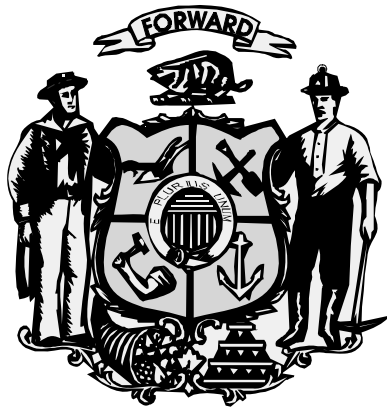


Report on Election-Related Contingency Planning

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2007



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TABLE OF CONTENTS

I. EXECUTIVE SUMMARY

| | |
|------------------------|-----|
| Background..... | 1 |
| Relevant Statutes..... | 2-3 |

II. STATUS OF WISCONSIN STATE, REGIONAL AND LOCAL ELECTION-RELATED CONTINGENCY PLANNING

| | |
|-------------------------|-----|
| Statewide..... | 4-5 |
| Regional and Local..... | 5-6 |
| Example..... | 7 |

III. STATUS OF FEDERAL ELECTION-RELATED CONTINGENCY PLANNING

| | |
|------------------------|------|
| Individual States..... | 8-11 |
|------------------------|------|

IV. RECOMMENDATIONS

| | |
|----------------|-------|
| Statewide..... | 12-13 |
| Regional..... | 14 |
| Local..... | 14-16 |

V. CONCLUSION

| | |
|-----------------|----|
| Conclusion..... | 17 |
|-----------------|----|

VI. APPENDICES

| | |
|-------------------------------------------------------|---------|
| A. Review and Recommendations from Rob Rude..... | i |
| B. Memo to County and Municipal Clerks..... | ii |
| C. Example of County and Municipal Plans..... | iii-x |
| D. Examples of Statutes and Administrative Rules..... | xi-xx |
| E. Sample Plan..... | xxi-xxv |

I. EXECUTIVE SUMMARY

BACKGROUND

Elections are the cornerstone of our democracy. A citizen's right to vote is one of our enduring principles. There are many scenarios both natural and man-made that warrant taking precautions and making preparations to prevent, mitigate, and recover from an emergency situation that may disrupt an election. Wisconsin Statutes give emergency management powers to the governor, §166.03(1)(a), (b), Wis. Stats. However it is up to state agencies, such as the State Elections Board, and local units of government to respond accordingly in the event of an emergency situation, §166.03(5a), Wis. Stats. The State Legislature recognized the need for a proactive approach to election preparedness planning and required, in 2005 Wisconsin Act 451, that the State Elections Board prepare this report and recommendations with regard to state, regional and local election-related contingency planning efforts and preparedness regarding both large-scale and limited-scope natural disasters or technological threats that may occur at or near election time.

A variety of resources were drawn upon to obtain information about election-related contingency planning including information requests from all Wisconsin counties and municipalities, phone and email survey of other state governments, and guidance from a National Association of Secretaries of State (NASS) coalition report entitled *Overview: Election Security Planning for States*. Additionally, Rob Rude, Bureau Director for Response and Recovery within Wisconsin Division of Emergency Management provided a review and recommendations for a draft version of this report.¹ The county and municipal plans obtained provided an insight into the methods currently used around Wisconsin in anticipating Election Day emergency situations as well as indicated areas where we might improve. The collected state plans supplied a comparative mechanism for which we could assess the status of Wisconsin's efforts with those of our neighbors. Finally, the Emergency Management guidance and NASS report helped to construct a framework for many of the recommendations outlined in the report.

Emergency situations can and do occur. In the November 2006 election, the City of Madison experienced this first-hand as they had to respond to the threat of a bomb at the Madison East High School polling place on Election Day. Such situations are not limited solely to Election Day. Hurricane Katrina, in late August 2005, not only devastated much of the Gulf Coast but also created a state of uncertainty regarding the following Spring 2006 elections for New Orleans and surrounding communities. These emergency circumstances can cause a range of problems for conducting a fair and transparent election if effective responses are not planned and implemented. Obviously, every emergency event is a unique experience that requires a specifically tailored response; however, this does not mean that proactive steps are futile. Advance preparations can help mitigate the confusion surrounding extraordinary events and create public confidence in the security of our elections.

¹ See Appendix A for a copy of the comments and recommendations received from Rob Rude, Bureau Director for Response and Recovery of the Wisconsin Division of Emergency Management.

RELEVANT STATUTES

§5.05 Elections Board; powers and duties (1) GENERAL AUTHORITY. The elections board shall have the responsibility for the administration of chs. 5 to 12 and other laws relating to elections and election campaigns. Pursuant to such responsibility, the board may:

(a) Employ an executive director outside the classified service and employ legal counsel. The executive director shall serve as the chief election officer for this state.

§6.96 Voting procedure for electors voting pursuant to federal court order. Whenever any elector is allowed to vote at a polling place pursuant to a federal court order after the closing time provided under s. 6.78, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the notation “s. 6.96.” If voting machines are used in the municipality where the elector is voting, the elector's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the notation “s. 6.96” written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the elector's ballot, the inspectors shall provide the elector with the written voting information prescribed by the board under s. 7.08 (8). The inspectors shall indicate on the list the fact that the elector is voting pursuant to a federal court order. The inspectors shall then deposit the ballot. The ballot shall be counted under s. 5.85 or 7.51 unless the order is vacated. If the order is vacated after the ballot is counted, the appropriate board or boards of canvassers or the chairperson of the board or his or her designee shall reopen the canvass to discount any ballots that were counted pursuant to the vacated order and adjust the statements, certifications, and determinations accordingly.

§7.37 Inspectors’ Duties (1) ADJOURN TO ANOTHER LOCATION

Whenever it becomes impossible or inconvenient to hold an election at the designated location, the inspectors, after assembling at or as near the designated polling place as practicable and before receiving any votes, may adjourn to the nearest convenient place for holding the election. The inspectors shall make a proclamation of the move and a law enforcement officer or other proper person designated by the municipal clerk shall be stationed at or as near as possible to the place where the adjournment was made, to notify all electors of the place to which the election adjourned. At the new location the inspectors shall immediately proceed with the election.

§166.03 Emergency management. (1) POWERS AND DUTIES OF THE GOVERNOR

(a) The governor shall:

4. Determine responsibilities of state departments and independent agencies in respect to emergency management and by order direct such departments and agencies in utilizing personnel, facilities, supplies and equipment before and during a state of emergency.

(b) The governor may:

1. Proclaim a state of emergency for the state or any portion of the state if he or she determines that an emergency resulting from enemy action or natural or man-made

RELEVANT STATUTES (continued)

disaster exists. If the governor determines that a public health emergency exists, he or she may declare a state of emergency related to public health and may designate the department of health and family services as the lead state agency to respond to that emergency. The duration of such state of emergency shall not exceed 60 days as to emergencies resulting from enemy action or 30 days as to emergencies resulting from natural or man-made disaster, unless either is extended by joint resolution of the legislature. A copy of the proclamation shall be filed with the secretary of state. The proclamation may be revoked at the discretion of either the governor by written order or the legislature by joint resolution.

(5a) Role of state agency in emergency. Unless otherwise specified by law, the role of any state agency, including the department of military affairs and its division of emergency government, in an emergency under this chapter, is to assist local units of government and local law enforcement agencies in responding to the emergency.

II. STATUS OF WISCONSIN STATE, REGIONAL, AND LOCAL ELECTION-RELATED CONTINGENCY PLANS

STATEWIDE

Currently, there is no explicitly established power for canceling or postponing an election in the event of a major catastrophe but rather, the responsibility in such a situation is implicit in statutory language. §166.03(1)(b)1, Wis. Stats. declares that the governor holds the power to “proclaim a state of emergency for the state or any portion of the state if he or she determines that an emergency resulting from enemy action or natural or man-made disaster exists.” The governor, per §166.03(1)(a)4, Wis. Stats., also is allocated the duty of determining the responsibilities of state departments and independent agencies in respect to emergency management. State agencies, such as the State Elections Board, in an emergency situation, serve to assist the local units of government in responding to the emergency, per §166.03(5a), Wis. Stats. Finally, the State Elections Board holds the responsibility for administering laws relating to elections and election campaigns and the Executive Director of the State Elections Board serves as the chief election officer for the State of Wisconsin, per §5.05(1), (a), Wis. Stats.

Additionally, no election-related statewide contingency plan exists for Wisconsin. In terms of general statewide disaster response planning, the Wisconsin Division of Emergency Management (WEM) has an extensive network of emergency response mechanisms in place to prevent and respond to a large-scale catastrophic event. In 2005, WEM released the *Review of Wisconsin’s Emergency Preparedness Plans*, which detailed the infrastructure of the emergency response network within Wisconsin.² This network includes a disaster response chain of communication from the local level up to the federal level.³ WEM serves as the state coordinator for emergency preparations and responses; however, they do not have a branch dedicated to the continuance of elections in an emergency scenario.⁴ Before the 2004 September partisan primary and November general election, the State Elections Board’s Executive Director met several times with WEM to brief emergency government personnel on critical election-related services.

In 2004, at the National Association of State Elections Directors summer conference, a coalition of nonpartisan and bipartisan associations whose members are involved in the administration and security of elections developed security planning recommendations for state government, homeland security, and emergency management officials for the 2004 general election. The report, entitled *Overview: Election Security Planning for States*,⁵ was published by the National Association of Secretaries of State and intended to encourage cooperation between emergency management and election administration

² Full text of this report can be viewed at: <http://www.wisgov.state.wi.us/docview.asp?docid=5082>

³ This brochure can be found online at: <http://emergencymanagement.wi.gov/docview.asp?docid=6598&locid=18>

⁴ More information about the Wisconsin Division of Emergency Management can be found at their website: <http://emergencymanagement.wi.gov/>

personnel to provide a communication bridge in the event of an Election Day threat.⁵ At this time, Wisconsin does not have an established line of communication between the Wisconsin Emergency Management Division and the State Elections Board other than the informal briefings of the Executive Director that occurred in 2004.

