



NASS

National Association
of Secretaries of State

**STATE LAWS &
PRACTICES
FOR THE
EMERGENCY
MANAGEMENT
OF ELECTIONS**

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Editor's Note: This report was originally issued in February 2014 to summarize the findings of the NASS Task Force on Emergency Preparedness for Elections, which is not currently active. The findings, however, remain relevant today and the report (including the [Appendix](#)) has been updated to reflect new state laws and additional information and resources pertaining to this topic.

State laws dealing with the administration of elections in emergency situations can vary considerably in scope, including the specific measures that may be taken, the officials authorized to act, the type of election covered, etc. Given the wide range (and unpredictability) of potential emergency situations that could impact an election, measures to address specific disruptions to election administration may not be covered by existing state laws, and instead may involve action by the chief state election official, the governor (utilizing broad emergency powers), the courts, the state legislature, or a combination thereof.

Individuals seeking information on how states may respond to a potential or actual emergency situation impacting an election should contact the relevant state and/or local election officials.

OVERVIEW

The NASS Task Force on Emergency Preparedness for Elections was formed in January 2013 in the wake of Hurricane Sandy, which struck the East Coast just days before the November 2012 presidential election. Consisting of Secretaries of State and Election Directors from 24 states, the Task Force's mission was to support state election officials in their efforts to effectively establish/enhance sound administrative election practices in preparation for, and response to, emergency conditions. Task Force goals included: 1) identifying relevant laws and policies related to disaster and emergency planning; 2) sharing experiences and lessons learned from past emergencies situations; 3) engaging with relevant state and federal agencies and other stakeholders, and; 4) discussing ideas and strategies for effectively dealing with emergency scenarios that could impact future elections.

The Task Force spent several months gathering research and exchanging information relevant to state and federal laws impacting the administration of elections in emergency situations, mainly through the following means:

- Identifying Resources: NASS compiled a variety of relevant resources, including state legislation dealing with election administration in emergency situations, state research reports, state election contingency plans, federal and state emergency contacts, and other emergency planning materials.
- Meetings: The Task Force held several conference calls to develop the mission and goals of the Task Force, identify pertinent topics and issues for the Task Force to consider, and exchange information on relevant state and federal policies for review and discussion.
- Stakeholder Outreach: NASS convened discussions with key stakeholder organizations, including the National Emergency Management Association (NEMA), the Emergency Management Assistance Compact, the Florida Division of Emergency Management, the Federal Emergency Management Agency (FEMA) and the United States Postal Service (USPS). The discussion helped to highlight issues of shared mutual interest and concern.
- State Survey: NASS conducted a detailed survey of states to identify and better understand the laws and policies that guide the administration of elections in emergency situations.

This report provides a summary of the Task Force findings. Updates to the report are made periodically to reflect relevant changes in state laws.

ISSUES FOR EXAMINATION

At least 16 states plus the District of Columbia were seriously impacted by Hurricane Sandy, the deadly and destructive storm that hit the eastern seaboard of the U.S. a little more than a week before the presidential election on November 6, 2012.ⁱ In the wake of the superstorm, state election administrators had many questions and concerns about its impacts on election-related activities. Even states that were not directly impacted by Sandy were thinking about election complications and contingencies following a natural or manmade disaster. Could alternative polling places be quickly

identified and outfitted with voting equipment given the extent of the damage? How would officials communicate with voters when the electricity was out and unlikely to be restored by Election Day? Would it be possible to extend polling hours for voting to reduce wait times and ensure maximum participation? There were many issues to consider.

Based upon the real-world logistical challenges election administrators had to tackle due to Sandy's lingering effects, as well as emergency experiences in other areas of the nation, Task Force members created a list of issues for examination, including the following:

- State laws authorizing the postponement of an election in an emergency
- Election contingency plans and alternative election procedures for emergencies
- Voting by individuals responding to or impacted by an emergency
- Involvement of election officials in state emergency preparedness planning
- Federal government assistance in emergency situations impacting an election

This section of the report details NASS findings and presents some examples of how various states have arrived at solutions for disaster response and assistance related to election administration.

STATE LAWS AUTHORIZING POSTPONEMENT OF AN ELECTION

As Sandy began pummeling the East Coast, election officials were questioned about the potential for postponement of the 2012 general elections, but there was little research on state law in this area. NASS sought to identify how states handle this issue through a survey of state election divisions and additional research on state laws (see [Appendix](#)). The findings showed that 12 states have a law that specifically authorized the suspension, delay or postponement of an election in an emergency. In most of the states with such laws, the decision to suspend or postpone the election is left to the Governor or state Chief Election Official – or a combination of the two. Often, the decision is to be made following a gubernatorial declaration of a state of emergency. For example:

- In Louisiana, the Governor may suspend or delay an election upon declaring a state of emergency or an impending emergency, and upon certification of the Secretary of State that an emergency exists. The delayed election must resume, or be rescheduled, as soon as practicable.
- In Kentucky, the Governor may declare a different time or place for holding elections if a state of emergency has been declared, and upon recommendation by the Secretary of State. The election must be held within 35 days from the date of the suspended or delayed election.

