

111TH CONGRESS
1ST SESSION

H. R. 3416

To extend to individuals evacuated from their residences as a result of a major disaster the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, to direct the Election Assistance Commission to make grants to States to respond to election administration needs which result from a major disaster, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2009

Mr. DAVIS of Alabama introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To extend to individuals evacuated from their residences as a result of a major disaster the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, to direct the Election Assistance Commission to make grants to States to respond to election administration needs which result from a major disaster, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Disaster Assistance
3 Voting Act of 2009”.

4 **SEC. 2. APPLICABILITY OF PROTECTIONS FOR ABSENT**
5 **MILITARY AND OVERSEAS VOTERS TO INDIVIDUALS**
6 **EVACUATED AS A RESULT OF**
7 **MAJOR DISASTER.**

8 (a) **RIGHT OF EVACUEES TO USE ABSENTEE BAL-**
9 **LOTING AND REGISTRATION PROCEDURES AVAILABLE TO**
10 **MILITARY AND OVERSEAS VOTERS.**—In the case of any
11 individual who is an eligible evacuee—

12 (1) the individual shall be treated in the same
13 manner as an absent uniformed services voter and
14 overseas voter for purposes of the Uniformed and
15 Overseas Citizens Absentee Voting Act (42 U.S.C.
16 1973ff et seq.), other than section 103(b)(1) (42
17 U.S.C. 1973ff–2(b)(1)); and

18 (2) the individual shall be deemed to be an indi-
19 vidual who is entitled to vote by absentee ballot for
20 purposes of the National Voter Registration Act of
21 1993 and the Help America Vote Act of 2002.

22 (b) **DEFINITIONS.**—For purposes of this section, the
23 following definitions apply:

24 (1) The term “eligible evacuee” means an indi-
25 vidual—

1 (A) who certifies to the appropriate State
2 election official that the individual’s predisaster
3 primary residence is rendered uninhabitable or
4 inaccessible as a result of damage or evacuation
5 caused by a major disaster; and

6 (B) who provides the official with an affi-
7 davit stating that the individual intends to re-
8 turn to the place of residence where the indi-
9 vidual is otherwise qualified to vote after the
10 election or elections involved.

11 (2) The term “major disaster” has the meaning
12 given such term under section 102 of the Robert T.
13 Stafford Disaster Relief and Emergency Assistance
14 Act (42 U.S.C. 5122).

15 (3) The term “State” means each of the several
16 States, the District of Columbia, the Commonwealth
17 of Puerto Rico, American Samoa, Guam, and the
18 United States Virgin Islands.

19 (c) EFFECTIVE DATE.—This section shall apply with
20 respect to elections for Federal office held in calendar
21 years beginning with 2010.

1 **SEC. 3. GRANTS TO STATES FOR RESPONDING TO ELEC-**
2 **TION ADMINISTRATION NEEDS RESULTING**
3 **FROM MAJOR NATURAL DISASTERS.**

4 (a) **AUTHORITY TO MAKE GRANTS.**—The Election
5 Assistance Commission shall make a grant to each eligible
6 State, in such amount as the Commission considers appro-
7 priate, for purposes of restoring and replacing supplies,
8 materials, and equipment used in the administration of
9 elections in the State which were damaged as a result of
10 a major natural disaster, and for conducting voter out-
11 reach and education for voters displaced as a result of a
12 major natural disaster, as determined on the basis of such
13 criteria as the Commission may establish.

14 (b) **ELIGIBILITY.**—

15 (1) **IN GENERAL.**—A State is eligible to receive
16 a grant under this section if it submits to the Com-
17 mission (at such time and in such form as the Com-
18 mission may require) a certification that supplies,
19 materials, and equipment used in the administration
20 of elections in the State were damaged as a result
21 of a major natural disaster.

22 (2) **PREFERENCE FOR STATES USING FUNDS**
23 **FOR SATELLITE VOTING SITES.**—In determining the
24 eligibility of States for receiving grants under this
25 section and the amount of the grant awarded to a
26 State, the Commission shall give preference to

1 States which will use the grant to operate voting
2 sites for displaced voters which are located outside
3 of the area which was affected by the major natural
4 disaster.

5 (c) DEFINITION.—In this section, the term “State”
6 means each of the several States, the District of Columbia,
7 the Commonwealth of Puerto Rico, American Samoa,
8 Guam, and the United States Virgin Islands.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated for fiscal year 2010 and
11 each succeeding fiscal year such sums as may be necessary
12 to carry out this section, to remain available until ex-
13 pended.

14 **SEC. 4. DELAY IN REMOVAL OF REGISTRANTS FROM OFFI-**
15 **CIAL LIST OF VOTERS ON GROUNDS OF**
16 **CHANGE OF RESIDENCE.**

17 Section 8 of the National Voter Registration Act of
18 1993 (42 U.S.C. 1973gg–6) is amended—

19 (1) in subsection (b)(2)(B), by inserting after
20 “2 or more” the following: “(or, in the case of an
21 individual who at any time after the applicable reg-
22 istrar sends the notice is an eligible evacuee under
23 the Disaster Assistance Voting Act of 2009, 3 or
24 more)”; and

1 (2) in subsection (d)(1)(B)(ii), by inserting
 2 after “the second general election” the following:
 3 “(or, in the case of an individual who at any time
 4 after the date of the notice is an eligible evacuee
 5 under the Disaster Assistance Voting Act of 2009,
 6 the third general election)”.

7 **SEC. 5. NOTIFYING DISPLACED INDIVIDUALS OF AVAIL-**
 8 **ABILITY OF PROTECTIONS.**

9 (a) INDIVIDUALS RECEIVING SERVICES AT DES-
 10 IGNATED STATE VOTER REGISTRATION AGENCIES.—
 11 Each motor vehicle authority in a State and each voter
 12 registration agency designated in a State under section
 13 7(a) of the National Voter Registration Act of 1993 shall
 14 take such steps as may be necessary to notify individuals
 15 to whom services are provided of the protections provided
 16 by section 2 and of the requirements for obtaining those
 17 protections, including the requirement to submit an affi-
 18 davit stating that the individual intends to return to the
 19 place of residence where the individual is otherwise quali-
 20 fied to vote.

21 (b) APPLICANTS FOR HOUSING ASSISTANCE UNDER
 22 STAFFORD ACT.—

23 (1) IN GENERAL.—Section 408(b) of the Robert
 24 T. Stafford Disaster Relief and Emergency Assist-

1 ance Act (42 U.S.C. 5174(b)) is amended by adding
2 at the end the following new paragraph:

3 “(3) NOTIFICATION OF AVAILABILITY OF RIGHT
4 TO USE CERTAIN ABSENTEE BALLOTING AND REG-
5 ISTRATION PROCEDURES.—The President shall no-
6 tify each individual and household who receives
7 housing assistance under this section of the protec-
8 tions provided by section 2 of the Disaster Assist-
9 ance Voting Act of 2009 (relating to the right to
10 register to vote and vote by absentee ballot in elec-
11 tions for Federal office) and of the requirements for
12 obtaining those protections, including the require-
13 ment to submit an affidavit stating that the indi-
14 vidual intends to return to the place of residence
15 where the individual is otherwise qualified to vote.”.

16 (2) EFFECTIVE DATE.—The amendment made
17 by paragraph (1) shall apply with respect to assist-
18 ance received on or after the date of the enactment
19 of this Act.

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