PROCEDURES AND GUIDELINES

FOR VOTING IN A STATE OF EMERGENCY OR NATURAL DISASTER

PREPARED BY
the Office of the Secretary of State

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Preface

These procedures and guidelines provide general guidance to elections officials in developing county-specific disaster and emergency plans should a natural disaster or state of emergency occur during critical election times.

The critical times have been identified as follows:

- The period and deadline for the transmittal of military or overseas voters' ballots (E-60 through E-45)
- Voting Period (E-14 through Election Day)
- During the canvass period (E+1 through E+30)

The following information does not replace any existing emergency or disaster plans already established by the State or county elections officials. The information provided should be used in conjunction with any existing county plans. Emergency plans will differ by county, depending on factors such as staff size, county size, available facilities, fiscal constraints, and voting machines used by that county.

In any emergency situation, it is vital that the Governor, the Secretary of State, the Legislature, and elections officials communicate clearly and frequently with each other and the public.

Please note that these procedures and guidelines take into account laws effective as of October 1, 2020.

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Chapter 1
Planning Ahead

Disaster and emergency planning is a vital tool in the election process. Planning begins with considering the types of situations that can disrupt or impede an election. The following is an outline that can be used as a tool to help prepare a county-specific plan.

While developing your emergency plan, contact your local and state emergency management offices. They may have existing plans for local or state emergencies that are not specifically related to the conduct of elections, but the plans may contain valuable information about resources that may be available to elections officials.

Identify and Plan for Potential Disasters and Contingencies

Natural Disasters

Natural disasters can occur at any time and can include: snow, flooding, tornado, earthquake, and fire. The elections official should be prepared to move the operations of the office or polling places to another location in the event of a natural disaster.

Health-Related Disasters

The following precautions and steps are recommended to help lessen the spread of illness, such as an influenza outbreak or pandemic, and protect elections staff and the public:

- Distribute hand sanitizer, alcohol/disinfectant wipes, surgical masks, sterile latex gloves, disposable tissues, and trash receptacles at every polling location.

- Regularly use alcohol/disinfectant wipes to clean pens/pencils, voting booths, voting equipment, touch screens, headsets, tables, and other surfaces.

- Coordinate with state and local health officials for information and guidance specific to each community.

- Educate elections workers about the characteristics and symptoms of the illness.

- Advise all elections workers with mild flu-like illness to stay home.

- Strongly encourage all elections staff and poll workers to get a flu vaccination in advance of Election Day.

- Advise voters to increase social distances while standing in line and moving within the voting area.

- Strongly encourage voters to vote-by-mail.

In addition to the above, plans should include specific procedures for conduction an election under COVID-19. The Secretary of State's office has developed an Election Administration Guidance under COVID-19 document to help ensure the health and safety of election workers, voters, and observers. The Guidance document and other helpful materials may be found under the header "COVID-19 Health and Safety Guidance" on the Secretary of State's website at https://www.sos.ca.gov/elections/upcoming-elections/general-election-november-3-2020.

Personnel or Poll Worker Shortage

Personnel or poll worker shortages can impact the normal course of business in the office or at the polls on Election Day. The following are suggestions on how to overcome potential issues surrounding staffing shortages:

- Monitor and be aware of seasonal absenteeism. Determine absenteeism thresholds that may negatively impact or obstruct normal operations.

- Develop a worker replacement and contingency plan to respond if absenteeism approaches/reaches those thresholds.

- Establish a list of backup office staff. Ensure that elections staff understands poll worker replacement procedures.

- As part of poll worker recruitment, assign a certain percentage of poll workers to a "stand by" status. Require that these poll workers report to the main elections office instead of an assigned polling location on the morning of the election. These poll workers can be deployed to any polling location in the county in the event of any absences.

- Implement a county/city employee "stand by" poll worker program. These employees should receive full training and be authorized for immediate reassignment on Election Day, if needed.

Power or Technology Failures

It is difficult to predict a power failure or problems with technology. Planning for these types of failures ahead of time and having a hard copy of the procedures is imperative. The following are suggestions:

- Elections officials should work with their local power company and the Secretary of State's office to determine if there are any planned Public Safety Power Shutoff (PSPS) events scheduled during any of the critical election periods.
- In case of a power failure, all election materials must be secured as quickly as possible to prevent damage, loss, or theft. A secure location(s) should be identified in advance.
- Emergency lighting (flashlights, battery-operated lights) should be available.
- If possible, a generator should be present at the main office of the elections official to ensure power will be available. If a generator is available the elections officials must be aware of the process to set up the generator and perform tests to ensure that it is in proper working order prior to the election.
- Test voting system back up batteries prior to each election. Consider upgrading to longer lasting larger batteries.
- Have rovers with extra voting equipment and extra batteries available to deliver to an affected polling location.
- Voter registration and candidate documents should be scanned as soon as possible once received to ensure a digital copy is available.
- All electronic information such as voter registration data and election system data should be saved at a secure off-site location. The elections official should confirm they have 24-hour access to this off-site location.
- Coordinate with your IT staff on a regular basis to ensure that data is backed up and that it will be available if there is a power failure at the main office of the elections official.
- Consider entering into a Memorandum of Understanding with neighboring counties with the same voting equipment in case backup equipment is needed.