Other options that states may utilize to suspend, delay, or postpone an election in an emergency situation include a court order, legislative action or the emergency powers of the Governor. At the local or regional level, lower courts may cancel, postpone or extend Election Day polling place hours by issuing a court order. For example, a New York state judge suspended local primary elections scheduled to take place on the day of the September 11 terrorist attacks in 2001.

Meanwhile, the scope of authority government officials have in postponing or delaying elections for federal office became one of the main issues raised by the NASS Task Force. Significant news coverage was devoted to this topic in the days prior to Hurricane Sandy, when it was unclear how severe the storm's impact might be on the administration of the presidential election. Some officials suggested there should be a federal law authorizing the cancellation or postponement of a federal election in certain circumstances. While primary or local elections for federal office have been postponed several times since 1860 due to catastrophic events, no examples could be found of a general election being postponed or delayed during a federal election cycle.

In fact, little research exists on this topic, and that which does exist generally lacks any clear findings or conclusions. In 2004, the Congressional Research Service (CRS) published a report indicating that "Congress appears to have the authority to enact a federal law setting the conditions, times, and dates for rescheduling elections for federal offices in emergency circumstances, and with proper standards and guidelines, could delegate the execution and application of those provisions to executive branch or state officials."ⁱⁱ

The CRS report also notes states appear to have the authority to enact laws dealing with federal elections in emergency circumstances, provided these laws do not conflict with federal laws, stating, "Federal courts have thus generally interpreted federal law to permit the states to reschedule elections to *congressional* office when 'exigent' circumstances have necessitated a postponement." The same report, however, cautions that different issues may be raised about the election of presidential electors based upon the wording of applicable federal statutes.

ELECTION CONTINGENCY PLANS FOR EMERGENCY SITUATIONS

Contingency planning has long been an important part of election administration. The NASS Task Force was able to promote information-sharing on the laws and procedures states use to prepare for, or minimize, disruptions to voting and elections. While 12 states appeared to have a statutory requirement for the development of a contingency plan or other response for election emergencies, the vast majority of responding states proactively developed a plan, procedures or advisory materials for such situations (see [Appendix](#)).

State contingency plans and other materials shared by Task Force members were generally designed to provide guidance to local election officials in emergency situations. These materials addressed a number of potential topics and issues, including:

- Communications plans for emergency situations, including contact information for key staff, local emergency management agencies, law enforcement, fire, medical services, utility providers, election equipment vendors, other election officials, etcetera.
- Procedures for informing voters and the news media of polling place changes and other announcements.

- Contingency paper ballots for touch-screen technology and contingency paper precinct registers for electronic poll books.
- Power outage procedures for polling places, including evaluation of polling place power needs for lighting and voting machines (e.g. determining necessary wattage), as well as access to (and procurement of) back-up power sources, such as generators.
- Polling place relocation instructions and lists of alternative polling locations.
- Evacuation procedures for bomb threats, fires, and other emergencies.
- Guidelines for managing poll worker shortages, including designating and contacting alternate poll workers.
- Procedures for securing voting machines and election materials in emergency situations.

The 2013 survey also highlighted additional details about the ways in which state election offices seek to carry out, or aid localities with, their planning, communications, equipment options, records retention and other necessary strategies in the course of contingency planning. For example:

- In Connecticut, the Secretary of the State developed a model contingency plan for municipalities to utilize in creating local contingency plans. If municipalities fail to independently create a contingency plan, they are required to follow the model contingency plan. The state's plan addressed several important considerations, including poll worker shortages and replacement; communication with poll workers, local registrars and public officials; alternate polling locations; contact information lists; ballot shortages; spare ballots; long lines; evacuation procedures; power loss, and medical emergencies.
- Florida required officials to maintain an elections emergency contingency plan that gives direction to state and local election officials when an election has been delayed or suspended due to an emergency, including public notification through public service announcements, media and other means. The plan also outlined procedures for conducting a rescheduled election, including identification of damaged polling places and establishment of alternative sites, recruitment of poll workers, temporary absentee ballot sites, borrowing or leasing of voting equipment and the release and certification of election returns.
- Colorado's Secretary of State developed an emergency and disaster contingency planning guide to assist election officials with events and issues affecting elections.
- The Illinois State Board of Elections distributed an advisory election contingency plan for local officials to utilize in their planning.
- Louisiana's Secretary of State developed training materials covering election emergency response procedures for local clerks and registrars.

