

Part 4. Election Day Emergencies

Section 4.1 Legal Process

A. Election Law Article

§ 8-103

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

(1) Provide for the postponement, until a specific date, of the election in part or all of the state:

(2) Specify alternate voting locations; or

(3) Specify alternate voting systems.

(b) (1) If emergency circumstances, not constituting a declared state of emergency, interfere with the electoral process, the State Board or a local board, after conferring with the State Board or a local board, after conferring with the State Board, may petition a circuit court to take any action the court considers necessary to provide a remedy that is in the public interest and protects the integrity of the electoral process.

(2) The State Board shall develop guidelines concerning methods for addressing possible emergency situations.

B. To implement EL § 8-103, the State Board has adopted the procedures provided in this section.

1. These procedures are intended to insure maximum citizen participation in the electoral process, 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 a state of emergency or impending emergency declared by the Governor or decreed by a circuit court, and to protect the integrity of the electoral process.
2. These procedures cover processes for the emergency suspension or delay and rescheduling of elections.

C. Suspension, Delay or Extension of Election.

1. The State Administrator is authorized to request that the Governor suspend, delay or extend an election.
2. The State Administrator is authorized to petition a circuit court on behalf of the State Board to take the appropriate action necessary to provide a remedy that is in the public interest and protects the integrity of the electoral process.
3. The State Administrator shall communicate with the Maryland Emergency Management Agency and, when appropriate, the Governor's Office of Homeland Security with reference to an emergency situation to expedite a decision to request the Governor to suspend or delay an election or to seek relief in the circuit court.
4. The local election directors shall communicate with the State Administrator to request the suspension or delay of an election.
5. A local election director, after conferring with the local election board and with the State Administrator, is authorized to petition a circuit court on behalf of the local board to take the appropriate action necessary to provide a remedy that is in the public interest and protects the integrity of the electoral process.
6. The local election director, in conjunction with the State Administrator, shall coordinate with law enforcement agencies and the National Guard as necessary in an effort to provide security for existing and new polling places, including securing salvageable voting equipment from destroyed or damaged polling places to prevent any damage, looting or efforts to prohibit or interfere with the voting process.
7. The election director from an affected jurisdiction must ensure the security of all ballots and may utilize law enforcement officers, the National Guard and election judges to transport or secure ballots.

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- D. Notice.
1. After an election has been suspended, delayed or extended, the State Administrator and the election director(s) in the affected jurisdiction(s) shall ensure that the public is promptly notified of the suspension or delay in an election.
 2. The State Administrator and the election director(s) shall notify print, radio, television, or electronic media at the time of the:
 - a. Delay, suspension, or extension of the election and relevant information; and
 - b. When applicable, the rescheduling of the election.
- E. Conduct of Rescheduled Election.
1. As soon as possible after an election has been suspended or delayed, the election director shall identify the number of polling places that are functional, the number that can be repaired, and the number that have been destroyed or are nonfunctional.
 2. The local election director shall, in coordination with federal, state and local emergency management and when appropriate, homeland security agency officials, determine the safety and ability to utilize existing polling places and availability of new polling places.
 3. When the local election director determines that new polling places are required as a result of an emergency, the local board shall establish alternate emergency polling places and advertise the location of these polling places by any means available.
 4. Tents or other temporary structures may be utilized as new polling places and staffed by any registered voter of the State. The local election director shall appoint all election judges for purposes of this provision.
 5. The suspended or delayed election shall be rescheduled as soon as practicable.
 6. If a rescheduled election involves a multi-county or statewide office, every effort shall be made to withhold the results for the affected contests until the affected jurisdictions have conducted the rescheduled elections and are able to certify results to the State Administrator.
 7. Computation of all time intervals in the electoral process affected by any delay or suspension shall be re-designated by the State Administrator in conjunction with the local election directors. Notice thereof shall be disseminated to all affected individuals and the public as soon as possible by any means of communication available at the time.
- F. Voting and Tabulation Equipment and Electronic Pollbooks.
1. Subject to the provisions of COMAR 33.09.01.07, the election directors from affected jurisdictions may borrow or lease another voting system for use in the rescheduled election. Where a central counting center cannot be established within the affected jurisdiction, ballots may be tabulated in other jurisdictions in Maryland.
 2. 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.
 3. Notices relating to board of canvassers' meetings and the public demonstration on tabulating equipment that are affected by the suspension or delay of an election must be provided by any means of communication available at the time to print, radio, television, and electronic media at such a time as to provide the public with reasonable notice of any meetings or demonstrations.
 4. If the voting equipment or electronic pollbooks were affected or damaged by the emergency, the affected or damaged voting equipment or electronic pollbooks may not be used in the rescheduled election until another logic and accuracy test as required by the State Board has been completed.