REGIONAL AND LOCAL

In 2004, the SEB encouraged counties and municipalities to develop election-related contingency plans but did not provide explicit requirements. Many county and municipal officials developed plans outlining their own necessary procedures in response to Election Day disasters. In response to the Wisconsin Act 451 requirement for an election-related contingency report, the SEB contacted every county and municipality in Wisconsin with a request for a copy of any existing election-day contingency plan.⁶

From the request, the SEB received five (5) county plans and thirty (30) municipal plans. The following chart details from where plans were received:⁷

| County and Municipal Plans Received | | | |
|--------------------------------------------|-------------------|----------------------|-------------------|
| County Plans | City Plans | Village Plans | Town Plans |
| Dane | Appleton | Bagley | Oshkosh |
| Kenosha | Berlin | Bayside | Rib Mountain |
| Ozaukee | Brookfield | Hartland | Springfield |
| Outagamie | Cedarburg | Mount Horeb | Windsor |
| Rock | Chetek | Oregon | |
| | Chilton | Twin Lakes | |
| | Eagle River | | |
| | LaCrosse | | |
| | Lake Geneva | | |
| | Madison | | |
| | Menomonie | | |
| | Mequon | | |
| | Neenah | | |
| | New Berlin | | |
| | Omro | | |
| | Onalaska | | |
| | Rice Lake | | |
| | Ripon | | |
| | Wausau | | |
| | Wauwatosa | | |
| | West Bend | | |

⁵ A copy of the report can be found online at: <http://www.nass.org/Security%20Planning%20Guide.pdf>

⁶ See Appendix A for a copy of the memo

⁷ See Appendix B for sample copies of contingency plans

These plans ranged in scope and comprehensiveness. Our examination of these Election Day contingency plans confirmed that many regional and local administrators have put significant thought into developing emergency preparations. Our assessment also revealed that we have some significant gaps and areas for improvement. Some of the key trends noted were as follows:

County Plans:

- *Communication Network:*
Most plans had some sort of communication plan or a system of cell phones available to facilitate communication between the municipalities and the county office on Election Day. Additionally, many plans rely on the cooperation of Emergency Management communication systems. All the plans contained at least one emergency contact number or alternate contact for urgent situations.
- *Alternate County Tabulation Site:*
Most plans have established an alternate tabulation site as well as the process involved with performing the location transfer. These processes often include cooperation with the Regional Emergency Management staff and coordination with local law enforcement agents.
- *Instruction for Municipal Sites:*
All the plans provided some general guidance to municipalities contained within their county. Furthermore, all of these plans encouraged municipalities to develop local emergency plans, in particular the identification of alternate polling sites, and to share said plans with their poll workers.

Municipal Plans

- *Emergency Identification and Procedure:*
Nearly all the plans contained a breakdown of some of the most common emergency scenarios and procedures to follow: fire or fire alarm, inclement weather, and electrical outage. Some of the plans also contained procedures for medical emergencies, workplace violence, bomb threats, and hazardous material handling.
- *Ballot Handling Procedure*
Importantly, most of the plans identified the importance of safety first in the event of an extraordinary situation. With regard to personal safety, most plans contained a procedure for securing unmarked ballots and voting equipment in the event of an emergency event.
- *Relocation Procedure*
Many municipal plans detailed the process for relocation of a polling place. Per §7.37(1), Wis. Stats., these procedures almost always contained instruction to make the proclamation of the move and to have a law enforcement escort available.

EXAMPLE

In 2006, the contingency planning efforts for the City of Madison paid off when they needed to respond to a real-life Election Day emergency. Midmorning of the November 7, 2006 general election, the Madison East High School polling place received a bomb threat. The building evacuated at 11:40 am. The City of Madison attorney and the City of Madison clerk contacted Kevin Kennedy, Executive Director of the State Elections Board, for permission to move the polls outside. Kennedy granted permission and voting resumed by about 1:15 pm with the use of a secured ballot box. The poll returned to the building around 3:00 pm after the bomb squad deemed the building safe. The ballots cast in the secure ballot box outside were then fed through the tabulators upon returning to the building. At 5:00 pm, Dane County Circuit Court Judge Daniel Moser, granted the request to extend voting for one hour at Madison East High School polling location until 9:00 pm. Ballots cast after 8:00 pm were marked with “s. 6.96” and a notation was placed on the poll list to indicate those voting during the court-extended hours, per §6.96, Wis. Stats.

Fortunately, the City of Madison had provided their election workers with an election emergency contingency plan and necessary evacuation procedures. Additionally, they provided cell phones to every polling district which facilitated constant communication and perhaps expedited the return to normal operating procedures. The City Clerk had also identified an alternate location in the event that voting could not resume at the high school. This example illustrates the importance of proactive planning and open lines of communication in effectively responding to potential disturbances on Election Day.

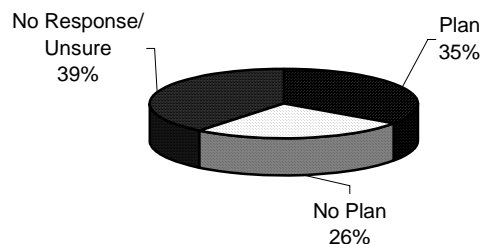
III. STATUS OF FEDERAL ELECTION-RELATED CONTINGENCY PLANNING EFFORTS

In addition to contacting every county and municipality in Wisconsin, every other state's Elections Division was contacted by telephone and/or email with a request for information regarding election-related contingency planning. The hope was to extract the best procedures currently being used by partnering states and attempt to apply them to Wisconsin's situation.

Sixteen (16) states indicated that they had some sort of established election contingency mechanism. Information was received from twelve (12) states. Information included statewide plans, state statutes, and training materials; additionally, Louisiana provided the *Secretary of State's Emergency Election Plan for Orleans Parish Municipal Elections* which was implemented following the Hurricane Katrina catastrophe. Eighteen (18) state Elections Divisions informed us that they did not have an emergency plan specific to elections. Fifteen (15) states did not respond or were unsure. The charts below reflect the information gathered during May and June 2006:

| <u>Survey of Election-Related Contingency Information by State</u> | | | |
|---------------------------------------------------------------------------|-----------------------------|----------------|----------------------------|
| Have Plan | Received Information | No Plan | No Response/ Unsure |
| Alabama | Alabama | Alaska | Idaho |
| Colorado | Colorado | Arizona | Indiana |
| Delaware | Delaware | Arkansas | Kansas |
| Florida | Florida | California | Massachusetts |
| Georgia | Iowa | Connecticut | Minnesota |
| Iowa | Kentucky | Hawaii | Nebraska |
| Kentucky | Louisiana | Illinois | New Jersey |
| Louisiana | Michigan | Maine | North Dakota |
| Maryland | Mississippi | Montana | Ohio |
| Michigan | Missouri | Nevada | Oregon |
| Mississippi | North Carolina | New Hampshire | Pennsylvania |
| Missouri | Washington | New Mexico | Tennessee |
| New York | | Oklahoma | Vermont |
| North Carolina | | Rhode Island | Virginia |
| Utah | | South Carolina | West Virginia |
| Washington | | South Dakota | |
| | | Texas | |
| | | Wyoming | |

Status of National Election-Related Contingency Planning (by state)



Some of the information was not directly pertinent to Wisconsin as the organization of election administration is not exactly the same in all states. While the variety of material received was immense, there were some key trends noted as well as some particularly useful unique aspects that could be applied to Wisconsin state election-related contingency

planning. Information gathered from other state election-related contingency materials was as follows:

Alabama⁸

Type: Election Day Security and Operations Plan and Administrative Code

Summary: Alabama created an emergency operations plan which rests on the legal authority granted in the state's administrative code. The sheriff of each county is legally given authority to "preserve good order" for elections, the chief elections official in the state is the Secretary of State, and the judge of probate is the chief elections official for each county. These offices provide a security framework for election day incidences. The plan details a communication network between these offices.

Colorado⁹

Type: Administrative Rules

Summary: The Colorado Secretary of State has an administrative requirement for counties to have an extensive county security plan for elections. This plan is required to account for electronic voting equipment security, procedures for noticing elections, and a contingency plan. that fulfills the specific requisites denoted in the statutes. The contingency plan shall include: evacuation procedures, back-up plans for emergency situations, an emergency checklist for election inspectors, and emergency contact list.

Delaware¹⁰

Type: Emergency Procedures

Summary: Delaware has just eight (8) separate zones for elections thus their plan reflects more specific planning details, similar to Wisconsin county-wide contingency plans. This plan includes procedures in the event of an emergency, alternate locations, establishment of back-up works and recovery personnel.

Florida¹¹

Type: Administrative Rules

Summary: The Florida Administrative Rules designates the Secretary of State, county election supervisor or a municipal clerk as bodies authorized to request that the Governor suspend or delay an election. They establish a communication plan with the between election administrators and county emergency management agencies. Finally, the rules detail Florida's Comprehensive Emergency Suspension of Election Plan which directs procedures for notification, conduct of rescheduled election, absentee ballots, voting equipment, polling places, and certification of election results.

⁸ This administrative code can be found online at: <http://www.legislature.state.al.us/CodeofAlabama/1975/17-1-3.htm>

⁹ This rule, Rule 43.9 under the Secretary of State Rules, can be found online at: http://www.elections.colorado.gov/WWW/default/Rule%20Making/2006/8-CCR_1505-1_SOS_elec_rules_adopied_10-10-06.pdf

¹⁰ A copy of the emergency plan was obtained from directly from the Delaware Commissioner of Elections Office and is not available on their website.

¹¹ See Appendix X; These administrative rules can be found online at: <http://www.flrules.org/gateway/ChapterHome.asp?Chapter=1s-9>

Iowa¹²

Type: Administrative Code

Summary: Iowa's Administrative Code details the emergency election procedures. The Code delegates election-related emergency powers to the state Commissioner of Elections. Also, the Code provides definitions of disasters, the process for declaring an emergency, and a contingency plan for modified elections including: relocation of polling places, postponement procedures for emergencies both prior to and on Election Day, absentee voting, canvassing and record-keeping in emergency elections, and election contest emergency plans.

Kentucky¹³

Type: Administrative Rules

Summary: Kentucky Administrative rules detail the procedures for election officials to follow if an election has been suspended or delayed per an executive order by the Governor. These procedures encompass notification, polling places, election workers, procedures for elections rescheduled prior to original election day, absentee ballots, procedures for conducting an election rescheduled after commencement of original election day, release and certification of election returns, post-election deadlines, and written agreement form to establish local contingency plans.

Louisiana¹⁴

Type: Emergency Election Plan for New Orleans Municipal Election

Summary: This plan was developed in early January 2006 to anticipate the difficulties in handling the February 4 and March 4, 2006 New Orleans's municipal elections which were delayed in light of the devastation and displacement caused by Hurricane Katrina. The plan accounted for staffing and equipment needed for absentee voting by mail, early voting, election day voting and polling places. Also, it included a notification and outreach plan to reach displaced voters in through mail, email, print & electronic media.

Michigan¹⁵

Type: Training Materials: Emergency Planning PowerPoint Presentation

Summary: Michigan incorporates emergency planning steps into the training given to municipal clerks. The PowerPoint, from February 2006, provides definitions an emergency, 10 principles of emergency planning, tips for writing a local contingency plan, a polling location checklist, and a communication plan.

¹² See Appendix C; These administrative rules can be found online at:

<http://nxtsearch.legis.state.ia.us/NXT/gateway.dll/ACO/1/25817/25933/25934?f=templates&fn=defaultURL&uerylink.htm>

¹³ See Appendix C; The rule detailing this plan can be found online at:

<http://www.lrc.state.ky.us/kar/031/004/160.htm>

¹⁴ This plan was received directly from the Louisiana Elections Division and is not available on their website.

¹⁵ This training presentation was provided directly by the Michigan Bureau of Elections and is not available on their website.

Mississippi¹⁶

Type: State Election Action Plan

Summary: Mississippi has a statewide security plan for Election Day that defines disasters or incidents, details a communication plan (including an internal communication network for clerks and election workers and an external communication plan for the voting public), provides short-term solutions to restore critical activities and continuity of business, recommends disaster recovery procedures for polling places, and provides a contact list for county emergency management directors.