- Montana's Secretary of State provided a draft election contingency plan template and training for local jurisdictions.
- Tennessee developed written election emergency procedures for counties to utilize, including an emergency evacuation plan. Additionally, the Secretary of State's office created an emergency text and email broadcast system in order to communicate quickly and efficiently with all 95 counties across the state during an emergency situation.

A number of states also identified within the survey other policies and procedures that could be utilized to facilitate the administration of an election impacted by an emergency situation, including election official authority to implement special procedures, extension of deadlines for returning mail/absentee ballots and extension of polling place hours.

COOPERATION BETWEEN STATE & FEDERAL OFFICIALS

Note: In the current landscape, it is important to highlight that state election officials have more robust emergency partnerships, communications channels and plans across the whole of government due to elections becoming U.S. critical infrastructure in 2017.

The discussions among Task Force members also emphasized the importance of partnerships for state officials, to include working closely with local election officials, state emergency management officials and other relevant state agencies to prepare for—and respond to—emergency situations that could impact an election. For example, the Virginia State Board of Election's contingency preparations involved coordinating with the Virginia Department of Emergency Management, the Virginia State Police, the Virginia Department of Transportation and major utility providers. The Board also remained in close communication with local election officials to monitor developments at the local level and to provide guidance and support, as necessary. This type of cooperation was a key part of state efforts to prepare for Hurricane Sandy.

The importance of cooperation and coordination between election officials and state emergency management was also emphasized during conversations with other relevant organizations.

Examples include the following:

- NEMA suggested state election officials engage with their state emergency management office in order to take part in state level emergency planning and preparation discussions and provide input with regard to potential emergency situations impacting an election.
- The Emergency Assistance Compact, a multi-state mutual aid agreement that facilitates relief assistance between states in disaster situations, noted each state emergency management office maintains contact information for state and local personnel deployed to other states under the compact, and suggested state election officials work with their state emergency management office for information on how election information could be communicated to those individuals in future situations where an emergency occurs close to an election.

On the federal side, NASS Task Force members raised questions about the type of federal assistance that was available in emergency situations, particularly if there was a threat to the sound administration of a federal election. According to CRS, the federal government has provided funding or assistance to state or local governments involved in conducting an election three times in the past twenty years:ⁱⁱⁱ

- A 1992 statewide primary in Florida was postponed for Dade County after Hurricane Andrew hit the area, damaging numerous polling places. In response, the U.S. Army set up alternate polling places in tents and distributed water to voters. The role of troops was limited, and they were not located at polling places due to federal laws such as 18 USC § 592, which prohibit the presence of federal troops at polling places except in the event of enemy attack.
- After the September 11 attacks in 2001, primary elections in New York City were cancelled and later rescheduled. FEMA reimbursed the state \$7.9 million to assist the New York City Board of Elections in covering expenses related to rescheduling the election.
- In 2006, municipal elections in New Orleans were postponed for more than two months in the aftermath of Hurricane Katrina. FEMA provided the state with \$733,000 for the replacement of destroyed voting equipment prior to the rescheduled election (the state originally requested \$3-4 million in reimbursement for costs incurred in rescheduling the election).

In order to learn more and build upon the framework for state-federal cooperation, the NASS Task Force invited representatives from FEMA to take part in conference calls that would provide information about the types of assistance they would be able to provide to election administrators in emergency situations. Absent a disaster or emergency declaration by the President of the U.S., FEMA assistance for election administration efforts is typically limited. When a disaster declaration is issued and polling places are destroyed or unavailable, the type of assistance FEMA may be able to provide includes generators, technical assistance, temporary facilities for polling locations (e.g. tents, buildings, trucks) and financial reimbursement for costs incurred in renting replacement voting machines, conducting public outreach to inform voters of polling place changes and other election-related expenses. The federal agency may also be able to provide technical and advisory services.

At the time, FEMA representatives also recommended state election officials participate in emergency management training courses, which were offered for free online through FEMA's website as part of the Emergency Management Institute's Independent Study Program. The training was designed for people with emergency management responsibilities and the general public. The courses covered critical areas of emergency preparedness, including incident management, disaster logistics, operational planning, emergency communications, continuity programs, integrated preparedness, hazard mitigation, public disaster communications and service to disaster victims.

