>N.C. Gen. Stat. § 163A-750</u>: The chief state elections official may exercise emergency powers to conduct an election in a district where the normal schedule for the election is disrupted by a disaster or armed conflict.</p> <p><u>N.C. Gen. Stat. § 163A-1370</u>: Secretary of state can apply special rules to allow military and overseas citizens to vote when typical federal and local laws wouldn't work in a state of emergency.</p> <p><u>N.C. Gen. Stat. § 163A-1145(a)(3)</u>: Voters do not have to abide by ID requirements if they are the victims of a natural disaster</p> <p><u>N.C. Gen. Stat. § 163A-211(c)</u>: No declared candidate can use state funds to broadcast with their name creating personal gains except in the case of an emergency.</p>
<b>North Dakota</b>	<p><u>N.D. Cent. Code, § 16.1-07-05</u>: Voters can request an emergency absentee ballot through agent in case of an emergency</p> <p><u>N.D. Cent. Code, § 16.1-07-34</u>: Secretary of state can apply special rules to allow military and overseas citizens to vote when typical federal and local laws wouldn't work in a state of emergency.</p> <p><u>N.D. Cent. Code, § 16.1-15-06</u>: Except in cases of inclement weather, the election judge appointed shall deliver canvassing results to the auditor.</p>
<b>Ohio</b>	<p><u>ORC Ann. 3511.15</u>: Secretary of state can apply special rules to allow military and overseas citizens to vote when typical federal and local laws wouldn't work in a state of emergency.</p> <p><u>ORC Ann. 3501.18</u>: In an emergency, the board of elections can move polling places or add polling places to a precinct.</p> <p><u>ORC Ann. 3501.34</u>: Police in each jurisdiction shall have a special force ready to respond to an emergency on election day and have one officer assigned to each polling place.</p> <p><u>ORC Ann. 5502.33</u>: No agency for emergency management shall participate in political activity</p>
<b>Oklahoma</b>	<p><u>26 Okl. St. § 22-101</u>: The secretary of the state election board is authorized to declare an election emergency for any area of the state if it becomes impossible to conduct elections using voting devices or if a national or local emergency makes substantial compliance with state and federal election laws impossible or unreasonable.</p> <p><u>26 Okl. St. § 22-102</u>: The secretary of the state election board shall be authorized to permit any changes to the ballot format necessary because of an election emergency.</p> <p><u>26 Okl. St. § 22-104</u>: In an emergency, the secretary of state shall prescribe procedures for counting ballots.</p> <p><u>26 Okl. St. § 22-105</u>: In an emergency, the secretary of state shall prescribe procedures for a recount.</p> <p><u>26 Okl. St. § 22-106</u>: In a declared election emergency, if a ballot or part of a ballot is not counted for any reason, a counter shall write said reason on the back of said ballot, and sign said statement</p> <p><u>26 Okl. St. § 22-109</u>: In a declared election emergency when the ballots are to be counted manually, after the official count, the counters shall execute certificates of vote wherein the counters attest to the correctness of the totals.</p> <p><u>26 Okl. St. § 22-110</u>: In election emergency the ballot transfer box shall be sealed and transferred to the county election board.</p> <p><u>26 Okl. St. § 14-135</u>: The secretary of state can apply special rules to allow military and overseas citizens to vote when typical federal and local laws wouldn't work in a state of emergency.</p>

<b>Oregon</b>	<p><u>ORS § 254.471</u>: The secretary may request the Governor to extend the deadline for returning ballots, after consultation with affected county clerks, the secretary determines that it would be impossible or impracticable for electors to return ballots or for elections officials to tally ballots due to an emergency.</p> <p><u>ORS § 249.005</u>: The county clerk or secretary of state must accept petition signatures if the original copy was destroyed in a disaster and there is a copy of originals.</p> <p><u>ORS § 250.043</u>: The county clerk or secretary of state must accept initiative or referendum signatures if the original copy was destroyed in a disaster and there is a copy of originals.</p> <p><u>ORS § 246.710</u>: A county governing body can declare a county wide election emergency if the county does not have money to conduct an election.</p> <p><u>ORS § 255.345(2)</u>: In the event of a natural disaster, special elections can be held on a different date than required.</p>
<b>Pennsylvania</b>	<p><u>25 P.S. § 2726</u>: In an emergency, the location of a polling place can be moved unless there is a majority objection by registered electors of the district.</p> <p><u>25 P.S. § 3046</u>: The court of common pleas shall remain open during an election to make emergency decisions.</p> <p><u>25 P.S. § 3049</u>: The state may suspend the destruction of paper ballots in case there is an emergency need for waste paper.</p>
<b>Rhode Island</b>	N/A
<b>South Carolina</b>	<p><u>S.C. Code Ann. § 7-7-910(b)</u>: The local election authority can change the location of polling places if they are inaccessible due to an emergency.</p> <p><u>S.C. Code Ann. § 7-13-351</u>: If there is an emergency declared by the governor, candidates shall have 5 extra days to file their petitions.</p> <p><u>S.C. Code Ann. § 7-13-1170</u>: In an emergency, the governor may declare a new time and date for an election.</p>
<b>South Dakota</b>	<p><u>S.D. Codified Laws § 12-2-4</u>: The county auditor can extend polling hours in case of an emergency.</p> <p><u>S.D. Codified Laws § 12-2-8</u>: Local election boards can delay an election (except for primary or general elections) for 1 week due to weather.</p> <p><u>S.D. Codified Laws § 12-2-9</u>: Counties must advertise the postponement of an election.</p> <p><u>S.D. Codified Laws § 12-16-17</u>: In an emergency, poll workers can administer sample ballots when precincts run out of ballots.</p>
<b>Tennessee</b>	<p><u>Tenn. Code Ann. § 2-3-101</u>: County election commissions can move polling places in an emergency.</p> <p><u>Tenn. Code Ann. § 2-6-302</u>: County election commissions can move the location of absentee counting boards in an emergency.</p> <p><u>Tenn. Code Ann. § 2-5-209</u>: County election commissions must maintain paper ballots for emergency use.</p>
<b>Texas</b>	<p><u>Tex. Elec. Code § 203.004</u>: If the election is to be held as an emergency election, it shall be held on a Tuesday or Saturday occurring on or after the 36th day and before the 50th day after the date the election is ordered.</p> <p><u>Tex. Elec. Code § 31.002</u>: In an emergency, administrators do not have to use official forms to issue orders.</p> <p><u>Tex. Elec. Code § 201.054</u>: Emergency elections may have special filing deadlines.</p>

	<p><u>Tex. Elec. Code § 65.054</u>: A registered voter can vote via a provisional ballot without a photo ID if it was lost due to a natural disaster within 45 days of when the ballot was cast.</p> <p><u>Tex. Elec. Code § 129.056</u>: The general custodian of election records shall create a contingency plan for addressing direct recording electronic voting machine failure.</p> <p><u>Tex. Elec. Code § 41.0011</u>: If the governor determines that an emergency warrants holding a special election before the appropriate uniform election date, the election may be held on an earlier nonuniform date.</p>
<b>Utah</b>	<p><u>Utah Code Ann. § 20A-1-308</u>: During a declared emergency, the lieutenant governor may designate a method, time, or location for, or relating to voting on election day, early voting, transmittal of absentee or UOCAVA votes, counting of absentee or UOCAVA votes or canvassing.</p> <p><u>Utah Code Ann. § 20A-1-204</u>: If there is a pending disaster, local political bodies can decide to conduct local elections on a date other than those prescribed by the legislature.</p>
<b>Virginia</b>	<p><u>Va. Code Ann. § 24.2-603.1</u>: In a state of emergency, the Governor may postpone an election by executive order in areas affected by the emergency to a date not 14 days from the original date of the election. If a local governing body determines that a longer postponement is required, it may petition a three-judge panel of the Virginia Supreme Court. Only those persons duly registered to vote as of the original date of the election shall be entitled to vote in the rescheduled election. Any ballots already cast will be counted, but ballots that were destroyed can be recast by voters.</p> <p><u>Va. Code Ann. § 24.2-310</u>: If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place.</p> <p><u>Va. Code Ann. § 24.2-604.2</u>: The electoral board can alter the prohibited area outside of a polling place if the standard distance endangers citizens due to an emergency.</p> <p><u>Va. Code Ann. § 24.2-638</u>: In the case of an emergency that makes a polling place unusable or inaccessible, voting or counting machines may be removed to an alternative polling place.</p> <p><u>Va. Code Ann. § 24.2-713</u>: In an emergency, the Commissioner of Elections shall have the authority to designate alternative methods and procedures to handle applications for absentee ballots and absentee ballots.</p>
<b>Vermont</b>	<p><u>17 V.S.A. § 2502(c)(2)</u>: A municipality may change the location of a polling place less than 30 days prior to an election only in cases of emergency.</p>
<b>Washington</b>	<p><u>Rev. Code Wash. (ARCW) § 38.52.030</u>: The director shall maintain a copy of the continuity of operations plan for election operations for each county that has a plan available.</p>
<b>Wisconsin</b>	<p><u>Contingency Planning and Election System Security Report</u>: There are no statutes, but the state election board created a report advising local authorities on how to respond to emergencies and security threats.</p>
<b>West Virginia</b>	<p><u>W. Va. Code § 3-1A-6</u>: The Secretary of State shall also have the power, after consultation with the Secretary of the Department of Military Affairs and Public Safety, to implement emergency procedures and rules to ensure that all eligible voters can cast a valid ballot and to uphold the integrity of an election.</p>

	<p><u>W. Va. Code § 3-1-26</u>: The commissioners of elections must procure new ballots or ballot boxes if the originals are destroyed.</p> <p><u>W. Va. Code § 3-1-7</u>: In the case of an emergency, the county commission may make the precinct change no later than sixty days prior to an election</p>
<b>Wyoming</b>	<p><u>Wyo. Stat. § 22-2-121</u>: The secretary of state shall have the authority to issue directives to county election officers necessary to ensure the proper conduct of elections, including voter registration and elector participation when there is a declared natural disaster or other impending or declared emergency which interferes with an election.</p>

## Executive Powers

In an election emergency, all three branches of government collide. Typically—in a state of emergency—the governor is granted maximum executive power. However, the legislature may have passed statutes that conflict with the interests of the governor. In at least 14 states, the legislature grants the governor power to suspend statutes. In 22 more states, the governor may suspend regulatory statutes, which may include statutes related to elections. Finally, 12 states allow the governor to suspend regulations created by administrative agencies. Questions of statutory or constitutional authority in an election emergency will be left to the state’s court system. Since all three branches of government may have overlapping authority, and because emergencies are by nature chaotic, this is an area ripe for conflict.

For the governors to exercise emergency power, the governor or president must first issue a state of emergency. So now we must ask, what constitutes a state of emergency? However, there is not a uniform definition of an “emergency” across all 50 states and debates over definitions within states. For example, [Hawaii](#) defines an emergency as “any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property.” This definition is just one example, but raises several questions: How imminent does the threat need to be? What is considered a substantial injury? How much of the population must be in danger? These are just a few examples of the statutory problems that arise when a governor declares a state of emergency.

The table below details the governor’s power in each state during a state of emergency. There are four general categories, but each can overlap: the ability to suspend statutes and regulations, the ability to suspend regulatory statutes prescribing the conduct of state business, the ability to suspend regulations, and the ability to modify an election directly. The most authoritative category is the ability to suspend statutes. However, the next category comes from stock language that 22 total states adopted. There is not a clear definition of a “regulatory statute prescribing the conduct of state business,” but this could include election administration statutes. However, the state legislatures and state courts have not defined this phrase, which could have a different definition in each state.

The final column is simply an indicator of state legislatures that have granted their governor emergency power over some aspect of an election. Eight total states have done so, and seven of those eight states also fall into another category. Ohio is the only state that does not grant their governor emergency power that could be classified in one of the four categories below. However, the [Ohio governor](#) must work concurrently with the department of emergency management to control an emergency.

State	Governor can suspend statutes or regulations and issue orders.	Governor can suspend regulatory statutes prescribing the conduct of state business and issue orders.	Governor can suspend rules and regulations and issue orders.	Governor can modify an election.
<b>Alabama</b> Code of Ala. § 31-9-13	X			
<b>Alaska</b> Alaska Stat. § 26.23.020(g)(1)		X		

<b>Arizona</b> A.R.S. § 16-543		X		
<b>Arkansas</b> A.C.A. § 12-75-114(e)(1)		X		
<b>California</b> Cal Gov Code § 8571	X			
<b>Colorado</b> C.R.S. 24-33.5-704(7)(a)		X		
<b>Connecticut</b> Conn. Gen. Stat. § 28-9(b)(1)	X			
<b>Delaware</b> 20 Del. C. § 3116(a)(2)		X		
<b>Florida</b> Fla. Stat. § 252.36(5)(a) Fla. Stat. § 101.733		X		X
<b>Georgia</b> O.C.G.A. § 38-3-51(d)(1)		X		
<b>Hawaii</b> HRS § 127A-13(a)(3)	X			
<b>Idaho</b> Idaho Code § 46-1008(5)(a)			X	
<b>Illinois</b> 20 ILCS 3305/7(a) 10 ILCS 5/20-25		X		X
<b>Indiana</b> Burns Ind. Code Ann. § 10-14-3-12(d)(1)		X		
<b>Iowa</b> Iowa Code § 29C.6(6)		X		
<b>Kansas</b> K.S.A. § 48-925(c)(1)		X		
<b>Kentucky</b> KRS § 39A.100(1)(l)				X
<b>Louisiana</b> La. R.S. § 29:766(D)(1) La. R.S. § 18:401.1		X		X
<b>Maine</b> 37-B M.R.S. § 742(c)(1)	X			
<b>Maryland</b> Md. PUBLIC SAFETY Code Ann. § 14-107(d)(1)(i):	X			
<b>Massachusetts</b> ALM Spec L ch. S31, § 8A	X			
<b>Michigan</b> MCLS § 30.405(1)(a)		X		
<b>Minnesota</b> Minn. Stat. § 12.32			X	
<b>Mississippi</b> Miss. Code Ann. § 33-15-11(c)(1)		X		

<b>Missouri</b> § 44.022 R.S.Mo.			X	
<b>Montana</b> 10-3-104, MCA(2)(a)		X		
<b>Nebraska</b> R.R.S. Neb. § 81-829.40(6)(a)		X		
<b>Nevada</b> Nev. Rev. Stat. Ann. § 414.070(6):	X <sup>i</sup>			
<b>New Hampshire</b> RSA 4:47			X	
<b>New Jersey</b> N.J. Stat. § App.A:9-51(a)			X <sup>ii</sup>	
<b>New Mexico</b> N.M. Stat. Ann. § 12-10-4	X			
<b>New York</b> NY CLS Exec § 29-a	X			
<b>North Carolina</b> N.C. Gen. Stat. § 166A-19.30(b)(4)			X	
<b>North Dakota</b> N.D. Cent. Code, § 37-17.1-05(6)(a)		X		
<b>Ohio</b> ORC Ann. 5502.22 <sup>iii</sup>				
<b>Oklahoma</b> 63 Okl. St. § 6403(b)(1)		X		
<b>OR</b> ORS § 401.168(2) ORS § 254.471			X	X
<b>Pennsylvania</b> 35 Pa.C.S. § 7301		X		
<b>Rhode Island</b> R.I. Gen. Laws § 30-15-9(e)(1)		X		
<b>South Carolina</b> S.C. Code Ann. § 25-1-440(a)(3) S.C. Code Ann. § 7-13-1170			X	X
<b>South Dakota</b> S.D. Codified Laws § 34-48A-5			X	
<b>Tennessee</b> Tenn. Code Ann. § 58-2-107(e)(1)	X			
<b>Texas</b> Tex. Gov't Code § 418.016 Tex. Elec. Code § 41.0011		X		X
<b>Utah</b> Utah Code Ann. § 53-2a-209:	X			

<b>Vermont</b> 20 V.S.A. § 9			X	
<b>Virginia</b> Va. Code Ann. § 44-146.17 Va. Code Ann. § 24.2-603.1			X	X
<b>Washington</b> Rev. Code Wash. (ARCW) § 43.06.220	X <sup>iv</sup>			
<b>West Virginia</b> W. Va. Code § 15-5-6(c)(7)		X		
<b>Wisconsin</b> Wis. Stat. § 323.14(4)	X <sup>v</sup>			
<b>Wyoming</b> Wyo. Stat. § 19-13-104			X	

## **Appendix E: Emergency Scenarios for Workshop**

We identified a number of potentially disruptive scenarios. While unforeseen events are, indeed, unforeseen, these scenarios may help legislators or others who may undertake to improve emergency preparedness

### **Nor'Easter**

On Election Day, a Nor-Easter came through the Eastern Seaboard downing power lines and trees, drenching the areas hit with downpours, and flash floods. National reports show devastation across several states with rising death tolls, flooded precincts and widespread power outages. Because of the Nor-Easter's path, neighboring States that would typically send response units are unable to do so.

### **Denial of service**

A denial-of-service attack on Election Day hits a state voter registration system so Election Day registrations and voter check-in in this state can't be processed. It lasts a number of hours.

### **Voter Registration Hacker**

Hacker changes voter registration information, and this is not discovered until Election Day.

### **Large Wildfire**

A fire the size of the Camp Fire hits. It impacts a region within the state but not the entire state. This fire starts one week prior to Election Day and is expected to continue burning for at least ten days.

### **Damage to local election official's office**

A local election official's office building is physically disrupted by fire, flood, tornado, etc. How does this play out before, during, and after the election?

### **Flooding**

Due to flooding, certain communities have become unreachable during the "early voting" period.

### **State of emergency**

A flood/fire/earthquake/volcano causes a state of emergency. The Secretary of State (or Governor) declares a state of emergency and postpones the election. The state remains in a state of emergency for an extended period (over 200 days). Are there any checks on the amount of time an election can be delayed? How are subsequent filing periods and elections handled?

### **Power loss**

Some polling places experience a power outage on Election Day.

### **Active Assailant**

An active assailant (shooter) shows up on Election Day at a polling place. There is a cascading effect of people being scared to vote.

### **Snow Storm**

A snow storm hits the state on Election Day, dumping 18" of snow by 4 pm. 50 percent of the counties affected, turnout is less than 40 percent of what had been expected.

### **Vote Tabulation**

Hackers disrupt vote tabulations on election night.

**Widespread Flu/Contagion Event**

In October, a strain of influenza begins to show a significant threat to life and the CDC recommends that people avoid public places until the virus is under control.

**Ransomware**

A state elections agency is taken down by a ransomware attack on the day before the election.

**Communication Outage**

Communication outage – Reporting results post election

**Multiple Shooters**

Five active shooters on Election Day show up in five separate polling places, across multiple states.

**Election Day Bomb Threat to Polling Place**

A bomb threat is called in about a polling place. There is a delay while the facility is cleared.

**Advance Bomb Threat**

The day after Election Day 2019 a bomb threat is received by the Secretary of State's office. The threat is to polling places on Election Day 2020. The threat is also called in to news stations.

**Weather Disrupts Voter Registration Deadline**

A weather event, such as a hurricane, is forecast to hit shortly before the deadline to register to vote, impacting a large urban area that is home to more than half of the State population.

**Ballot processing disruption**

Post- Election Day, there is a disruption at the facility where ballots are being processed before official results are tallied. The jurisdiction includes a large percent of the state's voters and many ballots had not yet been processed.

**Voter registration / Electronic pollbook hacking**

Statewide connectivity to the voter registration system goes down checknig, interfering with voter check-in via electronic pollbooks.

**Voter Registration Database Breach**

A cyber security breach on the statewide registration database reassigns voters to different polling locations.

**Earthquake**

An earthquake occurs during an election. Optical Scan machines don't work while shaking, and cannot be assumed to work when the quake is over.

**No internet**

A hacker takes down the internet for entire Election Day.

## Appendix F: State Election Emergency Statutes for Workshop

We used these statutes in the above-described matching exercise where participants were given index cards with emergencies (Appendix E) to match with statutes (below).

\* \* \*

### Alabama

§ 17-11-3. Absentee balloting generally.

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(a) Any qualified elector of this state may apply for and vote an absentee ballot by mail or by hand delivery, as provided in [Sections 17-11-5](#) and [17-11-9](#), in any primary, general, special, or municipal election, if he or she makes application in writing therefor not less than five days prior to the election in which he or she desires to vote and meets one of the following requirements:

(1) The person will be out of the county or the state, or the municipality for municipal elections, on election day.

(2) The person has any physical illness or infirmity which prevents his or her attendance at the polls, whether he or she is within or without the county on the day of the election.

(3) The person works on a shift which has at least 10 hours which coincide with the hours the polls are open at his or her regular polling place.

(4) The person is enrolled as a student at an educational institution located outside the county of his or her personal residence attendance at which prevents his or her attendance at the polls.

(5) The person is a member of, or spouse or dependent of a member of, the Armed Forces of the United States or is similarly qualified to vote absentee pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, [42 U.S.C.S. § 1973ff](#).

(6) The person has been appointed as an election officer or named as a poll watcher at a polling place other than his or her regular polling place.

(b) An applicant for an absentee ballot who is a member of the Armed Forces of the United States, including the Alabama National Guard, the United States Naval Reserves, the United States Air Force Reserves, and the United States Army Reserve on active duty or active duty for training or an applicant who is the spouse of any member of the armed forces or any other applicant qualified to vote absentee pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, [42 U.S.C.S. § 1973ff](#), may make application for an absentee ballot by filling out the federal postcard application form, authorized and provided for under the provisions of “The Federal Voting Assistance Act of 1955,” Public Law 296, Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress 1st Session.

(c) Any registered elector who requires emergency treatment of a licensed physician within five days of an election may apply for an emergency absentee ballot for the election and may vote by returning the absentee ballot no later than noon on the day the election is held. The attendant physician shall describe and certify the circumstances as constituting an emergency on a special form designed by the Secretary of State and provided by his or her office to local absentee election managers. The special form shall be attached to the application.

**(d)** Any registered elector whose name appears on the poll list of qualified voters may vote by an emergency absentee ballot if he or she is required by his or her employer under unforeseen circumstances to be out of the county on an emergency business trip on election day. Under such circumstances, the applicant shall apply for an emergency absentee ballot at the office of the absentee election manager no later than the close of the business day one day prior to the election. The applicant shall complete and file an application form designed by the Secretary of State for emergency absentee voters. The form shall contain an affidavit which the applicant shall sign or swear acknowledging that he or she was not aware of the out-of-county business requirement prior to five days before the election. An applicant who meets the requirements of this subsection may vote by an emergency absentee ballot. After voting the ballot, the voter shall hand the ballot to the absentee election manager.

**(e)** If the occurrence of a state of emergency as declared in this or any other state, or by the federal government, renders substantial compliance with this article impossible or unreasonable for a group of qualified voters who respond to the emergency, the Secretary of State, pursuant to [Section 41-22-5](#) of the Alabama Administrative Procedure Act, may promulgate an emergency rule to allow those qualified voters to vote by absentee ballot. Notwithstanding any other laws to the contrary, all expenses and costs incurred by the state or any county in carrying out the responsibilities and duties included in an emergency rule promulgated pursuant to this subsection shall be paid by the State of Alabama from any funds made available for election expenses under state and federal law

**(f)** Notwithstanding any other provision of otherwise applicable law, in the event more than one absentee ballot is cast in the name of the single voter, whether any such multiple ballot is cast by mail or otherwise, none of the affidavit envelopes containing the multiple ballots shall be opened, and none of the multiple ballots shall be counted, except in the event of an election contest, upon the order of the election contest tribunal. Upon the conclusion of an election contest or, in the event no such contest is filed, upon the expiration of time for filing such a contest, the multiple ballots shall be provided to the district attorney, with photocopies provided to the state Attorney General, for such investigation, prosecution, or other action as may be appropriate under applicable law.

#### § 17-11-50. Adoption of emergency rules.

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**(a)** If a national or local emergency or other situation arises that makes substantial compliance with this article impossible or unreasonable, such as a natural disaster or an armed conflict involving the Armed Forces of the United States, or mobilization of those forces including state National Guard and state reserve components, the Secretary of State may prescribe, by emergency orders or rules, any special procedures or requirements necessary to facilitate absentee voting by those directly affected uniformed services or overseas voters who are eligible to vote in this state.

**(b)** The Secretary of State shall adopt emergency rules under this section pursuant to the emergency rule requirements of [Section 41-22-5\(b\)](#).

## **Alaska**

### **Sec. 15.15.060. Polling places, voting booths, and supplies.**

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**(a)** Immediately following the appointment of the election board, the election supervisor in conjunction with the election board chair shall secure polling places for holding the election, suitable ballot boxes that will assure security, and an adequate number of voting booths or screens, national flags, pens, and pencils. At every polling place, at least one voting booth shall be furnished and not less than one voting booth or screen shall be furnished for each 100 votes or fractional part of 100 votes cast in the previous election. At every polling place, at least one-half of the voting booths used shall be not less than six feet in height, enclosed on three sides, and provided with a curtain extending from the top of the voting booth to within approximately 30 inches of the floor. The curtain of the voting booth must conceal the voter while voting. The election supervisor and the election board chair may, in an emergency, secure an alternate location for a polling place.

**(b)** To assure administrative economy and to protect the secrecy of the ballot, the director may adopt regulations prescribing

- (1)** the type of polling place for holding the election;
- (2)** the requirements regarding ballot boxes, voting screens, national flags, and other supplies; and
- (3)** subject to the specifications of (a) of this section, the requirements regarding voting booths.

**(c)** The director shall pay the cost of necessary election expenses incurred in securing a place for holding the election, a suitable ballot box, and an adequate number of voting booths, screens, national flags, and other supplies. The national flag shall be displayed over or near the entrance of each polling place.

**(d)** When the director determines that there is an area in the state where a voter may be confused as to the voter's correct precinct polling place, the director shall provide each polling place in that area with maps and materials that indicate house district boundaries, precinct boundaries, and polling places.

## **Arizona**

### **16-564. Opening, exhibiting and locking ballot box before receipt of ballots; removal and opening of box**

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**A.** Before receiving any ballots the election board, in the presence of the persons assembled at the polling place, shall open, exhibit and lock the ballot box, and thereafter it shall not be removed from the polling place or presence of the bystanders until all ballots are counted, nor opened until after the polls are finally closed, except in the case of an emergency that renders the polling place unusable to the point where it can no longer function as a polling place because law enforcement or other emergency personnel have ordered that the polling place be evacuated or as determined by the officer in charge of elections to allow voting to continue while awaiting an evacuation order from law enforcement or other emergency personnel.

