

## Summary of State Laws Concerning Emergency Authority and Contingency Plans for Elections

**Connecticut** - For each municipality, the registrars of voters, in consultation with the municipal clerk, shall create an emergency contingency plan for elections, primaries and referenda to be held within such municipality. Such plan shall include, but not be limited to, (1) solutions for ballot shortages, and (2) strategies to implement in the event of (A) a shortage or absence of poll workers, (B) a loss of power, (C) a fire or the sounding of an alarm within a polling place, (D) voting machine malfunctions, (E) a weather or other natural disaster, (F) the need to remove a poll worker or moderator and to replace such worker or moderator, and (G) disorder in and around the polling place. The Secretary of the State shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, as the Secretary deems necessary to implement the provisions of this section. Such regulations shall include a model plan that municipalities may adopt. [Connecticut Public Act No. 11-46](#) (2011); *also see* [Connecticut Secretary of State Regulations Concerning Emergency Contingency Model Plan for Elections](#).

**Florida** – the Governor may suspend or delay an election upon issuance of an executive order declaring a state of emergency or impending emergency. The election must be held within 10 days after the date of the suspended or delayed election, or as soon thereafter as practicable. The Division of Elections must adopt an elections emergency contingency plan which gives specific direction to state and local officials when an election has been suspended or delayed due to an emergency. The plan must address: (a) a procedure for state and local election officials to follow when an election has been suspended or delayed ensure notice to the proper authorities, the electorate, the communications media, poll workers, and the custodians of polling places; (b) a procedure for the orderly conduct of a rescheduled election, whether municipal, county, district, or statewide in scope; coordinating those efforts with the appropriate elections official, and the members of the governing body holding such election, if appropriate; and working with the appropriate emergency management officials in determining the safety of existing polling places or designating additional polling places; and (c) a procedure for the release and certification of election returns to the department for elections suspended or delayed and subsequently rescheduled. In case of an emergency existing in any precinct at the time of the holding of any election, the supervisor of elections may establish, at any safe and convenient point outside such precinct, an additional polling place for the electors of that precinct, in which place the qualified electors may vote. [Fla. Stat. § 101.733](#); [101.74](#).

**Georgia** – in the event that the Governor declares that a state of emergency or disaster exists, the Secretary of State is authorized to postpone or extend candidate qualification periods, and the date of an election in the affected area. The postponement or extension must not exceed 45 days. [Ga. Code Ann. § 21-2-50.1](#).

**Hawaii** – in the event of a flood, tsunami, earthquake, volcanic eruption, high wind, or other natural disaster occurring prior to an election that makes a precinct inaccessible, the chief election officer or county clerk may consolidate precincts within a representative district. If the extent of damage caused by a natural disaster substantially impairs the ability of voters to exercise their right to vote, the chief election officer or county clerk may require the registered voters of the affected precinct to vote by absentee ballot and may postpone the election in the affected precinct for no more than 21 days, provided that the postponement does not affect the conduct of the election, tabulation, or distribution of results in for those precincts, districts, or counties not designated for the postponement. [H.R.S. §11-92.3](#).

**Iowa** – the state commissioner of elections (Secretary of State) may exercise emergency powers over any election being held in a district in which either a natural disaster or other disaster or extremely inclement weather has occurred. The county commissioner of elections 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. In the event that the state commissioner of elections declares

that an emergency exists, the county commissioner of elections must consult with the state commissioner of elections to develop a plan to conduct the election under the emergency conditions. 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. If a polling place is relocated, 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. An election other than an election at which a federal office appears on the ballot may be postponed until the following Tuesday. 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. The precinct election officials shall seal all ballots which were cast before the declaration of the emergency in secure containers. The ballots shall be stored in a secure place. If automatic tabulating equipment is used, the automatic tabulating equipment shall be closed and sealed without printing the results. Before the date the election is held, the automatic tabulating equipment shall be reset to zero. 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. [Iowa Code § 47.1](#); [Iowa Admin Code r. 721—21.1](#)

