In the aftermath of Hurricane Sandy, with the November 2012 presidential election quickly approaching, Connecticut Secretary of State Denise Merrill was concerned about Election Day turnout. Local election officials had worked tirelessly to register voters and deliver absentee ballots after the governor extended registration by two days. Although power had been restored to the state’s 773 polling places, flooding damage had forced the relocation of several sites and some were questioning whether the ongoing storm cleanup and recovery efforts would deter people from showing up to vote.

“A lot of people suffered major damage to their homes, and there were still plenty of towns where downed trees made travel difficult,” Merrill said. “We had no way of knowing how turnout would be affected, but we wanted to do everything possible to ensure that no one was disenfranchised because of the storm.”

Merrill had been talking with her colleagues across the country; many of them had been through the process of overseeing elections affected by emergency situations and were willing to share meaningful advice and expertise. Even states that were not directly impacted by Sandy were thinking about the complications at hand and how they might provide assistance.

Could alternative polling places be quickly identified and outfitted with voting equipment given the extent of the storm’s damage? How would officials communicate with voters when electricity was out and, in some hard-hit locations, unlikely to be restored by Election Day? Would it be possible to utilize emergency voting or absentee balloting procedures to reduce confusion for displaced voters and ensure maximum participation? There were many issues to consider.

Election officials kept coming back to the importance of crafting comprehensive emergency response plans to ensure minimal disruption to the voting process.

“One of the key elements is consistency, and the best way to guarantee consistency in voting standards is to have a thorough contingency plan to prepare and act accordingly in the event of a problem,” said Louisiana Secretary of State Tom Schedler. “Having seen firsthand after Hurricane Katrina how natural disasters can affect variables such as polling place locations, voting lines, balloting procedures and voter outreach, we wanted to help states plan for what to do both before the storm, such as securing their voting machines out of harm’s way, and after the storm, including how to hold an election when phone lines are down and the electricity isn’t working,” Schedler said.

Based on their willingness to provide insights and share lessons learned, Schedler and Merrill were tapped to head the National Association of Secretaries of State Task Force on Emergency Preparedness for Elections, formed in March 2013. The body included chief election officials from 23 states and the District of Columbia.

“Election officials wanted to exchange ideas on ways to shape their game plans for disaster-readiness and coordinate messaging used to remind voters that election offices are open for business,”
said task force member and West Virginia Secretary of State Natalie Tennant. The group examined 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. This work included researching state laws and advance planning models to address several key areas of emergency response, including election authority and continuity, contingency issues, voting options for displaced citizens, and coordination efforts with local, state and federal officials.

A NASS survey of state laws governing election practices in preparation for, and in response to, emergency conditions turned up some interesting insights. At first blush, it might seem odd that just 12 of the 37 states that responded to the survey had laws dealing with the postponement of an election, and only 11 states required contingency planning for elections. Most states, however, reported election officials had proactively developed an emergency response plan, and many respondents said their existing state laws provided flexibility in rescheduling elections and helping voters during a disaster response scenario.

“One of the most surprising findings of the task force may be the degree to which states told us they can use their existing absentee, mail and early voting processes to facilitate voting when unforeseen emergencies arise,” Schedler said.

For example, Washington’s mail-based system allows voters to receive a replacement ballot through electronic means, such as email.

Here is a look at some of the additional findings highlighted in the NASS Task Force on Emergency Preparedness for Elections report.

**Postponing an Election**

As Sandy began pummeling the East Coast, questions arose about the potential for postponing the November 2012 general elections. But there was little research on state law in this area. For starters, few states had formally addressed the issue. NASS found that about a dozen of the 37 states that responded to its survey had a law that specifically authorized the suspension, delay or postponement of an election in an emergency situation.

Most of these laws provide the governor with the legal authority to postpone and reschedule elections following a declaration of a state of emergency. Some states, however, also involve state election officials in this process. In Kentucky, for example, the governor may reschedule an election if a state of emergency has been declared and the secretary of state has made a recommendation in favor of postponement.

Four states leave the decision solely to the chief state election official. In Iowa, for example, the secretary of state may exercise emergency powers over an election affected by a disaster or extreme weather event as long as it does not involve a race for a federal office.

In addition to executive orders, states also have options for dealing with the delay or rescheduling of an election due to an emergency. Connecticut, Idaho, Kansas, New Hampshire and Tennessee reported that state courts would be the most reliable means of making the decision to postpone or delay an election due to complications from a man-made or natural disaster.

**Managing Polling Places**

In the wake of Sandy, election officials in storm-ravaged areas also faced considerable challenges when it came to polling places. Some voting sites were flooded, while others were heavily damaged or unreachable due to fallen trees and closed roads. Schools that normally would be used as polling places were needed to shelter people who were temporarily stranded or displaced by the storm.

Election officials also were working around the clock with utilities to see that power would be restored in time for Election Day.

Hurricane Sandy served as a wake-up call for the importance of contingency planning to ensure a clear chain of command in addressing emergency reporting and managerial tasks, including relocation or consolidation of polling places, equipment shortages, long lines, poll worker shortages, ballot shortages and power outages.