The NASS Task Force also reached out to the USPS to learn more about the agency's efforts to prepare for and facilitate the delivery of election mail in emergency circumstances. During Hurricane Sandy, the USPS monitored the impact of the storm on election mail and worked closely with election

officials in affected areas, providing New Jersey and New York-based election officials with additional express mail supplies and expediting delivery of absentee ballots.

Through its Election Mail Task Force and operation planning efforts, USPS maintained a comprehensive framework for emergency preparedness that included the ability to adjust accordingly to specific conditions on the ground. If a displaced voter can submit a mail forwarding order, any absentee ballot being sent to the voter would automatically be redirected to the voter's new location. The USPS can also assist displaced voters by manually tracking an absentee ballot and having it held at or forwarded to an alternate postal location, where the voter can pick up the ballot.

The U.S. Election Assistance Commission (EAC) also provides a variety of resources for election officials on disaster preparedness/recovery and contingency planning.^{iv}

VOTING BY INDIVIDUALS RESPONDING TO OR IMPACTED BY AN EMERGENCY SITUATION

As Hurricane Sandy approached the U.S. coastline in the days leading up to the 2012 presidential election, many officials were concerned about the potential impact of the storm on election administration efforts. While the storm's impact on the election were not as serious as initially feared in most jurisdictions, it did interfere with the voting process in several states, including interruptions to early voting and damaged or destroyed polling places. Officials in affected states worked to provide assistance to displaced or impacted voters through a variety of actions:^v

- In New York and New Jersey, more than 250 polling places were relocated, while displaced voters were permitted to vote a provisional ballot at any polling place in the state.
- Connecticut extended its voter registration deadline by two days.
- The deadline for requesting absentee ballots was extended in Maryland, New Jersey, New York and Pennsylvania.
- Early voting or absentee voting deadlines were extended in the District of Columbia, Maryland and Virginia.
- Maryland allowed displaced voters to receive absentee ballots by email or fax, and New Jersey designated displaced voters as "overseas" voters, which allowed them to return ballots by e-mail or fax.

Election officials in states where polling places were relocated due to Hurricane Sandy stressed the importance of spending time and resources on communicating such changes to voters. State leaders in New Jersey directed county officials to "make every effort" to inform voters of polling place changes using county websites, reverse 911, public service announcements, newspaper notices and postings at original polling places. In New York, polling place changes were posted on state and local election board websites and the Metropolitan Transportation Authority provided "Voter Shuttle Buses" at regular intervals throughout the day, transporting voters from damaged polling places to

alternate sites. In both states, a text messaging service was also created to provide voters with updated polling place information via mobile phone.^{vi}

Another important topic for the NASS Task Force is state policies or procedures designed to facilitate voting by individuals who are directly affected by emergencies including those who are away from their residence in order to assist with emergency relief efforts. In the NASS 2013 survey, many states noted they had methods that could facilitate voting by such individuals, including absentee, mail and early voting.

Several states identified laws that specifically refer to emergency workers and/or voters displaced by an emergency, including the following:

- In California, upon declaration of an emergency by the Governor, emergency workers away from their precinct may receive and cast a provisional ballot. In addition, out of state emergency workers may receive a mail ballot by electronic transmission.
- In Louisiana, the Secretary of State must facilitate voting by individuals working out of state in response to a declared emergency, including through fax or other means of transmitting the ballot.
- Maine authorized the Secretary of State to facilitate voting by emergency workers and individuals impacted by an emergency, including through central issuance and receipt of absentee ballots.
- Mississippi extended the state's Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voting provisions to include any trained or certified emergency response provider deployed during the time period authorized for absentee voting, on Election Day, or during any state of emergency declared by the President of the United States or any Governor of any state within the U.S.
- New Hampshire requires reasonable efforts be made to deliver absentee ballots to emergency workers.
- West Virginia authorizes the Secretary of State to implement alternative/special procedures to facilitate voting by individuals impacted by an emergency situation.

EFFECTIVE STATE STRATEGIES AND PRACTICES

The NASS Task Force on Emergency Preparedness for Elections highlighted several ideas and practices that could help election officials prepare for, and respond to, emergency situations impacting the administration of an election. The effectiveness of different approaches depends on a variety of factors, including the laws, policies and procedures that are unique to each state. Even the types of emergency scenarios that need to be considered (e.g. weather issues, security problems, power failures) may vary significantly from one region to another.