**B.** If a locked ballot box must be moved from a polling place due to an emergency, at least two members of the election board from that polling place who are not members of the same political party shall

accompany the locked ballot box to a new polling place designated by the officer in charge of elections, subject to the following:

1. If practicable and available, a law enforcement officer shall aid in the transfer of the locked ballot box.
  2. If two members of the election board from that polling place are not available, one member of the election board and one law enforcement officer may accompany the locked ballot box to the new polling place.
- C. If a ballot box was moved due to an emergency, two additional board members shall verify whether the locked ballot box arrived at the new polling place location and that it was not opened or damaged.
- D. All election board members who accompanied the locked ballot box to the new location and the one or two election board members who verified the ballot box's arrival shall file a report with the officer in charge of elections that describes the actions taken by the election board members. This report shall be filed on the day of the emergency.
- E. On the day that an emergency occurs as prescribed in subsection A, all election board members, including those who aided in the transfer and verification of the locked ballot box, shall indicate on the official documents containing their oath whether they witnessed the transfer of the ballot box and whether the ballot box remained locked.
- F. If during the course of an election day the ballot box can no longer accommodate additional ballots, the board members may remove a sufficient number of ballots from the ballot box and shall place the removed ballots into the case that will be used for the transfer of the ballots to the officer in charge of elections. The inspector and both judges shall oversee the transfer and the following shall apply:
1. An immediate count of the number of ballots removed shall be made by the election board members and a sheet indicating the count and signed by the board members supervising the count shall be placed in the transfer case with the removed ballots and shall be kept sealed for the remainder of the election day.
  2. Once the removed ballots are sealed in the transfer case, the original ballot box shall be relocked and voting may continue.
  3. At the close of the polls, the removed ballots and the ballots in the locked ballot box shall be moved together to the tabulating place designated by the officer in charge of elections.
- G. At the close of the polls, if a ballot box has been transferred to a new polling place or a ballot box has been opened, a report detailing those events and other pertinent information shall be made by the officer in charge of elections to the chairpersons of all recognized political parties in that county.

#### 16-543. Application for ballot; United States service; emergency procedures

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A. Any absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; [42 United States Code section 1973ff-6](#)), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375), may request an early ballot with a federal postcard application that contains both an early voter registration application and an early ballot application. The secretary of state shall provide for a centralized system for

receiving federal postcard applications by way of the internet or fax and shall provide for transmitting appropriate ballot materials in response to fax, telephone and internet requests for federal postcard applications. The absent uniformed services voter or overseas voter shall designate the means of communication for receiving voting materials, whether by way of the internet, fax transmittal or other electronic means or by mail, and the county recorder or other officer in charge of elections shall provide responses and materials in the format designated by the requesting voter. On receipt of such application, the county recorder or other officer in charge of elections shall determine whether or not the elector is registered. If the applicant is so registered, the recorder or other officer in charge of elections shall forward to the applicant an official early ballot using the means of communication designated by the voter pursuant to this section. If no means of communication is designated, the ballot shall be transmitted as provided in the instructions and procedures manual issued pursuant to [section 16-452](#). For all requests received from registered absent uniformed services voters or overseas voters on or before the forty-eighth day before the election, the ballot shall be transmitted no later than the forty-fifth day before the election. If the applicant is not registered, and the request is for a ballot for use in a county election but the federal postcard application is complete, the recorder shall forward an official early ballot to the applicant within twenty-four hours after receipt of the request, excluding Saturdays, Sundays and other legal holidays. If the applicant is not registered to vote and the federal postcard application is not used or complete, the recorder shall forward an affidavit of registration as provided in [section 16-103](#) and shall forward at the same time to the unregistered applicant an official early ballot and affidavit within twenty-four hours after receipt of the request, excluding Saturdays, Sundays and other legal holidays. For any voter who is sent an official early ballot by electronic means pursuant to this section, the county recorder or other officer in charge of elections is not required to send a paper ballot for the same election.

**B.** The county recorder or other officer in charge of elections shall transmit by fax or by other electronic format approved by the secretary of state early ballot request forms, unvoted ballots and ballot information to eligible absent uniformed services voters and overseas voters. The county recorder or other officer in charge of elections shall provide for receipt of completed early ballot requests and voted early ballots by fax or other electronic format as prescribed by the secretary of state in the instructions and procedures manual issued pursuant to [section 16-452](#). The county recorder or other officer in charge of elections shall provide for a method for the voter to verify at no cost to the voter that the voter's ballot has been received.

**C.** The secretary of state shall provide in the instructions and procedures manual issued pursuant to [section 16-452](#) for emergency procedures regarding the early balloting process for persons who are subject to the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; [42 United States Code section 1973ff](#)), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375). These emergency procedures may be implemented only on the occurrence of a national or local emergency that makes substantial compliance with the uniformed and overseas citizens absentee voting act impracticable, including occurrences of natural disasters or armed conflict or mobilization of the national guard or military reserve units of this state.

**D.** This section applies only to any absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; [42 United States Code section 1973ff-6](#)), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375).

## Arkansas

### 7-5-101. Precinct boundaries, polling sites, and vote centers -- Establishment and alteration.

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**(a)**

**(1)** The county board of election commissioners shall:

**(A)** Establish election precincts; and

**(B)**

**(i)** Designate a polling site for each precinct.

**(ii)** A polling site may serve two (2) or more precincts, including parts of precincts.

**(2)** Except as provided in [§ 6-14-106](#), the designation of polling sites shall be by a unanimous vote of the members of the county board of election commissioners present.

**(b)**

**(1)** The county board of election commissioners by order may alter the boundaries of existing election precincts and establish new ones.

**(2)** A precinct shall not be altered and a new precinct shall not be created less than sixty (60) days before an election except in the event of an emergency as determined by unanimous vote of the county board of election commissioners.

**(3)**

**(A)** Except as provided in subdivision (b)(3)(B) of this section, if more than three thousand (3,000) voters are registered in a precinct, the county board of election commissioners shall redistrict the precinct at least one hundred twenty (120) days before the election.

**(B)** If the number of registered voters in the precinct exceeds three thousand (3,000) registered voters during or after the one hundred twenty (120) days before an election, the county board of election commissioners shall redistrict the precinct at least one hundred twenty (120) days before the next election.

**(4)**

**(A)** An order to alter the boundaries of any precinct or establish any new one shall not be effective until it has been filed with the county clerk.

**(B)** The order shall contain:

**(i)** A written description of the boundaries of the precinct;

**(ii)** A printed map of the boundaries of the precincts altered or established; and

**(iii)** A digital map detailing the precinct boundaries altered or established in a format prescribed by the Arkansas Geographic Information Systems Office.

- (c)
  - (1) Within thirty (30) days after the boundaries of an election precinct are altered or a new election precinct is established, the county clerk shall submit written, printed, and digital copies of the map and boundaries required under subdivision (b)(4) of this section to the:
    - (A) Secretary of State; and
    - (B) Arkansas Geographic Information Systems Office.
  - (2) Upon receipt of the changes, the Secretary of State immediately shall forward a copy to the:
    - (A) Office of the Attorney General;
    - (B) Census State Data Center;
    - (C) Geographic Information Systems and Mapping Section of the Transportation Planning and Policy Division of the Arkansas Department of Transportation; and
    - (D) Arkansas Geographic Information Systems Office.
  - (3) The Secretary of State may:
    - (A) Designate each precinct in the state with a unique alphanumeric description that clearly references:
      - (i) The precinct designation assigned by the county board of election commissioners; and
      - (ii) The county in which the precinct exists;
    - (B) Create a map of the State of Arkansas that is divided by precinct; and
    - (C) Display the map with the alphanumeric precinct designations on the Secretary of State's internet website.
- (d)
  - (1) Except for school elections under [§ 6-14-106](#), the polling sites for each election shall be the same as those established for the immediately preceding general election unless changed by order of the county board of election commissioners.
  - (2) The county board of election commissioners shall not change a polling site for any precinct less than thirty (30) days before an election, except in the event of an emergency.
  - (3)
    - (A) Notice of a change made in a polling site shall be provided by posting information at the polling site used in the last election and by the county clerk mailing notice to affected registered voters at least fifteen (15) days before the election unless:
      - (i) The election is a school election;
      - (ii) The election is a special election; or
      - (iii) The change in polling sites is due to an emergency arising less than fifteen (15) days before the election.

**(B)** If the change in polling site occurs in a school election, special election, or due to an emergency arising less than fifteen (15) days before the election, notice of a change made in the polling site shall be provided by posting information at the polling site used in the last election.

**(e)**

**(1)**

**(A)** Before establishing one (1) or more vote centers in the county under [§ 7-1-113](#), the county clerk shall certify to the Secretary of State and the county quorum court that the county has a secure electronic connection sufficient to prevent:

**(i)** An elector from voting more than once; and

**(ii)** Unauthorized access to a computerized registration book maintained by the county clerk.

**(B)** If the county clerk has certified to the county quorum court a determination of sufficiency under subdivision (e)(1)(A) of this section, the county may adopt an ordinance to establish vote centers for elections.

**(C)** The ordinance:

**(i)** Shall be filed with the county clerk, the county board of election commissioners, and the Secretary of State; and

**(ii)** Is effective when it is filed with the county clerk, the county board of election commissioners, and the Secretary of State.

**(2)**

**(A)** Except for school elections under [§ 6-14-106](#), a vote center location for each election shall be the same as that established for the immediately preceding general election unless changed by order of the county clerk or county board of election commissioners.

**(B)** The county clerk or county board of election commissioners shall not change a vote center location for any precinct less than thirty (30) days before an election except in the event of an emergency.

**(C)** Notice of a change made to a vote center location shall be posted at the vote center location used in the last election, and except for school elections and special elections, the notice shall be published in a newspaper of general circulation in the county at least fifteen (15) days before the election.

## California

### § 19104. Voting rules for natural disasters

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(a) The Secretary of State shall do both of the following by December 31, 2014:

- (1) In consultation with county elections officials, establish the procedures and guidelines for voting in the event of a natural disaster or other state of emergency. The Secretary of State shall publish the procedures and guidelines on his or her Internet Web site.
- (2) Submit a report to the Legislature on the readiness of the state to hold elections during or following a natural disaster or other state of emergency.

(b)

- (1) The requirement for submitting a report imposed under paragraph (2) of subdivision (a) is inoperative on December 31, 2018, pursuant to [Section 10231.5 of the Government Code](#).
- (2) A report to be submitted pursuant to paragraph (2) of subdivision (a) shall be submitted in compliance with [Section 9795 of the Government Code](#).

### § 12281. Designation of polling place when designated polling place cannot be used

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(a) If, for any valid reason, the polling place designated for any precinct cannot be used, and this fact is known in sufficient time to allow a mailed notice to be received before the election, the elections official may designate another polling place and shall mail, to each voter in the precinct a notice showing this change.

(b) If the information is not known in sufficient time for a mailing pursuant to subdivision (a), either the elections official or, in the case of an emergency, the precinct board on the day of election, shall designate another polling place as near the place first designated as possible, post notice on or near the place first designated, and conduct the election at the new location.

(c) This section does not apply to elections conducted using vote centers.

### § 3018. Vote of ballot at election official's office

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(a) Any voter using a vote by mail ballot may, prior to the close of the polls on election day, vote the ballot at the office of the elections official. The voter shall vote the ballot in the presence of an officer of the elections official or in a voting booth, at the discretion of the elections official, but in no case may his or her vote be observed. Where direct recording electronic voting systems, as defined in subdivision (b) of [Section 19271](#), are used the elections official shall provide sufficient direct recording electronic voting systems to include all ballot types in the election.

(b) For purposes of this section, the office of an elections official may include satellite locations. Notice of the satellite locations shall be made by the elections official by the issuance of a general news release, issued not later than 14 days prior to voting at the satellite location, except that in a county with a declared emergency or disaster, notice shall be made not later than 48 hours prior to voting at the satellite location. The news release shall set forth the following information:

(1) The satellite location or locations.

(2) The dates and hours the satellite location or locations will be open.

(3) A telephone number that voters may use to obtain information regarding vote by mail ballots and the satellite locations.

(c) Vote by mail ballots voted at a satellite location pursuant to this section shall be placed in a vote by mail voter identification envelope to be completed by the voter pursuant to [Section 3011](#). However, if the elections official provides sufficient direct recording electronic voting systems such that all ballot types in the election may be cast, the vote by mail ballot may be cast on a direct recording electronic voting system.

#### § 15213. Emergencies

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In case of an emergency in which it becomes impossible to transport the ballots from the precinct to a central counting place, the elections official may direct that the ballots be counted at the precinct. In those cases, counting shall be conducted substantially in accordance with Article 5 (commencing with [Section 15270](#)).

#### § 19005. Electrical failure or other emergency

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In the case of electrical failure or other emergency, the official conducting the election may direct that ballots may be marked by pencil or ink. In that event, the elections official may duplicate the voted ballot cards as provided in [Section 15210](#) and count the duplicate ballots by automatic tabulating device, or may count the voted ballots pursuant to Article 5 (commencing with [Section 15270](#)) of Chapter 3 of Division 15.

## Colorado

### 1-5-108. Election judges may change polling locations and drop-off locations

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#### (1)

(a) If it becomes impossible or impracticable to hold an election because of an emergency at the designated polling location, the election judges, after assembling at or as near as practicable to the original designated polling location, may move to the nearest convenient place for holding the election and at the newly designated place forthwith proceed with the election. The election judges shall notify the designated election official of the change as soon as possible.

(b) Upon moving to a new polling location, the election judges shall display a proclamation of the change at the original polling location to notify all electors of the new location for holding the election. The proclamation must contain a statement explaining the specific nature of the emergency that required the change in the polling location and must provide the street address of the new location.

(2) If an emergency renders a drop-off location impossible or impracticable for use in an election, the designated election official shall relocate the drop-off location to the nearest convenient place.

### 1-5-703. Accessibility of polling locations to persons with disabilities

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(1) Each polling location shall comply fully with the current "ADA standards for accessible design" set forth in [28 CFR 36](#) and promulgated in accordance with the federal "Americans with Disabilities Act of 1990", as amended, [42 U.S.C. sec. 12101](#) et seq., and no barrier shall impede the path of electors with disabilities to the voting booth.

(2) Emergency polling locations are exempt from compliance with this section.

(3) Except as otherwise provided in subsection (2) of this section, a designated election official shall only select as polling locations such sites that meet the standards of accessibility set forth in subsection (1) of this section.

(4) Before selecting polling locations, the designated election official shall submit to the secretary of state an accessibility survey in the form prescribed by the secretary of state identifying the criteria for selecting accessible polling locations and applying the criteria to proposed polling locations.

### 32-1-103. Definitions

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As used in this article 1, unless the context otherwise requires:

(1) "Ambulance district" means a special district which provides emergency medical services and the transportation of sick, disabled, or injured persons by motor vehicle, aircraft, or other form of transportation to and from facilities providing medical services. For the purpose of this subsection (1), "emergency medical services" means services engaged in providing initial emergency medical assistance, including, but not limited to, the treatment of trauma and burns and respiratory, circulatory, and obstetrical emergencies.

**(1.5)** "Board" means the board of directors of a special district.

**(2)** "Court" means the district court in any county in which the petition for organization of the special district was originally filed and which entered the order organizing said district or the district court to which the file pertaining to the special district has been transferred pursuant to [section 32-1-303 \(1\)\(b\)](#).

**(2.5)** "Depository institution" means:

**(a)** A person that is organized or chartered, or is doing business or holds an authorization certificate, under the laws of a state or of the United States which authorize the person to receive deposits, including deposits in savings, shares, certificates, or other deposit accounts, and that is supervised and examined for the protection of depositors by an official or agency of a state or the United States; and

**(b)** A trust company or other institution that is authorized by federal or state law to exercise fiduciary powers of the type that a national bank is permitted to exercise under the authority of the comptroller of the currency and that is supervised and examined by an official or agency of a state or the United States. The term does not include an insurance company or other organization primarily engaged in the insurance business.

**(3)** "Director" means a member of the board.

**(4)** "Division" means the division of local government in the department of local affairs.

**(5)**

**(a)** "Eligible elector" means a person who, at the designated time or event, is registered to vote pursuant to the "Uniform Election Code of 1992", articles 1 to 13 of title 1, C.R.S., and:

**(I)** Who is a resident of the special district or the area to be included in the special district; or

**(II)** Who, or whose spouse or civil union partner, owns taxable real or personal property situated within the boundaries of the special district or the area to be included in the special district, whether said person resides within the special district or not.

**(b)** A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the special district or the area to be included within the special district shall be considered an owner within the meaning of this subsection (5).

**(c)** Repealed.

**(d)** For all elections and petitions that require ownership of real property or land, a mobile home as defined in [section 38-12-201.5 \(2\)](#) or [5-1-301 \(29\), C.R.S.](#), or a manufactured home as defined in [section 42-1-102 \(106\)\(b\), C.R.S.](#), shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

**(e)** In the event that the board, by resolution, ends business personal property taxation by the district pursuant to subsection (8)(b) of [section 20 of article X of the state constitution](#), persons owning such property and spouses or civil union partners of such persons shall not be eligible electors of the district on the basis of ownership of such property.

**(6)** Repealed.

**(6.5)** "Financial institution or institutional investor" means any of the following, whether acting for itself or others in a fiduciary capacity:

- (a)** A depository institution;
- (b)** An insurance company;
- (c)** A separate account of an insurance company;
- (d)** An investment company registered under the federal "Investment Company Act of 1940";
- (e)** A business development company as defined in the federal "Investment Company Act of 1940";
- (f)** Any private business development company as defined in the federal "Investment Company Act of 1940";
- (g)** An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of five million dollars or its investment decisions are made by a named fiduciary, as defined in the federal "Employee Retirement Income Security Act of 1974", that is a broker-dealer registered under the federal "Securities Exchange Act of 1934", an investment adviser registered or exempt from registration under the federal "Investment Advisers Act of 1940", a depository institution, or an insurance company;
- (h)** An entity, but not an individual, a substantial part of whose business activities consists of investing, purchasing, selling, or trading in securities of more than one issuer and not of its own issue and that has total assets in excess of five million dollars as of the end of its last fiscal year; and
- (i)** A small business investment company licensed by the federal small business administration under the federal "Small Business Investment Act of 1958".

**(7)** "Fire protection district" means a special district which provides protection against fire by any available means and which may supply ambulance and emergency medical and rescue services.

**(7.5)** "Forest improvement district" means a special district created pursuant to article 18 of this title that protects communities from wildfires and improves the condition of forests in the district.

**(8)** "Governing body" means a city council or board of trustees and includes a body or board where the operation and management of service is under the control of a municipal body or board other than a city council or board of trustees.

**(8.5)** "Health assurance district" means a special district that is created to organize, operate, control, direct, manage, contract for, furnish, or provide, directly or indirectly, health care services to residents of the district and family members of such residents who are in need of such services.

**(9)** "Health service district" means a special district that may establish, maintain, or operate, directly or indirectly through lease to or from other parties or other arrangement, public hospitals, convalescent centers, nursing care facilities, intermediate care facilities, emergency facilities, community clinics, or other facilities licensed or certified pursuant to [section 25-1.5-103 \(1\)\(a\), C.R.S.](#), providing health and personal care services and may organize, own, operate, control, direct, manage, contract for, or furnish ambulance service.

**(9.3)** "Inactive special district" means a special district in a predevelopment stage that has no residents other than those who lived within the district boundaries prior to the formation of the district, no business or commercial ventures or facilities within its boundaries, has not issued any general obligation or revenue debt and does not have any financial obligations outstanding or contracts in effect that require performance by the district during the time the district is inactive, has not imposed a mill levy for tax collection in that fiscal year, anticipates no receipt of revenue and has no planned expenditures, except for statutory compliance, in that fiscal year, has no operation or maintenance responsibility for any facilities, has initially filed a notice of inactive status pursuant to [section 32-1-104 \(3\)](#), and, each year thereafter, has filed a notice of continuing inactive status pursuant to [section 32-1-104 \(4\)](#).

**(9.5)** "Mental health care service district" means a special district created pursuant to this article to provide, directly or indirectly, mental health care services to residents of the district who are in need of mental health care services and to family members of such residents.

**(10)** "Metropolitan district" means a special district that provides for the inhabitants thereof any two or more of the following services:

- (a)** Fire protection;
- (b)** Mosquito control;
- (c)** Parks and recreation;
- (d)** Safety protection;
- (e)** Sanitation;
- (f)** Solid waste disposal facilities or collection and transportation of solid waste;
- (g)** Street improvement;
- (h)** Television relay and translation;
- (i)** Transportation;
- (j)** Water.

**(11)** "Municipality" means a municipality as defined in [section 31-1-101 \(6\), C.R.S.](#)

**(12)** "Net effective interest rate" means the net interest cost of securities issued by a public body divided by the sum of the products derived by multiplying the principal amount of the securities maturing on each maturity date by the number of years from their date to their respective maturities. In all cases, net effective interest rate shall be computed without regard to any option of redemption prior to the designated maturity dates of the securities.

**(13)** "Net interest cost" means the total amount of interest to accrue on securities issued by a public body from their date to their respective maturities, less the amount of any premium above par, or plus the amount of any discount below par, at which said securities are being or have been sold. In all cases net interest cost shall be computed without regard to any option of redemption prior to the designated maturity dates of the securities.

**(14)** "Park and recreation district" means a special district which provides parks or recreational facilities or programs within said district.

**(14.5)** "Property owners' list" means the list furnished by the county assessor in accordance with [section 1-5-304, C.R.S.](#), showing each property owner within the district, as shown on a deed or contract of record.

**(15)** "Publication" means printing one time, in one newspaper of general circulation in the special district or proposed special district if there is such a newspaper, and, if not, then in a newspaper in the county in which the special district or proposed special district is located. For a special district with territory within more than one county, if publication cannot be made in one newspaper of general circulation in the special district, then one publication is required in a newspaper in each county in which the special district is located and in which the special district also has fifty or more eligible electors.

**(16)** "Quorum" means more than one-half of the number of directors serving on the board of a special district.

**(17)** [Editor's note: This version of subsection (17) is effective until July 1, 2022.] "Regular special district election" means the election on the Tuesday succeeding the first Monday of May in every even-numbered year, held for the purpose of electing members to the boards of special districts and for submission of other public questions, if any.

**(17)** [Editor's note: This version of subsection (17) is effective July 1, 2022.] "Regular special district election" means the election on the Tuesday succeeding the first Monday of May in every odd-numbered year, held for the purpose of electing members to the boards of special districts and for submission of other public questions, if any.

**(17.5)** (Deleted by amendment, L. 92, p. 874, § 105, effective January 1, 1993.)

**(18)** "Sanitation district" means a special district that provides for storm or sanitary sewers, or both, flood and surface drainage, treatment and disposal works and facilities, or solid waste disposal facilities or waste services, and all necessary or proper equipment and appurtenances incident thereto.

**(19)** "Secretary" means the secretary of the board.

**(19.5)** "Solid waste" shall have the same definition as specified in [section 30-20-101 \(6\), C.R.S.](#)

**(20)** "Special district" means any quasi-municipal corporation and political subdivision organized or acting pursuant to the provisions of this article. "Special district" does not include any entity organized or acting pursuant to the provisions of article 8 of title 29, article 20 of title 30, article 25 of title 31, or articles 41 to 50 of title 37, C.R.S.

**(21)** "Special election" means any election called by the board for submission of public questions and other matters. The election shall be held on the first Tuesday after the first Monday in February, May, October, or December, in November of even-numbered years or on the first Tuesday in November of odd-numbered years. Any special district may petition a district court judge who has jurisdiction in such district for permission to hold a special election on a day other than those specified in this subsection (21). The district court judge may grant permission only upon a finding that an election on the days specified would be impossible or impracticable or upon a finding that an unforeseeable emergency would require an election on a day other than those specified.

**(22)** "Taxable property" means real or personal property subject to general ad valorem taxes. "Taxable property" does not include the ownership of property on which a specific ownership tax is paid pursuant to law.

**(23)** (a) "Taxpaying elector" means an eligible elector of a special district who, or whose spouse or civil union partner, owns taxable real or personal property within the special district or the area to be included in or excluded from the special district, whether the person resides within the special district or not.

**(b)** A person who is obligated to pay taxes under a contract to purchase taxable property within the special district shall be considered an owner within the meaning of this subsection (23).

**(c)** For all elections and petitions that require ownership of real property or land, a mobile home as defined in [section 38-12-201.5 \(2\)](#) or [5-1-301 \(29\), C.R.S.](#), or a manufactured home as defined in [section 42-1-102 \(106\)\(b\), C.R.S.](#), shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

**(23.2)** "Tunnel" means one or more holes under or through the ground, mountains, rock formations, or other natural or man-made material, including roads, railroads, pipelines, and other means of transporting vehicles, people, or goods through any such tunnel, whether located in the tunnel or, to the extent the same connects the tunnel to other similar facilities, located outside the tunnel. "Tunnel" also means any ventilation, drainage, and support facilities, toll collection facilities, administrative facilities, and other facilities necessary or convenient to the acquisition, construction, improvement, equipping, operation, or maintenance of the tunnel or to the operation of the tunnel district, whether located within or without the tunnel.

**(23.5)** "Tunnel district" means a special district which provides a tunnel.

**(24)** "Water and sanitation district" means a special district which provides both water district and sanitation district services.

**(25)** "Water district" means a special district which supplies water for domestic and other public and private purposes by any available means and provides all necessary or proper reservoirs, treatment works and facilities, equipment, and appurtenances incident thereto.

#### 1-8.3-105. Effect of "Uniformed and Overseas Citizens Absentee Voting Act" - emergency authority of secretary of state

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**(1)** In the event of any conflict between this article and any provisions of the federal "Uniformed and Overseas Citizens Absentee Voting Act", [52 U.S.C. sec. 20301](#) et seq., the provisions of the federal act shall control, and all designated election officials who are charged with the performance of duties under this code shall perform the duties and discharge the obligations placed upon them by the federal act.

**(2)** If a national or local emergency arises that makes substantial compliance with the provisions of this article impossible or unreasonable, such as when congress has declared a national emergency or the president has ordered into active military service of the United States any units and members of the National Guard of this state, the secretary of state may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those members of the military or military support personnel directly affected by the emergency.

#### 1-7.5-115. Emergency voting - replacement ballots - electronic transfer - rules - definition

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**(1) (a) (I) (A)** If an eligible elector or a member of an eligible elector's immediate family, related to the second degree by blood, adoption, marriage, or civil union partnership, is confined in a hospital or place of residence on election day, or if, due to emergency conditions such as natural disasters arising after the deadlines by which ballots are mailed, the elector is unable to vote in person, the elector may request in a personally signed written statement that the county clerk and recorder or designated election official send a replacement ballot. The county clerk and recorder or designated election official shall provide the replacement ballot, at the office of the county clerk and recorder or designated election official during the office's regular hours of business, to any authorized representative of the elector.

**(B)** For the purposes of this paragraph (a), "authorized representative" means a person who possesses a written statement from the elector containing the elector's signature, name, and address of residence and indicating that the elector is unable to vote in person after the last day to mail a ballot and requesting that the replacement ballot be given to the authorized person as identified by name and address of residence.

**(II)** The authorized person shall acknowledge receipt of the replacement ballot with a signature, name, and address of residence.

**(b)** A request for a replacement ballot under this section shall be made before 5 p.m. on the day of the election, and the ballot must be returned no later than 7 p.m. on the day of the election.

