

Natural Disaster and Emergency Ballot Act (NDEBA) of 2020

Sponsored by Senators Klobuchar and Wyden and

Senators (35): 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, Casey, Gillibrand, Cardin, Cortez Masto, Kaine, Leahy, and Rosen

Problem: 16 states have either delayed primary elections due to the COVID-19 coronavirus or transitioned to predominantly mail voting. The Natural Disaster and Emergency Ballot Act (NDEBA) represents a commonsense solution to ensuring the 2020 elections and future elections are resilient to emergencies, including natural disasters and pandemics, and that we are protecting the voting rights of those in harm's way as well as emergency responders. Natural disasters and public health emergencies are occurring more frequently and with greater impact than ever before, affecting the ability of victims and first responders to vote on Election Day. The lack of voting options in many states and sufficient emergency ballot procedures leaves many voters disenfranchised. COVID-19, hurricanes Harvey and Irma, and wildfires in the Western United States are recent examples of the damage and disruption that public health emergencies and natural disasters can cause.

The bill would specifically:

- Ensure that voters in all states have 20 days of early in-person voting and no-excuse absentee vote-by-mail and ensure states begin processing (but not counting) votes cast during early voting or by mail 14 days before Election Day to avoid delays in counting votes on Election Day.
- Guarantee that all voter registration applications submitted by mail or online, up until and 21 days prior to Election Day, are deemed valid. Any state may have a deadline closer to Election Day.
- Require states and jurisdictions to establish a publicly available contingency plan, including plans to procure PPE and sanitizing supplies, to enable eligible Americans to vote in the case of an emergency and establish an initiative to recruit poll workers. At a minimum Centers for Disease Control guidelines must be met.
- Require states to develop public awareness campaigns to inform voters on voting options and election changes.
- Provide all voters with the option of online voters registration and online requests for absentee ballots and require states to accept requests received up until and 5 days prior (or closer) to Election Day.
- Guarantee the counting of absentee ballots postmarked or signed before the close of the polls on Election Day and received on or before the 10th day following Election Day.
- Guarantee that secure drop-boxes for absentee ballots are available at least 45 days in advance.
- Ensure states provide self-sealing envelopes with prepaid postage for all voters who request a voter registration application, absentee ballot application, or an absentee ballot.
- Require states to offer their downloadable and printable absentee ballots currently made available to military and overseas voters, to domestic voters who (1) requested but did not receive an absentee ballot for the 2020 election and (2) to voters with disabilities who requested an absentee ballot and reside in a state that does not offer secure accessible remote ballot marking technology.
- Charge the Election Assistance Commission (EAC) with creating a uniform domestic downloadable and printable absentee ballot that can be used starting in 2022.
- Direct all states 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.
- Charge the Cybersecurity and Infrastructure Security Agency (CISA), in consultation with the General Services Administration (GSA), EAC, the United States Postal Service, and states to create a domestic ballot update service for election officials to provide voters with updates on their ballot for the 2024 elections and beyond.
- Ensure states implement a specified signature curing procedure for voters which requires that voters be notified of a discrepancy and be given at least 10 days after notification to cure and where a decision about the validity of a signature is made unanimously by three election officials, at least one of whom must be from an opposing party.
- Provide additional accommodations for Native American voters including allowing tribes to designate ballot pickup and drop-off locations and not requiring residential address for election mail.
- Authorize \$3.6 billion for states to implement requirements for the general and use to make changes for primaries, 80% of which must be passed through to local jurisdictions.
- Authorize funds for states to purchase things such as ballots scanners, remote ballot marking software to enable voters with disabilities to mark their ballots at home and vote by mail, and signature verification software.
- Provide \$3 million in additional funds to the EAC for supporting states in implementing the Act.
- Provide fixes to problems with funding in the CARES Act such as over-tuning the required 20% state match.
- All requirements will go into effect for the 2020 general election and thereafter.