Alternate Communications

An alternate communications plan should be in place in the event land lines and/or mobile phones are unavailable. For example, the use of ham radios can be a useful tool.

Elections officials should contact their local land line telephone provider as well as the county's mobile telephone service provider(s) to determine what alternatives may be available in the event of a disruption of service.

Supply Shortage at the Polling Location

In the event of a shortage of supplies or ballots at the polling location, some members of the elections staff could be designated as “runners” so that election supplies can be quickly deployed to polling locations. If feasible, runners should be equipped with backup voting equipment (that has been tested), ballots, and other polling location supplies in the event that a polling location depletes inventory or is unexpectedly relocated. Runners should have sufficient supplies available to respond to an assigned polling location in an efficient manner.

Additionally, if there is a ballot shortage, the elections official should be ready to deploy alternate forms of ballots to any affected polling locations. (Elections Code section 14299.)

Bomb Threat

A bomb threat checklist should be available to all elections staff and poll workers should be trained on what to do in the event of a bomb threat. A sample checklist can be found at https://www.cisa.gov/sites/default/files/publications/dhs-bomb-threat-checklist-2014-508.pdf.

Elections staff, including poll workers, should be provided with evacuation procedures including:

- Notifying appropriate parties, such as law enforcement, the elections official, and building security
- Securing equipment (when safety permits)
- Maps of the building, which include clear routes to a safety zone

Active Shooter

Counties should be prepared to handle an active shooter situation at or near the office of the elections official and/or polling locations.

Elections staff, including poll workers, should be provided with procedures on what to do in the event of an active shooter incident, such as who should be contacted, and the procedure for securing equipment (when safety permits).

Elections officials should contact their local law enforcement, the county sheriff, and/or the California Highway Patrol (CHP) to request active shooter training to ensure preparedness.

Active Crime Scene

Elections officials should have a plan in place in the event there is an active crime scene at or near the office of the elections official and/or polling locations.

Elections staff, including poll workers, should be provided with procedures on what to do if an active crime scene is disrupting election activities, such as who should be contacted, and the procedure for securing equipment (when safety permits).

Elections officials should contact their local law enforcement, the county sheriff, and/or the CHP for proper procedures regarding an active crime scene where election activities are taking place, and who should be contacted if assistance is needed.

Cybersecurity

Prevention

Election administration systems rely heavily on information technology solutions to provide efficiency and automation to both routine and complex tasks. This reliance on technology also introduces inherent vulnerabilities and risks associated with reliance on technology. Cybersecurity risk is best mitigated through preparation, prevention, and training. Here are some basic preventative activities counties can take:

- People are the weakest link in cybersecurity efforts. Conducting regular training on the most common threats, such as phishing and social engineering should be a top priority.

- Holding tabletop exercises with staff to review incident reporting and response procedures can ensure a more rapid and robust response during the onset of an incident.

- Regularly conducting vulnerability assessments, mitigation reviews, and installing patches for software are critical prevention techniques.

- Establishing an incident response team and procedures. Ensure the team has up to date contact information, especially for after-hours IT support.

Elections administration relies on specialized systems that elections officials use to maintain voter registration information, allow voters to cast ballots, and tally ballots cast by voters. These systems should be hardened from threats, both internal and external. Election administrators should:

- Identify and map how these systems are interconnected and ensuring air-gapping where required.

- Understand how data is transferred between these systems.

- Know where data for these systems is backed up, including maintaining appropriate paper backups.

- Protect these systems from unauthorized access by restricting account access and requiring two-factor authentication. Limit remote access to systems when possible.

- Ensure robust logging of information changes made to the system and employ both automated and human review of these logs.

- Test data restoration from backup data storage on a regular basis. Ensure your backup systems are able to rollback to previous known good configurations and are not connected to the same network.

Incident Response

In the event that county elections officials experience a cybersecurity incident they should activate their incident response procedures and alert the incident response team. In addition, elections officials should immediately contact the Secretary of State's office with any details they have at the time even if there is still significant uncertainty about the incident. The Secretary of State's office will coordinate interagency support efforts. The Secretary of State's office will inform State and Federal partners such as the California Office of Emergency Services, the California National Guard, the Department of Homeland Security, and the Federal Bureau of Investigation. The Secretary of State's office will activate the Elections Cyber Incident Response team and ensure county officials receive and support needed for incident response. In the event of a cybersecurity incident, here are some suggestions:

- Work to contain the threat to limit the network exposure. Disconnect the workstation(s) or affected equipment from the network including any wireless or Bluetooth access, but if possible, leave the machine on and running to preserve forensic evidence.