**(c)** If the eligible elector is unable to have an authorized representative pick up the ballot at the office of the county clerk and recorder or designated election official and deliver it to the eligible elector, the designated election official shall deliver a replacement ballot to the eligible elector by electronic transfer in accordance with the rules of the secretary of state. If the replacement ballot is delivered to the eligible elector by electronic transfer, the eligible elector may return the ballot by electronic transfer as set forth in subsection (4) of this section.

**(2)** Except as otherwise provided in subsection (4) of this section, after marking the replacement ballot, the eligible elector shall place it in a return envelope provided by the county clerk and recorder or designated election official. The elector shall then fill out and sign the self-affirmation on the envelope, as provided in [section 1-7.5-107](#), on or before election day and return it to the office of the county clerk and recorder or designated election official. Upon receipt of the envelope, the county clerk and recorder or designated election official shall verify the elector's name on the return envelope and shall deposit the envelope in the office in a ballot box that is locked and secured with a numbered seal.

**(3)** If, following the procedure set forth in this section, the county clerk and recorder or designated election official is unable to provide a replacement ballot to an elector, the county clerk and recorder or designated election official shall provide a replacement ballot to the elector by electronic transfer in accordance with the election rules of the secretary of state. If the replacement ballot is delivered to the eligible elector by electronic transfer, the eligible elector may return the ballot by electronic transfer as set forth in subsection (4) of this section.

**(4) (a)** If a replacement ballot is delivered to an eligible elector by electronic transfer pursuant to paragraph (c) of subsection (1) of this section or subsection (3) of this section, the eligible elector may return the voted ballot to the county clerk and recorder or designated election official by electronic transfer. In order to be counted, the returned ballot must be received in the office of the county clerk and recorder or designated election official by 7 p.m. on election day. Once the ballot is received, a bipartisan team of judges shall duplicate the ballot, and the ballot shall be counted in the same manner as all other mail ballots. Such judges shall not reveal how the elector has cast his or her ballot.

**(b)** Any elector who receives a replacement ballot by electronic transfer pursuant to paragraph (c) of subsection (1) of this section or subsection (3) of this section shall be informed in the instructions for completing the ballot that, if the ballot is returned by electronic transfer, the ballot will not be a confidential ballot.

**(c)** In handling a returned replacement ballot pursuant to this subsection (4), all reasonable means shall be taken to ensure that only the judges are aware of information connecting the elector to the returned ballot.

**(d)** The secretary of state may prescribe by rule any procedures or requirements as may be necessary to implement this subsection (4). The rules must be promulgated in accordance with article 4 of title 24, C.R.S.

## Connecticut

### Sec. 9-174a. Emergency contingency plan for elections. Model plan.

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(a) For each municipality, the registrars of voters, in consultation with the municipal clerk, shall create an emergency contingency plan for elections, primaries and referenda to be held within such municipality. Such plan shall include, but not be limited to, (1) solutions for ballot shortages, and (2) strategies to implement in the event of (A) a shortage or absence of poll workers, (B) a loss of power, (C) a fire or the sounding of an alarm within a polling place, (D) voting machine malfunctions, (E) a weather or other natural disaster, (F) the need to remove a poll worker or moderator and to replace such worker or moderator, and (G) disorder in and around the polling place.

(b) Not later than six months after the adoption of a model plan by the Secretary of the State provided for in regulations adopted pursuant to subsection (d) of this section, the registrars of voters shall submit the plan created under subsection (a) of this section to the legislative body of such municipality or, in a municipality where the legislative body is a town meeting or representative town meeting, the board of selectmen, for approval. Upon approval, such plan shall remain on file with the municipal clerk until such plan is amended by the registrars of voters, in consultation with the municipal clerk, and approved by the legislative body of the municipality or, in a municipality where the legislative body is a town meeting or representative town meeting, the board of selectmen. If, not later than six months after the adoption of a model plan by the Secretary, a municipality fails to create and approve an emergency contingency plan, the municipality shall be deemed to have adopted the model plan adopted by the Secretary.

(c) Any municipality that activates the emergency contingency plan established pursuant to this section shall provide a written report concerning the activation of such plan to the Secretary of the State not later than thirty days after such activation. Such report shall include the reason for such activation as well as the procedures in the emergency contingency plan that were activated and the outcome of the activation of such plan.

(d) The Secretary of the State shall adopt regulations, in accordance with the provisions of chapter 54, as the Secretary deems necessary to implement the provisions of this section. Such regulations shall include a model plan that municipalities may adopt.

## Delaware

### § 5524. Emergency authority for the State Election Commissioner

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(a) In the event that a national or local emergency makes substantial compliance with the provisions of this title and/or the Uniformed and Overseas Citizens Absentee Voting Act ([52 U.S.C. § 20301](#) et seq.) impossible or unreasonable for some of all of the citizens covered under § 5502(1) or (2) of this title, the State Election Commissioner may direct the use of special procedures to facilitate absentee voting for those citizens directly affected who are eligible to vote in the State. Such an emergency may be a natural and/or humanitarian disaster; and/or armed conflict involving United States Armed Forces to include mobilized State National Guard and/or Reserve components.

(b) The State Election Commissioner shall consult with the Governor and the Federal Voting Assistance Program or its successor prior to directing the use of the special procedures cited in subsection (a) of this section.

(c) The State Election Commissioner, in collaboration with the Department, shall promulgate special procedures to be followed in the event that such a national or local emergency occurs.

### § 7550. General

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(a) Subchapters IV and V of this chapter shall not apply to elections for the City of Wilmington, referenda, or annexation elections.

(b) Provisions of municipal charters or ordinances inconsistent with the provisions of subchapters IV and V of this chapter shall be considered repealed.

(c) Municipalities shall conduct all elections for local office using voting machines that the Department of Elections shall provide.

(d) Where a deadline in subchapters IV and V of this chapter is a Saturday, Sunday or a holiday in the municipality, the deadline shall be the next day that is not a Saturday, Sunday or holiday in the municipality.

(e) Deadlines shall be no earlier than 4:30 p.m., local time.

(f) Municipalities shall not adopt any ordinance that is contrary to any of the provisions of subchapters IV and V of this chapter.

(g) Section 4972 of this title applies to subchapters IV and V of this chapter.

(h) The date and time of municipal elections, the offices up for election, and the terms of those offices shall be as provided in the municipality's charter and/or ordinance, provided that, upon the request or concurrence of the municipality's board of elections, the State Election Commissioner may, unless otherwise provided in the municipality's charter and/or ordinance, cancel any municipal election the conduct of which is rendered impracticable due to severe inclement weather, acts of God or similar emergencies outside of the municipality's control. Upon such cancellation, the municipality shall reschedule the election in accordance with § 7553 of this title and the term of any existing officeholder shall continue until the results of the rescheduled election are certified pursuant to § 7558 of this title.

- (i)** Municipalities shall enact ordinances to implement optional provisions of subchapters IV and V of this chapter at least 60 days prior to the date of the first election to which those provisions shall apply.
- (j)** The State Election Commissioner, in collaboration with the Departments of Elections, shall promulgate the documents, forms and envelopes required by subchapters IV and V of this chapter.
- (k)** A municipality shall contract with the Department of Elections to conduct an election to elect members of the municipality's government at least 60 days prior to the date of the election.
- (l)** A voter may ask a person or persons of that voter's choice, who is not that voter's employer or an agent of that voter's employer or union, to assist that voter in voting.
- (m)** The term "Department of Elections" as used in subchapters IV and V of this chapter refers to the State Department of Elections.
- (n)** The State Election Commissioner in the collaboration with the departments of elections shall establish reasonable fees to cover the costs of services provided to municipalities. The initial schedule of fees shall be established and published no later than December 31, 2010. The schedule shall be reviewed, modified as necessary and published anew no later than December 31 in every odd-numbered year.
- (o)** Except as expressly stated otherwise, the term "Board of Elections" as used in subchapters IV and V of this chapter refers to the applicable municipal board of elections.

§ 5302. Abetting or counseling military interference with elections; penalty

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Whoever, being a citizen or inhabitant of this State, aids, abets, procures, advises, counsels or in any manner assists or is guilty of military interference in any manner with the freedom of any election in this State shall be guilty of felony, and shall be fined not less than \$ 1,000 nor more than \$ 10,000 and imprisoned not less than 1 nor more than 5 years, and shall forever thereafter be incapable of exercising the right of suffrage in this State.

## Florida

### § 101.698. Absentee voting in emergency situations.

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If a national or local emergency or other situation arises which makes substantial compliance with the provisions of state or federal law relating to the methods of voting for overseas voters impossible or unreasonable, such as an armed conflict involving United States Armed Forces or mobilization of those forces, including state National Guard and reserve components, the Elections Canvassing Commission may adopt by emergency rules such special procedures or requirements necessary to facilitate absentee voting by those persons directly affected who are otherwise eligible to vote in the election.

### § 101.71. Polling place.

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(1) There shall be in each precinct in each county one polling place which shall be accessible to the public on election day and is managed by a board of inspectors and clerk of election. Only one elector shall be allowed to enter any voting booth at a time; no one except inspectors shall be allowed to speak to the elector while casting his or her vote; and no inspector shall speak to or interfere with the elector concerning his or her voting, except to perform the duties as such inspector. Notwithstanding any other provision of this chapter, this section shall be applicable where the computer method of voting is in use, and adequate provision shall be made for the privacy of the elector while casting his or her vote.

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable, are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, or do not comply with the requirements of [s. 101.715](#), the supervisor shall, not less than 30 days prior to the holding of an election, provide for the voting place for such precinct to be moved to another site that is accessible to the public on election day in said precinct or, if such is not available, to another site that is accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the supervisor of elections shall provide adequate supplies, equipment, and personnel are available to accommodate the voters for the precincts that are collocated. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in the county and on the supervisor of elections' website. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

(3) In cases of emergency and when time does not permit compliance with subsection (2), the supervisor of elections shall designate a new polling place which shall be accessible to the public on election day and shall cause a notice to be posted at the old polling place advising the electors of the location of the new polling place.

(4) Each polling place shall be conspicuously identified by a sign, on or near the premises of the polling place, designating the polling place by precinct number. Such sign shall be large enough to be clearly visible to occupants of passing vehicular traffic on roadways contiguous to the polling place, with letters no smaller than 3 inches high, and shall be displayed at all times while the polls are open on any election day.

(5) Public, tax-supported buildings shall be made available for use as polling places upon the request of the supervisor of elections.

#### § 101.732. Definitions relating to Elections Emergency Act.

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As used in [ss. 101.731-101.74](#):

(1) “Department” means the Department of State.

(2) “Division” means the Division of Elections of the Department of State.

(3) “Emergency” means any occurrence, or threat thereof, whether accidental, natural, or caused by human beings, in war or in peace, that results or may result in substantial injury or harm to the population or substantial damage to or loss of property to the extent it will prohibit an election officer’s ability to conduct a safe and orderly election.

#### § 101.733. Election emergency; purpose; elections emergency contingency plan.

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Because of the existing and continuing possibility of an emergency or common disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote, generally to minimize to whatever degree possible a person’s exposure to danger during declared states of emergency, and to protect the integrity of the electoral process, it is hereby found and declared to be necessary to designate a procedure for the emergency suspension or delay and rescheduling of elections.

(1) The Governor may, upon issuance of an executive order declaring a state of emergency or impending emergency, suspend or delay any election. The Governor may take such action independently or at the request of the Secretary of State, a supervisor of elections from a county affected by the emergency circumstances, or a municipal clerk from a municipality affected by the emergency circumstances.

(2) The Governor, upon consultation with the Secretary of State, shall reschedule any election suspended or delayed due to an emergency. The election shall be held within 10 days after the date of the suspended or delayed election or as soon thereafter as is practicable. Notice of the election shall be published at least once in a newspaper of general circulation in the affected area and, where practicable, broadcast as a public service announcement on radio and television stations at least 1 week prior to the date the election is to be held.

(3) The Division of Elections of the Department of State shall adopt, by rule, an elections emergency contingency plan, which shall contain goals and policies that give specific direction to state and local elections officials when an election has been suspended or delayed due to an emergency. The contingency plan shall be statewide in scope and shall address, but not be limited to, the following concerns:

(a) Providing a procedure for state and local elections officials to follow when an election has been suspended or delayed to ensure notice of the suspension or delay to the proper authorities, the electorate, the communications media, poll workers, and the custodians of polling places.

**(b)** Providing a procedure for the orderly conduct of a rescheduled election, whether municipal, county, district, or statewide in scope; coordinating those efforts with the appropriate elections official, and the members of the governing body holding such election, if appropriate; and working with the appropriate emergency management officials in determining the safety of existing polling places or designating additional polling places.

**(c)** Providing a procedure for the release and certification of election returns to the department for elections suspended or delayed and subsequently rescheduled under the provisions of [ss. 101.731-101.74](#).

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§ 101.74. Temporary change of polling place in case of emergency.

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In case of an emergency existing in any precinct at the time of the holding of any election, the supervisor of elections may establish, at any safe and convenient point outside such precinct, an additional polling place for the electors of that precinct, in which place the qualified electors may vote. The registration books of the affected precinct shall be applicable to, and shall be used at, the polling place so established.

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§ 101.75. Municipal elections; change of dates for cause.

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**(1)** In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and the voting devices of the voting system used in the county are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

**(2)** The date of the municipal election shall be set by the municipality by ordinance.

**(3)** Notwithstanding any provision of local law or municipal charter, the governing body of a municipality may, by ordinance, move the date of any municipal election to a date concurrent with any statewide or countywide election. The dates for qualifying for the election moved by the passage of such ordinance shall be specifically provided for in the ordinance. The term of office for any elected municipal official shall commence as provided by the relevant municipal charter or ordinance.

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§ 102.014. Poll worker recruitment and training.

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**(1)** The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. The Division of Elections shall develop a statewide uniform training curriculum for poll workers, and each supervisor shall use such curriculum in training poll workers. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.

**(2)** A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on an election board. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.

**(3)** In the case of absence or refusal to act on the part of any inspector or clerk, the supervisor shall appoint a replacement who meets the qualifications prescribed in [s. 102.012\(2\)](#). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

**(4)** Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:

**(a)** No clerk shall be entitled to work at the polls unless he or she has had a minimum of 3 hours of training prior to each election.

**(b)** No inspector shall work at the polls unless he or she has had a minimum of 2 hours of training prior to each election.

**(5)** The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall ensure that the manual is available in hard copy or electronic form in every polling place. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls and detail specific procedures for resolving those problems. The manual shall include, without limitation:

**(a)** Regulations governing solicitation by individuals and groups at the polling place;

**(b)** Procedures to be followed with respect to voters whose names are not on the precinct register;

**(c)** Proper operation of the voting system;

**(d)** Ballot handling procedures;

**(e)** Procedures governing spoiled ballots;

**(f)** Procedures to be followed after the polls close;

**(g)** Rights of voters at the polls;

**(h)** Procedures for handling emergency situations;

**(i)** Procedures for dealing with irate voters;

**(j)** The handling and processing of provisional ballots; and

**(k)** Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and poll workers at the precincts.

**(6)** Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.

(7) The Department of State shall develop a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability. The program must be conducted locally by each supervisor of elections, and each poll worker must complete the program before working during the current election cycle. The supervisor of elections shall contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in the disability sensitivity programs. The program must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system.

§ 102.112. Deadline for submission of county returns to the Department of State.

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(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. The returns must contain a certification by the canvassing board that the board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.

(2) Returns must be filed by 5 p.m. on the 7th day following a primary election and by noon on the 12th day following the general election. However, the Department of State may correct typographical errors, including the transposition of numbers, in any returns submitted to the Department of State pursuant to [s. 102.111\(2\)](#).

(3) If the returns are not received by the department by the time specified, such returns shall be ignored and the results on file at that time shall be certified by the department.

(4) If the returns are not received by the department due to an emergency, as defined in [s. 101.732](#), the Elections Canvassing Commission shall determine the deadline by which the returns must be received.

## Georgia

§ 21-2-265. Duty of superintendent to select polling places; change; petition objecting to proposed change; space for political parties holding primaries; facilities for disabled voters; selection of polling place outside precinct to better serve voters

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- (a) The superintendent of a county or the governing authority of a municipality shall select and fix the polling place within each precinct and may, either on his, her, or its own motion or on petition of ten electors of a precinct, change the polling place within any precinct. Except in case of an emergency or unavoidable event occurring within ten days of a primary or election, which emergency or event renders any polling place unavailable for use at such primary or election, the superintendent of a county or the governing authority of a municipality shall not change any polling place until notice of the proposed change shall have been published for once a week for two consecutive weeks in the legal organ for the county or municipality in which the polling place is located. Additionally, on the first election day following such change, a notice of such change shall be posted on the previous polling place and at three other places in the immediate vicinity thereof. The occupant or owner of the previous polling place, or his or her agent, shall be notified in writing of such change at the time notice is published in the legal organ.
- (b) Except in case of an emergency or unavoidable event occurring within ten days of a primary or election, which emergency or event renders any polling place unavailable for use, if a petition is presented to the superintendent of a county or the governing authority of a municipality on or before the day set for hearing of the petition for change of a polling place, signed by 20 percent of the electors of the precinct objecting to the proposed change, such change shall not be ordered.
- (c) In primaries, the superintendent of a county or the governing authority of a municipality in selecting and fixing the polling place in each precinct shall select a polling place which will provide adequate space for all parties conducting their primaries therein.
- (d) The superintendent of a county or the governing authority of a municipality, in selecting and fixing a polling place in each precinct, shall select, if practicable, a polling place with suitable and appropriate access for disabled electors. If no such practicable locations exist within the precinct, the superintendent of a county or the governing authority of a municipality may effect temporary modifications to such existing locations as will, in his or her or its judgment, provide more convenient and appropriate access to the polling place by the disabled elector. No polling place shall be selected or used under any circumstances which does not have suitable and appropriate access for persons with disabilities for the purpose of voting; and any person, whether or not personally aggrieved, may bring an action for mandamus to require that all polling places in the county or municipality have suitable and appropriate access for persons with disabilities for the purpose of voting.
- (e) On and after January 1, 2018, the superintendent may establish the polling place for a precinct outside the boundaries of the precinct if there is no suitable facility within the precinct which could be used as a polling place and if, by so doing, such polling place would better serve the needs of the voters; provided, however, that no polling place shall be established outside of the boundaries of the precinct within 90 days of a primary or election, and the superintendent shall submit a report to the State Election Board to demonstrate that there is no suitable facility within the precinct prior to establishing the polling place outside the boundaries of the precinct.

§ 21-2-50.1. Postponement and extension of qualifying periods for elections for public office during state of emergency; limitation

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In the event the Governor declares that a state of emergency or disaster exists pursuant to [Code Section 38-3-51](#) or a federal agency declares that a state of emergency or disaster exists, the Secretary of State is authorized to postpone or extend the qualifying periods provided in this chapter for the qualification of candidates seeking municipal, county, or state-wide office and to postpone the date of any primary, special primary, election, or special election in the affected area. The Secretary of State shall exercise the powers granted by this Code section carefully, and any such postponement or extension shall not exceed 45 days.

§ 21-2-418. Provisional ballots

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(a) If a person presents himself or herself at a polling place, absentee polling place, or registration office in his or her county of residence in this state for the purpose of casting a ballot in a primary or election stating a good faith belief that he or she has timely registered to vote in such county of residence in such primary or election and the person's name does not appear on the list of registered electors, the person shall be entitled to cast a provisional ballot in his or her county of residence in this state as provided in this Code section.

(b) Such person voting a provisional ballot shall complete an official voter registration form and a provisional ballot voting certificate which shall include information about the place, manner, and approximate date on which the person registered to vote. The person shall swear or affirm in writing that he or she previously registered to vote in such primary or election, is eligible to vote in such primary or election, has not voted previously in such primary or election, and meets the criteria for registering to vote in such primary or election. The form of the provisional ballot voting certificate shall be prescribed by the Secretary of State. The person shall also present the identification required by [Code Section 21-2-417](#).

(c) When the person has provided the information as required by this Code section, the person shall be issued a provisional ballot and allowed to cast such ballot as any other duly registered elector subject to the provisions of [Code Section 21-2-419](#).

(d) Notwithstanding any provision of this chapter to the contrary, in primaries and elections in which there is a federal candidate on the ballot, in the event that the time for closing the polls at a polling place or places is extended by court order, all electors who vote during such extended time period shall vote by provisional ballot only. Such ballots shall be separated and held apart from other provisional ballots cast by electors during normal poll hours. Primaries and elections in which there is no federal candidate on the ballot shall not be subject to the provisions of this subsection.

(e) The registrars shall establish a free access system, such as a toll-free telephone number or Internet website, by which any elector who casts a provisional ballot in a primary or election, or runoff of either, in which federal candidates are on the ballot may ascertain whether such ballot was counted and, if such ballot was not counted, the reason why such ballot was not counted. The registrars shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by such free access system. Access to such information about an individual provisional ballot shall be restricted to the elector who cast such ballot.

**(f)** At the time an elector casts a provisional ballot, the poll officers shall give the elector written information that informs the elector of the existence of the free access system required by subsection (e) of this Code section by which the elector will be able to ascertain if his or her ballot was counted and, if such ballot was not counted, the reason why such ballot was not counted.

**(g)** Failure to establish such free access system shall subject the registrars and the county by which the registrars are employed to sanctions by the State Election Board.

**(h)** Notwithstanding any other provision of this chapter to the contrary, in the event that the voting machines or DRE units at a polling place malfunction and cannot be used to cast ballots or some other emergency situation exists which prevents the use of such equipment to cast votes, provisional ballots may be used by the electors at the polling place to cast their ballots. In such event, the ballots cast by electors whose names appear on the electors list for such polling place shall not be considered provisional ballots and shall not require verification as provided by [Code Section 21-2-419](#); provided, however, that persons whose names do not appear on the electors list for such polling place shall vote provisional ballots which shall be subject to verification under [Code Section 21-2-419](#).

## Hawaii

[§ 15-2.5.] Absentee voting in precinct affected by natural disasters.

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- (a) If the chief election officer and clerk of a county affected as a result of a natural disaster determine that the opening of a designated polling place will adversely affect the health and safety of voters or precinct officials, the chief election officer and county clerk, by written order, may require the registered voters of any precinct to vote by absentee ballot; provided that if there are not enough absentee ballots for all voters of the precinct, the chief election officer or the clerk shall use other official ballots to make up the difference.
- (b) Within thirty days after the issuance of such an order, the chief election officer and county clerk shall notify all registered voters in the affected precinct of the issuance of the order.
- (c) Within ten days after the printed official absentee ballots are available for the designated precinct affected by this section, the clerk shall deliver, or cause to be delivered, by hand or mail, an absentee ballot, a return envelope, and any other appropriate material to each registered voter in the affected precinct.
- (d) The chief election officer shall adopt rules pursuant to chapter 91 to implement this section.

§ 11-92.3. Consolidated precincts; natural disasters; postponement; absentee voting required; special elections.

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- (a) In the event of a flood, tsunami, earthquake, volcanic eruption, high wind, or other natural disaster, occurring prior to an election, that makes a precinct inaccessible, the chief election officer or county clerk in the case of county elections may consolidate precincts within a representative district. If the extent of damage caused by any natural disaster is such that the ability of voters, in any precinct, district, or county, to exercise their right to vote is substantially impaired, the chief election officer or county clerk in the case of county elections may require the registered voters of the affected precinct to vote by absentee ballot pursuant to section 15-2.5 and may postpone the conducting of an election in the affected precinct for no more than twenty-one days; provided that any such postponement shall not affect the conduct of the election, tabulation, or distribution of results for those precincts, districts, or counties not designated for postponement. The chief election officer or county clerk in the case of county elections shall give notice of the consolidation, postponement, or requirement to vote by absentee ballot, in the affected county or precinct prior to the opening of the precinct polling place by whatever possible news or broadcast media are available. Precinct officials and workers affected by any consolidation shall not forfeit their pay.
- (b) In the event the chief election officer or the county clerk in a county election determines that the number of candidates or issues on the ballot in a special, special primary, or special general election does not require the full number of established precincts, the precincts may be consolidated for the purposes of the special, special primary, or special general election into a small number of special, special primary, or special general election precincts.

A special, special primary, or special general election precinct shall be considered the same as an established precinct for all purposes, including precinct official requirements provided in section 11-71. Not later than 4:30 p.m. on the tenth day prior to the special, special primary, or special general election, the chief election officer or the county clerk shall give public notice, in the area in which the special,

special primary, or special general election is to be held, of the special, special primary, or special general election precincts and their polling places. Notices of the consolidation also shall be posted on election day at the established precinct polling places, giving the location of the special, special primary, or special general election precinct polling place.

## Idaho

### § 34-106. Limitation upon elections

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On and after January 1, 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than two (2) elections conducted in any county in any calendar year, except as provided in this section, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

(1) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection and subsection (7) of this section, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property.

(d) In addition to the elections specified elsewhere in this section, a presidential primary shall be held on the second Tuesday in March in each presidential election year. Presidential primaries shall be held separately from other primary elections, which shall be held on the third Tuesday in May even in presidential election years.

(2) Candidates for office elected in May shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution, or on January 1, next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section, which, prior to January 1, 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section, shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section which falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of election authorized under the provisions of this section.

(6) Water districts governed by chapter 6, title 42, Idaho Code, are exempt from the provisions of this section.

(7) Community colleges governed by chapter 21, title 33, Idaho Code, and school districts are subject to the limitations specified in subsection (1) of this section, except that school districts may also hold an election on the second Tuesday in March of each year and on the last Tuesday in August of each year on bonded indebtedness and property tax levy questions.

(8) A city initiative or referendum election shall be held on the Tuesday following the first Monday in November of odd-numbered years. A county initiative or referendum election or a bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than sixty (60) days after the clerk of the

political subdivision orders that such election shall be held in May or November of even-numbered years or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before an election held in May or November of even-numbered years and at least fifty (50) days before all other elections.

**(9)** Recall elections may be held on any of the four (4) dates authorized in subsections (1) and (7) of this section that fall more than forty-five (45) days after the clerk of the political subdivision orders that such election shall be held.

**(10)** Irrigation districts governed by title 43, Idaho Code, are subject to the limitations specified in subsection (1) of this section, except that irrigation districts may also hold an election on the first Tuesday in February of each year and on the first Tuesday in August of each year on questions required to be voted upon by title 43, Idaho Code.

#### § 34-201. Secretary of state chief election officer

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The secretary of state is the chief election officer of this state, and it is his responsibility to obtain and maintain uniformity in the application, operation and interpretation of the election laws.

The secretary of state is responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed service voters and overseas voters with respect to elections for federal office as required by section 102 of the uniformed and overseas citizens absentee voting act ([42 U.S.C. section 1973](#) et seq.).

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the uniformed and overseas citizens absentee voting act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States armed forces, mobilization of those forces, including state national guard and reserve components of this state, the secretary of state may prescribe, by directive, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in this state.

