

# STATE BOARD OF ELECTIONS

## STATE OF ILLINOIS

2329 S. MacArthur Blvd  
Springfield, Illinois 62704-4503  
217/782-4141 TTY: 217/782-1518  
Fax: 217/782-5959

James R. Thompson Center  
100 W. Randolph St, Ste 14-100  
Chicago, Illinois 60601-3232  
312/814-6440 TTY: 312/814-6431  
Fax: 312/814-6485



**EXECUTIVE DIRECTOR**  
Rupert T. Borgsmiller

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To: Illinois Election Authorities

From: Rupert T. Borgsmiller, Executive Director

Re: Election Day Contingency Plan

Date: August 8, 2012

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We have previously addressed the issue of inclement weather forcing closure of polling places and the possibility of postponement of elections. In response, we developed an advisory memorandum and steps to be taken to prepare for a natural disaster or other emergency event that may force disruption of the election process.

The plan has been revised as follows: New statutory language regarding early voting polling places has been included on page one, last paragraph. Page two includes a new bullet point which is now the 14<sup>th</sup> bullet point.

We offer this contingency plan again for your review and election planning.

Attachment

**STATE BOARD OF ELECTIONS  
ADVISORY MEMORANDUM  
ON  
CANCELLATION OR POSTPONEMENT OF AN ELECTION**

There is no federal authority to direct cancellation or postponement of an election, state or federal.

In addition, there are no provisions in Illinois statutes that allow for the emergency postponement of an election. While other states have provisions that permit an official such as the Governor, Secretary of State, or Chief Election Official to declare an emergency and postpone an election, Illinois law is silent on this issue. The Governor does have authority to declare emergencies in specific instances for disaster relief or establishing a temporary seat of government, but not for elections.

The only section of the election code that remotely addresses this issue is contained in Section 18A-5(3) which makes general reference to provisional voting and suggests that a federal or state court order may extend the time for closing the polls beyond the time period established by state law.

As a precautionary measure, we suggest you consult with your local state's attorney or legal counsel and that jurisdictions have a pleading prepared in advance and a judge standing by for expedited action in the event of extraordinary circumstances.

In the absence of any direct statutory authority to close or postpone elections, the SBE offers the following information in the name of statewide uniformity, preparedness, and guidance in the event of a disaster or emergency.

The following is intended to assist in planning for emergencies that may impact election day operations. Much of the information provided has been gleaned from the best practices and procedures of other states and contingency and disaster planning publications from the U.S. Election Assistance Commission.

Each election jurisdiction should develop some type of a contingency or Disaster Recovery Plan (DRP) that addresses what to do in case of an emergency on election day. The plan should seek to ensure the continuity of the election process by anticipating, assessing, and managing potential problems.

**\*\*Effective July 5, 2011** Section 5/19A-15 was amended. An Election Authority may close an early voting polling place if the building in which the polling place is located has been closed by the State or unit of local government in response to a severe weather emergency. In the event of a closure, the election authority shall conduct early voting on the 2<sup>nd</sup> day before election day from 8:30 a.m. to 4:30 p.m. or 9 a.m. to 5 p.m. The election authority shall notify the State Board of Elections of any closure and shall make reasonable efforts to provide notice to the public of the extended early voting period.

Below is a summary overview of matters to consider in planning for an emergency election day situation and suggestions for establishing a DRP.

- There is no way one can totally prepare for an election day disaster, however, one of the most important and useful tools is development of a ready listing of emergency telephone numbers, faxes and emails addresses of key staff and contacts including your local Emergency Management/Disaster Agency, law enforcement, fire and medical services. Also check to see if your jurisdiction (county/city) has a DRP.
- Have a ready supply of emergency and backup supplies, including backup power sources.
- Have a back-up listing of alternative polling places.
- Back-up voting equipment.
- Listing of emergency back-up poll workers.
- Back-up communication generator, cell phones.
- Access to four wheel drive emergency vehicles.
- Alternative Election Central location.
- Plans to alert voters and news media to election polling places changes and other announcements.
- Provide instructions for judges of election in the event of power outages during Election Day.
- Operational procedures in the event of a bomb threat.
- Examine storage facilities utilized for computer systems and voting systems.
- Establish evacuation procedures in your office for staff to follow.
- Establish evacuation procedures for your polling places for election judges to follow. If evacuation would be necessary, instruct judges to remove programming card from tabulators if time permits.
- Be prepared to respond to media and arrange for press conference.
- Contact your election vendor to inquire if they have an emergency plan in place.
- Develop a complete “to-do” check list of items to be performed. Review and update regularly.

The above listing is by no means exhaustive and intended only as a helpful tool for beginning your election day contingency planning.

We hope that you find the above information useful in preparing for the 2012 elections.