Eleven of the 37 states that responded to the NASS task force survey already had adopted a law requiring election officials to develop a contingency plan for emergencies.

“The success of an election following an emergency is often determined before anything happens,” said Tre Hargett, Tennessee’s secretary of state and NASS task force member. “While there are many possibilities to consider, it’s a good starting point to identify concrete procedures for securing voting machines and election materials in emergency situations where there are power failures and evacuations.”

Tennessee has developed written election procedures for counties to utilize during an emergency, including an evacuation plan. Hargett’s office also
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.

In Florida, a state frequently threatened by hurricanes and other storms, officials are required to maintain an elections emergency contingency plan that gives direction to state and local election chiefs when voting has been delayed or suspended due to an emergency. The plan covers procedures for identifying damaged polling places and establishing alternative sites, recruiting substitute poll workers, creating temporary absentee ballot sites, borrowing or leasing voting equipment and certifying election returns.

The NASS task force recommended that states coordinate between agencies to prepare for emergency situations that could impact elections. It also urged collaboration with local officials to develop a clear process for dealing with potential disruptions. Besides hurricanes and other natural disasters, the task force urged election offices to consider adopting strategies for dealing with terrorist attacks and other types of violence, technological failures/power outages, influenza outbreaks and other medical emergencies during election season.

Helping Displaced Voters

Election officials in states where polling places were relocated due to Hurricane Sandy stressed the importance of putting together a good communications plan to notify voters about changes. State leaders in New Jersey directed county officials to make every effort to inform the public about polling place changes using county websites, reverse 911, public service announcements, newspaper notices and postings inside polling places. In New York, the Metropolitan Transportation Authority provided voter shuttle buses at regular intervals throughout the day, transporting eligible voters to alternate voting sites. A special text messaging service was created to provide voters in both states with updated polling place information via mobile phone.

Officials also exchanged information and ideas on alternative voting and ballot distribution procedures designed to enfranchise disaster victims and other displaced individuals. In Maryland, voters who were evacuated from their homes due to Hurricane Sandy were allowed to receive absentee ballots by email or fax, while New Jersey voters who had to leave home were permitted to send back their ballots via electronic means.

Emergency responders were also a concern. Many states taking part in the NASS survey reported first responders and other emergency personnel who leave their voting jurisdiction to assist with relief efforts may cast a ballot using existing absentee, mail or early voting options. For example, California-based emergency workers stationed at a dispatch site outside of their home precinct may cast a provisional ballot provided by their county of residence.

“California’s firefighters, police officers, utility workers and volunteers should not have to choose between helping others and exercising their right to vote,” said state Sen. Alex Padilla, sponsor of the 2013 bill to allow out-of-state voting for emergency workers. “They should be able to do both.”

In addition to considering statutory provisions, the NASS task force recommended each state develop a communications plan to keep voters informed about polling place changes and absentee ballot options, as well as alternative voting methods for displaced residents and emergency responders. It also recommended looking at other states’ policies for best practices.

Coordinating the State Plan

All the state election officials who dealt with Hurricane Sandy stressed the importance of collaborating with emergency management agencies. These agencies work with all levels of government to meet a state’s needs related to preparedness, response and recovery.

“Emergency management offices can often provide a wealth of information to assist election officials with their contingency planning, including key emergency contacts and resources that may be available to localities,” Merrill said.

After Sandy, she urged Connecticut leaders to reassemble a special task force to examine its approaches to public safety issues and contingency planning. The group brought together representatives from the governor’s office, the secretary of state’s office, state emergency management officials, utility companies, emergency response entities and law enforcement. State and local election officials discussed issues and concerns specific to their work, and in turn, provided expertise on ways to prevent voting disruptions through polling place relocations and poll worker replacement. As they discovered, state emergency management officials may not always consider election-related contingencies in their planning.

In Washington, D.C., the NASS task force held discussions with federal stakeholders, including the
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FEMA representatives recommended state election officials participate in emergency management training courses, which are offered free online through FEMA’s website as part of the Emergency Management Institute’s Independent Study Program. The training courses cover 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.

Preparing for the Worst

The NASS Task Force on Emergency Preparedness for Elections issued its findings in February 2014 urging all states to assess their readiness for election emergencies and adopt a response plan. The bipartisan Presidential Commission on Election Administration commended the group’s work, citing the NASS recommendations as “a good place to start” such work. The association continues to post new emergency-related election legislation on its website, www.nass.org.

“At the end of the day, we are really talking about guidance to improve the collective capabilities of the states,” said Louisiana’s Schedler. “If this effort helps to save time and money while ensuring that everyone who is eligible and ready to vote can participate, it’s another way of demonstrating the power of state leaders working together to bolster the strength of our democracy.”

About the Author

Kay Stimson is director of communications and special projects for the National Association of Secretaries of State in Washington, D.C. A former television news reporter who covered the state legislatures in Maryland and South Carolina, she often focuses on writing about state and federal policy issues for lawmakers.