## Illinois

### 10 ILCS 5/20-25 Extraordinary procedures

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In the event of a deployment of the United States Armed Forces or the declaration of an emergency by the President of the United States or the Governor of Illinois, The Governor or the executive director of the State Board of Elections may modify the registration and voting procedures established by this Article or by rules adopted pursuant to this Article for the duration of the deployment or emergency in order to facilitate vote by mail voting under this Article. The Governor or executive director, as the case may be, then promptly shall notify each election authority of the changes in procedures. Each election authority shall publicize the modifications and shall provide notice of the modifications to each person under its jurisdiction subject to this Article for whom the election authority has contact information.

### 10 ILCS 5/7-47.1 [Access to polling place]

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**(a)** In the case of an emergency, as determined by the State Board of Elections, or if the Board determines that all potential polling places have been surveyed by the election authority and that no accessible polling place, as defined by rule of the State Board of Elections, is available within a precinct nor is the election authority able to make a polling place within the precinct temporarily accessible, the Board, upon written application by the election authority, is authorized to grant an exemption from the accessibility requirements of the Federal Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435) [[42 U.S.C. §1973ee](#) et seq.]. Such exemption shall be valid for a period of 2 years.

**(b)** Any temporarily or permanently physically disabled voter who, because of structural features of the building in which the polling place is located, is unable to access or enter the polling place, may request that 2 judges of election of opposite party affiliation deliver a ballot to him or her at the point where he or she is unable to continue forward motion toward the polling place; but, in no case, shall a ballot be delivered to the voter beyond 50 feet of the entrance to the building in which the polling place is located. Such request shall be made to the election authority not later than the close of business at the election authority's office on the day before the election and on a form prescribed by the State Board of Elections. The election authority shall notify the judges of election for the appropriate precinct polling places of such requests.

Weather permitting, 2 judges of election shall deliver to the disabled voter the ballot which he or she is entitled to vote, a portable voting booth or other enclosure that will allow such voter to mark his or her ballot in secrecy, and a marking device.

**(c)** The voter must complete the entire voting process, including the application for ballot from which the judges of election shall compare the voter's signature with the signature on his or her registration record card in the precinct binder.

After the voter has marked his or her ballot and placed it in the ballot envelope (or folded it in the manner prescribed for paper ballots), the 2 judges of election shall return the ballot to the polling place and give it to the judge in charge of the ballot box who shall deposit it therein.

Pollwatchers as provided in Sections 7-34 and 17-23 of this Code [[10 ILCS 5/7-34](#) and [10 ILCS 5/17-23](#)] shall be permitted to accompany the judges and observe the above procedure.

No assistance may be given to such voter in marking his or her ballot, unless the voter requests assistance and completes the affidavit required by Section 17-14 of this Code [[10 ILCS 5/17-14](#)].

#### 10 ILCS 5/11-4.2 [Polling places; accessibility]

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**(a)** Except as otherwise provided in subsection (b) all polling places shall be accessible to voters with disabilities and elderly voters, as determined by rule of the State Board of Elections.

**(b)** Subsection (a) of this Section shall not apply to a polling place (1) in the case of an emergency, as determined by the State Board of Elections; or (2) if the State Board of Elections (A) determines that all potential polling places have been surveyed and no such accessible place is available, nor is the election authority able to make one accessible; and (B) assures that any voter with a disability or elderly voter assigned to an inaccessible polling place, upon advance request of such voter (pursuant to procedures established by rule of the State Board of Elections) will be provided with an alternative means for casting a ballot on the day of the election or will be assigned to an accessible polling place.

**(c)** No later than December 31 of each even numbered year, the State Board of Elections shall report to the Federal Election Commission the number of accessible and inaccessible polling places in the State on the date of the next preceding general election, and the reasons for any instance of inaccessibility.

#### 10 ILCS 5/19A-15 Period for early voting; hours

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**(a)** The period for early voting by personal appearance begins the 40th day preceding a general primary, consolidated primary, consolidated, or general election and extends through the end of the day before election day.

**(b)** Except as otherwise provided by this Section, a permanent polling place for early voting must remain open beginning the 15th day before an election through the end of the day before election day during the hours of 8:30 a.m. to 4:30 p.m., or 9:00 a.m. to 5:00 p.m., on weekdays, except that beginning 8 days before election day, a permanent polling place for early voting must remain open during the hours of 8:30 a.m. to 7:00 p.m., or 9:00 a.m. to 7:00 p.m., and 9:00 a.m. to 12:00 p.m. on Saturdays and holidays, and 10:00 a.m. to 4 p.m. on Sundays; except that, in addition to the hours required by this subsection, a permanent polling place designated by an election authority under subsections (c), (d), and (e) of Section 19A-10 [[10 ILCS 5/19A-10](#)] must remain open for a total of at least 8 hours on any holiday during the early voting period and a total of at least 14 hours on the final weekend during the early voting period.

**(c)** Notwithstanding subsection (b), an election authority may close an early voting polling place if the building in which the polling place is located has been closed by the State or unit of local government in response to a severe weather emergency or other force majeure. The election authority shall notify the State Board of Elections of any closure and shall make reasonable efforts to provide notice to the public of an alternative location for early voting.

## Indiana

### 3-11-4-1. Voters eligible to use absentee ballots.

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(a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot. Except as otherwise provided in this article, a voter voting by absentee ballot must vote in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2) or at a satellite office established under [IC 3-11-10-26.3](#).

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12.5 [\[IC 3-11-4-12.5\]](#) of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 [\[IC 3-11-4-19, IC 3-11-4-20, and IC 3-11-4-21\]](#) of this chapter.

### 3-6-4.1-16. Adoption of emergency rules.

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The commission, by unanimous vote of the entire membership of the commission, may adopt emergency rules under [IC 4-22-2-37.1](#) to implement a court order requiring the commission, the election division, or an election board or official to administer an election in a manner not authorized by this title.

### 3-6-4.1-17. Extension of time due to emergency.

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(a) If the commission by unanimous vote of the entire membership of the commission finds that a natural disaster or other emergency makes it impossible or unreasonable for a person to perform a duty or file a document by the time specified in this title, the commission may issue an order extending the time for performing the duty or filing the document.

(b) An order described in subsection (a) expires not later than thirty (30) days after the order is issued. The order must include the following:

- (1) The geographic area subject to the order.
- (2) The election board or official subject to the order.
- (3) The duty or filing subject to the order.
- (4) The specific date by which the duty must be performed or the document filed under the order.

## Iowa

### 47.1 State commissioner of elections.

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1. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of elections which shall be under the direction of the state commissioner of elections. The state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform the duties assigned by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures, shall prescribe the necessary forms required for the conduct of elections, shall assign a number to each proposed constitutional amendment and statewide public measure for identification purposes, and shall adopt rules, pursuant to chapter 17A, to carry out this section.
2. The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural or other disaster or extremely inclement weather has occurred. The state commissioner of elections may also exercise emergency powers during an armed conflict involving United States armed forces, or mobilization of those forces, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.
3. The secretary of state is designated the chief state election official and is responsible for coordination of state responsibilities under the federal National Voter Registration Act of 1993.
4. The state commissioner shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.
5. The state commissioner shall adopt rules pursuant to chapter 17A, for the implementation of uniform and nondiscriminatory administrative complaint procedures for resolution of grievances relating to violations of Tit. III of Pub. L. No. 107-252. In complaint proceedings in which all of the respondents are local election officials, the presiding officer shall be the state commissioner of elections. In complaint proceedings in which one of the respondents is the state commissioner of elections, the presiding officer shall be a panel consisting of all members of the state voter registration commission appointed pursuant to [section 47.8](#), except the state commissioner of elections or the state commissioner's designee.
6. The state commissioner may, at the state commissioner's discretion, examine the records of a commissioner to evaluate complaints and to ensure compliance with the provisions of chapters 39 through 53. The state commissioner shall adopt rules pursuant to chapter 17A to require a commissioner to provide written explanations related to examinations conducted pursuant to this subsection.

## Kansas

### 25-622. Ballot distribution in times of disasters or emergencies.

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The secretary of state may designate temporary alternative methods for the distribution of ballots in cases of war, natural or man-made disasters, equipment failures or other emergency conditions or circumstances which make it impossible for voters in a voting area to obtain ballots as provided by law.

### 25-2701. Designation of areas and voting places; counting and canvass of ballots in certain precincts having less than 20 registered voters.

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(a) The county election officer shall determine the area to be served by each voting place at every election and shall provide notice of such voting places as required by law. Any precinct having less than 20 registered voters shall be included with an adjacent precinct or precincts in a single area to be served by a common voting place. The location of voting places shall be designated by the county election officer as provided by [K.S.A. 25-2703](#), and amendments thereto.

(b) For any election to which this section is applicable, wherever a city is located in two counties, the county election officer of the county in which the greater population of the city is located may designate a voting place located in a portion of the city in the other county to serve an area within that portion of the city within the county in which the greater population of the city is located.

(c) At voting places serving two or more precincts, one or more of which have less than 20 registered voters, all ballots which are identical shall be deposited in the same ballot box or boxes and such votes shall be counted and canvassed in a manner as to minimize the possibility of identifying the ballots cast by any voter.

(d)

(1) The county election officer may not change a voting place prior to an election without providing mailed notice to the voters affected at least 30 days prior to the election. If an emergency is declared by the county election officer, the mailed notice requirement shall be waived.

(2) Failure to receive notice of a change in the voting place shall not give rise to a cause of action challenging the results of the election.

## Kentucky

117.187. Training regarding election laws for state and county officials — Training and compensation for election officers and training for certified challengers.

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(1) The State Board of Elections shall regularly provide special training regarding the election laws and methods of enforcement to all members of county boards of elections, county attorneys, Commonwealth's attorneys, and certain members of the Department of Kentucky State Police.

(2) The county board of elections shall provide special training before each primary and regular election, and any special election held during a year in which no elections are scheduled, to all election officers, alternates, and certified challengers regarding their duties and the penalties for failure to perform. Election officers, including alternates, and certified challengers shall attend the training session, unless excused by the county board of elections for reason of illness or other emergency. Any person who fails to attend a training session without being excused shall be prohibited from serving as an election officer or challenger for a period of five (5) years. The training provided by the county board of elections shall include but not be limited to the following:

- (a) Operation of the voting machine or ballot cards;
- (b) Posting of necessary signs and notices at the polling place;
- (c) Voter assistance;
- (d) Maintaining precinct rosters;
- (e) Confirmation of a voter's identity;
- (f) Challenge of a voter;
- (g) Completing changes of address or name at the polling place;
- (h) Qualifications for voting in a primary election;
- (i) Electioneering and exit polling;
- (j) Write-in voting procedures;
- (k) Persons who may be in the voting room;
- (l) Election violations and penalties;
- (m) Assistance which may be provided by law enforcement officers;
- (n) Election reports;
- (o) Disability awareness;
- (p) Provisional voting process;
- (q) Election emergency contingency plan; and
- (r) Elections and voting equipment security plan.

(3) The county attorney shall attend the training session for election officers to assist in explaining the duties and penalties for failure to perform.

(4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of actual expenses shall be paid by the county to the election officers for attending the training session.

39A.100. Emergency powers of Governor and local chief executive officers.

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(1) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by [KRS 39A.010](#), [39A.020](#), or [39A.030](#), the Governor may declare, in writing, that a state of emergency exists. The Governor shall have and may exercise the following emergency powers during the period in which the state of emergency exists:

(a) To enforce all laws, and administrative regulations relating to disaster and emergency response and to assume direct operational control of all disaster and emergency response forces and activities in the Commonwealth;

(b) To require state agencies and to request local governments, local agencies, and special districts to respond to the emergency or disaster in the manner directed;

(c) To seize, take, or condemn property, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, for the protection of the public or at the request of the President, the Armed Forces, or the Federal Emergency Management Agency of the United States, including:

1. All means of transportation and communication;
2. All stocks of fuel of whatever nature;
3. Food, clothing, equipment, materials, medicines, and all supplies; and
4. Facilities, including buildings and plants;

(d) To sell, lend, give, or distribute any of the property under paragraph (c) of this subsection among the inhabitants of the Commonwealth and to account to the State Treasurer for any funds received for the property;

(e) To make compensation for the property seized, taken, or condemned under paragraph (c) of this subsection;

(f) To exclude all nonessential, unauthorized, disruptive, or otherwise uncooperative personnel from the scene of the emergency, and to command those persons or groups assembled at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;

(g) To declare curfews and establish their limits;

(h) To prohibit or limit the sale or consumption of goods, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, or commodities for the duration of the emergency;

- (i) To grant emergency authority to pharmacists pursuant to [KRS 315.500](#), for the duration of the emergency;
  - (j) Except as prohibited by this section or other law, to perform and exercise other functions, powers, and duties deemed necessary to promote and secure the safety and protection of the civilian population;
  - (k) To request any assistance from agencies of the United States as necessary and appropriate to meet the needs of the people of the Commonwealth; and
  - (l) Upon the recommendation of the Secretary of State, to declare by executive order a different time or place for holding elections in an election area for which a state of emergency has been declared for part or all of the election area. The election shall be held within thirty-five (35) days from the date of the suspended or delayed election. The State Board of Elections shall establish procedures for election officials to follow.
- (2) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by [KRS 39A.010](#), [39A.020](#), or [39A.030](#), which in the judgment of a local chief executive officer is of such severity or complexity as to require the exercise of extraordinary emergency measures, the county judge/executive of a county other than an urban-county government, or mayor of a city or urban-county government, or chief executive of other local governments or their designees as provided by ordinance of the affected county, city, or urban-county may declare in writing that a state of emergency exists, and thereafter, subject to any orders of the Governor, shall have and may exercise for the period as the state of emergency exists or continues, the following emergency powers:
- (a) To enforce all laws and administrative regulations relating to disaster and emergency response and to direct all local disaster and emergency response forces and operations in the affected county, city, urban-county, or charter county;
  - (b) To exclude all nonessential, unauthorized, disruptive, or uncooperative personnel from the scene of the emergency, and to command persons or groups of persons at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
  - (c) To declare curfews and establish their limits;
  - (d) To order immediate purchase or rental of, contract for, or otherwise procure, without regard to procurement codes or budget requirements, the goods and services essential for protection of public health and safety or to maintain or to restore essential public services; and
  - (e) To request emergency assistance from any local government or special district and, through the Governor, to request emergency assistance from any state agency and to initiate requests for federal assistance as are necessary for protection of public health and safety or for continuation of essential public services.
- (3) Nothing in this section shall be construed to allow any governmental entity to impose additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display, or use of firearms and ammunition or components of firearms and ammunition.

## Louisiana

### § 18:401.1. Election emergency; purpose; elections emergency contingency plan.

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**A.** Due to the possibility of an emergency or common disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to qualify or exercise their right to vote, to minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and to protect the integrity of the electoral process, it is hereby found and declared to be necessary to designate a procedure for the emergency suspension or delay and rescheduling of qualifying, early voting, and elections.

**B.** The governor may, upon issuance of an executive order declaring a state of emergency or impending emergency, suspend or delay any qualifying of candidates, early voting, or elections. The governor shall take such action only upon the certification of the secretary of state that a state of emergency exists. A clerk of court, as the chief election officer of the parish, may bring to the attention of the secretary of state any difficulties occurring in his parish due to natural disasters.

**C.** If any delays or suspensions are authorized by the governor, the delayed qualifying, early voting or election day voting shall resume or be rescheduled as soon thereafter as is practicable. In the event the voting on election day is delayed or suspended and early voting has been completed prior to the issuance of the executive order delaying or suspending election day voting, early voting for the rescheduled election day may be reopened upon authorization of the governor for a reasonable time prior to the new election date. Notice of the delay or suspension and rescheduling of the election day or early voting shall be published at least once in a newspaper of general circulation in the affected area if time permits and, where practicable, broadcast as a public service announcement on radio and television stations, or by any other means of communication available at that time.

**D.**

**(1)** As soon as possible following an emergency, the clerk of court shall identify the number of polling places that are functional and the number of polling places that have been destroyed. If a polling place is destroyed, inaccessible, or unsafe, efforts should be made to work with federal, state, and local emergency management agencies to permit the orderly establishment of a new polling place. An alternate emergency location shall be designated by the parish clerk of court in conjunction with the local parish governing authority, represented by its presiding officer, and advertised by any means available.

**(2)** The clerk of court in conjunction with the secretary of state shall coordinate with local police and the National Guard in an effort to provide security for existing polling places, including securing salvageable voting equipment from destroyed or damaged polling places to prevent further damage and looting.

**E.** If an election is rescheduled involving a multiparish or statewide office, every effort should be made to withhold returns for the affected races until the affected parishes have conducted rescheduled elections and are able to certify returns to the secretary of state.

**F.** Computation of all time intervals in the electoral process affected by any delay or suspension shall be redesignated by the secretary of state. Notice thereof shall be disseminated to parish boards of election supervisors as expediently as possible by any means available.

**G.** Nothing in this Section shall be interpreted as extending or as an extension of the time period for an election.

§ 18:401.2. Relocation of polling places; state of emergency.

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**A.** Notwithstanding the provisions of [R.S. 18:534](#), 535, 536, and 537, if any polling place is determined by the clerk of court in conjunction with the secretary of state to be destroyed, inaccessible, or unsafe due to an emergency or common disaster occurring before or during a regularly scheduled or special election, the secretary of state may issue a certification of a state of emergency allowing the relocation of any such polling place when such action would allow voting to continue without the necessity of the issuance of an executive order by the governor for a suspension or delay pursuant to [R.S. 18:401.1\(B\)](#). Upon issuance of such a certification, the clerk of court and the presiding officer of the parish governing authority shall relocate any such polling place. The polling place shall be relocated to the nearest feasible and accessible location as determined by the secretary of state, upon the recommendation of the clerk of court in conjunction with the presiding officer of the parish governing authority.

**B.** When a polling place is relocated pursuant to Subsection A, the clerk of court in conjunction with the secretary of state shall give adequate notice of the change of the location to each voter registered to vote at that polling place and to each candidate to be voted on at that polling place, if practicable, in the following manner:

(1) Each candidate shall be given immediate notice by telephone or by electronic means, and by certified mail where reasonable time exists, of the new location of any polling places that have been relocated.

(2) A sign shall be posted at any former polling place directing voters to the new location of the polling place, if practicable.

(3) An employee of the parish governing authority shall be stationed at any former polling place, if practicable, for the purpose of directing potential voters to the new location of the polling place. Such employee shall be required to take the constitutional oath or affirmation. The clerk of court shall administer the oath.

(4) If reasonable time exists, the notice of the change in location shall be published by the clerk of court in the official journal of the parish and in any other newspaper of general circulation in the precinct or precincts affected. Publication of the notice shall appear under the heading, NOTICE OF CHANGE OF POLLING PLACE.

**C.** The clerk of court may take any other reasonable steps as it deems necessary or desirable to inform the voters and the candidates of the change in location, including but not limited to posting notices on utility poles and advertisements in the electronic media.

§ 18:401.3. Emergency plan by secretary of state; gubernatorial and legislative approval.

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A. Due to the occurrence of a gubernatorially declared emergency or disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote, minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and protect the integrity of the electoral process, it is hereby declared to be necessary to provide a procedure for the development of an emergency plan for the holding of elections impaired as a result of such an emergency or disaster.

**B.**

(1) After the issuance of an executive order by the governor declaring a state of emergency and if the secretary of state determines that such emergency impairs an election that may otherwise be held except for technical, mechanical, or logistical problems with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners and absentee commissioners, or shortages of voting machines, the secretary of state shall certify such facts and the reasons therefor to the governor, the Senate Committee on Senate and Governmental Affairs, and the House Committee on House and Governmental Affairs. If the governor and a majority of the members of each committee concur that such an emergency plan is necessary, the secretary of state shall develop an emergency plan in writing that proposes a resolution to technical, mechanical, or logistical problems impairing the holding of the election with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners and absentee commissioners, or shortages of voting machines.

(2) If, in addition to the resolution of the technical, mechanical, or logistical problems as provided in Paragraph (B)(1) of this Section, the secretary of state determines that it is necessary and feasible to conduct early voting in certain parishes to enable displaced voters to vote, the secretary of state may include in the emergency plan a proposal to conduct early voting at the offices of the registrars in certain parishes in the state. Any early voting authorized by the provisions of this Paragraph shall be conducted in the same manner as provided in [R.S. 18:1309\(A\)](#).

C. The written emergency plan shall be submitted by the secretary of state to the Senate Committee on Senate and Governmental Affairs, the House Committee on House and Governmental Affairs, and the governor as soon as practicable following their concurrence with his certification. If a majority of the members of the Senate Committee on Senate and Governmental Affairs and of the House Committee on House and Governmental Affairs approve the emergency plan, such plan shall be submitted to the members of each house of the legislature for approval by mail ballot as provided in this Section. If a majority of the members of each house of the legislature and the governor approve the emergency plan, the secretary of state shall take all steps necessary to implement the plan and all officials of the state and of any political subdivision thereof shall cooperate with and provide assistance to the secretary of state as necessary to implement the plan.

**D.**

(1) In order to obtain the approval of a majority of the elected members of each house of the legislature, the secretary of the Senate and the clerk of the House of Representatives shall jointly

prepare and transmit a ballot to each member of the legislature by certified mail with return receipt requested unless the legislature is in session and the ballots may be distributed and returned during the session as provided in this Subsection.

**(2)**

**(a)** The ballot shall be uniform and the materials sent with the ballot shall include:

**(i)** A copy of the secretary of state's certification that the emergency impairs an election that may otherwise be held except for certain technical, mechanical, or logistical problems and the reasons therefor.

**(ii)** A copy of the emergency plan.

**(iii)** A copy of the roll call votes of the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs on the approval of the emergency plan.

**(iv)** The date and time on which the ballot may be returned to the secretary of the Senate or the clerk of the House of Representatives, as the case may be, in order for the ballot to be valid.

**(b)** Each ballot shall contain the name of the member to whom it is to be mailed or delivered, and the member shall sign the ballot after casting his vote.

**(3)** The ballots mailed to all members shall be postmarked on the same day and shall be returned to the secretary of the Senate or the clerk of the House of Representatives, as the case may be, within fifteen days after the postmarked date; or, when such ballots are delivered to the members of the legislature while in session, the ballots shall be returned to the secretary of the Senate or the clerk of the House of Representatives, as the case may be, within five days after the date the ballots were delivered to members. No ballot received after five o'clock p.m. on the fifth day after the date on which the ballots were delivered to the members during session or after five o'clock p.m. on the fifteenth day after the date on which the ballots were mailed shall be valid or counted, and the date and time received shall be marked on each such ballot and the ballot shall be marked "Invalid." Prior to five o'clock p.m. on the fifth day after the date when delivered to the members of the legislature while in session or prior to five o'clock p.m. on the fifteenth day after the postmarked date if mailed to the members of the legislature, a member may withdraw his ballot or change his vote upon his written request.

**(4)** At any time after the deadline for submitting the ballots as provided in Paragraph (3) of this Subsection, but prior to the eighteenth day after the date on which the ballots were mailed, or prior to the eighth day after the date on which the ballots were delivered to the members of the legislature in session, the secretary of the Senate and the clerk of the House of Representatives shall jointly open and tabulate the vote in roll call order for each house of the legislature. The clerk and the secretary shall hold such ballots unopened and shall not disclose the contents to any person until the day when such ballots are opened and tabulated. The tabulation sheet shall indicate by name each member who voted in favor of the plan, each member who voted against the plan, each member who did not return the ballot by the deadline, and each member whose ballot was invalid because it was not marked or signed by the member. The secretary of the Senate and the clerk of the House of Representatives shall each sign the tabulation sheet and cause a certified copy thereof to be transmitted to the secretary of state, the governor, and the

chairmen of the Senate Committee on Senate and Governmental Affairs and House Committee on House and Governmental Affairs.

(5) The tabulation sheet shall be a public record.

(6) If regular mail service is impaired, the secretary of the Senate and the clerk of the House of Representatives shall utilize any method necessary to deliver the ballots, including commercial delivery, electronic transmission, or hand delivery, and shall keep a record of the manner of delivery utilized to deliver the ballot to each member and the date the ballot was so transmitted to each member. For the purposes of this Subsection, if such an alternative delivery method is so required, the date on which the ballot was so transmitted shall be considered to be the date postmarked.

#### § 18:135. Close of registration.

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##### A.

(1) Registrars shall close the registration records thirty days prior to an election. However, if the deadline falls on a legal holiday, the registrars shall close the registration records on the first day after such holiday which is not a Saturday, Sunday, or other legal holiday.

(2)

(a) Notwithstanding the provisions of Paragraph (1) of this Subsection, if because of an emergency as declared by the governor or by the parish president the registrar is unable to open at least one office in the parish on the day on which the registration records are to be closed pursuant to Paragraph (1) of this Subsection, the registrar shall not close the registration records on that day. In such case, the registrar shall close the registration records on the first business day thereafter that the registrar opens an office in the parish, and an application for any entry or change in a registration received by the registrar on this day shall be deemed to have been received as of the day the registration records were to be closed pursuant to Paragraph (1) of this Subsection.

(b) The registrar shall notify the secretary of state as soon as possible upon determining that the registrar will be unable to open at least one office in the parish on the day on which the registration records are to be closed pursuant to Paragraph (1) of this Subsection.

(c) This Paragraph shall not apply if the registrar fails to open an office before the twentieth day prior to the day of the election. In such case, the registration records shall be considered to have been closed as provided in Paragraph (1) of this Subsection.

(d) For purposes of this Paragraph, “parish president” means the president of any parish, mayor-president, mayor of New Orleans, or police jury president.

(3) Notwithstanding the provisions of Paragraph (1) of this Subsection, registrars shall close the registration records twenty days prior to an election for a person who makes application pursuant to [R.S. 18:115.1](#) to register to vote or to make changes to an existing registration and who has been informed, pursuant to [R.S. 18:115.1\(C\)\(4\)\(b\)](#), that his application has been electronically forwarded to the appropriate registrar of voters.

**B.** Except as otherwise provided by law, no entries or changes in the registration records shall be made thereafter except:

(1) To carry into effect at any time prior to the date of the election an order of a court in the case of an application and appeal heard and determined as provided for in this Title.

(2) Repealed by [Acts 1988, No. 909](#), § 2, effective January 1, 1989.

(3) To effect cancellations and erasures as required or authorized by this Chapter.

**C.** Except as otherwise provided by law, while the registration records are closed as required by Subsection A of this Section, registrars shall accept any application for registration, change of address, change of party affiliation or nonaffiliation, change of name, or application for any other lawful entry or change in a registration, but none of these shall be effective until at least the day after the election has been held.

§ 18:1309. Early voting; verification.

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**A.**

(1)

(a)

(i) The period for conducting early voting shall be from fourteen days to seven days prior to any scheduled election.

(ii) The period for conducting early voting shall also include the day added pursuant to Subparagraph (b) of this Paragraph, if applicable.

(b)

(i) One day of early voting shall be added to the period specified in Item (a)(i) of this Paragraph if one or more holidays is required to be observed on a weekday during that period pursuant to Paragraph (4) of this Subsection.