The NASS Task Force, identified a number of general strategies that may prove useful for state election officials in their emergency planning:

- Working closely with other state agencies, including the state emergency management department and the Governor’s office, to discuss the potential impact of an emergency situation on the administration of elections and proactively planning for/coordinating state efforts to manage all potential disruptions.
- Assisting local election officials in developing contingency plans or similar materials that outline procedures for mitigating potential election administration issues in emergency situations (e.g. relocation of polling place locations, access to generators).
- Developing a comprehensive plan for communicating with local election officials in emergency situations, including situations where power failures or other issues make it difficult or impossible to use traditional channels for messaging.
- Identifying ways to provide important voting information to individuals impacted by an emergency situation, including any polling places changes or alternative voting procedures (e.g. extension of absentee ballot return deadlines or electronic transmission options).
- Reviewing relevant laws and policies in other states to consider the benefits of adopting any of those approaches (e.g. policies that authorize officials to postpone an election in an emergency situation or permit the use of alternative election procedures in emergency situations).
- Taking advantage of FEMA online training courses to learn about effective emergency management practices and preparing election administrators to effectively deal with emergency or disaster situations.

The NASS Task Force on Emergency Preparedness for Elections tackled some of the chief issues for states in dealing with the unexpected events and issues that can affect elections, including natural and man-made disasters. State and local election administrators must routinely learn from past emergencies, such as Hurricane Sandy, and anticipate new scenarios that require thorough preparation and planning.

The elements of successful contingency planning, with a focus on procedural readiness, partnerships within government and outreach to the public, remains a very important issue for state and local governments.

REFLECTING ON RECENT EMERGENCY EVENTS

Since this report was originally issued in 2014, there have been several emergency situations impacting the administration of elections that should be mentioned. Most notably, the COVID-19 pandemic during the 2020 election, which resulted in the postponement of primary elections, the expansion of mail, absentee, and early voting procedures, modifications to in-person voting procedures, and various other changes to election procedures. Congress also provided \$400 million to states through the Coronavirus Aid, Relief, and Economic Security (CARES) Act for efforts to prevent, prepare for, and respond to the coronavirus for the 2020 federal election cycle.^{vii}

Additionally, in 2024, Hurricanes Helene and Milton impacted election preparation activities in several southeastern states, including North Carolina, where the State Board of Elections authorized counties to modify procedures related to early voting, absentee ballot processing, polling place locations, and poll worker recruitment and assignment.^{viii}

APPENDIX: STATE EMERGENCY PREPAREDNESS LAWS AND POLICIES

Note: the information below is based on a 2013 survey of state election offices that was conducted when this report was originally developed, as well as initial and ongoing NASS research on relevant state laws and policies. For more information on state laws pertaining to the administration of elections in emergency situations, (including gubernatorial emergency powers), see [Election Emergencies](#) from the National Conference of State Legislatures (NCSL).^{ix}

SECTION I: POSTPONEMENT OR CANCELLATION OF AN ELECTION

12 states have a law that specifically authorizes the suspension, delay, or postponement of an election in an emergency situation.

In eight of these states, authority is triggered following the declaration by the Governor of a state of emergency, and the decision to suspend or postpone the election is ultimately made by the Governor, state Chief Election Official, or a combination of the two:

- **Florida:** The Governor may suspend or delay an election upon declaring a state of emergency, or an impending emergency. The Governor may take this action independently or upon request of the Secretary of State, or a county or municipal election official from a jurisdiction impacted by the emergency. The election must be held within 10 days after the delay or suspension, or as soon as practicable.
- **Georgia:** Upon declaration by the Governor of a state of emergency, the Secretary of State may postpone the date of the election in the affected area for up to 45 days.
- **Kentucky:** In a state of emergency, and upon recommendation by the Secretary of State, the Governor may declare a different time or place for holding elections. The election must be held within 35 days from the date of the suspended or delayed election
- **Ohio:** The Governor has the authority to postpone any state or local election for a period of up to six months in the event of an emergency resulting from an enemy attack, and if the election is postponed elected or appointed incumbents continue to hold their office until successors are elected or appointed.
- **Louisiana:** Upon declaring a state of emergency or impending emergency, and upon certification of the Secretary of State that an emergency exists, the Governor may suspend or delay an election. The delayed election must resume or be rescheduled as soon thereafter as is practicable.

- **Maryland:** Upon declaring a state of emergency, the Governor may postpone the election in all or part of the state until a specific date. If emergency circumstances, not constituting a declared emergency, interfere with the electoral process, a state or local election official may petition a court to take any action the court considers necessary to provide a remedy that is in the public interest and protect the integrity of the electoral process.
- **Utah:** Upon declaration of an emergency by the President of the United States, the Governor, or Chief Executive Officer of a political subdivision of the state, the Lieutenant Governor may designate a different time, method, or location for voting and other election procedures.
- **Virginia:** In the event of a state of emergency declared by the Governor or the President of the U.S., the Governor may postpone an election 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 election date.
- **South Carolina:** The Governor is authorized to order a new election at a designated time when an election official fails to hold an election at the time appointed (though the law does not specifically mention emergency scenarios).