Section 4.2 Polling Place Emergencies

- A. This section applies to a localized issue or disaster that renders one or more polling places unsafe or inaccessible.
- B. Assessment
1. The election director shall assess whether the polling place needs to be temporarily shut down or relocated.
 - a. A polling place should be relocated if the election director determines that the issue or disaster will make the polling place unsafe or inaccessible for the majority of election day.
 - b. A polling place should be temporarily shut down if the election director determines that the polling place can be restored to a safe and accessible condition in less than two hours.

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- C. Moving a Polling Place
 - 1. If a polling place needs to be moved, the election director shall select a new location that is close in proximity and capable of accommodating expected voters. Another polling place may be used.
 - 2. Notice of the move and the name and directions to the new location shall be placed as near as possible to entrance to the old polling place.
 - 3. When possible, election judges shall be instructed to pack-up and take with them:
 - a. One pollbook;
 - b. One voting unit;
 - c. All memory cards;
 - d. All VACs;
 - e. Provisional voting supplies; and
 - f. Contingency voting supplies (if they have been deployed).
 - 4. Continuity of Operations
 - a. If a polling place is temporarily closed, election judges may distribute provisional or contingency ballots from a temporary location (including outside) until the polling place re-opens.
 - b. If a polling place is relocated, election judges shall issue provisional or contingency ballots until voting equipment is set-up.
- D. Communications
 - 1. The election director shall immediately notify the State Administrator of any polling place emergencies and whether the polling place requires relocating or temporary suspension.
 - 2. The election director shall notify local emergency managers and media.
 - 3. The State Administrator shall notify State emergency managers and media.

Section 4.3 Voting Equipment Emergencies

The election director shall take all necessary steps to ensure that all supplies and instructions are in place in order for election judges to implement *SBE Policy 2011-01: Contingency Plans* (see Attachment E) in cases where some or all voting equipment is not functioning.

Section 4.3 Extended Hours

The election director shall take all necessary steps to ensure that all supplies and instructions are in place in order for election judges to implement *SBE Policy 2011-01: Contingency Plans* (see Attachment E) in cases where voting hours have been extended.

Part 5. Early voting

5.1 Early Voting Center Security

- A. Pursuant to COMAR 33.17.02.04, each election director shall develop a security plan for each early voting center in the county.
- B. The plan must describe in detail how a local board will keep voting equipment, electronic pollbooks, ballots and other equipment and supplies secure during early voting and non-early voting hours. Specifically, the plan shall include the following content:
 - 1. A description of each entrance, including windows, to the area where equipment and supplies will be secured during non-early voting hours and how the entrance is secured;
 - 2. The names and titles of all individuals who have a key or keys to the room where equipment and supplies will be secured during non-early voting hours;
 - 3. A description of existing building security, such as alarms and closed circuit or Internet accessible cameras, and armed and unarmed guards at the facility; and
 - 4. Any additional security measures that will be taken during early voting and non-early voting hours.
- C. To meet the requirements of COMAR 33.17.02.04, a local board may complete and submit the security questionnaire (see Attachment F).

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5.2 Early Voting Center Emergencies

- A. Alternate Early Voting Center - COMAR 33.17.02.01 requires each local board to identify an alternate early voting center for use if an approved early voting center becomes unavailable.
 - 1. Number of alternate early voting centers:
 - a. An LBE with one early voting center must have one alternate center;
 - b. An LBE with three or five early voting centers must have two alternate early voting centers.
 - 2. Approval – Alternate early voting centers must be approved by the State Administrator 3 months prior to the election.
- B. Emergency Assessment
 - 1. The election director shall assess whether the early voting center needs to be temporarily shut down or relocated.
 - a. An early voting center should be relocated to the alternate center if the election director determines that the issue or disaster will make the early voting center unsafe or inaccessible for the majority of an early voting day.
 - b. An early voting center should be temporarily shut down if the election director determines that the early voting center can be restored to a safe and accessible condition in less than two hours.
- C. Moving to the Alternate Early Voting Center Polling Place
 - 1. If an early voting center needs to be moved, the election director shall utilize the alternate early voting center.
 - 2. Notice of the move and the name and directions to the new location shall be placed as near as possible to entrance to the old early voting center.
 - 3. When possible, election judges shall be instructed to pack-up and take with them:
 - a. One pollbook;
 - b. One voting unit;
 - c. All memory cards;
 - d. All VACs;
 - e. Provisional voting supplies; and
 - f. Contingency voting supplies (if they have been deployed).
 - 4. Continuity of Operations
 - a. If an early voting center is temporarily closed, election judges may distribute provisional or contingency ballots from a temporary location (including outside) until the early voting center re-opens.
 - b. If an early voting center is relocated, election judges shall issue provisional or contingency ballots until voting equipment is set-up.
- D. Communications
 - 1. The election director shall immediately notify the State Administrator of any early voting center emergencies and whether the early voting center requires relocating or temporary suspension.
 - 2. The election director shall notify local emergency managers and media.
 - 3. The State Administrator shall notify State emergency managers and media.