(ii) The additional day shall be the first day preceding the period described in Item (a)(i) of this Paragraph that is not a Sunday or a holiday required to be observed pursuant to Paragraph (4) of this Subsection.

(2) During the early voting period, the registrar shall maintain regular office hours, remaining open from 8:30 a.m. to 6:00 p.m. Monday through Saturday. Early voting on each day of the early voting period shall terminate when all persons who were in line to vote at the close of the regular office hours of the registrar's office, as provided in this Paragraph, have been allowed to vote. If the office space of the registrar is insufficient or inconvenient to accommodate early voting, the registrar may provide for an alternate location to conduct early voting, which location shall be in the courthouse or in a public building in the immediate vicinity thereof, and in such case, adequate notice shall be posted at the registrar's office informing the public of the location where early voting is being conducted.

(3) A law enforcement officer shall not interfere with the conduct of the election, the voters, or the election officials. However, a registrar may use law enforcement officers to maintain order at any location where early voting is conducted.

(4) A registrar shall observe the holidays which are provided by law or proclaimed by the governor for state departments during any period for conducting early voting.

**B.**

(1) For the purpose of facilitating early voting, the registrar may designate, in addition to the location for early voting provided in Subsection A of this Section, one branch office wherein early voting may be conducted. Any such branch office shall be located in a public building, and the hours during which early voting may be conducted therein shall be fixed by the registrar as provided in Subsection A of this Section. However, if a branch office of a registrar is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency, the registrar may utilize a temporary building as a branch office to discharge his duties until an office that meets the requirements of this Section becomes available. Such temporary office shall be located within the parish, or if there is no appropriate location within the parish due to the emergency, then in an immediately adjacent parish, or if there is no appropriate location in any immediately adjacent parish due to the emergency, then in the nearest parish in which there is an appropriate location.

(2) The registrar shall provide or post the instructions, informational posters, if required, the statement of proposed constitutional amendments on the ballot, and a certified screenshot as a sample ballot in a conspicuous place at the principal entrance to the early voting polling place, where they shall remain posted throughout early voting.

C. In parishes which extend in one direction more than fifty miles and which are interspersed with navigable waters, the registrar may designate, in addition to the locations for early voting provided for in Subsections A and B of this Section, one additional branch office wherein early voting may be conducted. Any such branch office shall be located in a public building and the hours during which early voting may be conducted therein shall be fixed by the registrar.

**D.**

(1) Before any voter is allowed to vote during early voting, the registrar or his deputy shall establish the voter's identity by requiring him to submit a Louisiana driver's license, a Louisiana special identification card issued pursuant to [R.S. 40:1321](#), or other generally recognized picture identification card that contains the name and signature of the voter. If the voter does not have a Louisiana driver's license, a Louisiana special identification card, or other generally recognized picture identification card that contains the name and signature of the voter, the voter shall complete and sign, in the presence of the registrar or his deputy, a voter identification affidavit to that effect provided by the secretary of state, which affidavit shall include the voter's date of birth and mother's maiden name. If the voter is unable to read or write or is otherwise unable to complete the affidavit due to disability, the voter may receive assistance in completing the affidavit, and the registrar or his deputy shall make a notation on the affidavit. The voter may receive the assistance of any person of his choice, including the registrar or his deputy, except a candidate, the voter's employer or employer's agent, or the voter's union agent. The registrar or his deputy shall retain the affidavit in the office of the registrar of voters. If satisfied that the voter has identified himself as the voter registered in the state voter registration computer system or

named on the precinct register and that he is qualified to vote, the registrar or his deputy shall initial the precinct register or early voting list kept by the registrar opposite the voter's signature or mark. The voter then shall be allowed to vote. A voter who votes without the picture identification required by this Paragraph is subject to challenge as provided in [R.S. 18:1315](#).

(2) If the voter's name is found in the state voter registration computer system or precinct register on the inactive list of voters, the voter shall be required to complete an address confirmation card to determine his eligibility to vote.

E.

(1) The voter's identity having been established as provided in Subsection D of this Section, the voter shall sign or make his mark in the precinct register or early voting list kept by the registrar prior to voting.

(2) The registrar or deputy registrar shall electronically generate an early voting confirmation sheet for each voter using the state voter registration computer system or a form prepared by the secretary of state and retain the confirmation sheet in the office of the registrar to be used by the registrar to verify each early voter at the end of the early voting period. If a paper ballot is used for early voting in lieu of a voting machine, the registrar or deputy registrar shall write "early voting paper ballot voter" across the early voting confirmation sheet for the voter and attach it to the paper ballot envelope.

(3) The voter then shall be allowed to cast his vote in an area and in a manner that protects the secrecy of his vote.

(4)

(a) A voter shall not remain in a voting machine longer than three minutes. If a voter fails to leave a voting machine promptly after the registrar or deputy registrar has notified him that three minutes have elapsed, the registrar or deputy registrar shall have the voter removed from the voting machine.

(b) Notwithstanding Subparagraph (a) of this Paragraph, a voter receiving assistance in voting pursuant to [R.S. 18:1309.3](#) or a voter using the audio ballot shall be allowed to remain in a voting machine for up to twenty minutes. If such a voter fails to leave a voting machine promptly after the registrar or deputy registrar has notified him that twenty minutes have elapsed, the registrar or deputy registrar shall have the voter removed from the voting machine.

(5)

(a) In order to cast a vote on a voting machine, a voter shall make a selection in a candidate or proposition election. Voting is completed by activating the cast vote mechanism. If the voter has made any selection in a candidate or proposition election but has failed to activate the cast vote mechanism, the registrar or his deputy, observed by a deputy registrar or, in the absence of a deputy registrar, a witness, shall activate the cast vote mechanism for the fled voter without altering any selections made by the voter. In the case of vote activation in the presence of a witness, the registrar or deputy registrar shall record the name and address of the witness.

(b)

(i) In order to cast a vote on a paper ballot, a voter must make a selection for a candidate or for or against a proposition by completely filling in the oval to the right of a selection and returning the ballot to the appropriate election official within the applicable deadline set forth by law. If a voter makes selections for more than the number of candidates to be elected for an office or makes selections for and against the same proposition, the selections for that office or proposition will be void.

(ii) If the paper ballot envelope contains a certificate on the envelope flap, the voter shall not be required to sign the certificate. The registrar of voters or deputy registrar shall write “early voting ballot” across the envelope flap and include the voter’s name, ward, precinct, and registration number and attach it to the early voting confirmation sheet so that the ballot may be identified for purposes of a challenge filed pursuant to [R.S. 18:1315](#).

(6) If a person who votes during early voting at the registrar’s office casts his vote on an incorrect ballot as provided to him by the registrar or his deputy and the time for early voting has not expired, the registrar or his deputy shall write “void, challenge removal” and the reason for the challenge on the confirmation sheet, retain the confirmation sheet, and permit the voter to vote the correct ballot using a paper ballot. The confirmation sheet shall be attached to the paper ballot envelope for review by the parish board of election supervisors on election day and for use by the secretary of state’s office in removing the voided ballot from the voting machine as a challenged ballot on election day.

**F.**

(1) At the end of each day during early voting, the registrar shall document on the early voting verification form provided by the secretary of state for each early voting location each of the following:

(a) The total number for the public counters of all early voting machines for the day.

(b) The total number of early voting confirmation sheets for the day.

(c) The total number of early voters from the state voter registration computer system for the day.

(d) Any discrepancies or irregularities observed that prevent the total public counter number from matching the total early voting confirmation sheet number for the day and the total number of early voters from the state voter registration computer system for the day.

(2) Each day, the registrar shall compare the information in the early voting confirmation sheets to the information contained in the state voter registration computer system. If the registrar finds any discrepancies, he shall make a note thereof on the early voting verification form or on a notice of irregularity form provided by the secretary of state that he shall attach to the early voting verification form.

(3) At the end of the early voting period, the registrar shall complete the early voting verification form for each location and sign and certify to its correctness and print an early voter report from the state voter registration computer system listing all early voters from the parish. All early

voting verification forms, early voting machine public counter logs, early voting confirmation sheets, early voter reports, and paper ballots voted during early voting shall be placed in the special absentee by mail and early voting envelope or container for delivery to the parish board of election supervisors on election day for the tabulation and counting of early voting ballots.

**G.** By no later than the day before an election, the registrar shall have received from the branch office and all early voting locations all early voting machine results cartridges, early voting confirmation sheets, early voting verification forms, early voting machine public counter logs, paper ballot envelopes, certificates, early voting lists or duplicate precinct registers, and other election paraphernalia.

**H.** Prior to delivery of the precinct register to the parish custodian, the registrar shall ensure that the precinct register reflects for each voter whether the voter voted during early voting or voted timely absentee by mail using the words “voted by mail” and, if the register was not used during early voting, “voted early” in the signature line for the voter in the precinct register.

**I.** In the event of the inability to utilize voting machines for early voting within a parish, the registrar may utilize paper ballots for early voting.

**J.** Upon approval of the secretary of state, a registrar of voters may utilize commissioners selected and trained by the registrar of voters to assist the registrar during the early voting period in the conduct of early voting by his office. A registrar of voters shall, in seeking the approval of the secretary of state, indicate to the secretary the number of commissioners that is required for such assistance. A commissioner who assists the registrar in the conduct of early voting shall take an oath of office as a deputy registrar for the early voting period and shall complete an affidavit prepared by the secretary of state that contains the name, address, and last four digits of the social security number of the early voting commissioner and an acknowledgment that the law prohibits the disclosure of confidential voter information listed in the precinct register or early voting list kept by the registrar. The affidavit shall be retained in the office of the registrar of voters. A commissioner who assists the registrar in the conduct of early voting shall be paid in accordance with [R.S. 18:426.1 \(3\)](#) for each day of such assistance.

**K.**

**(1)** Only a certified commissioner may be selected to serve as an early voting commissioner.

**(2)** A person to whom one or more of the following applies shall not serve as an early voting commissioner:

**(a)** The person is a candidate in the election.

**(b)** An immediate family member of the person is a candidate for election to public office in the election.

**(c)** The person is marked for assistance in voting in the precinct register or requires the use of the audio ballot in voting.

**(d)** The person has been convicted of an election offense enumerated in Chapter 10 of this Title.

**L.** During early voting the registrar of voters shall make available to the public at each location where early voting is conducted copies of the state mail voter registration application forms.

**M.**

**(1)**

**(a)** In a parish where early voting is conducted at an additional location pursuant to [R.S. 18:1309.2](#), the registrar may fix the hours and days during which early voting shall be conducted at the additional location during the early voting period if such hours and days of voting are approved by the secretary of state no later than twenty-five days prior to the election.

**(b)** The registrar shall ensure that adequate notice is posted at the office of the registrar informing the public of the hours and days during which early voting will be conducted at the additional location, and the secretary of state shall post such notice on the secretary of state's website.

**(2)** The provisions of Paragraph (1) of this Subsection shall not apply to early voting for gubernatorial or congressional elections.

§ 18:534. Change of polling places.

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**A.** Once a polling place is established, it may only be changed by a vote of the parish governing authority.

**B.**

**(1)** The location of a polling place shall not be changed during the period commencing on the date the qualifying period opens and ending on the date of the general election or, in the case of an election date exclusively for bond, tax, or other propositions or questions, during the period commencing on the forty-sixth day prior to the election and ending on the day of the election unless the polling place becomes unavailable due to an emergency caused by an act of God or when privately owned property being used as a polling place becomes unavailable through no fault of the governing authority.

**(2)**

**(a)** Notwithstanding the provisions of Subsection A of this Section, if a polling place becomes unavailable during the period defined in and due to the reasons provided in Paragraph (1) of this Subsection and there is no regularly scheduled meeting of the parish governing authority scheduled to take place prior to the election, the parish president may change the location of the polling place. The parish president shall submit written notice of the change as soon as practicable to the secretary of state.

**(b)** A change in the location of a polling place made by a parish president pursuant to Subparagraph (a) of this Paragraph shall not be permanent unless the governing authority of the parish votes to approve the change.

**(c)** For purposes of this Paragraph, "parish president" means the president of any parish, mayor-president, mayor of New Orleans, or police jury president.

## Maine

### § 631-A. Voting places

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**1. Establishing suitable voting places.** If the municipal officers determine that there is no building within a voting district that is suitable for a voting place, as described in section 627, the municipal officers may, subject to the approval of the Secretary of State, establish a voting place outside the voting district in a suitable building that is as close as possible to the voting district and as convenient as possible to the voters of the voting district.

**2. Consolidating voting places.** The municipal officers may, after public notice and hearing held at least 90 days before an election, and subject to the approval of the Secretary of State, consolidate voting places so that more than one voting district votes in the same voting place. When voting places are consolidated under this process, the voters from the different voting districts may vote in the same or separate guardrail enclosures in the building.

**3. Change of voting place.** If the municipal officers wish to change the location of a voting place, they must apply to the Secretary of State at least 60 days before the next statewide election, unless an emergency exists. The Secretary of State shall design the application form. The Secretary of State must approve the application before the voting place may be changed.

### § 663. Authority of Secretary of State during emergencies

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The Secretary of State may act administratively to facilitate voting by civilian registered voters of this State who live in an area within the United States that is affected by a natural disaster or other occurrence for which the governor of that state has declared a state of emergency covering that area, or for registered voters of this State who are emergency workers, utility workers or others responding to and offering assistance to the area in which a state of emergency has been declared. These administrative actions may include, but are not limited to, central issuance and receipt of absentee ballots for federal and state elections using the systems and procedures developed for uniformed service voters and overseas voters.

### § 604. Emergency ballot procedure

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In an emergency as described in subsection 2, the Secretary of State may prepare new ballots, amend those already printed or procure ballots from another municipality or voting district. He may authorize any clerk to do the same.

**1. Ballots amended.** Ballots already printed may be amended by having corrective stickers added, or by some other means, as directed by the Secretary of State.

**2. Emergency described.** An emergency may exist as follows:

- A. If there is a shortage of ballots;
- B. If the ballots are not delivered in time for the election;
- C. If the ballots are missing, defaced or destroyed; or
- D. If replacement of a vacancy or the correction of an error in the ballot requires its amendment.

**3. Candidate or nominee to fill vacancy.** When a candidate for nomination or a nominee is chosen to fill a vacancy, the Secretary of State and the clerk of each interested municipality shall perform the duties required by this section as promptly as possible.

## Maryland

### § 8-103. Emergencies

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**(a) Declared state of emergency.** -- In the event of a state of emergency, declared by the Governor in accordance with the provisions of law, that interferes with the electoral process, the emergency proclamation may:

- (1) provide for the postponement, until a specific date, of the election in part or all of the State;
- (2) specify alternate voting locations; or
- (3) specify alternate voting systems.

**(b) Other emergency circumstances.** --

- (1) If emergency circumstances, not constituting a declared state of emergency, interfere with the electoral process, the State Board or a local board, after conferring with the State Board, may petition a circuit court to take any action the court considers necessary to provide a remedy that is in the public interest and protects the integrity of the electoral process.
- (2) The State Board shall develop guidelines concerning methods for addressing possible emergency situations.

### § 2-303. Precincts

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**(a) In general.** --

(1) Subject to paragraph (2) of this subsection, as it deems it expedient for the convenience of voters, a local board may:

- (i) create and alter the boundaries for precincts in the county;
- (ii) designate the location for polling places in any election district, ward, or precinct in the county; and
- (iii) combine or abolish precincts.

(2)

(i) Except as provided under subparagraph (iii) of this paragraph, a local board shall establish a separate precinct on campus or within one-half mile of the campus to specifically serve a public or private institution of higher education if the local board determines that at least 500 students, faculty, and staff who attend or work at the institution are registered voters in the precinct in which the institution is located.

(ii) If, in accordance with subparagraph (i) of this paragraph, a polling place is established at an institution of higher education that receives State funds, that institution shall:

1. provide without charge to the local board a facility for use as a polling place that meets all applicable requirements under this article and as established by the State Board; and

2. provide assistance to the local board in recruiting election judges to staff the polling place.

(iii) A local board may not be required to establish a separate precinct as provided under subparagraph (i) of this paragraph if there is an established precinct within one-half mile of the public or private institution of higher education's campus that serves the voters who attend or work at the public or private institution of higher education.

**(b) Period in which changes may not be made. --** Except as provided in subsection (e) of this section, a local board may not create or change a precinct boundary or polling place during the period beginning the Tuesday that is 13 weeks prior to a primary election, through the day of the general election.

**(c) Boundaries. --** Any precinct boundary established by a local board subsequent to July 1, 1987 shall follow visible features as defined by the Bureau of the Census, United States Department of Commerce.

**(d) Notice of change. --** Within 5 days of creating a new precinct or changing a precinct boundary, a local board shall send to the State Administrator a written description of the new boundary and a map of the area involved.

**(e) Changes before and after decennial census. --**

- (1) Unless the action is approved in advance by the State Administrator, during the period January 1, in the second year preceding the decennial census, through the effective date of any redistricting based on the census, a local board may not create a new precinct or change a precinct boundary.

- (2) Upon receipt of the written description and map relating to a precinct boundary established during the period described in paragraph (1) of this subsection, the State Administrator shall immediately forward the documents to the Secretary of the Department of Planning and the Executive Director of the Department of Legislative Services.

**(f) Emergency changes. --** Notwithstanding any restrictions imposed by this section, subject to the approval of the State Board, a local board may create a new precinct or change a precinct boundary or polling place if the local board determines that an emergency exists.

**(g) Regulations. --**

- (1) The regulations adopted by the State Board shall include procedures for the creation of new precincts and changes to precinct boundaries or polling places.

- (2) A local board may create a new precinct or make a change in a precinct boundary or polling place only in accordance with regulations adopted by the State Board.

## Massachusetts

N/A

## Michigan

§ 168.782b. Voting machines; use of emergency ballots when no reserve machine available. [Effective until December 31, 2018]

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Sec. 782b.

If there is no reserve machine available, emergency ballots may also be provided by the county board of election commissioners. Emergency ballots shall have suitable blank spaces to permit the voter to vote for the candidates for whom the elector desires to vote. The ballots shall be used only in emergency and upon special permission of the board or official whose duty it is to provide ballots for the election. The board or official shall prepare the emergency ballots that shall be held by the city, township, or village clerk, subject to the order of the county clerk or other authorized person. It is not necessary to provide emergency ballots for each election unless previously provided ballots have been used, destroyed, or lost, in which case similar ballots shall again be provided. If at any time during the election, the voting machine is disabled and cannot be repaired and no other voting machine is available, an emergency shall be declared to exist and the voting after an emergency is declared at that election in that voting precinct shall be by emergency ballot, in the manner provided in this section. The board or official that has custody of the emergency ballots, when so directed, shall supply a sufficient number of emergency ballots to the election board for use by the voters. One of the ballots shall be delivered by the election board to each voter who appears to vote after an emergency is declared. Emergency ballots shall be voted and counted subject to the provisions relative to voting by ballot at general elections, except as otherwise provided in this section. The ballots shall be numbered consecutively from 1 up, and the number and identification shall be printed on a perforated stub as in the case where only regular ballots are used at elections.

## Minnesota

### 204B.14 ELECTION PRECINCTS

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**Subdivision 1. *Boundaries.*** — The governing body of each municipality shall establish the boundaries of the election precincts in the municipality. The governing body of a county shall establish the boundaries of precincts in unorganized territory in the county. Except as provided in subdivision 3, a governing body may change the boundaries of any election precinct which it has established.

**Subd. 1a. *Legislative policy.*** — It is the intention of the legislature to complete congressional and legislative redistricting activities in time to permit counties and municipalities to begin the process of reestablishing precinct boundaries as soon as possible after the adoption of the congressional and legislative redistricting plans but in no case later than 25 weeks before the state primary election in the year ending in two.

**Subd. 2. *Separate precincts; combined polling place.***

(a) The following shall constitute at least one election precinct:

- (1) each city ward; and
- (2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than November 1 if a presidential nomination primary is scheduled to occur in the following year or May 1 of any other year:

- (1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;
- (2) for contiguous precincts in the same municipality;
- (3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 200.02, subdivision 24, that are contained in the same county; or
- (4) for noncontiguous precincts located in one or more counties.

Subject to the requirements of paragraph (c), a single, accessible, combined polling place may be established after May 1 of any year in the event of an emergency.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A polling place combined under clause (4) must be approved by the governing body of each participating municipality and the secretary of state and may be located outside any of the noncontiguous precincts. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than October 1 if a presidential nomination primary is scheduled to occur in the following year or April 1 of any other year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place, except that in a precinct that uses electronic rosters the secretary of state shall provide separate data files for each precinct. A single set of

election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

(c) If a local elections official determines that an emergency situation preventing the safe, secure, and full operation of a polling place on election day has occurred or is imminent, the local elections official may combine two or more polling places for that election pursuant to this subdivision. To the extent possible, the polling places must be combined and the election conducted according to the requirements of paragraph (b), except that:

- (1) polling places may be combined after May 1 and until the polls close on election day;
- (2) any city or town, regardless of size or location, may establish a combined polling place under this paragraph;
- (3) the governing body is not required to adopt an ordinance or resolution to establish the combined polling place;
- (4) a polling place combined under paragraph (b), clause (3) or (4), must be approved by the local election official of each participating municipality;
- (5) the local elections official must immediately notify the county auditor and the secretary of state of the combination, including the reason for the emergency combination and the location of the combined polling place. As soon as possible, the local elections official must also post a notice stating the reason for the combination and the location of the combined polling place. The notice must also be posted on the governing board's Web site, if one exists. The local elections official must also notify the election judges and request that local media outlets publicly announce the reason for the combination and the location of the combined polling place; and
- (6) on election day, the local elections official must post a notice in large print in a conspicuous place at the polling place where the emergency occurred, if practical, stating the location of the combined polling place. The local election official must also post the notice, if practical, in a location visible by voters who vote from their motor vehicles as provided in section 204C.15, subdivision 2. If polling place hours are extended pursuant to section 204C.05, subdivision 2, paragraph (b), the posted notices required by this paragraph must include a statement that the polling place hours at the combined polling place will be extended until the specified time.

**Subd. 3. *Boundary changes; prohibitions; exception.*** — Notwithstanding other law or charter provisions to the contrary, during the period from January 1 in any year ending in zero to the time when the legislature has been redistricted in a year ending in one or two, no changes may be made in the boundaries of any election precinct except as provided in this subdivision.

(a) If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

(b) A municipality or county may establish new election precincts lying entirely within the boundaries of any existing precinct and shall assign names to the new precincts which include the name of the former precinct.

(c) Precinct boundaries in a city of the first class electing council members by wards may be reestablished within four weeks of the adoption of ward boundaries in a year ending in one, as provided in section 204B.135, subdivision 1.

(d)

Precinct boundaries must be reestablished within 60 days of the time when the legislature has been redistricted, or at least 19 weeks before the state primary election in a year ending in two, whichever comes first. The adoption of reestablished precinct boundaries becomes effective on the date of the state primary election in the year ending in two.

Precincts must be arranged so that no precinct lies in more than one legislative or congressional district.

**Subd. 4. *Boundary change procedure.* —**

Any change in the boundary of an election precinct must be adopted at least ten weeks before the date of the next election and, for the state primary and general election or presidential nomination primary, no later than December 1 in the year prior to the year of the state general election. The precinct boundary change shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 56 days.

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days before the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state.

**Subd. 4a. *Municipal boundary adjustment procedure.* —**

A change in the boundary of an election precinct that has occurred as a result of a municipal boundary adjustment made under chapter 414 that is effective more than 21 days before a regularly scheduled election takes effect at the scheduled election.

A change in the boundary of an election precinct that has occurred as a result of a municipal boundary adjustment made under chapter 414 that is effective less than 21 days before a regularly scheduled election takes effect the day after the scheduled election.

**Subd. 5. *Precinct boundaries; description; maps.* —** If a precinct boundary has been changed or an annexation has occurred affecting a precinct boundary, the municipal clerk shall immediately notify the

county auditor and secretary of state. The municipal clerk shall file a corrected base map with the secretary of state and county auditor within 30 days after the boundary change was made or, in the case of an annexation, the later of: (1) 30 days after the approval of the annexation order; or (2) the effective date of the annexation order. Upon request, the county auditor shall provide a base map and precinct finder to the municipal clerk. The municipal clerk shall prepare a corrected precinct map and provide the corrected map to the county auditor, who shall correct the precinct finder in the statewide voter registration system and make the corrected map and precinct finder available for public inspection, and to the secretary of state, who shall update the precinct boundary database. The county auditor shall prepare and file precinct boundary maps for precincts in unorganized territories in the same manner as provided for precincts in municipalities. For every election held in the municipality the election judges shall be furnished precinct maps as provided in section 201.061, subdivision 6. If a municipality changes the boundary of an election precinct, or if an annexation affecting a precinct boundary occurs, the county auditor shall notify each school district with territory affected by the boundary change at least 30 days before the effective date of the change.

**Subd. 6.** [Repealed, [2015 c 70 art 1 s 63](#)]

**Subd. 7. *Application to municipalities.*** — Notwithstanding the provisions of section 410.21, or any other law, ordinance or charter to the contrary, the provisions of subdivisions 1 and 3 apply to all municipalities.

**Subd. 8.** [Repealed, [1994 c 607 s 7](#)]

## 204B.175 CHANGE OF POLLING PLACE IN AN EMERGENCY.

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**Subdivision 1. *Application.***— When an emergency occurs after the deadline to designate a polling place pursuant to section 204B.16 but before the polls close on election day, a new polling place may be designated for that election pursuant to this section. For purposes of this section, an emergency is any situation that prevents the safe, secure, and full operation of a polling place.

**Subd. 2. *Changing polling place.***— If a local election official determines that an emergency has occurred or is imminent, the local election official must procure a polling place that is as near the designated polling place as possible and that complies with the requirements of section 204B.16, subdivisions 4 and 5. If it is not possible to locate a new polling place in the precinct, the polling place may be located outside of the precinct without regard to the distance limitations in section 204B.16, subdivision 1. The local election official must certify to the appropriate governing body the expenses incurred because of the change. These expenses shall be paid as part of the expenses of the election.

**Subd. 3. *Notice.***

(a) Upon making the determination to relocate a polling place, the local election official must immediately notify the county auditor and the secretary of state. The notice must include the reason for the relocation and the reason for the location of the new polling place. As soon as possible, the local election official must also post a notice stating the reason for the relocation and the location of the new polling place. The notice must also be posted on the Web site of the public body, if there is one. The local election official must also notify the election judges and request that local media outlets publicly announce the reason for the relocation and the location of the polling place.

**(b)** On election day, the local election official must post a notice in large print in a conspicuous place at the polling place where the emergency occurred, if practical, stating the location of the new polling place. The local election official must also post the notice, if practical, in a location visible by voters who vote from their motor vehicles as provided in section 204C.15, subdivision 2. If polling place hours are extended pursuant to section 204C.05, subdivision 2, paragraph (b), the posted notices required by this paragraph must include a statement that the polling place hours at the new polling place will be extended until the specified time.