In four states, the decision to suspend, delay, or postpone the election in an emergency or disaster situation is made by the chief state election official:

- **Hawaii:** In the event of a natural disaster occurring prior to an election that makes a precinct inaccessible, 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.
- **Iowa:** The Secretary of State may exercise emergency powers over an election being held in which either a natural disaster or other disaster or extremely inclement weather has occurred, and an election that does not involve a federal office may be postponed until the following Tuesday.
- **North Carolina:** The state Chief 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.
- **New York:** If the State Board of Elections determines fewer than 25 percent of the registered voters in a city, town, or village voted in any general election as the direct consequence of a disaster situation, an additional day of voting must be held no more than 20 days after the original date of the general election.

It is important to note, some states have laws that pertain specifically to local/municipal elections. For example, in Delaware the State Election Commissioner may cancel a municipal election rendered impracticable due to severe inclement weather or other emergencies. In Idaho, an emergency election may be called by the governing board of a political subdivision when an emergency situation exists. Additionally, in South Dakota, the local governing board may postpone an election (except any primary or general election) for one week due to weather conditions.

Several of the states that do not have a specific law authorizing the cancellation or postponement of an election noted there are a variety of other options that could potentially be used to suspend, delay or postpone an election in an emergency situation, including: a court order, general emergency authority powers of the Governor, legislative action or special elections. For example, California gives the Governor authority to suspend various statutory and regulatory provisions in a state of emergency, including the cancellation and rescheduling of an election. Vermont and Wisconsin give the Governor similar broad emergency powers (although the latter suggested it is unlikely authority would extend to November general elections for federal office). Michigan noted in a state-level emergency, the Governor's authority would be needed to issue executive orders related to health and safety provisions, and local courts would need to cancel, postpone or extend Election Day polling place hours. Connecticut, Idaho, Kansas, New Hampshire and Tennessee also indicated the courts could be relied upon to postpone or delay an election in emergency situations.

SECTION II: ELECTION EMERGENCY/CONTINGENCY PLANS

Twelve states require state and/or local officials to develop contingency or other emergency plans for administering an election in an emergency situation:

- **California:** State law requires the Secretary of State, in consultation with county election officials to develop procedures for voting in the event of natural disaster or other emergency situations.
- **Colorado:** County election offices are required to file an election contingency plan with the Secretary of State that addresses equipment or power failures, emergency situations (e.g. fire, severe weather, bomb threats, civil unrest, electrical blackout), failure or lack of connectivity to the state voter registration system, video surveillance outages, and emergency contact information for agencies and departments.
- **Connecticut:** State law requires each municipality to develop emergency contingency plans for elections. The Secretary of the State is required to establish regulations creating a model contingency plan for municipalities to utilize and which will constitute a municipality's contingency plan if it fails to develop one independently.
- **Florida:** State law requires the Secretary of State to adopt rules establishing an emergency contingency plan containing goals and policies that give direction to election officials when an election has been delayed or suspended due to an emergency.

- **Iowa:** County election officials must consult with the Secretary of State in developing a plan to conduct an election under emergency conditions.
- **Kentucky:** Administrative regulations establish procedures for election officials to follow if an election has been suspended or delayed in an emergency situation and county boards of elections must establish local election emergency contingency plans to implement the regulations.
- **Louisiana:** If the Secretary of State determines an emergency situation impairs an election that may otherwise be held except for 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, as directed by the Governor and legislative committees, must develop (and if approved implement) an emergency plan proposing a resolution to the problems impairing the holding of the election.
- **Maryland:** The State Board of Elections is required to develop guidelines concerning methods for addressing possible emergency situations.
- **Minnesota:** The Secretary of State must develop a state elections emergency plan, and provide guidance to assist county and local election officials in developing a county elections emergency plan. The Secretary of State must coordinate with the Governor to incorporate election needs into the state's continuity of government and continuity of operations plans.
- **New York:** State law requires county boards of election to develop contingency plans for an unanticipated or unavoidable event.
- **Ohio:** Pursuant to a directive issued by the Secretary of State, each county board of elections is required to develop a contingency plan as part of its overall election administration plan.
- **Oklahoma:** The Secretary of the State Election Board must coordinate with the Oklahoma National Guard, the State Chief Information Officer, the Office of Emergency Management, the Oklahoma Office of Homeland Security and other federal or state security officials the Secretary deems appropriate, to develop a contingency plan for a major election emergency.

