



NATURAL DISASTER EMERGENCY BALLOT ACT (NDEBA) of 2020

Sponsored by Senators Klobuchar and Wyden and

Senators Hirono, Baldwin, Coons, Sanders, Markey, Van Hollen, Booker, Smith, Harris, Jones, Feinstein, Peters, Durbin, Merkley, Murphy, Stabenow, Blumenthal, Warner, Murray, Heinrich, Udall, Warren, Duckworth, Cantwell, Menendez, Brown, Schatz, Carper, and Casey

Endorsed by: Let America Vote, Common Cause, End Citizens United Action Fund, and Democracy 21, Fair Fight Action, National Education Association, Public Citizen, Free Speech for the People, Tom Perez - Chair of the Democratic National Committee, Alex Padilla - California Secretary of State

SECTION 1: SHORT TITLE

The "Natural Disaster and Emergency Ballot Act of 2020."

SECTION 2: REQUIREMENTS FOR FEDERAL ELECTION CONTINGENCY PLANS

- Requires states and jurisdictions to establish a publicly available contingency plan to enable eligible Americans to vote in the case of an emergency and update those plans every 5 years.
- Requires the contingency plan to include initiatives to provide equipment and resources needed to protect the health and safety of poll workers and voters.
- Requires the contingency plan to include initiatives to recruit poll workers from resilient or unaffected populations including but not limited to students from high schools and colleges and employees in other State and local government offices.
- Requires the contingency plan to permit all individuals who are registered to vote to complete and submit a request for an absentee ballot online.

- Allows the Attorney General to bring a civil action in United States District Court for appropriate relief as may be necessary to carry out the requirements of this section and allows for private right of action.
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Section 3: REQUIREMENT TO ALLOW EARLY VOTING AND NO EXCUSE ABSENTEE VOTING

- Ensures that voters in all states have at least 20 days of early in-person voting, including at least 1 weekend and at least 8 hours on each day. Goes into effect for the 2020 general election and subsequent elections.
 - Ensures that voters in all states have no-excuse absentee vote-by-mail. Goes into effect for the 2020 general election and subsequent elections.
 - Ensures a voter can submit an absentee ballot request online.
 - Requires a state to accept requests made at least 5 days, not including weekend days, prior to Election Day. Any state or jurisdiction may have a deadline closer to election day.
 - Ensures no form of identification is required for a request.
 - Ensures there are no notarizations or witness signature requirements for ballots.
 - Ensures voters can drop off completed and sealed ballots to drop-off boxes and designated locations, including any early polling locations.
 - Permits voters to designate any person to return a voted and sealed ballot.
 - For 2020, permits any voter who requested an absentee ballot but did not receive it 2 days prior to Election Day to download, print, and mail in a ballot made available by a state to overseas and military voters.
 - For 2020, permits any voter with a disability who resides in a state that does not offer secure accessible remote ballot marking, to download, electronically complete, print, and mail in a ballot made available by a state to overseas and military voters.
 - Guarantees absentee ballots postmarked or signed before the close of the polls on Election Day and received on or before the 10 days following Election Day are counted. Goes into effect for the 2020 general election and subsequent elections.
 - Ensures states begin processing and scanning votes cast during early voting or by mail at least 14 days before Election Day to avoid delays in counting votes on Election Day. Does not allow for the tabulation/tallying of votes until the close of polls on Election Day. Goes into effect for the 2020 general election and subsequent elections.
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SECTION 4: DOWNLOADABLE AND PRINTABLE ABSENTEE BALLOTS 2020

- Amends the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to allow voters that requested an absentee ballot but did not receive it at least 2 days prior to Election Day, and any voter with a disability who resides in a state that does not offer secure accessible remote ballot marking, to download, print, and mail in a ballot made available to overseas and military voters. Also allows emergency responders and volunteers, and voters who are or expect to be hospitalized on Election Day to use such a ballot.
 - Prohibits a state from refusing to accept a ballot based on paper type and envelope type.
 - Goes into effect for the 2020 general election and until the Election Assistance Commission makes available a domestic downloadable ballot in 2022.
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SECTION 5: DOWNLOADABLE AND PRINTABLE ABSENTEE BALLOTS 2022

- Amends the Help America Vote Act to charge the Election Assistance Commission with developing a domestic downloadable and printable ballot to be used starting in 2022.
 - Requires states to allow voters who requested an absentee ballot, but did not receive it at least 2 days prior to Election Day, and any voter with a disability who resides in a state that does not offer secure accessible remote ballot marking, to download, print, and mail in a ballot.
 - Allows voters in an area where a state of emergency has been declared less than 5 days prior to election day to use such ballots as well as emergency responders and volunteers, and voters who are or expect to be hospitalized on Election Day to use such a ballot.
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SECTION 6: REQUIREMENT FOR PREPAID SELF-SEALING ENVELOPES WITH INTELLIGENT MAIL BARCODES

- Ensures states provide self-sealing envelopes, where possible, with prepaid postage for all voters who request a voter registration application, absentee ballot application, or an absentee ballot.
- Directs all states and jurisdictions that do not already use ballot tracking systems to use envelopes with an Intelligent Mail barcode (IMb) to allow voters to track their

ballot for the 2020 and successive elections until they implement a balloting materials status update service.