## 204B.181 ELECTION EMERGENCY PLANS.

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### **Subdivision 1. *State elections emergency plans.***

**(a)** The secretary of state, in consultation with the Minnesota director of the Department of Public Safety, Division of Homeland Security and Emergency Management, must develop a state elections emergency plan.

**(b)** The secretary of state must also coordinate with the governor to incorporate election needs into the state's continuity of government and continuity of operations plans.

**(c)** The secretary of state must create a state guide to assist county and local election officials in developing a county elections emergency plan required by subdivision 2. The secretary of state must consult with the Minnesota State Council on Disability in developing the guide. The guide must include a model county elections emergency plan that meets the requirements of this section.

### **Subd. 2. *County elections emergency plans.***

**(a)** County election officials, in consultation with the political subdivision's local organization for emergency management established under section 12.25 and the municipalities and school districts within the county, must develop a county elections emergency plan to be made available for use in all state, county, municipal, and school district elections held in that county.

**(b)** In developing the county elections emergency plan, the county must address the needs of voters with disabilities in all aspects of the plan. Where ballot security is affected, the plan must provide procedures to maintain the security of the ballots. When an emergency requires the relocation of the polling place, the plan must include procedures for securing the ballots and voting equipment, notifying the public and other government officials, and restoring voting activities as soon as possible. If the county contains jurisdictions that cross county lines, the affected counties must make efforts to ensure that the emergency procedures affecting the local jurisdiction are uniform throughout the jurisdiction.

**(c)** Cities, towns, and school districts may create a local elections emergency plan that meets the requirements of the county elections emergency plan. If a local jurisdiction creates a local elections emergency plan, the procedures within the local elections emergency plan govern in all election emergencies within that local jurisdiction.

**(d)** County election officials and any municipality with a local elections emergency plan must review their county or local elections emergency plan prior to each state general election. Any

revisions to the county or local elections emergency plan must be completed and filed with the secretary of state by July 1 prior to the state general election.

## 205.10 MUNICIPAL SPECIAL ELECTIONS

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**Subdivision 1. *Questions.*** — Special elections may be held in a city or town on a question on which the voters are authorized by law or charter to pass judgment. A special election may be ordered by the governing body of the municipality on its own motion or, on a question that has not been submitted to the voters in an election within the previous six months, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last municipal general election. A question is carried only with the majority in its favor required by law or charter. The election officials for a special election shall be the same as for the most recent municipal general election unless changed according to law. Otherwise special elections shall be conducted and the returns made in the manner provided for the municipal general election.

**Subd. 2. *Vacancies in city offices.*** — Special elections shall be held in statutory cities to fill vacancies in elective city offices as provided in section 412.02, subdivision 2a.

**Subd. 3.** [Repealed, 2017 c 92 s 26]

**Subd. 3a. *Uniform election dates.***

(a) Except as allowed in paragraph (b) and subdivision 4, a special election held in a city or town must be held on one of the following dates: the second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November. A home rule charter city must not designate additional dates in its charter.

(b) A special election may be held on a date other than those designated in paragraph (a) if the special election is held in response to an emergency or disaster. “Emergency” means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring. “Disaster” means a situation that creates an actual or imminent serious threat to the health and safety of persons or a situation that has resulted or is likely to result in catastrophic loss to property or the environment.

**Subd. 4. *Vacancies in town offices.*** — Special elections to fill vacancies in town offices as provided in section 367.03, subdivision 6, must be held with the town general election or on a date authorized by subdivision 3a.

**Subd. 5. *Limit on ballot questions.*** — The governing body of a city or town may not act to submit a ballot question at a general or special election and may not accept a petition for submission of a ballot question at a general or special election unless all election-related deadlines can be met, including publication deadlines for all required notices. A petition rejected under this subdivision may be resubmitted at a time when compliance with all election-related deadlines is possible. Nothing in this subdivision requires the scheduling of a special election for a ballot question.

**Subd. 6. *Cancellation.*** — A special election ordered by the governing body of the municipality on its own motion under subdivision 1 may be canceled by motion of the governing body, but not less than 74 days before the election.



## Mississippi

§ 23-15-531.12. Emergency paper ballots to be cast if DRE unit becomes inoperable.

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If for any reason any DRE unit shall become inoperable, the poll managers, or the officials in charge of the election, shall direct voters to an operating DRE unit or to cast emergency paper ballots. Such paper ballots shall be administered in accordance with the laws concerning paper ballots.

§ 23-15-701. Compliance with Uniformed and Overseas Citizens Absentee Voting Act; Secretary of State granted emergency powers over conduct of elections during armed conflict.

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(1) The Secretary of State shall adopt such rules which are necessary and essential to implement this subarticle and to bring the state into compliance with the Uniformed and Overseas Citizens Absentee Voting Act, [42 USCS Section 1973ff](#) et seq. The Secretary of State shall furnish the Legislature with a copy of such rules sixty (60) days after adoption by the Secretary of State.

(2) The Secretary of State may exercise emergency powers concerning absentee voting and registration of military personnel over any election during an armed conflict or other military contingencies involving United States Armed Forces or mobilization of those forces, including state national guard or reserve components. The Secretary of State shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

## Missouri

§ 115.291. Procedure for absentee ballots — declared emergencies, delivery and return of ballots — envelopes, refusal to accept ballot prohibited when

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1. Upon receiving an absentee ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of [section 115.284](#), illness or physical disability, or the voter is a covered voter as defined in [section 115.902](#). If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected.
2. Except as provided in subsection 4 of this section, each absentee ballot that is not cast by the voter in person in the office of the election authority shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; except that covered voters, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.
3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.
4. No election authority shall refuse to accept and process any otherwise valid marked absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on envelope type.

§ 115.024. Elections rescheduled or relocated due to disaster, definition — election panel established — petition to reschedule or relocate, contents — order — notice, contents — ballots — procedures — appeal

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1. As used in this section, “disaster” means any catastrophic or natural disaster, statewide or nationwide emergency, man-made disaster, civil disorder, insurgency, bioterrorism attack, terrorist attack, or enemy attack.
2. The supreme court shall by rule establish a panel in each district of each court of appeals of the state to consider petitions filed under this section. Each panel shall consist of three court of appeals judges from such district, and shall be known as the “election panel” of the district in which it is established.
3. In the event that any disaster prohibits any election from occurring on the day the election is required to be held under this chapter, the election authority of the city or county in which the election was to be held

may petition the election panel of the district in which the city or county is located for the election panel to authorize a relocation of the polling places affected by such disaster, or to schedule a new date upon which the election authority may conduct the election. The petition shall include the following:

- (1) A description of the event prohibiting the election from occurring;
- (2) A statement of the reasons the election cannot be held on the day required by law;
- (3) The election authority's recommendation for relocation of the polling places or the new date upon which the election shall be held;
- (4) A statement of the plan for providing notice to voters of the new location or new date of the election;
- (5) A statement that the election authority will be able to conduct the election at the recommended location or on the recommended new date in the same manner as the election would have been conducted had the disaster not occurred.

4. If satisfied that the election authority will be unable to conduct the election as required by this chapter and that the recommended relocation of the polling places or new date of the election will allow voters to vote as provided by law, the election panel shall issue an order to the election authority to relocate the polling places or to conduct the election on the new date as set by the election panel.

5. The election authority shall provide notice to all voters in the election authority's jurisdiction in the same manner as required for elections by this chapter, provided that the requirements for the date and time of providing such notice in this chapter shall not apply. Notice of the election shall include a copy of the order issued by the election panel.

6. The election authority may use the same ballots that were printed for the election that was relocated or rescheduled under this section, unless such ballots were damaged, destroyed, lost, or spoiled by the disaster.

7. All procedures for voting, counting of votes, and contesting elections required under this section shall apply to any election relocated or rescheduled under this section, provided that any requirements for deadlines under this chapter that cannot be met because of the relocation or rescheduling of the election shall be rescheduled by the election panel.

8. The election authority may appeal any order issued by the election panel under this section to the supreme court, and the supreme court shall hear such appeal immediately.

## Montana

### 13-3-105 Designation of polling place.

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- (1) The county governing body shall designate the polling place for each precinct no later than 30 days before a primary election. The same polling place must be used for both the primary and general election if at all possible. Changes may be made by the governing body in designated polling places up to 10 days before an election if a designated polling place is not available. Polling places may be located outside the boundaries of a precinct.
- (2) Not more than 10 days or less than 2 days before an election, the election administrator shall publish in a newspaper of general circulation in the county a statement of the locations of the precinct polling places. The election administrator shall include in the published notice the accessibility designation for each polling place according to the classification in [13-3-207](#). Notice may also be given as provided in [2-3-105](#) through [2-3-107](#).
- (3) An election administrator may make changes in the location of a polling place if an emergency occurs 10 days or less before an election. Notice must be posted at both the old and new polling places, and other notice may be given by whatever means available.
- (4) Any building may be used as a polling place. The building must be furnished at no charge as long as no structural changes are required in order to use the building as a polling place.
- (5) The exterior of the voting systems, or of the booths in which they are placed, and every part of the polling place must be in plain view of the election judges.

### 13-3-211 Emergency exemption.

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- (1) The secretary of state shall exempt a polling place from the requirements of this part if an emergency occurs within 10 days prior to an election. An emergency is considered to exist if a polling place becomes unavailable by reason of loss of lease, fire, snow, or natural disaster.
- (2) If an emergency occurs, the election administrator in the county shall designate a new polling place in accordance with the procedure provided in [13-3-105](#). The new polling place is considered temporary and is exempt from the survey procedures established under [13-3-206](#). However, the polling place may not be used in a subsequent election unless it is surveyed as required in [13-3-206](#).

## Nebraska

Secretary of State: The secretary of state's office has developed Election Emergency Preparedness Guidelines that are distributed to local jurisdictions (no statute).

## **Nevada**

293.2955. Accessibility of polling place, ballot and election materials to persons who are elderly and to persons with disabilities; particular requirements regarding voting booths and waiting lines; alternative placement of specially equipped voting devices at centralized locations.

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1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:

(a) The polling place must:

(1) Be accessible to a voter who is elderly or a voter with a disability; and

(2) Have at least one voting booth that is:

(I) Designed to allow a voter in a wheelchair to vote;

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by a voter with a disability; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. At each polling place, the county clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

4. As an alternative to carrying out the functions described in subsection 3, if, in the opinion of the county clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting

devices will be best served by placing such devices at centralized voting locations, the county clerk may so provide. If the county clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the county clerk.

## New Hampshire

657:1. Absence, Religious Observance, and Disability Absentee Voting. [Effective January 1, 2019]

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**I.** Any person who is absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day because of his or her observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter. A person who is unable to appear at any time during polling hours at his or her polling place because of an employment obligation shall be considered absent for purposes of this chapter. For the purposes of this section, the term “employment” shall include the care of children and infirm adults, with or without compensation.

**II.** When the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to the city, town, or unincorporated place:

(a) A person who is elderly or infirm or who has a physical disability, who otherwise would have voted in person but has concerns for his or her safety traveling in the storm, shall be considered absent for purposes of this chapter and may vote absentee on the Monday immediately prior to the election.

(b) A person who cares for children or infirm adults who reasonably anticipates that school, child care, or adult care will be canceled, who otherwise would have voted in person but will be deterred from voting by the need to care for children or infirm adults, shall be considered absent for purposes of this chapter and may vote absentee on the Monday immediately prior to the election.

(c) As required by [RSA 652:20, the](#) clerk’s office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.

## New Jersey

### § 19:8-3.1. Accessibility of polling places

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Each polling place selected by the county board of elections for use in any election shall be accessible to individuals with disabilities and the elderly unless:

- a.** the Attorney General determines that a state of emergency exists that would otherwise interfere with the efficient administration of that election; or
- b.** the Attorney General grants a temporary waiver based upon a determination that all potential polling places have been surveyed and no accessible polling place is available, nor is the municipality able to make one temporarily accessible in or near the election district involved. Temporary waivers shall be granted no more than twice for any polling place following the effective date of [P.L.2005, c.146](#), and each waiver shall be granted for no more than one year. Before the expiration of the waiver, the board shall formulate a plan to establish an accessible location for the polling place in or near the election district. A copy of the waiver and the plan shall be filed with the Voting Accessibility Advisory Committee, established pursuant to section 11 of [P.L.1991, c.429](#) ([C.19:8-3.7](#)).

## **New Mexico**

### **1-12-43. Emergency situations.**

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- A.** If any electronic vote tabulator becomes disabled while being used to the extent that any voter is unable to cast a vote for all the candidates or questions of the voter's choice and have such vote recorded by the electronic vote tabulator, it shall be repaired, if possible, or another electronic vote tabulator shall be promptly substituted.
- B.** If a disabled electronic vote tabulator cannot be repaired in a reasonable length of time and if there are no other electronic vote tabulators available for substitution, the presiding judge shall order marked ballots to be collected and securely preserved until they may be tabulated pursuant to rules promulgated by the secretary of state.
- C.** A voter shall not be denied the opportunity to mark a ballot for later tabulation due to the lack of a functioning electronic vote tabulator.
- D.** The county clerk shall provide additional ballots if needed and when requested by the precinct board.

### **1-12-65. Emergency situations; paper ballots; counting and tallying procedures.**

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- A.** The presiding judge and the election judges, assisted by the election clerks, shall count and tally the paper ballots that were not tabulated by the electronic vote tabulator and certify the results of the election on the form on the tally sheet setting opposite the name of each candidate in figures the total number of votes cast for the candidate, and they shall set forth in the spaces provided therefor the total number of votes cast for and against each constitutional amendment and other questions. Paper ballots not marked as required by the Election Code [[1-1-1 NMSA](#) 1978] shall not be counted. The precinct board shall sign the tally sheet certificate.
- B.** The counting and tallying of paper ballots in emergency situations shall be in accordance with procedures prescribed by the secretary of state.

### **1-5-18. List and roster preparation; compatible duplicate means.**

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- A.** The secretary of state shall provide to the county clerk means for the preparation of voter lists and signature rosters.
- B.** At least one compatible duplicate means shall be provided for on a standby basis, and it shall be capable of performing the preparation of voter lists and signature rosters with minimum delay in case the original means is unable to perform.
- C.** The secretary of state shall procure and preserve sufficient duplicate voter registration system software and operating instructions so that in case of disaster the duplicate master record and the duplicate voter registration system software and operating instructions will be all that will be required for another compatible facility to prepare registered voter lists and signature rosters with minimum delay.

## **New York**

1. A county board of elections, or the state board of elections with respect to an election conducted in a district in the jurisdiction of more than one county board of elections, may determine that, as the direct consequence of a fire, earthquake, tornado, explosion, power failure, act of sabotage, enemy attack or other disaster, less than twenty-five per centum of the registered voters of any city, town or village, or if the city of New York, or any county therein, actually voted in any general election. Such a determination by a county board of elections shall be subject to approval by the state board of elections. If the state board of elections makes such a determination, it shall notify the board of elections having jurisdiction in that county that an additional day of election shall be held, which notice shall show: the nature of the disaster; the county, city, town or village affected thereby; the number of persons duly registered to vote therein at such general election; and the number of persons who voted therein at such general election.
2. The county board of elections shall thereafter set a date for an additional day for voting in the county, city, town or village affected by the statement, which shall not be more than twenty days after the original date of the general election and shall determine the hours during which the polls shall remain open on such additional day for voting; provided, however, that in any event the polls shall remain open for not less than eleven hours. The county board of elections shall publish notice thereof not less than twice in each week preceding the date for the additional day for voting, in newspapers as designated in this chapter, and shall notify all registered voters by mail. Such notice shall also direct attention to any change of polling places and shall contain such other and additional information as in the judgment of the board of elections shall be necessary and proper.
3. Official ballots shall be provided at public expense at each polling place for such additional day of election. In any election district in which voting machines were used upon the original day of voting, they shall be used for the additional day for voting. The original seal on such machines shall not be removed nor shall the machines be unlocked until the opening of the polls on the additional day for voting and the board of elections shall provide an additional seal to be used as soon as the polls are closed on such day.
4. Only those persons duly registered to vote upon the original date of the general election who did not vote on such date shall be entitled to vote on the additional day for voting. Voting on the additional day provided for in this section shall be accomplished solely by physically appearing at the polling place and nothing contained in this section shall be construed to extend the time set by law for casting or canvassing a military, absentee or special presidential ballot; provided, however, that nothing contained herein shall be deemed to invalidate any absentee, military or special presidential ballot duly received on the original date of the general election.
5. A county board of elections, or the state board of elections with respect to an election conducted in a political subdivision in the jurisdiction of more than one county board of elections, may determine that, as the direct consequence of a fire, earthquake, tornado, explosion, power failure, act of sabotage, enemy attack or other disaster, the ability to make a filing with respect to any provision of this chapter was substantially impaired. Upon making such a finding, a county board of elections, or the state board of elections shall extend for a reasonable time the period for making such filing. An extension pursuant to this subdivision granted by a county board of elections shall be subject to the approval of the state board of elections if such extension is longer than one business day.

§ 7-120. Ballots; emergency use, to be furnished

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1. If any voting machine for use in any election shall become out of order during an election it shall, if possible, be repaired or another machine substituted as promptly as possible. In case such repair or substitution cannot be made, emergency ballots, printed or written, and of any suitable form, may be used for the taking of votes.
2. If the official ballots for an election district shall not be delivered within the time necessary to open the polls, or shall be lost, destroyed or stolen, or if the supply of official ballots shall be exhausted before the polls are closed, the board of elections, or at its direction, the town or city clerk, or the election inspectors of such district, shall cause emergency ballots to be prepared, printed or written, as nearly in the form of the official ballots as practicable. The inspectors shall use the ballots so substituted in the same manner, as near as may be, as the official ballots.
3. It shall be the duty of each board of elections to cause a sufficient number of emergency ballots to be placed at each polling place in which voting machines are used to be employed in the event the voting machines break down. At any time during the hour succeeding a breakdown, the inspectors of election may use such emergency ballots, and if such breakdown lasts more than one hour, such emergency ballots must be used. The sample ballots may be used for this purpose in full or reduced size.

§ 16-100. Jurisdiction; supreme court, county court

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1. The supreme court is vested with jurisdiction to summarily determine any question of law or fact arising as to any subject set forth in this article, which shall be construed liberally.
2. The county court is vested with jurisdiction to summarily determine any question of law or fact except proceedings as to a nomination or election at a primary election or a nomination at a judicial convention, proceedings as to the casting and canvass of ballots, proceedings for examination or preservation of ballots and proceedings to enforce the provisions of article fourteen of this chapter.

## North Carolina

### § 163A-750. Emergency powers

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(a) The Executive Director, as chief State elections official, may exercise emergency powers to conduct an election in a district where the normal schedule for the election is disrupted by any of the following:

- (1) A natural disaster.
- (2) Extremely inclement weather.
- (3) An armed conflict involving Armed Forces of the United States, or mobilization of those forces, including North Carolina National Guard and reserve components of the Armed Forces of the United States.

In exercising those emergency powers, the Executive Director shall avoid unnecessary conflict with the provisions of this Subchapter. The Executive Director shall adopt rules describing the emergency powers and the situations in which the emergency powers will be exercised.

(b) Nothing in this Subchapter shall grant authority to the State Board to alter, amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or congressional districts other than a plan imposed by a court under [G.S. 120-2.4](#) or a plan enacted by the General Assembly.

(c) Nothing in this Subchapter shall grant authority to the State Board to alter, amend, correct, impose, or substitute any plan apportioning or redistricting districts for a unit of local government other than a plan imposed by a court, a plan enacted by the General Assembly, or a plan adopted by the appropriate unit of local government under statutory or local act authority.

### § 163A-1370. Emergency powers

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If an international, national, or local emergency or other situation arises that makes substantial compliance with this Part or the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, the State Board may prescribe, by emergency rule, such special procedures or requirements as may be necessary to facilitate absentee voting by those absent uniformed services voters or overseas voters directly affected who are eligible to vote in this State. The rule shall become effective when filed with the Codifier of Rules.

### § 163A-1145. Photo identification requirement for voting in person

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(a) Every qualified voter voting in person in accordance with this Article, [G.S. 163A-1300](#), [163A-1301](#), [163A-1302](#), [163A-1303](#), and [163A-1304](#), or [G.S. 163A-1167](#) shall present photo identification bearing any reasonable resemblance to that voter to a local election official at the voting place before voting, except as follows:

- (1) For a registered voter voting curbside, that voter shall present identification under [G.S. 163A-1140](#).

(2) For a registered voter who has a sincerely held religious objection to being photographed and has filed a declaration in accordance with [G.S. 163A-868](#) at least 25 days before the election in which that voter is voting in person, that voter shall not be required to provide photo identification.

(3) For a registered voter who is a victim of a natural disaster occurring within 60 days before election day that resulted in a disaster declaration by the President of the United States or the Governor of this State who declares the lack of photo identification due to the natural disaster on a form provided by the State Board, that voter shall not be required to provide photo identification in any county subject to such declaration. The form shall be available from the State Board, from each county board of elections in a county subject to the disaster declaration, and at each polling place and one-stop early voting site in that county. The voter shall submit the completed form at the time of voting.

(b) Any voter who complies with subsection (a) of this section shall be permitted to vote.

(c) Any voter who does not comply with subsection (a) of this section shall be notified of the following options:

(1) The voter is permitted to vote a provisional official ballot which shall be counted in accordance with [G.S. 163A-1167](#).

(2) The voter is permitted to complete a reasonable impediment declaration, as provided in [G.S. 163A-1147](#), and vote a provisional official ballot which shall be counted in accordance with [G.S. 163A-1168](#).

(3) The voter is permitted to complete a written request for an absentee ballot in accordance with [G.S. 163A-1301](#) until the deadline for submission of requests for absentee ballots provided in [G.S. 163A-1308](#).

(d) The local election official to whom the photo identification is presented shall determine if the photo identification bears any reasonable resemblance to the voter presenting the photo identification. If it is determined that the photo identification does not bear any reasonable resemblance to the voter, the local election official shall comply with [G.S. 163A-1146](#).

(e) Except as provided in subsection (f) of this section, as used in this section, "photo identification" means any one of the following that contains a photograph of the registered voter, has a printed expiration date, and is unexpired, unless otherwise noted:

(1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license, provided that it shall be acceptable if it has a printed expiration date that is not more than four years before it is presented for voting.

(2) A special identification card for nonoperators issued under [G.S. 20-37.7](#), provided that it shall be acceptable if it has a printed expiration date that is not more than four years before it is presented for voting.

(3) A United States passport.

(4) A United States military identification card, except there is no requirement that it have a printed expiration or issuance date.

(5) A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities, except there is no requirement that it have a printed expiration or issuance date.

(6) A tribal enrollment card issued by a federally recognized tribe, provided that if the tribal enrollment card does not contain a printed expiration date, it shall be acceptable if it has a printed issuance date that is not more than eight years before it is presented for voting.

(7) A tribal enrollment card issued by a tribe recognized by this State under Chapter 71A of the General Statutes, provided that card meets all of the following criteria:

a. Is issued in accordance with a process approved by the State Board that requires an application and proof of identity equivalent to the requirements for issuance of a special identification card by the Division of Motor Vehicles under [G.S. 20-7](#) and [G.S. 20-37.7](#).

b. Is signed by an elected official of the tribe.

(8) A drivers license or nonoperators identification card issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.

(f) Any voter 70 years of age or older shall be permitted to present an expired form of photo identification listed in subsection (e) of this section, if that identification expired at any point after that voter's 70th birthday.

#### § 163A-211. Use of public position for private gain

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(a) Except as permitted under [G.S. 163A-218](#), a covered person or legislative employee shall not knowingly use the covered person's or legislative employee's public position in an official action or legislative action that will result in financial benefit to the covered person or legislative employee, a member of the covered person's or legislative employee's extended family, or business with which the covered person or legislative employee is associated. This subsection shall not apply to financial or other benefits derived by a covered person or legislative employee that the covered person or legislative employee would enjoy to an extent no greater than that which other citizens of the State would or could enjoy, or that are so remote, tenuous, insignificant, or speculative that a reasonable person would conclude under the circumstances that the covered person's or legislative employee's ability to protect the public interest and perform the covered person's or legislative employee's official duties would not be compromised.

(b) A covered person shall not mention or authorize another person to mention the covered person's public position in nongovernmental advertising that advances the private interest of the covered person or others. The prohibition in this subsection shall not apply to any of the following:

(1) Political advertising.

(2) News stories and articles.

(3) The inclusion of a covered person's public position in a directory or a biographical listing.

(4) The inclusion of a covered person's public position in an agenda or other document related to a meeting, conference, or similar event when the disclosure could reasonably be considered material by an individual attending the meeting, conference, or similar event.

(5) The inclusion of a covered person's public position in a charitable solicitation for a nonprofit business entity qualifying under [26 U.S.C. § 501\(c\)\(3\)](#).

(6) The disclosure of a covered person's position to an existing or prospective customer, supplier, or client when the disclosure could reasonably be considered material by the customer, supplier, or client.

(7) A letter of character reference for any of the following:

- a. A student seeking admittance to a school or institution of higher education.
- b. An individual seeking an academic scholarship.
- c. An individual seeking leniency upon sentencing by the courts, or other matters related to probation or parole.
- d. An individual seeking employment, at the request of that individual or in response to the inquiry of a potential employer as to the qualifications and character of that individual.

(c) Notwithstanding [G.S. 163A-1432](#), no covered person shall use or permit the use of State funds for any advertisement or public service announcement in a newspaper, on radio, television, magazines, or billboards, that contains that covered person's name, picture, or voice, except in case of State or national emergency and only if the announcement is reasonably necessary to the covered person's official function. This subsection shall not apply to fund-raising on behalf of and aired on public radio or public television.

## North Dakota

16.1-07-05. Time for applying for ballot — Emergency situations — Sufficient time for application and ballot return.

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1. At any time in an election year, any qualified elector may apply to the county auditor, the auditor or clerk of the city, or the business manager of the school district, as the case may be, by personal delivery, facsimile, electronic mail or otherwise, for an official ballot to be voted at that election. A voter may obtain an application form approved by the secretary of state, for an absent voter's ballot for a general, special, primary, county, city, or school election from the secretary of state, a county or city auditor, a candidate, a political party, or a political committee. The application form must include a space for the applicant to indicate whether the application is for all statewide elections in the calendar year or only for the election that is immediately after the date of the application.
2. No auditor or clerk may issue ballots for absentee voters on the day of the election except to individuals prevented from voting in person on the day of the election due to an emergency. An individual requesting an absentee ballot on the day of the election due to an emergency must do so through an agent as set forth in this chapter. An agent may represent only one individual. The absentee ballot must be returned to the county auditor's office by four p.m. on the day of the election.
3. A completed application must be submitted to the appropriate election official in a timely manner so as to allow the applicant to receive, complete, and mail the absent voter's ballot before the day of the election.

16.1-07-34. Emergency procedures to facilitate absentee voting.