Missouri¹⁷

Type: Election Administration Laws

Summary: In June 2006, Missouri passed a bill which modified current election administration laws. Included in this bill was a provision to process petitions for a move or postponement of elections in the event of an emergency or disaster situation from election authorities through a three-judge panel.

North Carolina¹⁸

Type: State Statutes

Summary: Gives emergency powers to the executive director of the elections agency in case of a disrupted election.

Washington¹⁹

Type: Disaster Recovery Plan Guidelines

Summary: The State of Washington issued these guidelines to assist the county election officials with developing their own disaster recovery plans. The recommendations for basic items include a call list, annual updates, review of plan, establishment of alternate polling locations, backup poll workers, and voting equipment storage procedures.

¹⁶ This plan can be found online at: <http://www.sos.state.ms.us/elections/MEAP.pdf>

¹⁷ A copy of this bill can be found online at:
http://www.senate.mo.gov/06info/BTS_Web/Bill.aspx?SessionType=R&BillID=83706

¹⁸ This statute can be found online at:
http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_163/GS_163-27.1.html

¹⁹ This plan was received directly from the Washington State Division of Elections and is not available on their website.

IV. RECOMMENDATIONS

After reviewing the status of the election-related contingency planning within Wisconsin in addition to comparing Wisconsin statewide efforts to those of other states, the State Elections Board submits the following recommendations:

Statewide:

○ **Statutory Revisions:**

- § 5.05(1), Wis. Stats, Powers should be given to the executive director, as chief election officer for the state, to have the flexibility to modify election administration provisions in the event of a postponed or rescheduled election under §166.03, Wis. Stats, or a special election for Representative in Congress under 2 U.S.C 8²⁰
- §6.96, Wis. Stats, should be amended to allow for extended voting pursuant to circuit court order.
 - Currently, the statute allows for extension of voting hours through a federal court order. The past two general elections (2004 and 2006) have seen the petitioning of circuit courts for extending polling hours rather than federal courts. In the City of Cudahy in 2004, the petition was denied by the Milwaukee County Circuit Court. In 2006, the petition was granted and the Dane County Circuit Court ordered the polling hours extended for one hour at the Ward 32 Madison East High School polling place in the City of Madison.²¹
- §166.03, Wis. Stats., should be revised to provide explicitly for governor or court-approved postponement of Election Day in an emergency situation.²²
 - Additionally, the statutes should incorporate the relevant process for requesting delay and rescheduling procedure including conduct of election and notification practices. The procedures for both conducting an election rescheduled prior to the original Election Day and the procedures for conducting an election rescheduled after the commencement of the original Election Day should be established.

²⁰ Text of Section 26 of the Revised Statutes of the United States 2 U.S.C. 8 can be found here: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+2USC8 2 U.S.C. 8 is amended per the “Continuity in Representation Act of 2005,” H.R. 841. Full text can be found at <http://thomas.loc.gov/>.

²¹ In 2004, the a private citizen in the City of Cudahy petitioned the Milwaukee County Circuit Court for an extension of polling hours due to a late opening of one polling place. The Circuit Court Judge denied the petition on grounds that the delayed start was not sufficient basis for an extension of polling hours. In 2006, the Madison East High School polling place in the City of Madison received a bomb threat which impeded voting for approximately one hour. The City of Madison clerk petitioned for a one-hour extension and Dane County Circuit Court Judge Daniel Moser granted the request to extend voting at the Madison East High School until 9:00pm.

²² See Appendix C for related statutes and administrative rules from Kentucky, Florida, and Iowa.

It is recommended these processes be detailed as an administrative rule.

- **Statewide Election-Related Contingency Communication Plan**
 - A communication network for election-related emergencies should be published and distributed to county and municipal clerks.
 - This plan should include an integration of emergency contacts as established by WEM with chain of command contacts for state and county levels of election administration.
 - WEM should provide the State Elections Board with the contact list for all 72 County Emergency Management offices to include telecommunications and email contacts.
 - This network should be reviewed semi-annually with updates provided by WEM.
 - Local chain of command and contacts for emergency management on Election Day should be coordinated by the County Emergency Management and local election officials.
- **Wisconsin Statewide Intelligence Center Contact**
 - Contact should be established between the State Elections Board and the Wisconsin Statewide Intelligence Center through the Department of Justice to provide briefings on election or voter-related intelligence issues.
- **Threat to Voting Equipment Assessment**
 - Assessments specific to voting equipment used in the State of Wisconsin should be done to assess vulnerabilities including security, software, storage, and human factors such as poll worker training and voter use.
 - The National Institute of Standards and Technology has been working with a range of experts to research security of computers, computer networks, and computer data storage used in voting systems, methods to detect and prevent fraud, and protection of voter privacy and the role of human factors in the design and application of voting systems.²³
 - Much of their research could be applied to State of Wisconsin situations to learn how to mitigate the potential for a voting equipment disaster on or prior to Election Day including a breach of security, machine breakdown, and voter and poll worker ignorance on the use of voting equipment.
 - Already the State Elections Board has been proactive in this area by implementing the security recommendations for electronic voting systems on June 23, 2006.

²³ More information on the National Institute for Standards and Technology's work on improving U.S. voting systems can be found on their website at: <http://vote.nist.gov/docmap.htm>

Regional

○ **County Election-Related Contingency Plans**

- Each county should incorporate election-related contingency plans into the framework of the county emergency procedures and pre-election planning. The plans should be reviewed annually or more frequently as needed. The plans should be shared with the municipal clerks and a copy sent to the State Elections Board. A sample outline should be provided by the State Elections Board to assist clerks in developing their own plans.²⁴ These plans should, at a minimum, provide for the following:

1. *Normal Operating Procedures*: the plans should include a briefing on the normal election-related processes especially for procedures that are specific to the county.
2. *Communication Network*: a county-wide communication network in the event of an emergency that establishes contact points for municipal clerks and municipal contacts for county clerks. Additionally, County and Regional Emergency Management should provide local emergency contacts with updates as required.
3. *Public Notification Plan*: a system in place for notifying voters of an alteration in the normal election process. This could include contact of major media sources such as print, television, and Internet.
4. *Alternate Tabulation Site*: establishment of an alternative site for county canvass and an evacuation plan for the primary site that includes appropriate security measures for transporting ballots and equipment.

Local

○ **Local Election Contingency Plan**

- Each municipality should have an emergency response plan. The plans should be updated annually or more frequently as needed. A sample outline should be provided by the State Elections Board to assist clerks in developing their own plans.²⁵ These plans should, at a minimum, provide for the following:

1. *Normal Operating Procedures*: the plans should include a briefing on the normal election-related processes especially for procedures that are specific to the municipality and, if necessary, specific to the polling place.

²⁴ See Appendix D for a sample plan

²⁵ See Appendix D for a sample plan

2. *Troubleshooting For Common Emergency Scenarios*: The plan should provide appropriate responses to the most common emergency scenarios and emergency contact information. Plans should include evacuation and emergency shelter locations specific to each polling place. Contact numbers for local emergency response such as police and fire in addition to the polling locations' building maintenance personnel (if applicable) and the municipal clerk should be provided.
3. *Handling of Election Materials*: Plans should detail the proper handling procedure for securing unmarked ballots, election equipment and ballot boxes, and polling lists in an emergency situation. Responsibility for materials should be assigned prior to commencement of Election Day.
4. *Alternate Polling Locations*: Arrangements for alternate polling locations should be established prior to Election Day in the event of a permanent evacuation. Reasonable effort should be made to ensure accessibility and proximity to the original polling location. The procedure for adjournment to the alternate site is prescribed under §7.37(1), Wis. Stats.

- **Alternate Poll Workers**

- Efforts should be made to have back-up poll workers, who are knowledgeable about Election Day procedures, on call in the event of an illness or other unforeseen incident.

- **Training**

- Proper election training for the chief election inspector is a crucial starting point for ensuring a smooth and competent handling of both normal and extraordinary Election Day events.
 - The State Elections Board has plans to add a class on Election-Related Contingency Preparedness to its series of trainings offered for chief election inspectors.
 - Careful documentation of chief inspector training to ensure compliance with training is very important. Clerks should be documenting the names, dates, and number of hours for each of their chief inspectors.
- Sufficient training should be conducted so poll workers are able to properly work voting equipment including accessible voting machines.
 - Poll workers should be able to troubleshoot problems with equipment such as paper jams, calibration problems, etc., as well as have a contact for handling more complex issues that may arise.
- Contingency plans should be reviewed with poll workers as part of the clerk's pre-election training for election inspectors.

- Clerks should ensure that poll workers visit the polling location prior to Election Day and are familiar with the building evacuation and shelter procedures.
- The Election Day Manual issued by the State Elections Board currently contains a form located at the beginning of the manual for emergency contact numbers. Clerks should ensure this section is accurately filled in and poll workers should be sure to have an up-to-date copy of the Election Day Manual on hand.
- Election inspector trainings should instill the importance of detailed record-keeping and that all irregular activities should be recorded on the EB-104, Inspector's Statement.

V. CONCLUSION

The most effective response to any threat aimed at our electoral process is to honor the democratic principles of freedom on which this country is founded by preparing for the conduct of a transparent and fair election. This preparation begins at the local level with effective training for poll workers and clerks and pre-election planning to deal with a variety of situations that may arise including voting equipment troubles, personnel emergencies, and polling place disasters such as fire, electricity outage, or a bomb threat. At the regional level, these local efforts are reinforced with established communication networks incorporating county and state emergency management contacts and contingency plans accounting for notifying the electorate of alterations in Election Day procedures. Finally, at the statewide level, clear lines of authority and communication between state election officials and county and municipal counterparts serves as the final piece in disaster mitigation.

Ultimately, the spectrum of election-related contingency development culminates in providing our citizens with the opportunity to fully participate in an open and fair election. This honorable feat could not be accomplished without the dedicated efforts of county and municipal election officials and thousands of hardworking poll workers throughout the State of Wisconsin.

The State Elections Board would like to extend its gratitude to the county and municipal clerks who provided information for this report, the contacts from State Elections Divisions from around the nation who offered materials and insights into their own statewide efforts, our contacts at Wisconsin Division of Emergency Management, and, finally, the State Elections Board staff who contributed to this report.

Respectfully submitted,

State Elections Board

A handwritten signature in cursive script, reading "Kevin J. Kennedy".

Kevin J. Kennedy
Executive Director

VI. APPENDIX A

From: Peterson, Steve (DMA)
Sent: Tuesday, January 16, 2007 10:23 AM
To: Ruder, Julie
Subject: FW: Election-Related Contingency Planning Report

Julie, I am forwarding the comments as provided to me from Rob Rude, the Bureau Director for Response and Recovery. WEM appreciates that you have taken on this initiative for election contingency planning and we will assist you in any way that we can. Regards.