- Evaluate the network connections that were available to that workstation and ensure the incident has not spread to additional network locations.

- Keep a log of activities, decisions, and steps taken. Collect indicators of compromise in order to help others prevent similar incidents in the future.

- Contact the Secretary of State's office, voting system vendor or election management system vendor, and, if appropriate, local, state, or Federal law enforcement. The Secretary of State will also work to coordinate with State and Federal Law enforcement during any cyber incident.

Review Existing Plans

Most counties have an established emergency plan. If an election emergency plan is already in place, it should be reviewed at least once a year to ensure all information in the plan is current and up to date.

When reviewing established emergency plans, counties should refer to the California Office of Emergency Services website (https://www.caloes.ca.gov/) Office of Emergency Services for updated planning information and consult with their county emergency response department.

An existing county-wide emergency plan can be used as a template to create an emergency plan specific to elections.

Line of Succession

A line of succession for the elections office should be drafted and put in writing.

The line of succession should include all available contact information for those individuals should an emergency occur.

As a part of the line of succession, an office phone tree should be created in the event all of the members of the elections office need to be contacted. It should also designate which members of the staff are responsible for each section of the office in the event of an emergency.

The elections official should meet with the different sections of the office on a regular basis to determine which equipment/supplies should be removed from the office, who will do it, where the equipment/supplies will be taken, and how they will be secured, if necessary.

Other Governmental Agencies and Public Officials

Identify other government agencies and other public officials that should be notified and can assist with a disaster or emergency.

In advance of Election Day, establish which jurisdiction (city police, sheriff, CHP, etc.) each polling location is in so the correct agency can be contacted quickly in the event of an emergency.

Work with other county and local agencies such as law enforcement, fire departments, utility companies, and transportation agencies to identify resources that may be quickly allocated when responding to emergencies or disasters.

Additionally, prepare a list of all polling locations in the county that can be provided to law enforcement, the fire department, emergency service agencies, county executives, and/or cities within your county should an emergency arise.

Utility companies and public works agencies should be contacted prior to the election as well to attempt to limit any work near a polling location on Election Day.

Create and maintain a list of key contacts for any identified agencies and public officials (including after-hours contact information). Examples of public officials that could be contacted include Board of Supervisors, county executives, county counsel, city council, city executives, and city attorneys.

Backup Locations

Identifying backup locations before an emergency is a vital task. Examples of backup locations could include fairgrounds, other government buildings, community halls, memorial halls, schools, churches, fire departments, and police stations.

Elections Official's Office

Prior to each election, alternative office space should be identified in the event that the main facility is unavailable for any reason. If feasible, procedures should be in place to procure and have on site at the alternate location office space, desks, computers, phones, and access to the voter registration system.

The elections official should work closely with their IT staff to ensure a smooth transition if a relocation is possible and necessary.

Polling Locations

Prior to each election, the elections official should attempt to identify alternate polling locations. The elections official should be mindful of the following considerations in their planning:

- Maintaining a listing of any and all available polling locations within the jurisdiction, along with a contact person and their telephone number.

- Noting the jurisdiction where each polling location is located to ensure the proper authorities are contacted in the event of an emergency (e.g., city police for a polling location within the city).

- Evaluating the need for extra parking and traffic control.

- Using early vote-by-mail ballot drop off locations as emergency polling locations.

- If it is necessary to relocate polling locations at the last minute, placing notices at the old location to inform voters of the location of the new polling location.

- Notifying the media of any polling location changes and remember to also post this information on the elections official's website and contact the Secretary of State's office.

- Having pre-made relocation signs available.

Develop a Communications Plan

Developing a communications plan before an emergency will make managing the emergency easier.

Develop a contact list for mission-critical staff and make it available to staff, inspectors, and any other necessary parties. Include the elections official, IT support, law enforcement, utility companies, transportation officials, facilities representatives (including backup facilities), and any other key officials who can be contacted during an emergency.

Communicate with your electricity, telephone, internet, and water/sewer providers in advance of every election to inform the companies that a polling location is being used. The elections official should request that these companies limit any work near polling locations that could cause a power, phone, internet, and/or water shortage.

Establish media contacts for local newspapers, television and radio stations, and media in other languages to expedite communication. Social media (Twitter, Facebook) can also be a useful tool to share information with the public. Suggestions relating to media:

- Designate an elections staff member to be the central media contact person and instruct employees to refer all questions from the media to this elections staff member. This staff member should maintain a contact list for all local media. Consider having a back up to this person as well.

- Educate elections staff and poll workers that reporters are under constant deadlines, but no deadline is worth anyone releasing an inaccurate statement to the media. Press releases should be developed and disseminated in an expeditious fashion regarding changes in election times, polling location locations, expected release of election results, etc.