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If an international, national, state, or local disaster or emergency or other situation arises which makes substantial compliance with the Uniformed and Overseas Citizens Absentee Voting Act [[42 U.S.C. 1973ff](#) et seq.] impossible or impracticable, as confirmed by the existence of armed conflict involving the armed forces of the United States or the mobilization of those forces, including national guard and reserve component members of this state, by the occurrence of a natural disaster or the existence of a state of emergency, civil unrest, war, or other exigency in a foreign country, or by an official declaration by the governor that a state of disaster or emergency exists, the secretary of state may prescribe special procedures or requirements as may be necessary to facilitate absentee voting by those absent uniformed services voters or overseas voters directly affected and who are eligible to vote in this state.

16.1-15-06. Canvass report and pollbooks sent to county auditor — Compensation for making returns.

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Immediately following the canvass, except in cases of emergency or inclement weather, the inspector of elections, or one of the judges appointed by the inspector of elections, personally shall deliver the signed canvass report provided for in [section 16.1-15-04](#) to the county auditor. The report, carefully sealed under cover, accompanied by the pollbook provided for in [sections 16.1-02-13](#) and [16.1-06-21](#) with the oaths of the inspector and poll clerks affixed thereto, must be delivered properly to the county auditor. The individual making the return is entitled to receive compensation therefor in accordance with [section 16.1-05-05](#). The compensation and mileage must be paid out of the county treasury on a warrant of the county auditor and is full compensation for returning all used or voided ballots to the proper official.



## Ohio

### § 3511.15 Special procedures to facilitate absentee voting for uniformed service members.

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If an international, national, state, or local emergency or other situation arises that makes substantial compliance with the “Uniformed and Overseas Citizens Absentee Voting Act,” [42 U.S.C. 1973ff](#), et seq., as amended, impossible or impracticable, as confirmed by the existence of armed conflict involving United States armed forces or the mobilization of those forces, including Ohio national guard and reserve component members of this state, or by the occurrence of a natural disaster or the existence of a state of emergency, civil unrest, war, or other exigency in a foreign country, or by an official declaration by the governor that a state of emergency exists, the governor directly, or by delegation to the secretary of state, may prescribe, by emergency order or rule, a special procedure or requirement as may be necessary to facilitate absent voting by those absent uniformed services voters or overseas voters directly affected who are eligible to vote in this state. The secretary of state shall take reasonable steps to provide absent uniformed services or overseas voters with timely notice of any special procedure or requirement prescribed under this section.

### § 3501.18 Division of subdivision into precincts; polling places.

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**(A)** The board of elections may divide a political subdivision within its jurisdiction into precincts, establish, define, divide, rearrange, and combine the several election precincts within its jurisdiction, and change the location of the polling place for each precinct when it is necessary to maintain the requirements as to the number of voters in a precinct and to provide for the convenience of the voters and the proper conduct of elections. No change in the number of precincts or in precinct boundaries shall be made during the twenty-five days immediately preceding a primary or general election or between the first day of January and the day on which the members of county central committees are elected in the years in which those committees are elected. Except as otherwise provided in division (C) of this section, each precinct shall contain a number of electors, not to exceed one thousand four hundred, that the board of elections determines to be a reasonable number after taking into consideration the type and amount of available equipment, prior voter turnout, the size and location of each selected polling place, available parking, availability of an adequate number of poll workers, and handicap accessibility and other accessibility to the polling place.

If the board changes the boundaries of a precinct after the filing of a local option election petition pursuant to [sections 4301.32 to 4301.41](#), [4303.29](#), or [4305.14 of the Revised Code](#) that calls for a local option election to be held in that precinct, the local option election shall be held in the area that constituted the precinct at the time the local option petition was filed, regardless of the change in the boundaries.

If the board changes the boundaries of a precinct in order to meet the requirements of division (B)(1) of this section in a manner that causes a member of a county central committee to no longer qualify as a representative of an election precinct in the county, of a ward of a city in the county, or of a township in the county, the member shall continue to represent the precinct, ward, or township for the remainder of the member’s term, regardless of the change in boundaries.

In an emergency, the board may provide more than one polling place in a precinct. In order to provide for the convenience of the voters, the board may locate polling places for voting or registration outside the boundaries of precincts, provided that the nearest public school or public building shall be used if the

board determines it to be available and suitable for use as a polling place. Except in an emergency, no change in the number or location of the polling places in a precinct shall be made during the twenty-five days immediately preceding a primary or general election.

Electors who have failed to respond within thirty days to any confirmation notice shall not be counted in determining the size of any precinct under this section.

**(B)**

**(1)** Except as otherwise provided in division (B)(2) of this section, a board of elections shall determine all precinct boundaries using geographical units used by the United States department of commerce, bureau of the census, in reporting the decennial census of Ohio.

**(2)** The board of elections may apply to the secretary of state for a waiver from the requirement of division (B)(1) of this section when it is not feasible to comply with that requirement because of unusual physical boundaries or residential development practices that would cause unusual hardship for voters. The board shall identify the affected precincts and census units, explain the reason for the waiver request, and include a map illustrating where the census units will be split because of the requested waiver. If the secretary of state approves the waiver and so notifies the board of elections in writing, the board may change a precinct boundary as necessary under this section, notwithstanding the requirement in division (B)(1) of this section.

**(C)** The board of elections may apply to the secretary of state for a waiver from the requirement of division (A) of this section regarding the number of electors in a precinct when the use of geographical units used by the United States department of commerce, bureau of the census, will cause a precinct to contain more than one thousand four hundred electors. The board shall identify the affected precincts and census units, explain the reason for the waiver request, and include a map illustrating where census units will be split because of the requested waiver. If the secretary of state approves the waiver and so notifies the board of elections in writing, the board may change a precinct boundary as necessary to meet the requirements of division (B)(1) of this section.

**§ 3501.34 Duty of police.**

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The officer or authority having command of the police force of any municipal corporation or the sheriff of any county, on requisition of the board of elections or the secretary of state, shall promptly detail for service at the polling place in any precinct of such municipal corporation or county such force as the board or secretary of state considers necessary. On every day of election such officer or authority shall have a special force in readiness for any emergency and for assignment to duty in the precinct polling places. At least one policeman shall be assigned to duty in each precinct on each day of an election, when requested by the board or the secretary of state. Such police officer shall have access at all times to the polling place, and he shall promptly place under arrest any person found violating any provisions of Title XXXV [35] of the Revised Code.

**§ 5502.33 Political activity prohibited.**

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No agency for emergency management established under [sections 5502.21 to 5502.51 of the Revised Code](#) shall participate in any form of political activity, nor shall it be employed directly or indirectly for any political purposes.

## Oklahoma

### § 22-101. Authority to Declare Election Emergency

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**A.** The Secretary of the State Election Board is authorized to declare an election emergency for any area of the state if it becomes impossible to conduct one or more elections using voting devices or in the event that a national or local emergency, either natural or manmade, makes substantial compliance with state and federal election laws impossible or unreasonable. The declaration must be made in writing and must specify the county or counties, election or elections and dates covered by the emergency.

**B.** The Secretary of the State Election Board and the Adjutant General shall develop a contingency plan for a major election emergency. The plan shall be developed not later than January 1, 2014, and shall be updated thereafter as deemed necessary by the Secretary and the Adjutant General. The plan shall provide procedures for the Secretary to request the assistance of the Oklahoma National Guard in the conduct of an election during a declared election emergency, upon approval of the Governor. Such assistance shall not be deemed to be in violation of the provisions of Section 16-113 of this title or Section 4 of Article II or [Section 5 of Article III of the Oklahoma Constitution](#).

**C.** The Secretary of the State Election Board is authorized to promulgate rules and procedures for elections conducted under a declaration consistent with purposes of state and federal election laws.

### § 22-102. Rules Governing Ballot Printing for Emergency Election

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In an election emergency declared by the Secretary of the State Election Board, the provisions of Section 6-101 et seq. of this title shall govern ballot printing. The Secretary of the State Election Board shall be authorized to permit any changes to the ballot format necessary as a result of the election emergency.

### § 22-104. Counting of Ballots—Procedure—Divulging Progress of Count Prohibited

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**A.** In a declared election emergency when the ballots are counted manually, the counting of ballots shall be conducted in accordance with the requirements of Sections 7-127 and 22-105 of this title and the procedure prescribed by the Secretary of the State Election Board so as to ensure accuracy and promptness in determining the result. Provided, however, that the following provisions shall be incorporated into the prescribed procedure:

- 1.** In elections for which counters have been authorized, two counters, of different political parties if possible, shall call from the ballots the names of the candidates voted for, while two other counters, also of different political parties if possible, shall record the votes upon the official tally sheets. Only pencils may be used in recording the vote;
- 2.** If only two counters are authorized for an election, they shall be of different political parties, if possible. Both counters shall examine the ballots at the same time, while calling out the vote and

recording the vote upon the tally sheets in the manner prescribed by the Secretary of the State Election Board; and

**3.** If no counters are authorized for an election, the judge and clerk shall count the ballots cast in the precinct, and the county election board chair and vice-chair shall count the absentee ballots.

**B.** In a declared election emergency when ballots are to be counted with voting devices, the counting of ballots shall be conducted in accordance with the requirements of Sections 7-127 and 22-105 of this title and the procedures prescribed by the Secretary of the State Election Board so as to ensure the accuracy and promptness in determining the result.

**C.** It shall be unlawful for any person to divulge the progress of the count until after all ballots have been counted and the results of the count have been certified.

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#### § 22-105. Rules Governing the Counting and Recounting of Votes During Declared Election Emergency

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In a declared election emergency, the Secretary of the State Election Board shall prescribe procedures to govern the counting and recounting of votes. Such procedures for the counting or recounting of ballots shall follow, as nearly as is practicable, the provisions set forth in Section 7-127 of this title.

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#### § 22-106. Uncounted Ballots

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In a declared election emergency, if a ballot or part of a ballot is not counted for any reason, a counter shall write said reason on the back of said ballot, and sign said statement.

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#### § 22-109. Execution of Certificates of Votes

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**A.** In a declared election emergency when the ballots are to be counted manually, at the conclusion of the official count, the counters shall execute certificates of vote wherein the counters attest to the correctness of the totals. The inspector shall cause one copy of each certificate to be posted on the door or entrance of the polling place and shall cause one copy of each certificate to be transmitted forthwith to the Secretary of the State Election Board. The secretary of the county election board shall cause one copy of each absentee certificate of vote to be posted on the door of the county election board office.

**B.** In a declared election emergency when ballots are to be counted with voting devices, the certificates of vote shall be produced as required by Section 7-132 of this title and the procedures prescribed by the Secretary of the State Election Board.

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#### § 22-110. Ballots and Materials in Ballot Box

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In a declared election emergency, all ballots and all materials used in conducting the official count shall be placed in a ballot transfer box. The ballot transfer box shall be sealed in the manner prescribed by the Secretary of the State Election Board, and the inspector shall return it, along with all other election materials and a copy of each certificate of vote, forthwith to the county election board.

§ 14-135. Special Emergency Procedures—Uniformed and Overseas Citizens Absentee Voting Act of 1986

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If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including National Guard and Reserve components, the Secretary of the State Election Board may prescribe special emergency procedures as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

## Oregon

### 254.471 Extension of deadline for returning ballots in case of emergency.

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(1) Notwithstanding [ORS 171.185](#), [203.085](#), [221.230](#), [221.621](#), [254.056](#), [254.470](#), [254.655](#), [255.335](#), [255.345](#), [258.075](#), [545.135](#) and [568.520](#), the Governor by written proclamation may extend the deadline for returning ballots in any state, county, city or district election if the Governor receives a written request for the extension from the Secretary of State. The secretary may request the Governor to extend the deadline for returning ballots under this section if, after consultation with affected county clerks, the secretary determines that it would be impossible or impracticable for electors to return ballots or for elections officials to tally ballots due to an emergency as defined in [ORS 401.025](#).

(2) The Governor may not extend the deadline for returning ballots in any state, county, city or district election under subsection (1) of this section for more than seven calendar days after the date of the election.

(3) The written proclamation required under subsection (1) of this section shall state:

- (a) The determination of the Governor;
- (b) The reason the deadline for returning ballots was extended; and
- (c) The date and time by which ballots must be returned in the election.

(4) Notwithstanding any other provision of this chapter, if the Governor extends the deadline for returning ballots under subsection (1) of this section, a county clerk in any county in this state may not order a tally report from any vote tally machine in the election until the date and time set by the Governor by which ballots must be returned in the election.

### 249.005 Acceptance of petition or minutes without original signatures.

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(1) Notwithstanding [ORS 249.008](#) and [249.875](#), a petition or minutes for which original signatures are otherwise required may be accepted by the county clerk or the Secretary of State for signature verification, or by another filing officer in the case of a recall petition, with photographic copies of one or more signature sheets if:

- (a) The signature sheets containing the original signatures were stolen or destroyed by fire, a natural disaster or other act of God; and
- (b) The photographic copy of each original signature sheet contains the number of the original signature sheet prescribed by the Secretary of State under [ORS 249.009](#).

(2) As used in this section, “act of God” means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

### 250.043 Acceptance of initiative or referendum petition without original signatures.

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(1) Notwithstanding [ORS 250.105](#), [250.215](#), [250.315](#) and [255.175](#), an initiative or referendum petition for which original signatures are otherwise required may be accepted by the appropriate filing officer for signature verification with photographic copies of one or more signature sheets if:

(a) The signature sheets containing the original signatures were stolen or destroyed by fire, a natural disaster or other act of God; and

(b) The photographic copy of each original signature sheet contains the number of the original signature sheets prescribed by the Secretary of State under [ORS 250.015](#).

(2) As used in this section:

(a) “Act of God” means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

(b) “Filing officer” means the Secretary of State in the case of an initiative or referendum petition relating to a state measure, the county clerk in the case of an initiative or referendum petition relating to a county measure, the city elections officer in the case of an initiative or referendum petition relating to a city measure and the elections officer as defined in [ORS 255.005](#) in the case of an initiative or referendum petition relating to a district measure.

#### 246.710 Declaring county elections emergency; process; resumption of elections.

(1) Notwithstanding [ORS 246.200](#), if the governing body of a county, after consultation with the county clerk or county director of elections, believes that the county is in a state of fiscal distress that compromises the county's ability to conduct elections at a minimally adequate level, the governing body may request that the Governor declare a county elections emergency.

(2) Upon request pursuant to subsection (1) of this section, the Governor shall consult with the Secretary of State to determine whether to declare a county elections emergency.

(3) Within 14 days after consultation with the secretary pursuant to subsection (2) of this section, the Governor shall:

(a) Declare the existence of a county elections emergency in the county; or

(b) Issue a determination that the county's fiscal situation does not cause the county to conduct elections at a less than minimally adequate level.

(4) As soon as practicable after declaration of an emergency pursuant to subsection (3)(a) of this section and after consultation with the county clerk or county director of elections, the secretary shall provide services in the county to the extent necessary to ensure a minimally adequate level of election services to the electors in the county and all municipal corporations in the county.

(5) If the secretary must perform services in a county pursuant to subsection (4) of this section, the secretary shall seek reimbursement from the Emergency Board for such additional funds and spending authority as the secretary considers necessary.

**(6)** At any time after declaration of an emergency pursuant to subsection (3)(a) of this section, the governing body of the county or the secretary may request that the Governor, after consultation with the secretary, issue a determination pursuant to subsection (3)(b) of this section.

**(7)**

**(a)** The county shall resume conducting elections for the electors of the county and all municipal corporations in the county on the earlier of:

**(A)** The date on which a determination is issued pursuant to subsection (6) of this section;  
or

**(B)** Two years after the date on which an emergency is declared in the county pursuant to subsection (3)(a) of this section.

**(b)** The governing body of the county may request a declaration under subsection (1) of this section at any time before or after the elapse of the two-year period described in paragraph (a)(B) of this subsection in order to ensure continuity of election services in the county.

#### 255.345 Special election dates.

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**(1)** Except as provided in subsection (2) of this section, a special election called by a district elections authority shall not be held on any date other than:

**(a)** The second Tuesday in March;

**(b)** The third Tuesday in May;

**(c)** The third Tuesday in September; or

**(d)** The first Tuesday after the first Monday in November.

**(2)** A special election may be held on a date other than that provided in subsection (1) of this section, if the district elections authority by resolution finds that an election sooner than the next available election date is required on a measure to finance repairs to property damaged by fire, vandalism or a natural disaster.

**(3)** As used in this section, “district elections authority” means the body or officer authorized or required to call an election for a public corporation formed under, and deriving its powers solely from, the statutes of this state, but does not include a city or county.

## Pennsylvania

### § 2726. Polling places to be selected by county board

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(a) The county board of elections shall select and fix the polling place within each new election district and may, at any time, for any reason that may seem proper to it, either on its own motion or on petition of ten qualified registered electors of an election district, change the polling place within any election district. Except in case of an emergency or unavoidable event occurring within twenty days of a primary or election, which renders any polling place unavailable for use at such primary or election, the county board shall not change any polling place until at least five days after notice of the proposed change shall have been posted on the existing polling place and in the immediate vicinity thereof, and until at least five days after written notice of the proposed change shall have been given to the occupant or owner of said polling place, or their agent.

(b) Except in case of emergency or unavoidable event, occurring within twenty days of a primary or election, which renders any polling place unavailable for use, if a petition be presented to the county board on or before the day set for hearing of the petition for change of polling place, signed by a majority of the registered electors of the district, objecting to the proposed change, said change shall not be ordered.

(c) The county board of elections shall publicly announce, not less than twenty days prior to the primary election, special election, municipal election or general election, by posting at its office in a conspicuous place, a list of the places at which the election is to be held in the various election districts of the county. The list shall be available for public inspection at the office of the county board of elections.

### § 3046. Duties of common pleas court on days of primaries and elections

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The court of common pleas of each county of the Commonwealth or a judge or judges thereof, shall be in continuous session at the courthouse of said county, or, in judicial districts composed of more than one county, at the courthouse of the county in which such judge or judges reside, on the day of each primary and election from 7 o'clock A. M. until 10 o'clock P. M. and so long thereafter as it may appear that the process of said court will be necessary to secure a free, fair and correct computation and canvass of the votes cast at said election. In judicial districts having but one judge of the court of common pleas, such judge shall not be required to be in session, as aforesaid, between the hours of 12 o'clock noon and 2 o'clock P. M., nor between the hours of 5:30 o'clock P. M. and 7 o'clock P. M. During such period said court shall act as a committing magistrate for any violation of the election laws; shall settle summarily controversies that may arise with respect to the conduct of the election; shall issue process, if necessary, to enforce and secure compliance with the election laws; and shall decide such other matters pertaining to the election as may be necessary to carry out the intent of this act. When an individual is seeking a judicial order to vote, the court shall, pursuant to the provisions of the Help America Vote Act of 2002 (Public Law 107-252, [42 U.S.C. § 15301](#) et seq.), inform the individual of the provisional ballot process set forth in section 1210(a.4) and shall direct the individual to follow the procedure in section 1210(a.4). In counties of the third class the court shall have power to appoint additional clerks at the polling places where needed and requested by the election board: Provided, That for each clerk appointed from the majority political party, a clerk from the minority political party must also be appointed.

## Rhode Island

N/A

## South Carolina

§ 7-7-910. Designated polling places; alternative polling place.

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(A) Subject to the provisions of [Section 7-7-920](#) and [Section 7-5-440](#) and except as provided in subsection (B) of this section, each elector must be registered and, unless otherwise specified on his voting certificate, shall vote at the designated polling place within the precinct of his residence, but in incorporated municipalities in which officers are elected by wards or other municipal subdivisions, electors must be registered and shall vote at their designated polling places.

### (B)

(1) For purposes of this subsection, an “emergency situation” means the designated polling place is not available for use as a polling place on the election day after the first notice of the election is published.

(2) If a designated polling place in a precinct is unavailable for use during an election as a result of an emergency situation, the authority charged by law with conducting the election shall designate an alternative polling place to be used for the electors in that precinct for any election occurring during the emergency situation. An alternative polling place for an emergency situation must be approved by the majority of the legislative delegation if the designation occurs more than seven days prior to the election. If an alternative polling place for an emergency situation is designated seven days or less prior to the election, the authority charged by law with conducting the election must notify the members of the legislative delegation of the alternative polling place.

(3) The alternative polling place is not required to be within the precinct of the elector’s residence; however, the authority charged by law with conducting the election may designate an alternative polling place outside the precinct only if no other location within the precinct is available for use as a polling place. If an alternative polling place is outside the precinct, it must be located in an adjoining precinct. The alternative polling place must be selected with consideration of the distance the electors would be required to travel in order to vote.

(4) Every attempt must be made to notify electors of the alternative polling place before the election and on the day of the election through the media and by posted notice at the designated polling place.

(C) If an alternative polling place outside of the precinct is selected pursuant to subsection (B) of this section, the authority charged by law with conducting the election shall certify in writing to the State Election Commission that no other location within the precinct is available for use as a polling place and that the selection of a polling place was made with consideration of the distance electors would have to travel to vote.

#### § 7-13-351. Nominees by petition.

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Any nominee by petition for one or more of the national, state, circuit, multi-county district, countywide, or less than countywide offices, to be voted on in the general election must be placed upon the appropriate ballot by the officer, commissioners, or other authority charged by law with preparing the ballot if the petition is submitted to the officer, commissioner, or other authority, as the case may be, for general elections held under [§ 7-13-10](#), not later than twelve o'clock noon on July fifteenth or, if July fifteenth falls on Saturday or Sunday, not later than twelve o'clock noon on the following Monday. At the time the petition is submitted, the authority charged with accepting it shall issue a receipt to the person submitting the petition which must reflect the date it was submitted and the total number of signatures contained in the petition. The county board of voter registration and elections of each respective county must check the petition at the request of the authority charged with printing the ballot for that office and must certify the results to the authority not later than twelve o'clock noon August fifteenth or, if August fifteenth falls on Sunday, not later than twelve o'clock noon on the following Monday.

The petition of any candidate in any special election, including municipal special elections, must be submitted to the authority charged with printing the ballot for those offices not later than twelve o'clock noon on the sixtieth day prior to the date of the holding of the election, or if the sixtieth day falls on Sunday, by not later than twelve o'clock noon on the following Monday. At the time a petition is submitted, the authority charged with accepting it must issue a receipt to the person submitting the petition which must reflect the date the petition was submitted and the total number of signatures contained in the petition. The candidate submitting the petition must certify, on a form designed and provided by the State Election Commission, that he meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. The board of voter registration and elections of each respective county must check the petition at the request of the authority charged with printing of the ballots for that office and must certify the results thereof to the authority not later than twelve o'clock noon on the forty-fifth day prior to the date of holding the election, or if the forty-fifth day falls on Sunday, by twelve o'clock noon on the following Monday.

Once submitted for verification, a petition for nomination of a candidate for any office may not be returned to the petitioner, but must be retained by the authority to whom the petition was submitted and must become a part of the records of the election for which the petition was submitted.

In the event of an emergency declared by the Governor and the conditions precipitating the emergency declaration prevent a candidate from filing the nominating petition within the time required by this section, the candidate has an additional five days to submit the nominating petition to the appropriate office.

The authority to whom a petition is submitted must verify that qualifications of each potential petition candidate prior to certification of that candidate to be placed on the ballot. The written certification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office for which the petition is submitted. Any candidate who does not, or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office sought shall not have his name placed on the ballot.

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#### § 7-13-1170. Ordering of new election by Governor.

When any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.

## **South Dakota**

### **12-2-4. Extension of polling hours in an emergency.**

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Notwithstanding [§ 12-2-3](#), the county auditor may, upon request of the superintendent of an election precinct, if an emergency exists by reason of mechanical failure of a voting machine or an unanticipated shortage of ballots or like unforeseen event warrants it, extend the polling hours for that precinct until the emergency situation has been resolved. If the emergency situation is not resolved within two hours, except for a primary or general election, the polling place shall remain closed for one week and reopen at the time of the closure of the polling place.

### **12-2-8. Postponement of elections for inclement weather.**

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No earlier than twenty-four hours before the polls open, the person in charge of the election may call a special emergency meeting, pursuant to [§§ 1-25-1](#) and [1-25-1.1](#), of the local governing board to postpone any election, except a primary or general election, for one week if the weather conditions put into question the opening of a polling place. The polling place shall then remain open for the same number of hours as it would normally have been open. Absentee voting shall continue pursuant to chapter 12-19.

### **12-2-9. Notice of postponed election.**

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The person in charge of the election shall use any and all means necessary to notify the voters in the jurisdiction of the postponement of an election pursuant to this chapter. If the postponement misses the deadline for the official newspaper, a notice shall be posted in three of the most public places within the jurisdiction.

### **12-16-17. Quantity of official and sample ballots — Extra ballots — Emergency use of sample ballots.**

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The county auditor shall provide official and sample ballots to each precinct in the county. The quantity provided for a primary election shall be at least ten percent more than the number of votes cast for the gubernatorial candidate of the respective parties in the preceding gubernatorial primary election. The quantity provided for a general election shall be at least ten percent more than the number of votes cast for all candidates for Governor as shown by the returns of the last preceding gubernatorial election. The county auditor shall also provide and retain in that office an ample supply of all official ballots, and if at any time before or during an election, an additional supply for any precinct shall be requested by the precinct superintendent, the county auditor shall immediately cause to be delivered, to the precinct

superintendent, a supply of extra official ballots. If the supply of official ballots has been completely exhausted, the county auditor may make emergency substitution by delivering or authorizing the use of sample ballots or photocopies of the official ballot. The election board shall account for any sample ballots or photocopies authorized to be used.

## **Tennessee**

### **2-3-101. Polling places -- Designation -- Relocation.**

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#### **(a)**

**(1)** All elections shall be held in polling places designated by the county election commission.

#### **(2)**

**(A)** Each polling place shall be in the precinct it is to serve except for municipal elections not held in conjunction with:

**(i)** Any primary election;

**(ii)** The regular August or November general elections;

**(iii)** Any special primary or special general election for state or federal offices;  
or

**(iv)** The presidential preference primary.

**(B)** Where a municipal election is not held in conjunction with an election specified in subdivision (a)(2)(A) and if a polling place is located outside of the boundaries of a municipality but the precinct the polling place serves includes residents of the municipality, the county election commission may designate a polling place outside, but closest to the geographic precinct within the limits of the municipality, of the precinct it is to serve. The county election commission may, upon request from a municipality, consolidate one (1) or more polling places, from one (1) or more precincts, within the limits of the municipality.

**(C)** Immediately after the consolidation of one (1) or more polling places, from one (1) or more precincts within the limits of the municipality, the county election commission shall publish a notice of the consolidation in a newspaper of general circulation in the county. The county election commission shall mail to each active voter whose polling place is affected, a notice of the new polling place and the precinct number. The county election commission shall give written notification of the consolidation to the office of local government, comptroller of the treasury.

**(3)** If a county election commission determines that there is no place within a precinct which meets the requirements of this title for polling places, it shall designate the nearest available and suitable place no more than one half (1/2) mile from the precinct boundary as the polling place except in an emergency. If no accessible polling place is available within the precinct, or, within the one-half (1/2) mile limit outside the precinct, with the approval of the state coordinator of elections, the county election commission may designate a suitable place within three (3) miles.