-----Original Message-----

From: Rude, Rob (DMA)
Sent: Tuesday, January 16, 2007 10:17 AM
To: Peterson, Steve (DMA)
Subject: RE: Election-Related Contingency Planning Report

Steve:

After reviewing the report, the concepts and conclusions as related to the statutory citations appear to be appropriate as related to ss. 166.03. Under the recommendations for statutory revision within 166.03 the authority for postponement of Election Day could, and probably should, be added as an authority for the Governor with procedures set out by administrative rule. This issue could be referred to the Assembly Committee on Disaster Preparedness Planning, chaired by Representative Joan Ballweg. This committee is currently reviewing suggestions to emergency related statutory language.

With regard to development of the contingency communications plan, I would recommend that WEM provide the State Elections Board with the contact list for all 72 County Emergency Management offices including telecommunications as well as email contacts. This contact list should be provided as an update every 6 months by WEM. Chain of command contacts at the local level should be delineated as a County EM responsibility as they maintain the local contacts and updates as required.

The last suggestion that I would propose would be for the State Elections Board to establish contact with the Wisconsin Statewide Intelligence Center (WSIC) through the Department of Justice for any election or voter related intelligence starting 3 months prior to any scheduled election. This would provide an opportunity to initiate some proactive planning in the event there was chatter or reports indicating a potential disruption.

Rob Rude

VI. APPENDIX B

State of Wisconsin \ Elections Board

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17 West Main Street, Suite 310
Madison, WI 53701-2973
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: seb@seb.state.wi.us
<http://elections.state.wi.us>



JOHN C. SCHOB
Chairperson

KEVIN J. KENNEDY
Executive Director

DATE: June 1, 2006

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks

FROM: State Elections Board

SUBJECT: Disaster Preparedness Plans

Recently, much attention has been focused on the issue of outside threats to election day activities. Our goals must be to prepare effectively in order to ensure a complete, free and fair election. In response to the requirements of 2005 Wisconsin Act 451 (Senate Bill 612), Section 180(1), the State Elections Board (SEB) is researching the actions of other state election boards in developing state-wide emergency contingency plans as well as plans specific to Wisconsin's individual counties and municipalities. The ultimate goal is to prepare recommendations for counties and municipalities to refer to when developing or enhancing their election-related contingency efforts regarding natural disasters or terrorist activities that may occur at or near election time.

Previously, the SEB has encouraged counties and municipalities to develop emergency contingency plans but has not provided any specific recommendations; however, many local administrators have been proactive in developing plans outlining their own necessary procedures in response to election day disasters. Many of the plans already developed by you and your peers have utilized unique and innovative methods of encompassing the challenges of anticipating election day emergency situations. We would like to incorporate many of these positive steps in our future recommendations to Wisconsin's counties and municipalities.

Therefore, the SEB is issuing a request for copies of emergency contingency plans that have been developed at both a county-level and/or a municipal level. If you have a county or municipal plan, please forward a copy to the SEB. Plans can be sent to the attention of Julie Ruder via email at julie.ruder@seb.state.wi.us, via fax at (608) 267.0500., or mailed to P.O. Box 2973, Madison, WI 53701. If you have any questions or concerns, please contact Julie at (608) 267.0951.

VI. APPENDIX C

EXAMPLE COUNTY PLAN¹

INTRODUCTION AND PURPOSE:

This plan provides basic guidance for emergency operations during election day activities. The plan addresses critical incidents from an all-hazards approach. All election activities will take place on the designated voting day, unless Federal or State officials order otherwise. Should national or local events transpire that adversely affect a polling place(s), law enforcement and local election officials will work together to relocate the polling place to a safe location while preserving the integrity of the ballots, voted or un-voted. Emergency Management staff and equipment will also be available to assist with this process upon request. This Plan provides a simple checklist below to guide actions during an emergency, with more detailed information afterward.

- 1) Summon immediate assistance by dialing 9-1-1 and informing the dispatcher of the nature and location of the emergency.
- 2) Law enforcement and the Chief Elections Official shall coordinate any change in venue for voting activities.
- 3) Ballots (Voted & Un-voted), AccuVote and Tabulator units shall remain in the sight and custody of Election Officials at all times! Try to quickly collect poll lists, new registration forms, absentee envelopes and other election material if possible.
- 4) An Election Official should remove the AccuVote Unit and place it in a plastic garbage bag to protect it if raining. The Tabulators shall remain locked throughout this process.
- 5) Hand carry the AccuVote unit to the venue determined by the Chief Elections Official and municipal clerk.
- 6) Using the wheels on the Tabulators, roll the Tabulators to the nearest handicapped ramp and exit the building.
- 7) Tabulators should be moved to the new venue with the assistance of Public Works or law enforcement as soon as possible. At least one Election Official must remain with the Tabulator at all times.
- 8) Upon direction of the Chief Election Official, re-connect the AccuVote and Tabulator and proceed with the elections.
- 9) An Election Official should post a notice outside the original polling place noting the change in venue as well as informing the local media for dissemination to the public.
- 10) Note the times and nature of event on the Inspector Statement regarding any changes in venue, changes in voting times, or other irregularities such as fire alarms, evacuations or power outages. Be sure to note the time(s) voting stops and resumes following an event.

¹ Note: Identifying information has been removed.

EMERGENCIES:

Dial 9-1-1 to summon assistance from law enforcement, fire services or emergency medical services. If using facility phones, verify ahead of time whether an access code is necessary to connect to an outside phone line. You may need to dial 9-9-1-1, with the first digit being the outside line access number, then dial 9-1-1.

FIRE, FIRE ALARMS AND POWER OUTAGES:

If a fire or fire alarm occurs at a polling place, the primary objective is life safety of the personnel and voters on-site at the time, followed by protection of the ballots. Election officials shall take all un-voted ballots into their physical custody when leaving the building. Un-voted ballots are to remain in the custody of the Election Officials to prevent unauthorized persons from entering and voting on unauthorized ballots while the inspectors are out of the building.

The AccuVote and Tabulator containing voted ballots shall remain sealed and unplugged. The AccuVote should be turned off immediately. Uncounted, but voted ballots should be placed in the auxiliary compartment. These units have battery back-up features which will preserve the voting records for approximately 3 hours. The Tabulators have wheels and may be rolled from the building by Election Officials.

NATURAL DISASTERS OR INCLEMENT WEATHER:

Emergency Management, local fire and law enforcement agencies monitor severe weather. If severe weather approaches, the County Clerk will be advised as soon as possible. Safety precautions will be determined and communicated as necessary.

COMMUNICATIONS:

In the event normal communications systems or power supplies are disrupted, the County Clerk's office will be running on Battery Back-up and generator power as necessary. If phone lines are disrupted, Technology Resources will work to re-route telephone calls to viable extensions. Technology Resource personnel will be available via pagers if needed. Emergency Management personnel are available via pager and radio to assist with radio communications as necessary.

EMERGENCY TRANSFER OF BALLOTS:

In the event that the emergency transportation of ballots is necessary, County Emergency Management and the County Clerk's office will coordinate with law enforcement to ensure safe transportation of ballots to the County offices. Should some event render the County Administration Building inaccessible, County Clerk operations will move to the Justice Center. Information about the change of venue will be communicated to law enforcement for relay to local municipal clerks, who will inform their Election Officials.

EMERGENCY CONTACT NUMBERS:

For immediate access to emergency services, contact the Sheriff's Department Dispatch center to request the assistance required.

XXX-XXX-XXXX or XXX-XXX-XXXX

EXAMPLE MUNICIPAL PLAN²

GENERAL RESPONSIBILITIES

- Know where the primary and secondary exits are to the polling place facility. Know the safest evacuation routes from various areas in the building.
- Locate the fire extinguishers within the facility and understand the proper usage procedure.
- Be knowledgeable of how to dial 9-1-1 from the telephones in your facility and knowledge of how to use your cell phone and radio units to reach emergency personnel.
- Learn where to go in your facility in case of an emergency, severe weather or tornado.
- Have a specific point or location for all personnel to assemble, both inside and outside of the facility. The inside assembly point will be the north end of the dining/election polling place room in the community center. The outside assembly area will be the basketball court across the street from the front entrance of the community center.
- Report any unusual activity or persons at the polling location. You may notify the Clerk's Office at 555-5555, or Police Department at 555-5555 or dial 911 to reach emergency personnel.
- Document any evacuation or emergency activities on the Inspector Statement EB-104.

COMMUNICATIONS PLAN

A communications radio will be provided by the Clerk's Office to the polling place for your use in the event of an emergency situation. This radio should remain turned on all day and be placed within easy access and hearing range of election officials. Should the Clerk or any emergency personnel need to talk to you, this radio may be our only contact means available.

A personal cell phone may also be a valuable communications source. If you have a cell phone in your possession, you should also keep it within easy access and hearing range. A cell phone will be extremely helpful in the event of downed telephone lines or power outages.

The polling place has a multi-line telephone system for your use. Telephone extensions are located in the following areas. Three (3) telephone units are located in the front office space area, one (1) telephone unit is located in the second floor boiler room to the left of the rear stairwell, one (1) telephone unit is located in the kitchen area, one (1) telephone unit is located in the back office and one (1) telephone unit is located in the second floor medical room at the top of the front staircase.

The office computers at the polling place have access to internet and email services for your use in the event of an emergency.

Be sure to familiarize yourself with each of these communication devices. Your ability to reach the Clerk's Office, Police Department and other emergency personnel when a disruption in election-day activities occurs, could save the life of election officials, building employees and residents.

² Note: Identifying information has been removed.

ELECTION EQUIPMENT/BALLOT SECURITY

The most commonly asked questions in the event of a disruption at the polling place is where are the ballots that have been voted on, where are the ballots that have yet to be voted on, and what do we do with these ballots and election equipment.

The decision on what to do with ballots and election equipment will be directly proportionate to the type of emergency you are experiencing.

When you are dealing with a life-threatening situation, the evacuation and safety of human life will be the first concern. Please remember to inform any voters at your location of the safety evacuation route.

In case of the need to evacuate:

Temporary Evacuation – Temporary Evacuation would require leaving the polling place to seek alternate shelter due to a storm, tornado, etc. Secure all election materials and follow the evacuation procedures for the building you are in. The Election Inspectors will secure the election materials and take them to the evacuation site until it is clear to return to the polling place. After returning to the polling place, the Election Inspectors will return the AccuVote unit to the ballot box and proceed with the election. Note the time that the polling place reopens on the Inspector's Statement.

Permanent Evacuation – If for any reason the polling place needs to be permanently evacuated during election day, all election materials should be brought to ALTERNATE LOCATION. Depending on the reason for the evacuation, a police escort will be provided. A notice should be posted on the entrance to the polling place notifying voters of the evacuation and that they should report to ALTERNATE LOCATION to vote.

