

1S-9.005 Comprehensive Emergency Suspension of Election Plan.

(1) Notice of suspended or delayed election Notification. ~~(a) As soon as possible a~~After a regularly scheduled election or a special ~~an~~ election has been suspended or delayed pursuant to Section 101.733, F.S., the supervisor of elections from an affected county or the municipal clerk from an affected municipality must provide public notice ~~ensure that the public receives prompt notification~~ of the suspended or delayed ~~suspension or delay~~ of an election.

~~(b)~~ Such notification must be:

(a) Published through public service announcements in the print and electronic media, if available;

(b) Posted on the respective supervisor of elections and/or municipal clerk's website (if functioning); and

(c) Displayed in at least five different conspicuous places in the affected county or municipality and any other means available.

(2) Conduct of rescheduled election.

(a) As soon as possible after a suspended or delayed election has been rescheduled ~~an election has been suspended or delayed~~, the supervisor of elections from an affected county or the municipal clerk from an affected municipality holding the rescheduled election shall ~~must~~ coordinate with the members of the governing body for the orderly conduct of such election, where applicable.

(b) If the suspended or delayed election involves a countywide, multicounty, or statewide election, each supervisor of elections from the affected area shall provide as soon thereafter as possible the following information to the Division of Elections to facilitate coordination and assistance as needed:

1. Contact information for Continuity of Operations Plan (COOP) using Form DS-DE 149, entitled "COOP Contact Information Form," (Eff. 12/17) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09056>) which is hereby incorporated by reference. This form is available by request from the Division at Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contacting the Division at (850)245-6200, or by download from the Division's webpage at: <http://dos.myflorida.com/elections/forms-publications/forms/>.

2. Any changes to early voting sites, days and hours as reported pursuant to Section 101.657, F.S. Any change must be made in accordance with Section 101.657, F.S. unless otherwise authorized by executive order.

3. Any changes to the number of precincts and/or polling places pursuant to Section 101.71, F.S..

4. Status report regarding availability, loss, and destruction of polling places and early voting sites pursuant to subsection (3), voting equipment, precinct registers, ballots and other election materials.

5. Availability, need and plan for securing poll workers.

6. Whether the county has established or will establish temporary vote-by-mail sites pursuant to subsection (5) and if so, how many.

7. A copy of the designation of the Supervisor of Elections' Office Emergency Interim Successors designated pursuant to Section 22.06, F.S.

(3) Polling places and early voting services. The supervisor of elections from an affected county or the municipal clerk from an affected municipality shall:

(a) Identify the number of previously established polling places and early voting sites that:

1. Are functional;

2. the number of previously established polling sites that can be repaired or restored to functionality, safety, and accessibility pursuant to Section 101.715, F.S.; and

3. the number of previously established polling sites that have been destroyed or cannot otherwise be repaired or restored to functionality, safety, or accessibility.

(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 use existing polling places and early voting sites and the need and availability of alternate new polling places and early voting sites.

1. Such determination and efforts to establish new temporary polling places and early voting sites shall be made in coordination

(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 as needed to permit the orderly establishment of new polling sites.

2. Only the Supervisor of elections is authorized to establish new temporary polling places or early voting sites.

~~3. (e) Tents or other temporary structures may be utilized as new temporary polling places 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.~~

~~4. (f) . Sufficient lighting must exist along the accessible path of travel to and from, and within the polling place and early voting area Where possible, adequate lighting must be provided at all polling sites.~~

~~(c) Coordinate with federal, state, and local emergency management agencies as needed, to include the county and city law enforcement and the National Guard in an effort to:~~

~~1. Provide security for polling places and early voting sites, voting equipment, precinct registers and election materials at existing, destroyed, and newly established temporary polling places;~~

~~2. Secure salvageable voting equipment, precinct registers (electronic or paper) and other election materials from destroyed or damaged polling places; and~~

~~3. Mitigate loss or damage of polling places and early voting sites, voting equipment, electronic media, and election materials.~~

~~(d) Supervisors of elections and municipal clerks shall adhere to their established security procedures to the extent practicable given the emergency circumstances.~~

~~(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.~~

~~(4) Poll workers. The supervisor of elections from an affected county or the municipal clerk from an affected municipality shall:~~

~~(a) Appoint poll workers as needed.~~

~~(b) Provide the appropriate credentials that will clearly identify poll workers who will assist in the rescheduled election process.~~

~~(c) May recruit and train qualified registered electors in the State of Florida to serve as poll workers if shortages exist within the respective jurisdiction.~~

~~(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.~~

~~(5)(3) Vote-by-mail ballots. (a) The supervisor of elections from an affected county or the municipal clerk from an affected municipality;~~

~~(a) M~~ay establish temporary vote-by-mail 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 manner specified in subsection (1) the print and electronic media and any other means.