- While managing the issue at hand, be sure to take time to explain to the media and the public the nature of the emergency and all procedures. Perceived problems can be just as damaging as actual problems.

- Remember to provide thorough explanations. By taking the time to inform the public as things progress, an Election Day emergency, large or small, will be thought of and reported as a problem that you accurately and efficiently handled, not an Election Day disaster.

It may also prove useful to coordinate and share information with neighboring jurisdictions.

Emergency Supply Kit

It is recommended that main offices and polling locations be equipped with the following helpful items in case of an emergency:

- Fully charged mobile telephones and chargers

- Flashlights

- Portable, battery-operated radio

- Extra batteries

- First aid kit

- Bottled water

- Communications plan

- Emergency contact list

- Backup voting materials (county voter information guides, rosters/indices/voter lists, provisional ballots, and voting machines, if feasible)

Other items that can be helpful include: backup generators, lights, extension cords, tarps, and emergency tools.

Sharing of Information

Once a plan has been established, the elections official should determine which staff in the office should receive a copy of the plan (paper copy and an electronic version on a thumb drive) and where to find a copy in the office. It is important to have a plan, share the plan, know what the plan says, and regularly review the plan.

Chapter 2
Transmission of Military and Overseas Ballots

The Military and Overseas Voters (MOVE) Act (52 U.S.C., § 20301, et seq.) and state law (Elections Code section 3114) require that military and overseas ballots be transmitted by E-45. Counties may begin transmitting these ballots beginning on E-60, but, even in the event of an emergency, these ballots must be transmitted by the E-45 deadline.

In the event of an emergency on or close to E-45, the elections official should immediately notify the Secretary of State's office and also be in contact with the Federal Voting Assistance Program (FVAP) to ensure the Military and Overseas Voter ballots are transmitted in a timely fashion.

To ensure that ballot transmittal can be accomplished by the E-45 deadline, an off-site location should be identified in the event the main office of the elections official is unavailable. The off-site location should have the proper equipment to transmit the ballots via mail, e-mail, and facsimile.

If the office of the elections official is not accessible, the elections official must notify the United States Postal Service immediately to redirect any Military and Overseas Voter registration materials and/or ballot requests.

Inaccessible Polling Locations

A plan should be in place in the event that a polling location(s), vote center(s), or satellite office(s) is non-operational due to fire, earthquake, or some other circumstance.

The elections official should work closely with law enforcement and the jurisdiction's office of emergency services to determine which polling locations have been impacted. Poll workers assigned to the affected polling location should be contacted and given further instructions on where the new polling location will be.

The elections official should immediately notify the Secretary of State of any inaccessible polling locations and the new locations. The elections official should also contact the media to inform them of the impacted and revised polling locations.

The elections official and the inspector(s) of the affected polling location(s) should ensure that voting supplies are quickly delivered to the new polling location. If possible, any voting supplies at the affected polling location should be retrieved for use at the new polling location.

Signs should be placed as near as possible to the impacted polling location directing voters to the new polling location.

If original or alternate vote-by-mail ballots are not available, county voter information guides or copies of ballots should be sent to the new polling location. If county voter information guides or copies of ballots are used, those ballots should be treated as provisional ballots until there is sufficient time to review and ensure the voter is an eligible voter. It is imperative that the voter's ballot type is clearly marked on the provisional envelope to remake voted ballot(s) onto official ballot(s) that correspond to the correct ballot style for counting.

Emergency at a Polling Location

In case of an emergency that interrupts voting at a polling location, the polling location inspector must:

- Notify the elections official's office to advise them of the emergency situation at the polling location as soon as it is safe to do so. Phone

numbers should be provided in the polling location materials to contact the elections official's office and/or local emergency personnel.

- After conferring with the elections official, building personnel, and/or other emergency personnel, if necessary, assess the situation and determine whether it is possible to move voting system(s), signage, supplies, etc to another room on the premises or to a nearby site to permit voting to continue.

- If relocation can be done safely, then it should be done. If it cannot be done safely, consider whether paper ballots, voter registration lists, signage, supplies, etc., can be moved to the safe room/site so that voting can continue.

- In the event of a power outage, the elections official's office should be able to dispatch an Emergency Supply Kit to the polling site that will enable the poll workers to set up the accessible voting equipment with portable power sources so that voters requiring an accessible unit will be able to cast a ballot.

- If the polling location must be evacuated, the polling location inspector, working in conjunction with a police officer and/or other emergency personnel, must make certain that everyone gets out to safety. If there is no imminent danger to personal safety, the polling location inspector should attempt to protect the integrity of the voting process and voting materials, to the extent possible, by doing the following:

    - Call the elections official's office immediately for instructions.

    - Record the public counter numbers on each voting machine.

    - Unplug the voting machine and move it to a safe location.