Many states indicated that although there is no formal requirement for the development of election emergency contingency plans, they have developed some type of written plans, procedures, or advisory materials that address the administration of elections in emergency situations. These resources are generally designed to assist local jurisdictions in developing contingency plans and/or preparing for potential Election Day emergencies. For example:

- The District of Columbia maintains a written elections contingency plan that is updated prior to each election.
- Illinois distributes an advisory contingency plan for their local official to utilize in their review and planning.

- Kansas issues items for counties to consider in developing contingency plans for election emergencies.
- Louisiana offers training materials on emergency response procedures for local clerks and registrars.
- Michigan issues standard emergency procedures to election officials statewide prior to every election.
- Montana provides a draft contingency plan template and training to local jurisdictions.
- Nebraska has issued procedures for localized and short-term emergencies at polling sites.
- North Carolina provides an emergency and disaster readiness planning guide template for counties to utilize.
- Tennessee has developed accident/emergency procedures and evacuation plans for voting locations.
- Virginia created an Election Contingency Working Group that develops an Election Day action plan in case of an emergency situation.
- Wisconsin incorporates emergency planning processes in its training for local election officials.

Additionally, several states noted that they advise counties/local jurisdictions to prepare contingency plans.

SECTION III: DEALING WITH VOTERS IMPACTED BY EMERGENCY SITUATIONS

A number of state laws authorize election officials to implement alternative election procedures to facilitate voting by individuals impacted by an emergency situation, including military and overseas (UOCAVA) voters, first responders and other emergency personnel, and other voters more broadly. For example:

- At least 10 states authorize the Secretary of State (or other state election official) to implement special procedures to facilitate absentee voting by UOCAVA voters in emergency situations (Alabama, Arizona, Colorado, Delaware, Idaho, North Carolina, North Dakota, Ohio, Oklahoma and Wyoming).
- At least 14 states have laws to facilitate voting by first responders or other emergency personnel who are away from their jurisdiction of residence to provide assistance in an emergency:
 - **Alabama:** If a state or federal emergency is declared, the Secretary of State may promulgate an emergency rule to allow voters who respond to the emergency to vote by absentee ballot.

- **California:** Upon declaration of an emergency by the Governor, emergency workers away from their precinct may receive and cast a provisional ballot. Out-of-state emergency workers may request a mail ballot after the close of the regular application period, and election officials may transmit the ballot via electronic means.
- **Colorado:** If a voter is employed as a first responder on Election Day and unable to return to the voter's home county, the voter may request a replacement ballot that can be delivered and returned electronically.
- **Louisiana:** Requires the Secretary of State to implement measures that facilitate voting by individuals working out of state in response to a declared emergency, including through fax or other ballot transmission methods.
- **Maine:** Authorizes the Secretary of State to facilitate voting by voters who are emergency or utility workers aiding at the scene of the disaster. Options include the central issuance and receipt of absentee ballots using procedures developed for military and overseas voters.
- **Minnesota:** An emergency response provider or utility worker deployed in response to a declared emergency may request that a ballot be transmitted electronically.
- **Mississippi:** Extends the state's UOCAVA voting provisions to include any trained or certified emergency response provider deployed during the time period authorized for absentee voting, on Election Day, or during any state of emergency declared by the President of the United States or any Governor of any state within the United States.
- **New Hampshire:** requires the Secretary of State to help facilitate the delivery of absentee balloting materials to emergency services workers who are called into service after noon on the Friday before an election if there are circumstances that would prevent those individuals from obtaining an absentee ballot before leaving.
- **New Mexico:** Authorizes emergency response providers to utilize UOCAVA procedures if they are aiding outside of their county of residence.
- **New York:** A voter who serves as an emergency responder in times of emergency, as declared by the governor or a court, may apply to the Board of Elections by letter, or special application via mail, facsimile or e-mail, for a special ballot. The board of elections must utilize overnight express delivery for special ballot delivery, or electronically transmit the ballot in the same manner applicable to military voters.
- **Oklahoma:** Authorizes a voter who is deployed as a first responder or emergency worker to request an emergency absentee ballot that can be returned mail or other means of delivery approved by the Secretary of the State Election Board.
- **Virginia:** The Commission of Elections may act administratively to facilitate absentee voting by emergency or utility workers who aid in areas in which a state of emergency has

been declared. This may include central issuance and acceptance of absentee ballots utilizing UOCAVA procedures.