1. Such sites must be secure, supervised and under the direct control of the supervisor of elections or the municipal clerk.

2. All vote-by-mail ballots shall be distributed at and collected from such sites at least daily under the supervision and direct control of the supervisor of elections or the municipal clerk. On election day, the returned ballots shall be collected from the sites sufficiently in advance to be received by 7 p.m. by such supervisor of elections or municipal clerk.

~~(b) Any registered voter who is a resident of elector residing in the affected area, or any elector of the state who is in the affected area providing emergency assistance including emergency responders, may request and obtain vote using a vote-by-mail ballot on election day without having to execute an Election Day Vote-by-Mail Ballot Delivery Affidavit. If an elector from outside the county jurisdiction is providing emergency assistance on election day, the elector's supervisor of elections may fax or email a vote-by-mail ballot to the elector, but the elector may only return the voted ballot by fax. The supervisor of elections or the municipal clerk in the county where the voter is registered must still receive the ballot by 7 p.m. on the regularly scheduled or delayed election day, whichever is applicable.~~

~~(c) All vote by mail ballot sites shall be supervised and under the direct control of the supervisor of elections or~~

~~the municipal clerk.~~

~~(d) All vote by mail ballots shall be distributed and collected at such sites under the supervision and direct control of the supervisor of elections or the municipal clerk.~~

~~(6)(4) Voting and tabulation equipment.~~ (a) Supervisors of elections from affected counties or municipal clerks from affected municipalities;

(a) Shall follow established procedures for securing voting equipment, ancillary equipment and election materials where power outages and evacuations exist and ensure back-up power.

(b) May borrow or lease certified voting and tabulation equipment or voting systems which have been certified pursuant to Section 101.015(1), F.S., and rule Chapter 1S-5, F.A.C., for use in the rescheduled election. Where a central or regional counting center cannot be established within the area affected by the emergency disaster, ballots may be tabulated in other counties.

(c) Shall conduct a logic and accuracy test pursuant to Section 101.5612(1), F.S.:

1. On any certified tabulation equipment that will be used in the rescheduled election if said equipment was not tested during the logic and accuracy test conducted for the originally-scheduled election.

2. On all certified tabulation equipment to be used in the rescheduled election, if parameters used within the voting system to define the tabulation and reporting instructions are changed in any way, notwithstanding that the equipment was tested during the logic and accuracy test conducted for the originally-scheduled election.

(d) Shall comply with the requirements of Section 101.5607(1)(b), F.S., which are otherwise applicable to elections conducted utilizing the voting systems being used.

(e) Shall coordinate with election equipment vendors as needed to ensure properly functioning and sufficient voting and tabulation equipment and support are available for the rescheduled election.

~~(7)(b)~~ Other public notices for the delayed or suspended election.

(a) Any nNotices of election 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.

(b) However, Ceanvassing board meetings; logic and accuracy tests conducted pursuant to Section 101.5612(1), F.S.; ~~and tabulating equipment tests conducted pursuant to Section 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 manner specified in subsection (1) noticed in the print and electronic media and any other means available to provide the public reasonable notice of any meetings or tests.~~

~~(e) 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 Section 101.5612(1), F.S., or a pre-election test pursuant to Section 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 Section 101.5607(1)(b), F.S. and paragraph 1S-2.015(5)(f), F.A.C., 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.~~

~~(8)(6) Ballots Release and certification of election returns. (a) The supervisor of elections from an affected county or the municipal clerk from an affected municipality:~~

~~(a) Must ensure the security of all ballots in accordance with established procedures for storing, transporting, tabulating, and handling ballots.~~

~~(b) May utilize 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) May, in coordination with law enforcement officers or the National Guard, deliver ballots to other counties for tabulation when ~~Where~~ a central or regional counting center cannot be established within the area affected by the emergency 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.~~

(9)(d) Election returns.

(a) Where a multicounty or statewide election is suspended or delayed pursuant to Section 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.

(b)(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 Section 101.5612(1), F.S., or a pre-election test pursuant to Section 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 Section 101.5607(1)(b), F.S. and paragraph 1S-2.015(5)(f), F.A.C.~~

Rulemaking Authority 101.733(3) FS. Law Implemented 101.733(3) FS. History—New 3-13-94, Amended _____.