SECTION 7: DEVELOPMENT OF A SECURE FEDERAL PORTAL TO ALLOW ELECTION OFFICIALS TO PROVIDE VOTER WITH UPDATES ON THEIR BALLOTS

- Charges the Cybersecurity and Infrastructure Security Agency (CISA), in consultation with the General Services Administration (GSA), the Election Assistance Commission (EAC), and the United States Postal Service (USPS) to create a domestic ballot update service for election officials to provide voters with updates on their ballot for the 2024 elections and beyond.
 - Information tracked by the service will include updates on the status of election mail and whether a voter's ballot was accepted and counted, and in the case of any ballot which was not counted, the reason why.
 - Allows any state or jurisdiction which can provide the required updates to use their system.
 - Allows CISA to make the balloting materials status update service available to the Department of Defense (DOD) to administer and implement to uniformed services voters and overseas voters.
 - Allows for the EAC and the DOD to reimburse states for the costs of using the update system.
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SECTION 8: NOTICE AND CURE PROCESS FOR MISMATCHED SIGNATURES

- If an election official believes a discrepancy exists for a voter's signature, they must allow that voter to provide information to cure a discrepancy.
- Notice of a discrepancy must be provided to voters by at least two methods including: regular mail, phone, electronic mail, and text message.
- A voter has until the day before certification of election results to provide confirmation that the signature in question is their genuine signature. The confirmation can be provided through any of the notice methods.
- A final determination shall be made by three election officials, at least one of whom is of an opposing party, taking into account information provided by the voters, through a unanimous vote if a ballot is valid. Only through a unanimous vote that a ballot is not valid, shall a vote not be counted.

SECTION 9: REQUIREMENT FOR ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS

- Requires each State to accept and process voter registration applications submitted in person, by mail, or online at least 21 days prior to the date of a Federal election. Allows for any state or jurisdiction to have a deadline closer to Election Day.

SECTION 10: ACCOMODATIONS FOR VOTERS RESIDING ON INDIAN LANDS

- Permits a tribe to designate buildings as ballot pickup and collection locations at no cost to the tribe and the state or political subdivision is required to collect the ballots from those locations. The state or political subdivision must also provide the tribe with accurate precinct maps for all precincts located within Indian lands 60 days before any election.
- Requires the state or political subdivision to provide mail-in and absentee ballots to each registered voter residing on Indian lands without requiring a residential address or mail-in/absentee ballot request.
- Ensures the address of a designated ballot pickup and collection buildings can serve as the residential and mailing address for voters living on Indian lands if the designated building is in the same precinct as the voter.
- Pursuant to Section 203 of the *Voting Rights Act*, the state or political subdivision must provide absentee or mail-in voting materials in the language of the applicable minority group as well as in English.

SECTION 11: REIMBURSEMENTS TO STATES FOR COMPLYING WITH THE ACT FOR 2020

- Requires the Election Assistance Commission to make payments to each State for costs incurred in implementing the Act. Reimbursable costs include:
 - Establishing contingency plans pursuant to Section 2.
 - Establishing a system for voters to submit an absentee ballot application.
 - Implementing early voting.
 - Purchasing additional and upgrading high speed ballot printers, inserters, ballot sorters, envelope extractors, and scanners to send and process absentee ballots and costs associated with purchasing ballot drop boxes.

- Developing or purchasing, implementation, and use of technology to allow election officials to electronically verify a voter's signature on a ballot envelope against a voter's signature on file without physically handling the envelope, provided that the technology is not connected to the internet.
 - Use of downloadable and printable ballots by qualified individuals.
 - Developing or purchasing secure accessible remote ballot marking systems for use by voters with disabilities, provided that such systems do not cause the voter's ballot selections to be transmitted over the internet and do not allow for the electronic submission of a marked ballot.
 - Providing return envelopes with pre-paid postage and Intelligent Mail barcodes pursuant to Section 6.
- In addition to reimbursable payments, the EAC shall make payments available to states which implement requirements of the bill prior to those requirements going into effect for the 2020 general election.
 - The Commission shall make payments to State parties for costs incurred by such parties to send absentee ballots and return envelopes with prepaid postage to eligible voters participating in such primaries during 2020.
 - **Any funds necessary** are authorized for reimbursement to states, jurisdictions, and tribes for costs related to the Act.
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SECTION 12: Additional Appropriations for the Election Assistance Commission

- Provides \$3 million in additional funds to the EAC for supporting states in implementing the Act.