**Louisiana** – Upon issuance of an executive order declaring a state of emergency or impending emergency, the Governor may suspend or delay any qualifying of candidates, early voting, or elections. The Governor shall take such action only upon the certification of the secretary of state that a state of emergency exists. If any delays or suspensions are authorized by the governor, the delayed qualifying, early voting or election day voting shall resume or be rescheduled as soon thereafter as is practicable. If any polling place is determined by the clerk of court in conjunction with the secretary of state to be destroyed, inaccessible, or unsafe due to an emergency or common disaster occurring before or during a regularly scheduled or special election, the secretary of state may issue a certification of a state of emergency allowing the relocation of any such polling place when such action would allow voting to continue without the necessity of the issuance of an executive order by the governor for a suspension or delay. If, after the Governor issues an executive order declaring a state of emergency, the Secretary of State determines that the emergency impairs an election that may otherwise be held except for technical, mechanical, or logistical problems with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners and absentee commissioners, or shortages of voting machines, the secretary of state must certify the facts to the Governor and designated legislative committees. If the Governor and the committees concur that an emergency plan is necessary, the secretary of state must develop an emergency plan in writing that proposes a resolution to the problems impairing the holding of the election. The emergency plan must be submitted to the Governor and the designated committees. If a majority of the committee members approve the plan, it must be submitted to the members of each house of the state legislature. If a majority of the members of each house of the legislature and the governor approve the emergency plan, the secretary of state must take all steps necessary to implement the plan. [Louisiana Rev. Statutes §401.1](#); [401.2](#); [401.3](#)

**Maryland** – in the event that the Governor declares a state of emergency, the emergency proclamation may: provide for the postponement, until a specific date, of the election in part or all of the State; specify alternate

voting locations; or specify alternate voting systems. If emergency circumstances, not constituting a declared state of emergency, interfere with the electoral process, the State Board or a local board, after conferring with the State Board, may petition a circuit court to take any action the court considers necessary to provide a remedy that is in the public interest and protects the integrity of the electoral process. The State Board shall develop guidelines concerning methods for addressing possible emergency situations. See [Md. Ann. Code Art. 33, § 8-103](#).

**New York** – a county board of elections or the state board of elections may determine that, as the direct consequence of a fire, earthquake, tornado, explosion, power failure, act of sabotage, enemy attack, or other disaster, less than 25 percent of the registered voters of any city, town, or village, actually voted in any general election. If the state board of election makes such a determination, it must notify the relevant county board of elections that an additional day of voting must be held. The county board of election must set a date for an additional day of voting in the affected areas, which must take place no more than 20 days after the original date of the general election. See [N.Y. Election Law § 3-108](#).

**North Carolina** – The chief state elections official may exercise emergency powers to conduct an election in a district where the normal schedule for the election is disrupted by a natural disaster, extremely inclement weather, or an armed conflict involving Armed Forces of the United States, or mobilization of those forces, including North Carolina National Guard and reserve components of the Armed Forces of the United States. The Executive Director shall adopt rules describing the emergency powers and the situations in which the emergency powers will be exercised. See [N.C. Gen. Stat. § 163-27.1](#).

**South Dakota** - If the person charged with the conduct of an election and the governing board determine that an election cannot be conducted, the person charged with the conduct of an election shall sign a declaration of emergency and deliver it to the secretary of state prior to the election. The secretary of state may conduct the election for that county or political subdivision until the election has been certified. Any reasonable and necessary expenses incurred by the secretary of state to conduct the election shall be reimbursed by the county or political subdivision within ninety days after the election has been certified. [S.D. Codified Laws § 12-18-41](#).

**Virginia** – in the event of a state of emergency declared by the Governor or the President of the United States, the Governor may postpone an election by executive order in areas affected by the emergency to a date not to exceed 14 days from the original date of the election. If a local governing body determines that a longer postponement is required, it may petition a three-judge panel of the Virginia Supreme Court for an extension. The Court may postpone the election to a date it deems appropriate, not to exceed 30 days from the original date of the election. If as a result of the emergency any ballots already cast have been destroyed or otherwise damaged, ballots cast by machinery or paper must be recast at the rescheduled election, and replacement absentee ballots must be sent to voters whose voted absentee ballots were destroyed or damaged. If the postponement of the election is ordered after voting at the polls on the original election date has already commenced, voters in a precincts in which voted ballots or voting equipment has been damaged so that votes cannot be counted or it cannot be determine who has already voted, shall be allowed to vote in the rescheduled election, and no votes cast at the polls on the original election date shall be counted. If the postponement of the election is ordered after voting at the polls on the original election date has already commenced, and no ballots cast at the polls or voting equipment recording who has already voted in that election in that precinct have been destroyed or damaged, only qualified voters who had not yet voted shall be eligible to vote on the rescheduled election day and all votes cast on the original and postponed election dates shall be counted at the close of the polls on the rescheduled election day. The State Board must prescribe appropriate procedures to implement these provisions. See [Va. Code Ann. § 24.2-603.1](#).