

Calendar No. 356

113TH CONGRESS
2D SESSION

S. 1937

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

APRIL 10, 2014

Reported by Mr. SCHUMER, without amendment

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.

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 “Elections Preparedness
3 Requires Early Planning (Elections PREP) Act”.

4 **SEC. 2. CONTINGENCY PLANS.**

5 (a) IN GENERAL.—

6 (1) CONTINGENCY PLANS.—Title III of the
7 Help America Vote Act of 2002 (42 U.S.C. 15481
8 et seq.) is amended—

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

11 (B) by inserting after section 303 the fol-
12 lowing new section:

13 **“SEC. 304. CONTINGENCY PLANS.**

14 “(a) IN GENERAL.—Each State shall develop contin-
15 gency plans to address unexpected emergencies or natural
16 disasters that may threaten to disrupt the administration
17 of an election for Federal office in accordance with the
18 following requirements:

19 “(1) The State shall develop the contingency
20 plan in consultation with State emergency prepared-
21 ness organizations (including State and local law en-
22 forcement agencies, State Offices and Agencies of
23 Emergency Management, electric companies, and
24 local fire departments).

25 “(2) The contingency plan shall contain—

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

3 “(B) plans to address disruptions at every
4 step of the voting process, including early vot-
5 ing.

6 “(3) The State shall review and update, as
7 needed, the contingency plan not later than 180
8 days before each regularly scheduled general election
9 for Federal office.

10 “(b) CERTIFICATION OF COMPLIANCE.—If the State
11 has not filed with the Commission a certification under
12 section 253(a) for the fiscal year, the State shall file with
13 the Commission a statement certifying that the State is
14 in compliance with the requirements under this section.
15 A State may meet the requirement of the previous sen-
16 tence by filing with the Commission a statement which
17 reads as follows: ‘_____ hereby cer-
18 tifies that it is in compliance with the requirements under
19 section 304 of the Help America Vote Act of 2002.’ (with
20 the blank to be filled in with the name of the State in-
21 volved).

22 “(c) EFFECTIVE DATE.—Each State shall be re-
23 quired to comply with the requirements of this section for
24 the regularly scheduled general election for Federal office

1 occurring in November 2014 and for any subsequent elec-
 2 tion for Federal office.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Section 401 of such Act (42 U.S.C.
 5 15511) is amended by striking “and 303” and
 6 inserting “303, and 304”.

7 (B) The table of contents of such Act is
 8 amended—

9 (i) by redesignating the items relating
 10 to sections 304 and 305 as relating to sec-
 11 tions 305 and 306, respectively; and

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

“Sec. 304. Contingency plans.”.

14 (b) REQUIREMENTS FOR STATE PLANS.—Section
 15 254(a) of the Help America Vote Act of 2002 (42 U.S.C.
 16 15404(a)) is amended by adding at the end the following
 17 new paragraph:

18 “(15) How the State will develop contingency
 19 plans consistent with the requirements of section
 20 304.”.

21 (c) FUNDING.—Notwithstanding any other provision
 22 of law, the Administrator of the Federal Emergency Man-
 23 agement Agency may provide financial assistance to
 24 States under the emergency management performance
 25 grants program (as authorized by the National Flood In-

1 surance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert
2 T. Stafford Disaster Relief and Emergency Assistance Act
3 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-
4 tion Act of 1977 (42 U.S.C. 7701 et seq.), Reorganization
5 Plan No. 3 of 1978 (5 U.S.C. App.), and section 662 of
6 the Post-Katrina Emergency Management Reform Act of
7 2006 (6 U.S.C. 762)) for the purpose of developing a con-
8 tingency plan under section 304 of the Help America Vote
9 Act of 2002, as added by subsection (a).

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