    - Gather and secure the ballot box containing voted ballots, rosters/indices/voter lists, and other equipment and move it to a safe location.

    - If possible, all materials should be removed by teams of two.

If the site can safely be reopened after evacuation, the inspector should call the elections official's office, who should:

- Dispatch an elections staff member to determine if there is any damage to the voting equipment or if any tampering has occurred.

- Replenish any needed supplies.

- Advise poll workers of any special instructions that might be necessary due to the interruption.

- If there are not enough ballots at a polling location, each county should turn to its alternative voting procedures that have been approved by the Secretary of State. (Elections Code section 14299.)

Inaccessible Ballot Receiving Location

In the event a ballot receiving location is impacted, the elections official and polling location inspector should identify an alternate site for the collection of ballots and supplies from those precinct inspectors assigned to deliver voted ballots and supplies to the affected receiving location. Inspectors should be contacted and given instructions on the new receiving location. The elections official should notify local law enforcement, who may assist in ballot retrieval from polling locations.

Inaccessible Central Count Location

A backup location should be identified prior to the election in the event the central count location is inaccessible on Election Day. The elections official should notify the Board of Supervisors, the Secretary of State, and the media of the change in the central count location.

If possible, all ballot tabulation systems and support equipment should be delivered to the backup location as quickly and safely as possible. All voted ballots should be securely transported and monitored.

Chapter 4
Canvass Period

In the event of a natural disaster or other emergency during the canvass period, the office of the elections official should be secured immediately.

All voted ballots should be retrieved and secured as quickly and as safely as possible. If time allows, the ballots should be taken to a secure backup location.

All computers, heavy machinery, and vote processing equipment should be secured.

If feasible, any affidavits of registration that have not been processed and/or scanned should also be retrieved.

Elections officials should contact the Secretary of State and all of their election management vendors immediately.

Vote-by-mail ballots should be secured by the vote-by-mail coordinator. The coordinator should perform the following:

- All ballots should be secured in an organized fashion.
- Ballot area(s) should be checked for confidential ballots, UOCAVA faxed ballots, provisional ballots, and any other returned ballots that have not been processed.
- A complete inventory of all voted ballots should be taken.

Chapter 5
Elections Officials' Authority

In the event of an emergency, the California Elections Code gives local elections officials and voters some flexibility should an issue arise shortly before or on Election Day.

Elections Officials

- Any vote-by-mail voter may vote in person at the county elections office on or before the close of the polls on Election Day. (Elections Code section 3018(a).)

- Elections officials may set up satellite voting locations with 14 days notice or, in the case of a declared emergency or disaster in a county, 48 hours notice. A waiver of this law would be required if a satellite voting location has to be established less than 48 hours before the start of Election Day voting. (Elections Code section 3018(b).)

- Elections officials may designate a replacement polling location as late as on Election Day. The new polling location must be as close as possible to the original polling location, and a notice must be posted at the original polling location directing voters to the new location. If there is sufficient time, the elections official must also mail a notice to affected voters. (Elections Code section 12281.) Please note that this provision does not apply to elections conducted using vote centers.

- Elections officials may create a new polling location in any contiguous precinct if one cannot be created within a specific precinct. (Elections Code section 12327.)

- Existing laws require the county elections official to begin processing voted ballots and deliver those ballots to receiving centers as soon as possible after the polls close. Should some event cause a delay in the processing and return of voted ballots, Elections Code section 15213 allows the elections official to direct that the ballots be counted at the precinct. If the ballots are to be counted at the precinct, the procedures are set forth in Elections Code sections 15270 through 15281.

At the Polling Location

- If one or more poll workers do not show up for work at the opening of the polls on Election Day, voters who are present at the polling location, and any members of the precinct board who are present, may appoint a voter

to fill any vacancy. (Elections Code section 12313.) Please note that this provision does not apply to elections conducted using vote centers.

A precinct inspector may appoint a voter to replace any poll worker who cannot perform his or her duties on Election Day. (Elections Code section 12314.)

A majority of the remaining poll workers may appoint a substitute if a precinct inspector cannot perform his or her duties on Election Day. (Elections Code section 12315.)

Chapter 6
Executive and Legislative Authority

While elections officials are given some latitude under the Elections Code to modify their procedures in the event of an emergency, other actions require action by the Governor and/or the State Legislature.

Under Government Code section 8571, the Governor has the authority to declare a state of emergency and issue an executive order waiving or suspending certain laws.

Government Code section 8567 authorizes the Governor during a declared state of emergency to make, amend, and rescind orders and regulations that have the force of law necessary to carry out a State Emergency Plan.

The following are some election scenarios during an emergency or disaster, and the laws the Governor may wish to waive or suspend.

Extend Voting Times and Accept Ballots After the Deadline

If a polling location must be moved using existing law, voting hours may need to be extended, which would require either a gubernatorial executive order or a court order.