- Remove the AccuVote unit from the ballot box and place it in the protective carrying case. The locked ballot box has wheels and should also be moved outside of the building to the designated assembly area. Be sure keep the ballot box sealed at all times.
- The Chief Election Inspector and the Election Inspectors should immediately take all un-voted ballots into custody. Remove the voted ballots from the ballot box and place them in a sealed ballot bag. The purpose for removing all un-voted ballots is to prevent anyone from entering and voting on unauthorized ballots while inspectors are out of the building.
- Election Inspectors will take the secured AccuVote unit and all ballots to the evacuation site, depending on the type of disaster.
- **AT NO TIME WILL THE BALLOT BOX OR BALLOTS BE OUT OF SIGHT OF THE ELECTION INSPECTORS.**
- If you are able, you may allow voting to continue in the paved basketball court area across the street from the building. This will be the designated outdoor emergency assembly point in the event an evacuation of the polling place becomes necessary. Designate a corner of the assembly area where voting can take place. The ballot box should be able to count and record ballots while on battery backup and will retain all election history until building re-entry can be obtained or until it can be

safely plugged in at another location. However, a power supply may be needed if this process would continue longer than 3 hours.

- If you are not able to complete the election in the designated assembly area, then a change of venue will be required. Changing the voting location will require an escort from the Police Department. The Clerk will determine if the event requires a change of venue. See Change of Venue below to see the procedure for moving the entire polling location.
- Elections may continue in the original polling place as soon as emergency personnel have cleared the building for reentry.
- Note the time of the evacuation and/or change of venue on the Inspector's Statement EB-104.

TYPE OF EMERGENCY

WORLDWIDE TERRORISM EVENT

In the event of a Terrorist Activity, the Federal Government may have a preliminary plan in place for moving activities of election days. However, if no plan exists, it will be the policy to act accordingly. All elections will continue unless Federal or State officials have ordered otherwise.

Although a worldwide terrorist event dramatically affects each voter on a personal level, it may not effect the daily operations of each polling location throughout the country. If there is no police order to take cover or remain indoors, all operations of the polling locations can remain in tact. If you are notified to evacuate the polling location, refer to the section Election Equipment/Ballot Security for evacuation procedures.

FIRE OR FIRE ALARMS

A fire in or near the polling place on an election day can severely hamper the operations and procedures necessary to carry out the election process. It is expected that fire department personnel will respond to fire calls as needed without interrupting the activities of the election; unless the polling place is the location of the fire or is near enough to another structure fire to make evacuation a necessity. In the event that a fire or fire alarm has disturbed the activities at the polling place, the following events will be used to effectively continue election processes.

- Stay Calm and Dial 911. Radio local police department for assistance.
- The evacuation and safety of human life will be the first concern. Please remember to inform any voters at your location of the safety evacuation route. Refer to Election Equipment/Ballot Security Section for directions on dealing with ballots and equipment during evacuation.
- Proceed to the designated assembly location. Be careful if crossing streets to the assembly area.
- Take a head count and note any missing people. Report any missing people to the Emergency Personnel.
- Stay in the designated area until you are directed to do otherwise.
- Do not attempt to re-enter the building until advised by Emergency Personnel.
- Do not speak to the media – refer them to Emergency Personnel.

- Receive all of your information from the Emergency Personnel.

TORNADO/SEVERE WEATHER

During inclement weather, the Fire Department and Police Department will be kept apprised of the severity to alert the Clerk of possible situations.

Should an evacuation occur, you should adhere to the evacuation procedures listed above. If a natural disaster such as a tornado warning occurs, which requires inspectors and voters to seek cover, all unvoted ballots and poll lists will be secured with the Chief Inspector. The Ballot Box can remain unplugged and locked. No ballots will be allowed into the ballot box, and no unvoted ballots will be released. After passage, regular business will resume and the Inspector will note on their inspector report the time from beginning to end.

- If a tornado is reported or seen in the immediate area, immediately seek shelter in a secure location. All Inspectors should know this location ahead of time. If time does not allow you to evacuate to a safe location, find shelter under a heavy object such as a table and protect your head.
- Do not stop for personal belongings, ballots, or election equipment.
- Take a head count of your group. Try to remain calm and quiet during the waiting period. Do not wander.
- If the building is struck by a tornado, remain in your location until it is safe to evacuate.
- It is important to stay away from all sources of power, power lines, phone lines, gas lines, and windows.
- Once you are clear of the area, do not re-enter the building without clearance from Emergency Personnel.

THREATENING PHONE CALL/BOMB THREAT/SUSPICIOUS OBJECT

If you receive a written threat, suspicious parcel, or if you find a suspicious object on the premises:

- Keep anyone from handling it or going near it. The object may be potentially dangerous. In addition, preservation of evidence is important for law enforcement.
- Stay calm and Call 9-1-1.
- Promptly write down everything you can remember about receiving the verbal or written threat, parcel, or if you find a suspicious object. Listen for background noise, the caller's voice and what he/she said. If the situation allows, ask questions pertaining to where the bomb is located, when will it explode, what does it look like or what the person's name and address is? Police interviewers will need this information. A Bomb Threat Checklist is attached to assist you with gathering information.

HAZARDOUS LEAK

- Many polling locations are located near railroad crossings or major roads. Hazardous substances are transported via both. A leak or spill is a possibility and a concern.
- If you are the first person to identify a leak or hazardous substance, call 9-1-1 to report the incident.
- The Fire Department and County Emergency Government will be the Emergency Personnel to assess the situation.

- Remain at the polling location unless notified otherwise by the Emergency Personnel. Close doors and windows if leak or spill is outside of your facility.
- Refer to Election Equipment/Ballot Security Section for directions on dealing with ballots and equipment.

POWER OUTAGE

Ballot Boxes contain power supply backups that will continue to operate in the event of a power outage. The AccuVote Internal battery should last approximately 3 – 4 hours. Turn off the AccuVote unit and have the voters deposit their ballots in the auxiliary compartment. Note the time of the power outage on the Inspector's Statement and contact the Clerk immediately. Maintenance personnel will deliver flashlights and any other supplies needed. After the power returns, turn the AccuVote unit on, remove the voted ballots from the auxiliary bin and process them through the ballot reader. Note the time that power was restored. If power is not restored before the end of election day, secure all of the voted ballots in a ballot bag and bring all of the election supplies to Alternate Location. Ballots will then be processed at Alternate Location.

In the event of a long-term power outage, a change of venue will be required. If there is a City-wide power outage, ballots shall be secured with the Inspectors at the polling location until 8:00PM.

If a power outage should occur:

- Remain calm.
- Provide assistance to visitors and staff in your immediate area.
- If you are in an area that does not have windows, proceed cautiously to an area that has emergency lights.
- The tabulator prom pack will retain all data in its memory and can be restarted after a power outage.

MEDICAL EMERGENCIES: STAFF MEMBERS AND VISITORS

If you observe a staff member or visitor who appears to be seriously ill or injured:

- Dial 9-1-1 immediately. Give the 9-1-1 Operator the location and type of emergency.
- Unless it is a life-threatening situation, do not render first aid until a qualified individual arrives.
- Do not offer to move a person who has fallen.
- Obtain from the injured person (if possible) his/her name, phone number, address, date of birth and a brief description of what happened.
- Avoid unnecessary conversation with, or about, the ill or injured person.
- Report any employee injury to the City Clerk.

WORKPLACE VIOLENCE

Be aware of the possibility of an incident occurring at your voting location. Please note the following:

- All threats of violence must be taken seriously
- Report any threats to the Chief Inspector to make a determination as to the next course of action.

- For any situation that involves immediate threat of violence, an Inspector should notify local law enforcement. Dial 9-1-1.
- In the event of a confrontation, do not panic.
- Do exactly what you are told – no more and no less. Do not do anything to surprise the individual.

CHANGE OF VENUE

When it has been determined by the Clerk, Deputy Clerk, Chief Election Inspector or Emergency Personnel that a polling location needs to be moved to effectively respond to a disaster of any kind, the following process will be executed.

- The Election Inspectors will assist in packing up all voting equipment, ballots, poll lists, registration materials, and all election forms and information that needs to be relocated (election signs, posting materials, etc.)
- The Clerk, with Police escort, will report to the polling location to facilitate the move.
- See evacuation information in section Election Equipment / Ballot Security.
- All Election Inspectors will assist the Clerk in moving the election materials to the transport vehicle(s).
- The Ballot Box will remain locked at all times.
- The ballot box will be escorted to a City Vehicle for moving. A Police Officer will remain in view of this Ballot Box at all times. A Police Escort will take the ballot box (which holds all voted ballots) to Alternate Location. At this location, all inspectors and Clerk will set up the polling location as normal. The Ballot box arrives with Police Escort. The AccuVote has a battery backup so no information should be lost.
- All unvoted Ballots should remain in the presence of the Chief Election Inspector and at least one other inspector during this change of venue.
- A sign will be posted on the front entry doors at the original location designating the new polling place location. Likewise, if possible, a notice will be placed on Public Access Channel, or the local radio for directing Voters to the new polling location.
- Inspectors will note this change of location on the Inspector Statement EB-104.

EFFECT ON POLL WATCHERS

- Poll Watchers would be expected to exit any building that is evacuated.
- They may continue to watch the election processes without interruption.
- They will still be prohibited from interfering with the election process.
- If they are asked to leave and refuse to do so, they can be removed by the Police Department.

VI. APPENDIX D

STATE STATUTES AND ADMINISTRATIVE CODE IN REGARDS TO ELECTION-RELATED CONTINGENCY PLANNING FROM FLORIDA, IOWA, AND KENTUCKY

FLORIDA

1S-9.001 Purpose.

The Florida Legislature has declared that there is a necessity to designate a procedure for the emergency suspension or delay and rescheduling of elections when an election has been suspended or delayed by the Governor pursuant to s. 101.733, F.S. This necessity is due to the existing and continuing possibility of an emergency or common disaster occurring before or during a regularly scheduled or special election. The Florida Legislature enacted the Elections Emergency Act in order to ensure maximum electorate participation; to provide a safe and orderly procedure for persons seeking to 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.

Specific Authority 101.733(3) FS. Law Implemented 101.733(3) FS. History--New 3-13-94.

1S-9.002 Goals and Policies.

This chapter sets forth the goals and policies of the Elections Emergency Contingency Plan which gives specific direction to state and local election officials when an election has been suspended or delayed. The Plan provides procedures for state and local election officials to follow when an election has been suspended or delayed. The procedures provided for notice of the suspension or delay to the proper authorities, the electorate, the communications' media, poll workers, and the custodians of polling places. The Plan also provides procedures for the orderly conduct of a rescheduled election, whether municipal, county, district, or statewide in scope; and it provides a procedure for the release and certification of election returns to the Department of State for elections suspended or delayed and subsequently rescheduled. The Division of Elections of the Department is given broad authority to implement a contingency plan for the suspension or delay of an election in the event of an emergency situation and is authorized to promulgate rules to effectuate this Plan. The Plan is statewide in scope.

Specific Authority 101.733(3) FS. Law Implemented 101.733(3) FS. History--New 3-13-94.

1S-9.003 Definitions.

(1) "County Emergency Management Agency" means the emergency management agency authorized and directed to be established and maintained by each county of the state pursuant to s. 252.38(1), F.S.

(2) "Division" means the Division of Elections of the Department of State.

Specific Authority 101.733(3) FS. Law Implemented 101.733(3) FS. History--New 3-13-94.

1S-9.004 Suspension or Delay of Election.

(1) 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 is authorized to request that the Governor suspend or delay an election.

