

**H.R.3416**

**Title:** 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.

**Sponsor:** [Rep Davis, Artur](#) [AL-7] (introduced 7/30/2009) [Cosponsors](#) (3)

**Latest Major Action:** 7/31/2009 Referred to House subcommittee. Status: Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.

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**SUMMARY AS OF:**

7/30/2009--Introduced.

Disaster Assistance Voting Act of 2009 - Applies certain protections for absent military and overseas voters to individuals evacuated (eligible evacuees) as a result of a major disaster.

Requires any eligible evacuee to be treated in the same manner as an absentee uniformed services voter and overseas voter for purposes of the Uniformed and Overseas Citizens Absentee Voting Act. Deems such an individual to be entitled to vote by absentee ballot for purposes of the National Voter Registration Act of 1993 and the Help America Vote Act of 2002.

Directs the Election Assistance Commission to make grants to eligible states to: (1) restore and replace supplies, materials, and equipment used in the state election administration which were damaged as a result of a major natural disaster; and (2) conduct outreach and education for voters displaced for the same reason.

Amends the National Voter Registration Act of 1993 to require delay for at least three (currently, two) consecutive federal general elections before removal of eligible evacuees from the official list of voters by reason of their not voting or appearing to vote in several consecutive such elections.

Requires each motor vehicle authority and each voter registration agency in a state to take necessary steps to notify individuals to whom their services are provided of the protections afforded by this Act and of the requirements for obtaining them, including submission of an affidavit stating that the individual intends to return to the place of residence where the individual is otherwise qualified to vote.

Amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to send a similar notice to each individual and household receiving assistance under that Act.

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111th CONGRESS  
1st Session  
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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

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### **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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Disaster Assistance Voting Act of 2009'.

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

(a) Right of Evacuees To Use Absentee Balloting and Registration Procedures Available to Military and Overseas Voters- In the case of any individual who is an eligible evacuee--

(1) the individual shall be treated in the same manner as an absent uniformed services voter and overseas voter for purposes of the Uniformed

and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), other than section 103(b)(1) (42 U.S.C. 1973ff-2(b)(1)); and

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

(b) Definitions- For purposes of this section, the following definitions apply:

(1) The term `eligible evacuee' means an individual--

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

(B) who provides the official with an affidavit stating that the individual intends to return to the place of residence where the individual is otherwise qualified to vote after the election or elections involved.

(2) The term `major disaster' has the meaning given such term under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) The term `State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(c) Effective Date- This section shall apply with respect to elections for Federal office held in calendar years beginning with 2010.

### **SEC. 3. GRANTS TO STATES FOR RESPONDING TO ELECTION ADMINISTRATION NEEDS RESULTING FROM MAJOR NATURAL DISASTERS.**

(a) Authority To Make Grants- The Election Assistance Commission shall make a grant to each eligible State, in such amount as the Commission considers appropriate, for purposes of restoring and replacing supplies, materials, and equipment used in the administration of elections in the State which were damaged as a result of a major natural disaster, and for conducting voter outreach and education for voters displaced as a result of a major natural disaster, as determined on the basis of such criteria as the Commission may establish.

(b) Eligibility-

(1) IN GENERAL- A State is eligible to receive a grant under this section if it submits to the Commission (at such time and in such form as the Commission may require) a certification that supplies, materials, and equipment used in the administration of elections in the State were damaged as a result of a major natural disaster.

(2) PREFERENCE FOR STATES USING FUNDS FOR SATELLITE VOTING SITES- In determining the eligibility of States for receiving grants under this section and the amount of the grant awarded to a State, the Commission shall give preference to States which will use the grant to operate voting

sites for displaced voters which are located outside of the area which was affected by the major natural disaster.

(c) Definition- In this section, the term `State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(d) Authorization of Appropriations- There are authorized to be appropriated for fiscal year 2010 and each succeeding fiscal year such sums as may be necessary to carry out this section, to remain available until expended.

#### **SEC. 4. DELAY IN REMOVAL OF REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.**

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

(1) in subsection (b)(2)(B), by inserting after `2 or more' the following: `(or, in the case of an individual who at any time after the applicable registrar sends the notice is an eligible evacuee under the Disaster Assistance Voting Act of 2009, 3 or more)'; and

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

#### **SEC. 5. NOTIFYING DISPLACED INDIVIDUALS OF AVAILABILITY OF PROTECTIONS.**

(a) Individuals Receiving Services at Designated State Voter Registration Agencies- Each motor vehicle authority in a State and each voter registration agency designated in a State under section 7(a) of the National Voter Registration Act of 1993 shall take such steps as may be necessary to notify individuals to whom services are provided of the protections provided by section 2 and of the requirements for obtaining those protections, including the requirement to submit an affidavit stating that the individual intends to return to the place of residence where the individual is otherwise qualified to vote.

(b) Applicants for Housing Assistance Under Stafford Act-

(1) IN GENERAL- Section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b)) is amended by adding at the end the following new paragraph:

`(3) NOTIFICATION OF AVAILABILITY OF RIGHT TO USE CERTAIN ABSENTEE BALLOTING AND REGISTRATION PROCEDURES- The President shall notify each individual and household who receives housing assistance under this section of the protections provided by section 2 of the Disaster Assistance Voting Act of 2009 (relating to the right to register to vote and vote by absentee ballot in elections for Federal office) and of the

requirements for obtaining those protections, including the requirement to submit an affidavit stating that the individual intends to return to the place of residence where the individual is otherwise qualified to vote.'.

(2) EFFECTIVE DATE- The amendment made by paragraph (1) shall apply with respect to assistance received on or after the date of the enactment of this Act.

*END*