- **West Virginia:** Authorizes a qualified first responder away on duty to vote using an electronic absentee ballot.
- **Wyoming:** The Secretary of State may issue a directive to county election officers to ensure voter registration and electoral participation when a uniformed service or emergency personnel elector could not otherwise vote.
- Several states have laws authorizing special procedures for absentee voting (more broadly), or other measures to facilitate voting in an emergency situation:
 - **Colorado:** Eight or fewer days before an election, if a voter is unable to vote in person due to emergency conditions such as a natural disaster, the voter may request a replacement ballot that can be delivered and returned electronically.
 - **Delaware:** The State Election Commissioner is required to promulgate special procedures to facilitate absentee voting in the event that a national or local emergency occurs.
 - **Indiana:** County officials may expand absentee voting procedures in the event of a state or county emergency.
 - **Illinois:** If an emergency is declared, the Governor or the Executive Director of the State Board of Elections may modify registration and voting procedures in order to facilitate mail voting.
 - **Kansas:** The Secretary of State may designate temporary alternative methods for distributing ballots in times of disasters or other emergency situations.
 - **Maine:** Authorizes the Secretary of State to facilitate voting by civilians who are affected by a natural disaster or other emergency. Options include the central issuance and receipt of absentee ballots using procedures developed for military and overseas voters.
 - **Maryland:** Upon declaring a state of emergency, the Governor may specify alternate voting locations or alternate voting systems. If emergency circumstances not constituting a declared emergency interfere with the electoral process, a state or local election official may petition the courts to provide a remedy that is in the public interest and protect the integrity of the electoral process.
 - **Missouri:** If an emergency is declared, the Secretary of State may authorize the return and delivery of absentee ballots by a facsimile transmission device or system.
 - **Oklahoma:** The Secretary of the State Election Board may declare an election emergency if it becomes impossible to conduct one or more elections, or in the event a national or local emergency makes substantial compliance with state and federal election laws impossible/unreasonable. The Secretary of the State Election Board is authorized to promulgate rules and procedures for elections conducted under an election emergency

declaration consistent with purposes of state and federal election laws. The Secretary of the State Election Board may request the assistance of the Oklahoma National Guard in the conduct of an election during a declared election emergency, upon approval of the Governor.

- **Oregon:** Upon request of the Secretary of State, the Governor may extend the deadline for returning ballots (for no more than 7 calendar days after the election) if the Secretary of State determines that it would be impossible or impracticable for voters to return ballots or for elections officials to tally ballots due to an emergency.
- **Utah:** Authorizes the Lieutenant Governor, in a declared emergency, to designate an alternative time, method, or location, for voting on Election Day, early voting and transmittal and counting of absentee ballots.
- **Virginia:** The Commissioner of Elections may designate alternative methods and procedures to handle absentee ballot applications and absentee ballots in emergency situations.
- **West Virginia:** State law authorizes the Secretary of State to implement procedures to ensure that all eligible voters have the opportunity to cast a ballot in disaster/emergency situations.
- **Wyoming:** The Secretary of State has the authority to issue directives to county election officials necessary to ensure the proper conduct of election, including voter registration and elector participation when there is a declared natural disaster or other impending or declared emergency which interferes with an election.

States noted a variety of other policies relevant to the administration of elections in emergency situations, including relocating or consolidating polling places, use of unofficial ballots, extension of polling place hours, alternative methods for distributing ballots, hand counting of ballots, extended candidate filing deadlines, administrative authority to implement special procedures, etc.

Additional Questions? Contact NASS: nass@nass.org | 202-624-3525

ENDNOTES

ⁱ [Hurricane Sandy and the 2012 Election: Fact Sheet](#), Congressional Research Service, Nov. 2012

ⁱⁱ *Postponing and Rescheduling of Elections to Federal Office*, Congressional Research Service, Oct. 2004; also see *Executive Branch Power to Postpone Elections*, Congressional Research Service, July 2004.

ⁱⁱⁱ See note ii.

^{iv} See [Disaster Preparedness and Recovery Working Group](#), U.S. Election Assistance Commission, 2019; [Contingency Planning](#), U.S. Election Assistance Commission, 2024.

^v See note i.

^{vi} See CBS New York, [Not Deterred By Storm's Effects, Voters In NY, NJ Turn Out For Election Day](#), Nov. 6, 2012; CBS News, *How Sandy victims can vote, find polling places via text, email, fax*, Nov. 5, 2012; *New Jersey Directive Regarding Notice and Communication*, 2012.

^{vii} See [COVID-19 and Other Election Emergencies: Frequently Asked Questions and Recent Policy Developments](#), Congressional Research Service, July 2020.

^{viii} See [Elections and Hurricanes Helene and Milton](#), Congressional Research Service, Oct. 2024.

^{ix} Also see [Election Emergencies Happen](#), National Conference of State Legislatures, Feb. 2021.