(2) A supervisor of elections from an affected county or a municipal clerk from an affected municipality should communicate with their county emergency management agency by any means of communication available at that time, in reference to an emergency situation, to expedite a decision to request the Governor to suspend or delay an election.

(3) When a supervisor of elections from an affected county or a municipal clerk from an affected municipality requests the suspension or delay of an election, the official should notify the Governor by contacting the duty officer at the Division of Emergency Management, (850) 488-1900, or by any other means of communication available at that time. The Secretary of State may also be contacted, through the Department of State, (850) 488-3680 or Suncom 278-3680, or through the Division of Elections, (850) 488-7690 or Suncom 278-7690, or by any other means of communication available at that time.
Specific Authority 101.733(3) FS. Law Implemented 101.733(3) FS. History—New 3-13-94.

1S-9.005 Comprehensive Emergency Suspension of Election Plan.

(1) Notification.

(a) After an election has been suspended or delayed, the supervisor of elections from an affected county or the municipal clerk from an affected municipality must ensure that the public receives prompt notification of the suspension or delay of an election.

(b) Such notification must be through public service announcements in the print and electronic media and any other means available.

(2) Conduct of rescheduled election.

(a) As soon as possible after an election has been suspended or delayed, the supervisor of elections from an affected county or the municipal clerk from an affected municipality must identify the number of previously established polling sites that are functional; the number of previously established polling sites that can be repaired; and the number of previously established polling sites that have been destroyed.

(b) A supervisor of elections from an affected county or the municipal clerk from an affected municipality must, in coordination with federal, state, and local emergency management agency officials, determine the safety and ability to utilize existing polling sites and availability of new polling sites.

(c) When the supervisor of elections from an affected county or the municipal clerk from an affected municipality determines that new polling sites are required as a result of an emergency, new polling sites shall be established by the supervisor.

(d) The supervisor of elections from an affected county or the municipal clerk from an affected municipality should coordinate efforts with federal, state, and local emergency management agencies to permit the orderly establishment of new polling sites.

(e) Tents or other temporary structures may be utilized as new polling sites and staffed by any elector in the state. The supervisor of elections from an affected county or the municipal clerk from an affected municipality will appoint all poll workers for purposes of this provision.

(f) Where possible, adequate lighting must be provided at all polling sites.

(g) The suspended or delayed election must be rescheduled by the Governor, upon consultation with the Secretary of State, to be held within 10 days after the date of the suspended or delayed election or as soon as practicable.

(h) The orderly conduct of a rescheduled election by the supervisor of elections from an affected county or the municipal clerk from an affected municipality must be coordinated with the members of the governing body holding the election, where applicable.

(i) The supervisor of elections from an affected county or the municipal clerk from an affected municipality may recruit and train as poll workers for a rescheduled election any elector in the State of Florida.

(j) The supervisor of elections from an affected county must train all poll workers except where municipal clerks from affected municipalities are authorized to train poll workers pursuant to municipal charter or municipal ordinance.

(k) The supervisor of elections from an affected county or the municipal clerk from an affected municipality will determine the appropriate credential for identifying poll workers who will assist in the rescheduled election process, with the local emergency management agency providing support and technical assistance as appropriate in both a pre- and post-disaster situation.

(3) Absentee ballots.

(a) The supervisor of elections from an affected county or the municipal clerk from an affected municipality may establish temporary absentee ballot sites in the affected areas or at any place in the county or city, and, if established, must publicize those sites through public service announcements in the print and electronic media and any other means.

(b) Any elector residing in the affected area, or any elector of the state who is in the affected area providing emergency assistance, may vote by absentee ballot.

(c) All absentee ballot sites shall be supervised and under the direct control of the supervisor of elections or the municipal clerk.

(d) All absentee ballots shall be distributed and collected at such sites under the supervision and direct control of the supervisor of elections or the municipal clerk.

(4) Voting and tabulation equipment.

(a) Supervisors of elections from affected counties or municipal clerks from affected municipalities may borrow or lease certified voting and tabulation equipment or voting systems which have been certified pursuant to s. 101.015(1), F.S., and rule Chapter 1S-5, for use in the rescheduled election. Where a central or regional counting center cannot be established within the area affected by the disaster, ballots may be tabulated in other counties.

(b) Notices relating to offices or issues which will appear on the ballot that have been published prior to the suspension or delay of an election need not be republished, even if those notices are date specific. However, canvassing board meetings; logic and accuracy tests conducted pursuant to s. 101.5612(1), F.S.; and tabulating equipment tests conducted pursuant to s. 101.5612, F.S., which have been previously noticed but are affected by the suspension or delay of an election must be renoticed through public service announcements in the print and electronic media and any other means available to provide the public reasonable notice of any meetings or tests.

(c) The supervisor of elections from an affected county or the municipal clerk from an affected municipality shall conduct a logic and accuracy test pursuant to s. 101.5612(1), F.S., or a pre-election test pursuant to s. 101.35, F.S., on the tabulation equipment which will be used in the election. Notification of such testing must be publicized through public service announcements in the print and electronic media and any other means available.

(d) The supervisor of elections from an affected county or the municipal clerk from an affected municipality shall comply with the filing requirements of s. 101.5607(1)(b), F.S., and Rule 1S-2.015(5)(f), FAC., which are otherwise applicable to elections conducted utilizing the voting systems being used.

(5) Safety of existing polling places. The supervisor of elections from an affected county or the municipal clerk from the affected municipality should coordinate with the county and city police and the National Guard in an effort to provide security for existing polling sites, including securing salvageable voting equipment from destroyed or damaged polling sites to prevent them from further damage and looting and providing security for voting equipment at existing, destroyed, and newly established polling sites.

(6) Release and certification of election returns.

(a) The supervisor of elections from an affected county or the municipal clerk from an affected municipality must ensure the security of all ballots.

(b) Law enforcement officers, the National Guard, and poll workers may be utilized by the affected supervisor of elections or municipal clerk to transport or secure ballots.

(c) Where a central or regional counting center cannot be established within the area affected by the disaster, an affected supervisor of elections or municipal clerk may, in coordination with law enforcement officers or the National Guard, deliver ballots to other counties for tabulation. However, any ballot transportation or tabulation must be done under the supervision and control of the affected supervisor of elections or municipal clerk who shall at all times have the responsibility to ensure the safety and safekeeping of the ballots and election results.

(d) Where a multicounty or statewide election is suspended or delayed pursuant to s. 101.733, F.S., all

supervisors of elections must withhold returns for affected races until the supervisors of elections in those counties where an election has been suspended or delayed have conducted rescheduled elections and are able to certify returns to the Division. The Division will notify the supervisors of elections when returns are to be delayed and when returns shall be certified to the Division.

(e) Where a county or municipal election, or any part of a county or municipal election, is suspended, no results from an affected race may be released by the supervisor of elections or municipal clerk until after the polls have closed in those jurisdictions with delayed elections.

(f) Where a supervisor of elections or municipal clerk is required to either withhold or certify previously withheld returns, a logic and accuracy test shall be conducted pursuant to s. 101.5612(1), F.S., or a pre-election test pursuant to s. 101.35, F.S., if parameters used within the voting system to define the tabulation and reporting instructions are changed in any way as a result of the requirement to withhold returns. Notification of such testing must be publicized through public service announcements in the print and electronic media and any other means available. The supervisor of elections or municipal clerk shall comply with the filing requirements of s. 101.5607(1)(b), F.S., and Rule 1S-2.015(5)(f), FAC.

Specific Authority 101.733(3) FS. Law Implemented 101.733(3) FS. History--New 3-13-94.

IOWA

721-21.1(47) Emergency election procedures. 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 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.

21.1(1) Definitions.

"Commissioner" means the county commissioner of elections.

"Election contest court" means any of the courts specified in Iowa Code sections 57.1, 58.4, 61.1, 62.1 and 376.10.

"Extremely inclement weather" means a natural occurrence, such as a rainstorm, windstorm, ice storm, blizzard, tornado or other weather conditions, which makes travel extremely dangerous or which threatens the public peace, health and safety of the people or which damages and destroys public and private property.

"Natural disaster" means a natural occurrence, such as a fire, flood, blizzard, earthquake, tornado, windstorm, ice storm, or other events, which threatens the public peace, health and safety of the people or which damages and destroys public and private property.

"Other disaster" means an occurrence caused by machines or people, such as fire, hazardous substance or nuclear power plant accident or incident, which threatens the public peace, health and safety of the people or which damages and destroys public and private property.

"State commissioner" means the state commissioner of elections.

21.1(2) Notice of natural or other disaster or extremely inclement weather. The county commissioner of elections, or the commissioner's designee, may notify the state commissioner of elections that due to a natural or other disaster or extremely inclement weather an election cannot safely be conducted in the time or place for which the election is scheduled to be held. If the commissioner or the commissioner's designee is unable to transmit notice of the hazardous conditions, the notice may be given by any elected county official. Verification of the commissioner's agreement with the severity of the conditions and the danger to the

election process shall be transmitted to the state commissioner as soon as possible. Notice may be given by telephone or by facsimile machine, but a signed notice shall also be delivered to the state commissioner.

21.1(3) Declaration of emergency due to natural or other disaster or extremely inclement weather. After receiving notice of hazardous conditions, the state commissioner of elections, or the state commissioner's designee, may declare that an emergency exists in the affected precinct or precincts. A copy of the declaration of the emergency shall be provided to the commissioner.

21.1(4) Emergency modifications to conduct of elections. When the state commissioner of elections has declared that an emergency exists due to a natural or other disaster or to extremely inclement weather, the county commissioner of elections, or the commissioner's designee, shall consult with the state commissioner to develop a plan to conduct the election under the emergency conditions. All modifications to the usual method for conducting elections shall be approved in advance by the state commissioner unless prior approval is impossible to obtain.

Modifications may be made to the method for conducting the election including relocation of the polling place, postponement of the hour of opening the polls, postponement of the date of the election if no candidates for federal offices are on the ballot, reduction in the number of precinct election officials in nonpartisan elections, or other reasonable and prudent modifications that will permit the election to be conducted.

21.1(5) Relocation of polling place. The substitute polling place shall be as close as possible to the usual polling place and shall be within the same precinct if possible. Preference shall be given to buildings which are accessible to the elderly and disabled. Buildings supported by taxation shall be made available without charge by the authorities responsible for their administration. If it is necessary, more than one precinct may be located in the same room.

A notice of the location of the substitute polling place shall be posted on the door of the former polling place not later than one hour before the scheduled time for opening the polls or as soon as possible. If it is unsafe or impossible to post the sign on the door of the former polling place, the notice shall be posted in some other visible place at or near the site of the former polling place. If time permits, notice of the relocation of the polling place shall be published in the same newspaper in which notice of election was published, otherwise notice of relocation may be published in any newspaper of general circulation in the political subdivision which will appear on or before election day. The commissioner shall inform all broadcast media and print news organizations serving the jurisdiction of the modifications.

21.1(6) Postponement of election. An election may be postponed until the following Tuesday. If the election involves more than one precinct, the postponement must include all precincts within the political subdivision. If the election is postponed, ballots shall not be reprinted to reflect the modification in the election date. The date of the close of voter registration for the election shall not be extended. Precinct election registers prepared for the original election date may be used or reprinted at the commissioner's discretion.