(4) No polling place location may be changed within ten (10) days of an election except in an emergency.

(b)

(1) In any county having a metropolitan form of government and a population greater than one hundred thousand (100,000), according to the 1980 federal census or any subsequent federal census, if space is available, no more than one (1) polling place for a precinct may be located in the same room.

(2) At least thirty (30) days before a polling place is relocated, the county election commission shall mail a notice of intent to relocate to the elected officials representing the affected area. Such notice of intent shall be mailed to the candidates before the time the voters are notified of the change as provided in [§ 2-3-105](#). The provisions of this subdivision (b)(2) shall only apply to any county having a metropolitan form of government and a population greater than one hundred thousand (100,000), according to the 1980 federal census or any subsequent federal census.

(c) Notwithstanding any law to the contrary, if a municipality is located within two (2) or more counties of the state, then the county election commissions of each respective county may, by written mutual agreement of the counties, designate one (1) polling place outside the boundaries of one (1) of the respective counties; provided, that the polling place is located within the limits of the municipality and within five hundred feet (500') of the county boundary line. Voters residing within the precinct are authorized to vote at the polling place established by the county election commissions in accordance with this subsection (c).

#### 2-6-302. Central absentee ballot counting board.

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(a)

(1) The county election commission shall appoint registered voters of the county to constitute a central absentee ballot counting board to count the ballots cast under this chapter.

(2) The board shall consist of one (1) officer of elections and three (3) judges appointed subject to [§ 2-4-104](#). To count the ballots properly and with reasonable speed the commission may, if necessary, appoint additional judges subject to [§ 2-4-105](#).

(3) The board shall be assisted by the administrator of elections or other personnel of the county election commission.

(4) The officer and judges shall be compensated at the same rate as other election officials.

(5) The counting board shall be located at a location designated by the county election commission. Notice of the location shall be published in conjunction with the notice of election required by [§ 2-12-111\(c\)](#) and shall not be changed except in the event of an emergency.

(b) If the county election commission determines that there are fewer than one hundred (100) absentee ballots to be counted, the county election commission may act as the central absentee ballot counting board without additional compensation.

2-5-209. Number of paper ballots for each precinct -- Number reserved for emergency use -- Use of ballot-on-demand technology.

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**(a)** The coordinator of elections shall determine the minimum number of paper ballots furnished to each precinct on election day and the number of paper ballots to be held in reserve by the county election commission for emergency use.

**(b)** Any county election commission desiring to use ballot-on-demand technology must have approval by the coordinator of elections sixty (60) days before any election.

**(1)** The coordinator of elections and the state election commission must provide an approved list of available ballot-on-demand technology vendors from which the county election commission must select for use.

**(2)** Prior to the county election commission voting to utilize ballot-on-demand technology, the county election commission must hold a public meeting with an opportunity for public comment.

**(3)** During the public meeting held pursuant to subdivision (b)(2), the county election commission must provide election officials and members of the public who are present an opportunity to have demonstrated to them the ballot-on-demand technology machines and the opportunity to experiment with the ballot-on-demand technology machines being considered for use in the county.

## Texas

### Sec. 31.002. Official Forms.

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- (a)** The secretary of state shall prescribe the design and content, consistent with this code, of the forms necessary for the administration of this code other than Title 15. The design and content must enhance the ability of a person to understand the applicable requirements and to physically furnish the required information in the space provided.
- (b)** The secretary shall furnish samples of the forms to:
  - (1)** the appropriate authorities who have administrative duties under this code; and
  - (2)** other persons who request a form for duplication.
- (c)** The samples of forms shall be furnished without charge.
- (d)** An authority having administrative duties under this code shall use an official form in performing the administrative functions, except in an emergency in which an official form is unavailable or as otherwise provided by this code. Other persons are not required to use an official form unless expressly required to do so by this code.

### Sec. 65.054. Accepting Provisional Ballot.

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- (a)** The early voting ballot board shall examine each affidavit executed under Section 63.011 and determine whether to accept the provisional ballot of the voter who executed the affidavit.
- (b)** A provisional ballot shall be accepted if the board determines that:
  - (1)** from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election;
  - (2)** the person:
    - (A)** meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.0541;
    - (B)** notwithstanding Chapter 110, Civil Practice and Remedies Code, executes an affidavit under penalty of perjury that states the voter has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or
    - (C)** executes an affidavit under penalty of perjury that states the voter does not have any identification meeting the requirements of Section 63.001(b) as a result of a natural disaster that was declared by the president of the United States or the governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification; and
  - (3)** the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b).

**(c)** If a provisional ballot is accepted, the board shall enter the voter's name on a list of voters whose provisional ballots are accepted.

**(d)** If a provisional ballot is rejected, the board shall indicate the rejection by marking "rejected" on the envelope containing the provisional ballot.

#### Sec. 129.056. Plan for Machine Failure.

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The general custodian of election records shall create a contingency plan for addressing direct recording electronic voting machine failure. This plan must include the timely notification of the secretary of state.

#### Sec. 41.0011. Emergency Requiring Early Election.

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**(a)** If the governor determines that an emergency warrants holding a special election before the appropriate uniform election date, the election may be held on an earlier nonuniform date.

**(b)** An authority of a political subdivision desiring to order a special election as an emergency election under this section must ask the governor for permission to do so. If the governor determines that an emergency exists, the governor shall grant permission.

**(c)** The proclamation or order for an emergency election under this section must include a statement identifying the nature of the emergency.

## Utah

### 20A-1-308. Elections during declared emergencies.

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**(1)** As used in this section, “declared emergency” means a state of emergency that:

**(a)** is declared by:

- (i)** the president of the United States;
- (ii)** the governor in an executive order under Title 63K, Chapter 4, Disaster Response and Recovery Act; or
- (iii)** the chief executive officer of a political subdivision in a proclamation under Title 63K, Chapter 4, Disaster Response and Recovery Act; and

**(b)** affects an election in the state, including:

- (i)** voting on election day;
- (ii)** early voting;
- (iii)** the transmittal or voting of an absentee ballot or military-overseas ballot;
- (iv)** the counting of an absentee ballot or military-overseas ballot; or
- (v)** the canvassing of election returns.

**(2)** During a declared emergency, the lieutenant governor may designate a method, time, or location for, or relating to, an event described in Subsection (1)(b) that is different than the method, time, or location described in this title.

**(3)** The lieutenant governor shall notify a voter or potential voter of a different method, time, or location designated under Subsection (2) by:

- (a)** posting a notice on the Statewide Electronic Voter Information Website established under [Section 20A-7-801](#);
- (b)** notifying each election officer affected by the designation; and
- (c)** notifying a newspaper of general circulation within the state or a local media correspondent.

### 20A-1-204. Date of special election — Legal effect.

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**(1)**

**(a)** Except as provided by Subsection (1)(d), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under [Section 20A-1-203](#) shall schedule the special election to be held on:

- (i)** the fourth Tuesday in June; or
- (ii)** the first Tuesday after the first Monday in November.

**(b)** Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under [Section 20A-1-203](#) may not schedule a special election to be held on any other date.

**(c)**

**(i)** Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body:

**(A)** determines and declares that there is a disaster, as defined in [Section 53-2a-102](#), requiring that a special election be held on a date other than the ones authorized in statute;

**(B)** identifies specifically the nature of the disaster, as defined in [Section 53-2a-102](#), and the reasons for holding the special election on that other date; and

**(C)** votes unanimously to hold the special election on that other date.

**(ii)** The legislative body of a local political subdivision may not call a local special election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for Utah's Western States Presidential Primary.

**(d)** The legislative body of a local political subdivision may only call a special election for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after the first Monday in November.

**(e)** Nothing in this section prohibits:

**(i)** the governor or Legislature from submitting a matter to the voters at the regular general election if authorized by law; or

**(ii)** a local government from submitting a matter to the voters at the regular municipal election if authorized by law.

**(2)**

**(a)** Two or more entities shall comply with Subsection (2)(b) if those entities hold a special election within a county on the same day as:

**(i)** another special election;

**(ii)** a regular general election; or

**(iii)** a municipal general election.

**(b)** Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

**(i)** polling places;

**(ii)** ballots;

**(iii)** election officials; and

**(iv)** other administrative and procedural matters connected with the election.

## Virginia

### § 24.2-603.1. Postponement of certain elections; state of emergency

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For purposes of this section, "election" means (i) any local or state referendum, (ii) any primary, special, or general election for local or state office except a general election for Governor, Lieutenant Governor, Attorney General and the General Assembly, (iii) any primary for federal office including any primary for the nomination of candidates for the office of President of the United States, or (iv) any federal special election to fill a vacancy in the United States Senate or the United States House of Representatives. In the event of a state of emergency declared by the Governor pursuant to Chapter 3.2 ([§ 44-146.13](#) et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, the Governor may postpone an election by executive order in areas affected by the emergency to a date, notwithstanding the provisions of § 24.2-682, not to exceed 14 days from the original date of the election.

If a local governing body determines that a longer postponement is required, it may petition a three-judge panel of the Virginia Supreme Court, to include the Chief Justice as the presiding Justice, for an extension. The Chief Justice shall choose the other two Justices by lot. The Court may postpone the election to a date it deems appropriate, notwithstanding the provisions of [§ 24.2-682](#), not to exceed 30 days from the original date of the election.

Only those persons duly registered to vote as of the original date of the election shall be entitled to vote in the rescheduled election.

If, as a direct result of the emergency, any ballots already cast at the polling places or equipment on which ballots have been cast, or any voted absentee ballots already received by the appropriate election officials or any equipment on which absentee ballots have already been cast have been destroyed or otherwise damaged so that such ballots cannot be counted manually or by a voting system, the Governor (i) shall specify that such ballots or votes previously cast by machinery or paper need to be recast on or by the rescheduled election date so that they may be counted and (ii) shall direct the appropriate election officials to immediately send replacement absentee ballots to all absentee voters whose voted ballots are known to have been so destroyed or damaged. Such instructions may be issued by executive order separately from the executive order postponing the election. Any absentee ballots duly cast and received by the rescheduled election date and able to be counted shall be valid and counted when determining the results of the rescheduled election; however, if more than one absentee ballot is received from any voter, only the first absentee ballot received and able to be counted shall be counted. Any person who was duly registered to vote as of the original date of the election, and who has not voted, or who is permitted to recast their ballot due to the emergency, may vote by absentee ballot in accordance with the provisions of Chapter 7 ([§ 24.2-700](#) et seq.) in the rescheduled election. Official ballots shall not be invalidated on the basis that they contain the original election date.

If the postponement of the election is ordered after voting at the polls on the original election date has already commenced, all qualified voters in a precinct in which any voted ballots, voting equipment

containing voted ballots or pollbooks recording who has already voted in that precinct have been destroyed or damaged as a direct result of the emergency, so that the votes cannot be counted or it cannot be determined who has already voted, shall be allowed to vote in the rescheduled election, and no votes cast at the polls on the original election date shall be counted. If the postponement of the election is ordered after voting at the polls on the original election date has already commenced and no ballots cast at the polls, voting equipment containing voted ballots, or pollbooks recording who has already voted in that election in that precinct have been destroyed or damaged as a direct result of the emergency, only qualified voters who had not yet voted shall be eligible to vote on the rescheduled election day and all votes cast on the original and postponed election dates shall be counted at the close of the polls on the rescheduled election day.

The provisions of [§ 24.2-663](#) requiring the voiding of all ballots received from any voter who votes more than once in the same election shall not apply to ballots otherwise lawfully cast or recast pursuant to this section; however, no more than one ballot may be counted from any voter in the same election. If one ballot has already been counted, any additional ballots from the same voter shall be void and shall not be counted. The provisions of § 24.2-1004 or any other law prohibiting any voter from voting more than once in the same election, or any oath attesting to the same, shall not apply to ballots otherwise lawfully cast or recast pursuant to this section.

No results shall be tallied or votes counted in any postponed election before the closing of the polls on the rescheduled election date. Officers of election in unaffected areas shall count and report the results for the postponed election after the close of the polls on the rescheduled election date. The counting may take place at the precinct or another location determined by the local electoral board.

The State Board shall prescribe appropriate procedures to implement this section.

#### § 24.2-310. Requirements for polling places

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**A.** The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

**B.** The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

**C.** Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act ([§ 51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act ([52 U.S.C. § 20101](#) et seq.), and the Americans with Disabilities Act relating to public services ([42 U.S.C. § 12131](#) et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

**D.** If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

**E.** It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of [§ 24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in [§ 24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

**F.** Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of [§ 24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

#### § 24.2-604.2. Polling places; prohibited area; emergency situations

If an emergency causes the dimensions of the prohibited area for a polling place to be perceived as increasing the risk of danger for persons outside the polling place, the electoral board may modify the distance requirements for the prohibited area, subject to the prior approval of the State Board. For purposes of this section, an "emergency" includes a state of emergency declared by the Governor pursuant to Chapter 3.2 ([§ 44-146.13](#) et seq.) of Title 44 or declared by the President of the United States.

#### § 24.2-638. Voting equipment to be in plain view; officers and others not permitted to see actual voting; unlocking counter compartment of equipment, etc

During the election, the exterior of the voting equipment and every part of the polling place shall be in plain view of the officers of election.

No voting or counting machines shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided

in [§ 24.2-657](#). However, an electronic voting machine that is so constructed as to be easily portable may be taken outside the polling place pursuant to subsection A of [§ 24.2-649](#) and to assist a voter age 65 or older or physically disabled so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties or, in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer; (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to [§ 24.2-649](#); and (iii) there remain sufficient officers of election in the polling place to meet legal requirements. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting machine to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, the names of the voters who used the machine while it was removed provided that secrecy of the ballot is maintained in accordance with guidance from the State Board, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results. If a polling place fails to record the information required in the previous sentence, or it is later proven that the information recorded was intentionally falsified, the local electoral board or general registrar shall dismiss at a minimum the chief officer or the assistant chief officer, or both, as appropriate, and shall dismiss any other officer of election who is shown to have caused the failure to record the required information intentionally or by gross negligence or to have intentionally falsified the information. The dismissed officers shall not be allowed thereafter to serve as an officer or other election official anywhere in the Commonwealth. In the case of an emergency that makes a polling place unusable or inaccessible, voting or counting machines may be removed to an alternative polling place pursuant to the provisions of subsection D of [§ 24.2-310](#).

The equipment shall be placed at least four feet from any table where an officer of election is working or seated. The officers of election shall not themselves be, or permit any other person to be, in any position or near any position that will permit them to observe how a voter votes or has voted.

One of the officers shall inspect the face of the voting machine after each voter has cast his vote and verify that the ballots on the face of the machine are in their proper places and that the machine has not been damaged. During an election, the door or other covering of the counter compartment of the voting or counting machine shall not be unlocked or open or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the officers of election and attached to the statement of results. No person shall be permitted in or about the polling place except the voting equipment custodian, vendor, or contractor technicians and other persons authorized by this title.

#### § 24.2-713. Emergency authority of the Commissioner of Elections

The provisions of this section shall apply in the case of an emergency that will not allow sufficient time for the distribution and handling of absentee ballot applications and absentee ballots, in accordance with the procedures of this title, for qualified voters who are unable to vote in person because of the emergency. The Commissioner of Elections shall have the authority to designate alternative methods and procedures to handle such applications and ballots. Nothing in this section shall authorize the counting of

any absentee ballot returned after the polls have closed. For purposes of this section, "an emergency" shall mean (i) any emergency declared by the Governor pursuant to Chapter 3.2 ([§ 44-146.13](#) et seq.) of Title 44, (ii) any emergency declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by the executive order as an emergency for the purposes of this section, or (iii) any public emergency that interferes with the electoral process or the opportunity for qualified voters to exercise their right to vote as determined by the Commissioner of Elections.

## **Vermont**

### **§ 2502. Location of polling places**

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**(a)** Each polling place shall be located in a public place within the town.

**(b)** The board of civil authority shall take such measures as are necessary to assure that voters who are elders or have a disability may conveniently and secretly cast their votes. Measures that may be taken shall include: location of polling places on the ground floor of a building; providing ramps, elevators, or other facilities for access to the polling place; providing a stencil overlay for ballots; providing a separate polling place with direct communication to the main polling place; and permitting election officials to carry a ballot to an elder or to a person who has a disability in order to permit that person to mark the ballot while in a motor vehicle adjacent to the polling place. For purposes of this subsection, the board of civil authority shall have full jurisdiction on the day of an election over the premises at which a polling place is located.

**(c)**

**(1)** Thirty days prior to a local, primary, or general election, the town clerk shall submit to the Secretary of State a list of polling places within the municipality that will be used in that election. The list shall include the name of the polling location, its physical address, and the time the polling place will open.

**(2) (A)** A municipality may change the location of a polling place less than 30 days prior to an election only in cases of emergency. If a municipality changes the location of a polling place less than 30 days prior to the election, the town clerk shall notify the Secretary of State within 24 hours of the change and provide the new polling place information.

**(B)** The Secretary of State shall assist any municipality that needs to change the location of a polling place on the day of an election due to an emergency, including assisting in finding a new location and informing the public of that new location.

**(C)** The Secretary of State shall inform the State chairs of Vermont's major political parties of any changes made to polling places that he or she is aware of made less than 30 days prior to an election.

**(3)** The Secretary of State shall provide on his or her official website a list of polling places that will be used in any local, primary, or general election within the State, and shall specifically provide notice on that website of any change in the location of a municipality's polling place.



## Washington

38.52.030. Director — Comprehensive emergency management plan — Statewide enhanced 911 emergency communications network — State coordinator of search and rescue operations — State program for emergency assistance — State coordinator for radioactive and hazardous waste emergency response programs — Interagency coordination and prioritization of continuity of operations planning.

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- (1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.
- (2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.
- (3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural, technological, or human caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management plan must specify the use of the incident command system for multiagency/multijurisdiction operations. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.
- (4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.
- (5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.
- (6) The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.
- (7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a statewide enhanced 911 emergency communications network.
- (8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly

responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

**(9)** The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural, technological, or human caused disaster, as defined by [RCW 38.52.010\(6\)](#). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

**(10)** The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

- (a)** Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;
- (b)** Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;
- (c)** Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and
- (d)** Undertaking other duties in this area that are deemed appropriate by the director.

**(11)** The director is responsible to the governor to lead the development and management of a program for interagency coordination and prioritization of continuity of operations planning by state agencies. Each state agency is responsible for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

**(12)** The director shall maintain a copy of the continuity of operations plan for election operations for each county that has a plan available.

## Wisconsin

Contingency Planning and Election System Security Report: There are no statutes, but the state election board created a report advising local authorities on how to respond to emergencies and security threats.

## West Virginia

§ 3-1A-6. Powers and duties of Secretary of State; exercise of powers by appointees.

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(a) The Secretary of State shall be the chief election official of the State. Except for those rules required by the provisions of section five [[§ 3-1A-5](#)] of this article to be promulgated by the commission, the Secretary of State shall have the authority, after consultation with the State Election Commission, of which he or she is a member, to make, amend and rescind such orders and to promulgate legislative rules, in accordance with the provisions of chapter twenty-nine-a of this code [[§§ 29A-1-1 et seq.](#)], as may be necessary to standardize and make effective the provisions of this chapter. All election officials, county commissions, clerks of county commissions, clerks of circuit courts, boards of ballot commissioners, election commissioners and poll clerks shall abide by any orders that may be issued and any legislative rules that may be promulgated by the Secretary of State and the commission.

(b) The Secretary of State also shall have authority to require collection and report of statistical information and to require other reports by county commissions, clerks of county commissions and clerks of circuit courts.

(c) The Secretary of State shall also advise with election officials; furnish to the election officials a sufficient number of indexed copies of the current election laws of West Virginia and the administrative orders and rules issued or promulgated thereunder; investigate the administration of election laws, frauds and irregularities in any registration or election; report violations of election laws to the appropriate prosecuting officials; and prepare an annual report.

(d) The Secretary of State shall also have the power to administer oaths and affirmations, issue subpoenas for the attendance of witnesses, issue subpoena duces tecum to compel the production of books, papers, records, registration records and other evidence and fix the time and place for hearing any matters relating to the administration and enforcement of this chapter, or the rules promulgated by the State Election Commission or by the Secretary of State as the chief election official of the State. In case of disobedience to a subpoena or subpoena duces tecum, he or she may invoke the aid of any circuit court in requiring the attendance, evidence and testimony of witnesses and the production of papers, books, records, registration records and other evidence.

(e)

(1) The Secretary of State shall also have the power, after consultation with the Secretary of the Department of Military Affairs and Public Safety, to implement emergency procedures and rules to ensure that all eligible voters have the opportunity to cast a valid ballot and to uphold the integrity of an election in the event of natural disaster as declared by the Governor of this State, terrorist attack, war or general emergency, if any of which occur during or immediately preceding an election.

(2) For purposes of this subsection, a “general emergency” means circumstances preventing the casting of ballots in one or more voting precincts. The chief judge of the circuit court of the

county where the casting of ballots is being prevented must declare by order that a general emergency exists.”

**(f)** All powers and duties vested in the Secretary of State pursuant to this article may be exercised by appointees of the Secretary of State at his or her discretion, but the Secretary of State shall be responsible for their acts.

#### § 3-1-26. Election supplies in emergencies.

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If, by any accident or casualty, the ballots or ballot box or boxes delivered to a commissioner of election, or to any messenger, shall be lost or destroyed, it shall be the duty of such commissioner or messenger to report the loss forthwith to the board of ballot commissioners and clerk of the county court [county commission] from whom the same were, or was, obtained, and make affidavit of the circumstances of the loss; whereupon such board and clerk shall at once send a new supply by special messenger, as provided in other cases. If, for any reason, there should be found no ballots, or ballot box, or other necessary means or contrivances for voting, at the opening of the polls, it shall be the duty of the commissioners of election to secure the same as speedily as possible and, if necessary, the ballot commissioners may have ballots printed or written, and the election commissioners may have a ballot box or boxes made.

#### § 3-1-7. Precinct changes; procedure; precinct record.

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**(a)** Subject to the provisions and limitations of section five [[§ 3-1-5](#)] of this article, the county commission of any county may change the boundaries of any precinct within the county, or divide any precinct into two or more precincts, or consolidate two or more precincts into one, or change the location of any polling place whenever the public convenience may require it.

**(b)** No order effecting the change, division or consolidation shall be made by the county commission within ninety days prior to an election nor without giving notice at least one month before the change, division or consolidation by publication of the notice as a Class II-0 legal advertisement in compliance with the provisions of article three [[§§ 59-3-1](#) et seq.], chapter fifty-nine of this code. The publication area is the county in which the precinct or precincts are located. The county commission shall also, within fifteen days after the date of the order, publish the order in the manner required for publication of the notice.

**(c)** The county commission shall also, before the next succeeding election, cause the voters in the several precincts affected by the order to be duly registered in the proper precinct or precincts and shall mail written notification to all registered voters affected by the change.

**(d)** The county commission shall keep in a well-bound book, marked “election precinct record”, a complete record of all their proceedings hereunder and of every order made creating a precinct or precincts or establishing a place of voting therein. The “election precinct record” shall be kept by the county commission clerk in his or her office and shall, at all reasonable hours, when not actually in use by the county commission, be open to inspection by any citizen of the county.

**(e)** When the county commission establishes a polling place at a location other than the location used for holding the preceding primary, general or special election in that precinct, the commission shall cause a notice to be posted on election day on the door of the previous polling place describing the location of the

newly established polling place and shall mail written notification to all registered voters affected by the change.

**(f)** If for any reason the election cannot be held at the designated polling place in a precinct and no provision has been made by the county commission for holding the election at another place, the commissioners of election for that precinct may hold the election at the nearest place which they can secure for the purpose. They shall make known by proclamation to voters present at the time for opening the polls, and by posting a notice at or near the entrance of the first named polling place, the location at which the election will be held. The county commission shall establish another place of voting for that precinct as soon thereafter as practicable.

**(g)** Notwithstanding any provision herein to the contrary, in the case of an emergency, the county commission may make the precinct change no later than sixty days prior to an election in accordance with the requirements herein with the approval of the Secretary of State. A change, if made however, shall not cause any voter to be moved to a different district.

## Wyoming

§ 22-2-121. Chief election officer to prepare forms; rules; advice.

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(a) In carrying out his responsibilities under title 22, the secretary of state shall prepare:

- (i) Written directives and instructions relating to and based on the election laws;
- (ii) Sample copies of prescribed and suggested forms;
- (iii) Advice or request from the attorney general's office advisory opinions on the effect of election laws and their application, operation and interpretation.

(b) The secretary of state shall promulgate such rules as are necessary to maintain uniform voting and vote counting procedures and orderly voting.

(c) The secretary of state shall have the authority to issue a directive to the county election officers necessary to ensure voter registration and elector participation when a uniformed services or emergency personnel elector could not otherwise vote.

(d) The secretary of state is authorized to adopt rules and regulations necessary to comply with the requirements of the Help America Vote Act of 2002, Public Law 107-252, including a state-based administrative complaint procedure, which shall not be subject to the Wyoming Administrative Procedure Act.

(e) The secretary of state is authorized to adopt rules and regulations necessary to comply with the requirements of the Military and Overseas Voter Empowerment Act of 2009, P.L. 111-84, and shall have the authority to issue directives to county election officers necessary to ensure compliance with the act. Directives authorized under this subsection may include:

- (i) That ballots be available for Uniformed and Overseas Citizens Absentee Voting Act voters forty-five (45) days prior to the election;
- (ii) How ballots are to be transmitted electronically;
- (iii) How returned ballots shall be tabulated; and
- (iv) What information shall be provided to Uniformed and Overseas Citizens Absentee Voting Act voters.

(f) The secretary of state shall have the authority to issue directives to county election officers necessary to ensure the proper conduct of elections, including voter registration and elector participation when there is a declared natural disaster or other impending or declared emergency which interferes with an election.

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<sup>i</sup> To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.” Nev. Rev. Stat. Ann. § 414.070(6). Although this section does not explicitly grant the governor authority to suspend a statute, it is possible the governor could suspend statutes if the safety of the civilian population depended on suspending a statute.

<sup>ii</sup> In a state of emergency, the governor may assume control of emergency management operations if the emergency is beyond the capabilities of local authorities. N.J. Stat. § App.A:9-51(a). This statute may not fall perfectly in the

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category allowing for a governor to suspend regulations, but local emergency responses—which the governor can assume control over—are likely governed by regulation.

<sup>iii</sup> Ohio created emergency management agencies that are to work directly with the governor in a state of emergency.

<sup>iv</sup> In a state of emergency, the governor can issue orders suspending the statutes relating to certain categories of regulations, but none pertaining to elections.

<sup>v</sup> “The emergency power of the governing body conferred under s. 323.11 includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the local unit of government in the emergency.” Wis. Stat. § 323.14(4). Although this section does not explicitly grant the governor authority to suspend a statute, it is possible the governor could suspend statutes if the safety of the civilians or property in the affected area depended on suspending the statute.