If voting hours are extended by a court order, Elections Code section 14402.5 requires that all votes after 8:00 p.m. be cast on provisional ballots. If there is a statewide court order, the Governor may waive the provisional ballot requirement for votes cast after 8:00 p.m.

If the Governor wants to extend voting hours or accept vote-by-mail ballots beyond 8:00 p.m. on Election Day without a court order, the following laws may need to be waived or suspended:

- Elections Code section 14212 requires polls to be open from 7:00 a.m. to 8:00 p.m. on the day of any election.

- Elections Code section 14213 requires the precinct board to proclaim aloud that the polls are open before receiving any ballots.

- Elections Code section 14401 requires the precinct board to proclaim aloud that the polls are closing before closing them. When making the proclamation, anyone in line waiting to vote must be allowed to vote.

- Elections Code section 14402.5 requires that, if voting hours are extended by a court order, all votes after 8:00 p.m. be cast on provisional ballots.

- Elections Code sections 3017(a) and (d) and 3020 require all personally delivered vote-by-mail ballots to be received before the close of the polls on Election Day.

Permit Out-of-County Voting

If the Governor wants to allow all voters to cast ballots outside of the county where they are registered to vote, the following laws may need to be waived or suspended.

- Elections Code sections 3017(a) and 3018 require a voted vote-by-mail ballot to be returned to any polling location within the state, at the office of the voter's county elections official, a vote-by-mail dropoff location, a vote-by-mail drop box, or satellite location within the county where the voter is registered to vote.

- Elections Code section 3020 requires county elections officials to receive personally delivered vote-by-mail ballots by the time the polls close on Election Day. However, any vote-by-mail ballot cast shall be deemed timely if it is received by the elections official via the United States Postal Service or a bona fide private mail delivery company no later than three days after Election Day and either of the following is satisfied: 1) the ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before Election Day; or, 2) if the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote-by-mail ballot identification envelope is date stamped by the elections official upon receipt of the vote-by-mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before Election Day.

  Please note: for the November 3, 2020, General Election, Elections Code section 3020(d) provides that a vote-by-mail ballot received in accordance with Section 3020 may be accepted through the 17th day after the election.

- Elections Code section 14279 allows a voter to apply for and receive a ballot only in that voter's precinct. Elections Code section 14311 provides an exception to this law to allow a voter to apply for a provisional ballot outside the home precinct, but within the home county.

- Elections Code section 14310 sets the rules for provisional voting and handling of those ballots.

Voting Procedures for Emergency Workers

Out-of-State Emergency Workers

In the event of an out-of-state emergency near Election Day, the Governor has the authority under Elections Code section 3021.5 to allow California emergency workers the opportunity to vote.

An out-of-state emergency worker is defined by Elections Code section 336.7 as a voter who is officially engaged in responding to the proclamation of an out-of-state emergency and whose vocation has been identified in an executive order relating to the state of emergency.

Upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order authorizing an out-of-state emergency worker to cast a ballot outside of his or her home precinct, a county elections official shall, upon request of an out-of-state emergency worker, issue a vote-by-mail ballot to the out-of-state emergency worker using a process to be determined by that elections official.

The process shall include all of the following:

- Authorization for an out-of-state emergency worker to request a vote-by-mail ballot after the close of the vote-by-mail ballot application period specified in Elections Code section 3001.

- Authorization for a vote-by-mail ballot and accompanying voting materials to be sent to an out-of-state emergency worker by mail, facsimile transmission, or electronic transmission, as requested by the out-of-state emergency worker. An elections official may use reasonable facsimiles of the county voter information guides ballots sent to voters as vote-by mail-ballots.

- A requirement that an out-of-state emergency worker mark the vote-by-mail ballot provided to him or her, place it in the vote-by-mail ballot identification envelope, and return the vote-by-mail ballot to the elections official from whom it was obtained. If no identification envelope is provided, the envelope used to return the vote-by-mail ballot to the elections official shall include the information required by subdivision (a) of Elections Code section 3011 and a statement signed under penalty of perjury that the voter is an out-of-state emergency worker.

- In order to be counted, a vote-by-mail ballot cast pursuant to this section shall be received in compliance with Elections Code section 3020.

In-State, But Out-of-Precinct Emergency Workers

An in-state emergency worker is a person who is officially engaged in responding to the proclaimed state of emergency and whose vocation has been identified in an executive order relating to the state of emergency.

In the event of an in-state emergency near Election Day, the Governor has the authority under Elections Code section 14313 to allow California emergency workers the opportunity to vote.

Upon the declaration of a state of emergency by the Governor and the issuance of an executive order authorizing an emergency worker to cast a ballot outside of his or her home precinct, elections officials in the counties included in the executive order shall, upon demand, issue to an emergency worker a provisional ballot that may be identical to the provisional ballot offered to other voters in the county, using a process to be determined by the elections official. The elections official shall transmit for processing any ballot cast, including any materials necessary to process the ballot, pursuant to this section to the elections official in the county where the voter is registered to vote.