On the day that the postponed election is actually held all election day procedures must be repeated.

21.1(7) Absentee voting in postponed elections. Absentee ballots shall be delivered to voters until the date the election is actually held. Absentee ballots shall be accepted at the commissioner's office until the hour the polls close on the date the election is held. Absentee ballots which are postmarked no later than the day before the election is actually held shall be accepted if received no later than the time prescribed by the Iowa Code for the usual conduct of the election. The time shall be calculated from the date on which the election is held, not the date for which the election was originally scheduled.

21.1(8) Special precinct board in postponed elections. The special precinct board shall meet to consider special ballots at the times specified in Iowa Code sections 50.22 and 52.23, calculated from the date the election is held. No absentee ballots shall be counted until the date the election is held.

21.1(9) Canvass of votes in postponed elections. The canvass of votes shall also be rescheduled for one week following the original date.

21.1(10) Postponements made on election day. If the emergency is declared while the polls are open and the decision is made to postpone the election, each precinct polling place in the political subdivision shall be notified to close its doors and to halt all voting immediately. People present in the polling place who are waiting to vote shall not be given ballots or admitted to the voting machines, as appropriate. People who have received ballots shall deposit them in the ballot box; unmarked ballots may be returned to the precinct election officials.

The precinct election officials shall seal all ballots which were cast before the declaration of the emergency in secure containers. The containers shall be clearly marked as ballots from the postponed election. If it is safe to do so, the ballot containers, election register, and other election supplies shall be transported to the commissioner's office. The ballots shall be stored in a secure place. If it is unsafe to travel to the commissioner's office, the chairperson of the precinct election board shall see that the ballots and the election register are securely stored until it is safe to return them to the commissioner. If no contest is pending six months after the canvass for the election is completed, the unopened ballot containers shall be destroyed.

If voting machines are used, the machines shall be closed and sealed without printing the results. Before the date the election is held the machines shall be reset to zero. Any documents showing the progress of the count shall be sealed and stored. No one shall reveal the progress of the count. After six months, the envelope containing the vote totals shall destroyed if no contest is pending.

21.1(11) Records kept. The state commissioner of elections shall maintain records of each emergency declaration. The records shall include the following information:

- a. The county in which the emergency occurred.
- b. The date and time the emergency declaration was requested.
- c. The name and title of the person making the request.
- d. Name and date of the election affected.
- e. The jurisdiction for which the election is to be conducted (school, city, county, or other).
- f. The number of precincts in the jurisdiction.
- g. The number of precincts affected by the emergency.
- h. The nature of the emergency, i.e., natural or other disaster, or extremely inclement weather.
- i. The date or dates of the occurrence of the natural or other disaster or extremely inclement weather.
- j. Conditions affecting the conduct of the election.
- k. Whether the polling places may safely be opened on time.
- l. Action taken: such as moving the polling place, change voting system, postpone election until the following Tuesday.
- m. Method to be used to inform the public of changes made in the election procedure.
- n. The signature of the state commissioner or the state commissioner's designee who was responsible for declaring the emergency.

21.1(12) Federal elections.

a. If an emergency occurs that will adversely affect the conduct of an election at which candidates for federal office will appear on the ballot, the election shall not be postponed or delayed. Emergency measures shall be limited to relocation of polling places, modification of the method of voting, reduction of the number of precinct election officials at a precinct and other modifications of prescribed election procedures which will enable the election to be conducted on the date and during the hours required by law.

The primary election held in June of even-numbered years and the general election held in November of even-numbered years shall not be postponed. Special elections called by the governor pursuant to Iowa Code section 69.14 shall not be postponed unless no federal office appears on the ballot.

b. If a federal or state court order or any other order extends the time established for closing the polls pursuant to Iowa Code section 49.73, any person who votes after the statutory hour for closing the polls shall vote only by casting a provisional ballot pursuant to Iowa Code section 49.81. Provisional ballots cast after the statutory hour for closing the polls shall be sealed in a separate envelope from provisional ballots cast during the statutory polling hours. The absentee and special voters precinct board shall tabulate and report the results of the two sets of provisional ballots separately.

21.1(13) Report to state commissioner. A report of the actions taken and recommendations for future situations shall be prepared by the commissioner and sent to the state commissioner of elections not later than one week following the canvass of the election.

21.1(14) Military emergencies. During an armed conflict involving the United States armed forces, or mobilization of those forces, the state commissioner of elections may order the use of facsimile transmission of absentee ballots to electors if the Federal Voting Assistance Office in the Department of Defense requests that this service be made available to personnel in military operations.

If requested by the Department of Defense, absentee ballots may be returned via facsimile transmission if the elector waives the right to a secret ballot. In addition to the affidavit required by Iowa Code section 53.13, the elector shall sign a statement in substantially the following form: "I understand that by returning this ballot by facsimile transmission my voted ballot will not be secret. I hereby waive my right to a secret ballot."

When absentee ballots are received via facsimile transmission, the person receiving the transmission shall examine the transmission to determine that all pages have been received and are legible. The person receiving a facsimile transmission shall not reveal how the elector voted.

The absentee ballot shall be sealed in an envelope marked with the elector's name. The affidavit of the elector and the application for the ballot shall be attached to the envelope. These materials shall be stored with other returned absentee ballots.

21.1(15) Election contest emergency. If an election contest court finds that there were errors in the conduct of an election which make it impossible to determine the result of the election, the contest court shall notify the state commissioner of elections of its finding. The state commissioner shall order a new election to be held. The election date shall be set by the state commissioner. The repeat election shall be conducted under the state commissioner's supervision.

The repeat election shall be held at the earliest possible time, but it shall not be held earlier than 14 days after the date the election was set aside. Voter registration, publication, equipment testing and other applicable deadlines shall be calculated from the date of the repeat election.

The repeat election shall be conducted under the same procedures required for the election that was set aside, except that all known errors in preparation and procedure shall be corrected. The nominations from the initial

election shall be used in the repeat election unless the contest court specifically rejects the initial nomination process in its findings. Precinct election officials for the repeat election may be replaced at the discretion of the auditor.

The following materials prepared for the original election shall be used or reconstructed for the repeat election:

Ballots (showing the date of repeat election). This may be stamped on ballots printed for the original election.

Notice of election (showing the date of repeat election).

This rule is intended to implement Iowa Code section 47.1

KENTUCKY

31 KAR 4:160. Elections emergency contingency plan.

RELATES TO: KRS 39A.100, 117.045, 117.065, 117.085, 117.165, 117.187, 117.285, Chapter 424

STATUTORY AUTHORITY: KRS 39A.100(1)(k), 117.015(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(b) requires the State Board of Elections to promulgate administrative regulations establishing a procedure for election officials to follow if an election has been suspended or delayed as described in KRS 39A.100(1)(k). This administrative regulation establishes this procedure.

Section 1. Definitions. (1) "Affected county board of elections" means a county board of election that is required to suspend or delay an election pursuant to an executive order issued pursuant to KRS 39A.100(1)(k).

(2) "Affected county clerk" means a county clerk in a county that is required to suspend or delay an election pursuant to an executive order issued pursuant to KRS 39A.100(1)(k).

(3) "Affected election district" means an election district for which a state of emergency has been declared for all or part of an election district as specifically described by the Governor in an executive order issued pursuant to KRS 39A.100(1)(k).

(4) "Precinct election officer" means an individual who has been appointed to serve as an election officer in a precinct in accordance with the provisions of KRS 117.045.

(5) "Voting place" means a place for voting established in accordance with the provisions of KRS 117.065.

Section 2. General Provisions. (1) Election officials shall follow the elections emergency contingency plan as specifically mandated by the governor through an executive order, pursuant to KRS 39A.100(1)(k), suspending or delaying an election.

(2) The procedures in the general election laws, KRS Chapters 116 to 121A, shall be applicable to an election conducted pursuant to the elections emergency contingency plan, unless superseded by:

(a) The Governor's executive order, pursuant to KRS 39A.100(k); or

(b) Provisions of this administrative regulation.

(3) County boards of elections shall establish procedures to implement the provisions of this administrative regulation at the local level and shall file the "County Board of Elections Notice of Establishment of Local Elections Emergency Contingency Plan Procedures" Form SBE 20 on or before the first day of March of each year in which a general election occurs.

(4) County boards of elections shall train all precinct election officers prior to each primary and general election on the procedures established by the county boards of elections to implement the elections emergency contingency plan during the training required by KRS 117.187.

Section 3. Notification. After the Governor has issued an executive order pursuant to KRS 39A.100(1)(k), the State Board of Elections shall notify all county clerks in the affected election districts or statewide, in accordance with the Governor's executive order.

Section 4. Voting Places. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county board of elections shall:

- (1) Identify the number of voting places that are functional, that can be repaired, and that have been destroyed; and
- (2) Establish new voting places, if needed, in a manner consistent with KRS 117.065.

Section 5. Precinct Election Officers. If an affected county board of elections determines that new precinct election officers are required because of an emergency, the affected county board of elections shall use the same list of precinct election officers from the suspended election and may create a new list of additional precinct election officers in a manner consistent with the provisions of KRS 117.045.

Section 6. Procedures for Conducting an Election Rescheduled Prior to the Original Election Day. (1) Notification. After notification from the State Board of Elections of an executive order suspending or delaying an election, prior to the original date scheduled for an election by law, the affected county clerk shall ensure that the public receives prompt notification of the suspension or delay of an election in accordance with KRS Chapter 424, if possible, and any other means available.

(2) Absentee voting. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county clerk shall immediately:

- (a) Suspend absentee voting being conducted pursuant to KRS 117.085(1)(c); and
- (b) Secure all voting machines being used for absentee voting until absentee voting may be resumed in accordance with KRS 117.085(1)(c).

(3) Absentee ballots. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county clerk shall immediately deposit all unvoted absentee ballots and related materials in a secured and locked storage container or area until absentee voting may be resumed in accordance with KRS 117.085(1)(c).

(4) Examination of voting equipment.

(a) The date of examination of voting equipment, conducted pursuant to KRS 117.165, which has been previously noticed, but is affected by the suspension or delay of an election, shall be re-noticed pursuant to KRS Chapter 424, if possible, and any other means available.

(b) The affected county board of elections shall not conduct a reexamination of the voting equipment if the affected county board of elections has already conducted the examination required by KRS 117.165 prior to receipt of the notice of the rescheduled election.

Section 7. Procedures for Conducting an Election Rescheduled After the Commencement of the Original Election Day. (1) Notification. After notification from the State Board of Elections of an executive order suspending or delaying an election after the commencement of an election, the affected county clerk shall ensure that the public receives immediate notification of the suspension of the election and the date of the rescheduled election by any means possible, including all electronic media available and notice in accordance with KRS Chapter 424.

