To amend the Help America Vote Act of 2002 to require States to develop contingency plans to address unexpected emergencies or natural disasters that may threaten to disrupt the administration of an election for Federal office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2014

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to require States to develop contingency plans to address unexpected emergencies or natural disasters that may threaten to disrupt the administration of an election for Federal office, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Elections Preparedness Requires Early Planning (Elections PREP) Act”.

SEC. 2. CONTINGENCY PLANS.

(a) IN GENERAL.—
(1) **CONTINGENCY PLANS.**—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

(A) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(B) by inserting after section 303 the following new section:

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“SEC. 304. CONTINGENCY PLANS.

“(a) **IN GENERAL.**—Each State shall develop contingency plans to address unexpected emergencies or natural disasters that may threaten to disrupt the administration of an election for Federal office in accordance with the following requirements:

“(1) The State shall develop the contingency plan in consultation with State emergency preparedness organizations (including State and local law enforcement agencies, State Offices and Agencies of Emergency Management, electric companies, and local fire departments).

“(2) The contingency plan shall contain—

“(A) alternative ways to notify the public of changes in election procedures; and

“(B) plans to address disruptions at every step of the voting process, including early voting.
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“(3) The State shall review and update, as needed, the contingency plan not later than 180 days before each regularly scheduled general election for Federal office.

“(b) Certification of Compliance.—If the State has not filed with the Commission a certification under section 253(a) for the fiscal year, the State shall file with the Commission a statement certifying that the State is in compliance with the requirements under this section. A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: ‘________________________ hereby certifies that it is in compliance with the requirements under section 304 of the Help America Vote Act of 2002.’ (with the blank to be filled in with the name of the State involved).

“(c) Effective Date.—Each State shall be required to comply with the requirements of this section for the regularly scheduled general election for Federal office occurring in November 2014 and for any subsequent election for Federal office.”.

(2) Conforming Amendments.—

(A) Section 401 of such Act (42 U.S.C. 15511) is amended by striking “and 303” and inserting “303, and 304”.
(B) The table of contents of such Act is amended—

(i) by redesignating the items relating to sections 304 and 305 as relating to sections 305 and 306, respectively; and

(ii) by inserting after the item relating to section 303 the following new item:

“Sec. 304. Contingency plans.”.

(b) REQUIREMENTS FOR STATE PLANS.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

“(15) How the State will develop contingency plans consistent with the requirements of section 304.”.

(c) FUNDING.—Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency may provide financial assistance to States under the emergency management performance grants program (as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and section 662 of the Post-Katrina Emergency Management Reform Act of