To be counted, a ballot cast pursuant to this section shall satisfy both of the following requirements:

- Be cast by the voter no later than the close of the polls on Election Day.
- Be received by the county elections official where the voter is registered on or before the 10th day following the date of the election.

Upon receipt of the returned ballot, the elections official shall process the ballot pursuant to the procedures in subdivision (c) of Elections Code section 14310.

Require the Election to Be Conducted Entirely by Mail

If the Governor wants to eliminate polling locations altogether and conduct the entire election by mail, the following laws would need to be amended by the Legislature:

- Elections Code section 4000 provides conditions for conducting an all-vote-by-mail-ballot local, special, or consolidated election. This section does not apply to statewide elections, so legislative action would be required.
- Elections Code sections 4100 through 4108 provide the procedures for conducting an all-vote-by-mail election. These sections can be used as a model to establish a statewide all-vote-by-mail election.
- Elections Code section 1500 sets election dates for all-mail-ballot elections.

Cancel and Reschedule the Election

In the case of emergency or disaster, Government Code section 8571 gives the Governor the power to cancel and reschedule an election.

To reschedule an election, the Governor would need to waive Elections Code section 12000 and establish a new election date.

Elections Code section 15101 generally permits elections officials to begin processing vote-by-mail ballots ten business days before Election Day. If the election might be cancelled, it is advisable that this law be waived at least ten business days before Election Day to ensure vote-by-mail ballots that have already been cast are not prematurely counted and the results of that count reported.

Please note: for the November 3, 2020, General Election, any county having the necessary computer ability may start to process vote-by-mail ballots on the 29th day before the Election.

Close the Polls and Transport Ballots

The following Elections Code sections set procedures that must begin upon the closure of the polls. County elections officials have procedures for returning ballots and polling location supplies in the event of an emergency or disaster. If these procedures cannot be followed at the time polls close, the following laws may need to be waived or suspended:

- Elections Code section 14422 allows an elections official to direct a precinct board to seal the ballot container prior to the closing of the polls so voted ballots may be retrieved early for delivery to a receiving center or central counting place.
- Elections Code section 14420 requires precinct workers to begin processing ballots as soon as the polls close, or upon receipt of ballots retrieved before the closing of the polls pursuant to Elections Code section 14422.
- Elections Code section 14433 requires that, if ballots are counted at the precinct, the precinct board must immediately transmit to the county elections office an unsealed statement that shows the voting results for that polling location.
- Elections Code section 14421 requires precinct workers to deliver ballots and other materials as soon as possible to county elections offices.
- Elections Code section 14430 requires precinct workers to prepare all supplies for delivery to county elections offices as soon as possible after the polls are closed.

- Elections Code section 14431 requires all voted, spoiled, canceled, or unused ballots to be sealed in one or more packages.

- Elections Code section 14432 requires tally sheets, rosters of voters, the copy of the voter list used as the voting record, the challenge list, and the assisted voters list be sealed in one or two packages.

- Elections Code section 14434 requires the items noted in Elections Code section 14432 be delivered unopened without delay to the county elections office.

Voting Records Destroyed

In case of a disaster in which a portion or all of the voting records of any county are destroyed, the Governor may appoint an election commission to outline and recommend procedures to be followed in the conduct of regular or special elections. The commission shall consist of the Governor, the Secretary of State, the Attorney General, and the county elections official of each county in which destruction occurs. (Elections Code § 14)

Change the Canvass Procedures

Elections Code section 15150 requires county elections officials to begin the semifinal official canvass as soon as the polls close. In the event of an emergency or disaster during the ten business days before the election or on Election Day, Elections Code section 15101 may also need to be waived.

If the official canvass and transmission of results have begun pursuant to Elections Code sections 15150 and 15151, then the following laws may need to be waived or suspended:

- Chapter 3 (Semifinal Official Canvass) Elections Code sections15150-15290

- Chapter 4 (Official Canvass) Elections Code sections 15300-15376

- Chapter 5 (Announcement of Results) Elections Code sections 15400-15402

- Chapter 6 (Determination of Elected or Nominated Candidates) Elections Code sections 15450-15490

- Chapter 7 (Duties of the Secretary of State) Elections Code sections 15500-15505

Chapter 7
Helpful Resources and Links

Management Information

Secretary of State – www.sos.ca.gov/elections

Election Assistance Commission (EAC)

Contingency Planning in Elections –links to additional resources
www.eac.gov/election-officials/contingency-plans/

Election Management Guidelines – *Chapter 11: Contingency Planning and Change Management* (Useful for identifying, assessing, developing, and implementing contingencies, including related tips and information on organizing response teams and pre- and post-election issues.)
https://www.eac.gov/sites/default/files/eac_assets/1/6/Chapter_11_Contingency_Planning_and_Change_Management.pdf