(2) Suspend general voting. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county board of elections shall immediately:

- (a) Suspend general voting being conducted on all voting systems;
- (b) Instruct the precinct election officers to secure all voting machines being used for general voting until voting may be resumed in accordance with the executive order issued pursuant to KRS 39A.100(1)(k);
- (c) Instruct the precinct election officers to not closeout or tally the votes in the voting machines. The precinct election officers shall ensure that all seals on the voting machines are intact prior to storage in a secure location;
- (d) Instruct the precinct election officers to record the public counter number on the form furnished by the county board of elections and the form shall be signed by all present precinct election officers; and
- (e) Instruct the precinct election officers to return all election materials to the county board of elections.

(3) Ballots and election materials. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county clerk shall immediately deposit all election materials, including unvoted absentee ballots, paper ballots, provisional ballots, precinct signature rosters, and related materials, in a secured and locked storage container or area until voting may be resumed in accordance with the executive order issued pursuant to KRS 39A.100(1)(k).

(4) Conduct of rescheduled election.

(a) If the precinct signature roster and voting machines are intact from the original election date, then only those persons duly registered to vote upon the original election date who did not vote on that date shall be entitled to vote on the additional day of voting in that precinct.

(b) If the precinct signature rosters or the voting machines are not intact from the original election date, then any person duly registered to vote upon the original election date, regardless of whether that person voted on the original election date, shall be entitled to vote on the additional day of voting in that precinct. If the signature rosters are destroyed or incomplete and the voting machines are intact, the county board of elections shall use a new set of precinct signature rosters provided by the State Board of Elections, clear the voting machines of all votes, and reset the machines for use in the rescheduled election.

(c) Voting on the rescheduled election day shall be accomplished by physically appearing at the voting place. The time set by law for casting or canvassing a military, absentee, or special presidential ballots shall not be extended by the executive order rescheduling the election. Any absentee, military, or special presidential ballot duly received on the original election date shall be valid.

Section 8. Release and Certification of Election Returns. (1) If a statewide election is affected by the suspension or delay of an election in an affected election district pursuant to KRS 39A.100 (1)(k):

(a) County boards of elections not located in the affected election district that have races affected by the suspension or delay of an election in an affected election district shall

1. Withhold returns for affected races until the county boards of elections in those counties where an election has been suspended or delayed have conducted rescheduled elections and are able to certify returns to the Secretary of State;

2. Not release any vote totals for the affected races until the suspended election has been completed in the affected counties;

3. Instruct the precinct election officers to not closeout or tally the votes in the voting machines;

4. Instruct the precinct election officers to remove the memory device that stores the vote totals on each voting machine, to secure and seal each voting machine, and to not post the vote totals of the affected races at the precinct as required by KRS 117.285. The precinct election officers shall immediately return all election materials to the county board of elections; and

5. Tally the vote totals from each precinct and only post at the county clerk's office the vote totals for those races not affected by the suspension or delay pursuant to KRS 39A.100(1)(k).

(b) The State Board of Elections shall notify the county boards of elections not located in the affected election district that have races affected by the suspension or delay of an election in an affected election district when vote totals are to be delayed and when vote totals shall be certified to the Secretary of State.

(2) If a county election, or any part of a county election, is suspended, the vote totals from an affected race shall not be released by the affected county board of elections until after the polls have closed in those jurisdictions with delayed elections.

Section 9. Post-Election Deadlines. All post-election timeframes and deadlines not specifically addressed in the provisions of this administrative regulation that are enumerated in general election laws shall be suspended until the rescheduled election occurs, in accordance with the Governor's executive order, pursuant to KRS 39A.100(1)(k).

Section 10. Incorporation by Reference. (1) "County Board of Elections Notice of Establishment of Local Elections Emergency Contingency Plan Procedures" SBE 20 (December 2005 edition), is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (32 Ky.R. 1345; 1609; eff. 3-31-2006.)

VI. APPENDIX E

Sample Election Day Contingency Plan

- I. Purpose
- II. General Election
- III. Emergency Procedures
 - a. Prior to Poll Opening
 - b. During Polling Hours
- IV. Handling Election Materials
- V. Alternate Locations
- VI. Notification Plan
- VII. Communication Plan

I. Purpose

The purpose of a Election-Related Contingency Plan is to ensure that effective preparations are made by state, county, and local election officials in order to maintain the integrity of the election process. These plans addresses how to prepare for, manage and mitigate, and recover from a sudden unexpected event that may disrupt the continuity of Election Day. This document is intended to assist individual counties and municipalities in building their own comprehensive plans by providing the framework for applying the guidelines as they pertain to their local emergency situations. Plans should be reviewed annually to maintain relevance and to keep election personnel current on emergency procedures.

II. General Election Procedures

- On Election Day, all polling places open at 7:00 am and all polls close at 8:00 pm.
- The election inspectors hold the responsibility for running the election. This includes checking in voters, answering questions, maintaining an orderly procession of the election process, and keeping accurate records of the proceedings of the day.
- Election inspectors should be familiar with voting equipment (if applicable) and should be able to troubleshoot tasks such as turning the machines on, printing zeros tapes, changing printer tapes, and casting a ballot.
- All irregular activities should recorded on the EB-104, Inspector's Statement.
- Following the close of the polls, the inspectors convene to publicly count the vote. Upon completion of the tally, the municipal clerk or an assigned inspector will call the results to the county clerk.
- All forms are to be filled out in their entirety and accurately. Election materials are to be received by the county clerk by 4:00pm on the day after the election.
- Complete Election Day responsibilities and procedures can be reviewed in the Election Day Manual posted on the SEB website at:
<http://elections.state.wi.us/docview.asp?docid=872&locid=47>.

III. Emergency Procedures

✓ *Prior to Poll Opening*

Should a natural or other disaster occur prior to Election Day that would not allow for an election to be conducted safely in the time or place for which the election is scheduled to be held, the county clerk should notify the SEB. The SEB would then notify the Governor who may, upon verification of the clerk's assessment, declare a state of emergency. If a state of emergency is declared, the SEB will provide modifications to be made to the method for conducting the election which may include relocation of the polling place, postponement of the hour of opening the polls, postponement of the date of the election if no candidates for federal offices are on the ballot, or other reasonable and prudent modifications that will permit the election to be conducted while protecting the integrity of the electoral process.

If a polling location is to be relocated, the substitute polling place shall be as close as possible to the established polling place and shall be within the same municipality if possible. Preference will be given to buildings which accommodate the accessibility provisions of the Help America Vote Act of 2002 (HAVA). It is recommended that each municipality have identified alternate polling locations prior to Election Day. A notice of the location of the substitute polling place shall be posted on the door of the former polling place. If time permits, notice of the relocation of the polling place shall be published in the same newspaper in which notice of the election was published. The clerk shall inform broadcast media and print news organizations serving the jurisdiction of the modification.

✓ *During Polling Hours*

Should an emergency situation develop after the opening of the polls on Election Day, the most important consideration must be the safety of the persons at the polling location(s). If the immediate danger to persons at the polling location can be mitigated, the concern should be placed on the security of the ballots and ballot box, registration records, and the tabulating equipment and/or voting machines and memory cards.

If it is necessary to adjourn to another location, the election materials should be secured and, per 7.37(1), Wis. Stats., the inspectors shall make a proclamation of the move. A law enforcement officer or other proper person designated by the municipal clerk shall be stationed at or as near as possible to the place where the adjournment was made to notify all electors of the place to which the election adjourned. At the new location, the inspectors shall immediately proceed with the election. The chief election inspector is in charge of the security of the ballots and should be sure to be in constant and consistent possession of the ballots. It is essential to document the time, persons involved, and the location to which the election was adjourned on the EB-104 Inspector's Statement. It is recommended that each municipality have identified alternate polling locations prior to Election Day. If it is not possible to adjourn to any alternate location, the municipal clerk should contact the SEB as soon as safely possible to receive direction.

✓ *Suggested Emergency-specific Procedures*

i. Fire Evacuation/Power Outage

Remember SAFETY FIRST! Secure the election materials if possible and evacuate the building until emergency personnel can confirm the safety of the building. If it is not feasible to continue at the current location, adjourn to an alternate location. The event should be recorded on the EB-104.

ii. Tornado/Inclement Weather

Remember SAFETY FIRST! Keep aware of changing weather conditions. Should an emergency situation arise, secure the election materials if possible and seek shelter. Election workers should know where the nearest shelter is located and direct persons at the polling place appropriately. Remain calm. After passage, regular election business can resume. The event should be recorded on the EB-104.

iii. Bomb Threat/Suspicious Objects

Written threat or suspicious package: Remain calm. Do not handle or go near the package. Call 911. If you receive a written note, limit your handling and place in a plastic bag to salvage evidence. If necessary, secure election materials and evacuate the building until emergency personnel can confirm the safety of the building. The event should be recorded on the EB-104.

Threatening phone call¹: Remain calm. Write down everything you hear. Keep the person talking and try to obtain as much information as possible. Keep the line open. Have someone call 911. If necessary, secure election materials and evacuate the building until emergency personnel can confirm the safety of the building. The event should be recorded on the EB-104.

iv. Other

These could include hazardous leak, medical emergencies, or workplace violence.

IV. Handling Election Materials

- ✓ It is recommended that each polling place assigns an election worker to be responsible for securing each type of the election material (ballots and ballot box, poll lists, and the tabulating equipment and/or voting machines and memory cards) in the event of an evacuation or suspension of election activities.

V. Alternate Locations

- ✓ It is recommended that each county have an alternate tabulation site and municipality have identified alternate polling locations prior to Election Day. This may include combining locations within the municipality or neighboring municipalities and/or back-up locations that can be utilized in the event of an emergency. Additionally, offices should identify the minimum essential equipment needed to conduct an election at the alternate location.

¹ Refer to the Bomb Threat Checklist attached at the end of this plan.

VI. Notification Plan

- ✓ Arrangements should be made to update websites (if applicable), post signs on polling place doors, and contact media outlets such as newspaper and television in order to notify electors of potential changes to alterations on Election Day.

VII. Communication Plan

- ✓ Election workers should be provided with the appropriate contact numbers for the municipal clerk, county clerk, the State Election Board, and any other relevant emergency personnel.
 - i. *Police/Fire/Medical:* 911
 - ii. *Municipal Clerk:* (XXX) XXX-XXXX
 - iii. *Local Utilities (Gas/Elec):* (XXX) XXX-XXXX
 - iv. *Sheriff's Office:* (XXX) XXX-XXXX
 - v. *County Clerk:* (XXX) XXX-XXXX
 - vi. *Regional WEM contact* (XXX) XXX-XXXX
 - vii. *State Elections Board:* (608) 266-8005
 - viii. *Others (including alternate pollworkers)*

Sample Bomb Threat Checklist

Time and Date of Call Received_____ **Time Caller Hung Up**_____

Exact Words of Caller:

Questions to Ask:

1. When is the bomb going to explode? _____
2. Where is the bomb located? _____
3. What kind of bomb is it? _____
4. What does it look like? _____
5. Why did you place the bomb? _____
6. Where are you calling from? _____
7. Who are you? _____

Description of Caller's Voice:

Male___ Female___ Young___ Middle Age___ Old___ Accent___

Tone_____ Unusual Speech?_____ Familiar Voice?_____

Background Noises:_____

Person receiving the call: _____

Home address: _____

Contact Number: _____

Date: _____