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.