Quick Start Management Guides –
www.eac.gov/election-officials/quick-start-guides/

Federal Emergency Management Agency – Government (Federal, Local, and State) – www.fema.gov

Governor's Office of Emergency Services (Cal OES) – www.caloes.ca.gov/

Disaster Resource Guide – Planning and Management Articles
www.disaster-resource.com/index.php?option=com_content&view=article&id=718&Itemid=9

Natural Disasters and Severe Weather

Extreme heat – www.ready.gov/heat

Winter storms and extreme cold

General information - www.ready.gov/winter-weather

American Red Cross Emergency Preparation - www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies

Thunderstorms and lightning – www.ready.gov/thunderstorms-lightning

Floods – www.ready.gov/floods

Landslide and debris flow – www.ready.gov/landslides-debris-flow

Earthquakes – www.ready.gov/earthquakes

Wildfires – www.ready.gov/wildfires

Tornadoes – www.ready.gov/tornadoes

Manmade Disasters and Other Risks

Active shooter incidents

U.S. Department of Homeland Security – Active Shooter Preparedness
https://www.cisa.gov/active-shooter-preparedness

Governor's Office of Emergency Services – Active Shooter Awareness
https://www.caloes.ca.gov/AccessFunctionalNeedsSite/Documents/CalOES-active-shooter-awareness-Feb-2018.pdf

Terrorist hazards

U.S. Department of Homeland Security – Information Sharing
www.dhs.gov/topic/information-sharing

National Terrorism Advisory System (NTAS) –
www.dhs.gov/files/programs/ntas.shtm

Bomb Threat Call Procedures & Checklist –
https://www.cisa.gov/publication/dhs-bomb-threat-checklist

Explosions – www.ready.gov/explosions

Biological threat – www.ready.gov/bioterrorism

Chemical threat – www.ready.gov/chemical

Technological and accidental hazards

Power outages – www.ready.gov/power-outages

Hazardous materials incidents – www.ready.gov/hazardous-materials-incidents

Flu Season and Pandemic Planning – Health Resources

General information – www.ready.gov/pandemic

Center for Disease Control (CDC) – www.cdc.gov

COVID-19 resources – https://www.cdc.gov/coronavirus/2019-nCoV/index.html

Influenza – www.cdc.gov/flu/

CDC Resources for Pandemic Flu – www.cdc.gov/flu/pandemic-resources/index.htm

Free resources (print materials, video/audio tools, web tools, etc.) – www.cdc.gov/flu/freeresources/index.htm

About pandemics – https://www.cdc.gov/flu/pandemic-resources/

World Health Organization

COVID-19 resources - https://www.who.int/health-topics/coronavirus#tab=tab_1

Global Alert and Response (GAR) – https://www.who.int/activities/strengthening-national-emergency-preparedness

Health topics - Influenza – www.who.int/topics/influenza/en/

Secretary of State

Election Administration Guidance under COVID-19 - https://elections.cdn.sos.ca.gov/statewide-elections/2020-general/election-admin-guidance.pdf

Check Lists/Templates:

Election Administrators – CA COVID-19 Safety Checklist - https://elections.cdn.sos.ca.gov/poll-worker-training-standards/checklist-administrators.pdf

Election Workers – CA COVID-19 Safety Checklist - https://elections.cdn.sos.ca.gov/poll-worker-training-standards/checklist-workers.pdf

Worksite Specific Action Plans - https://elections.cdn.sos.ca.gov/ccrov/pdf/2020/september/20195jl.pdf

Posters:

COVID-19 Symptoms - https://elections.cdn.sos.ca.gov/poll-worker-training-standards/symptoms-poster.pdf

Voters – Help Prevent the Spread of COVID-19 - https://elections.cdn.sos.ca.gov/poll-worker-training-standards/voters-prevent-spread.pdf

Poll Workers Must – Help Prevent the Spread of COVID-19 - https://elections.cdn.sos.ca.gov/poll-worker-training-standards/pollworkers-prevent-spread.pdf

Election Staff Must - https://elections.cdn.sos.ca.gov/poll-worker-training-standards/election-staff-prevent-spread.pdf

Document Preservation

Library of Congress – Document Care

Emergency Drying Procedures for Water Damaged Collections
http://www.loc.gov/preservation/emergprep/dry.html

Cybersecurity

Belfer Center State and Local Election Playbook - https://www.belfercenter.org/publication/state-and-local-election-cybersecurity-playbook

Department of Homeland Security (DHS) Election Related Resources - https://www.dhs.gov/publication/election-security-resource-library

National Institute of Standards and Technology (NIST) – Guide for Cybersecurity Event Recovery https://csrc.nist.gov/publications/detail/sp/800-184/final