

# Union Calendar No. 263

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3489

[Report No. 111-457]

To amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction on the grounds that the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Mr. JACKSON of Illinois (for himself, Mr. WATT, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. CAPUANO, Mr. GONZALEZ, Mr. DAVIS of Alabama, Ms. LEE of California, Mr. SCOTT of Virginia, Mr. NADLER of New York, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on House Administration

MARCH 25, 2010

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

To amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction on the grounds that the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster, 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,*

3 **SECTION 1. PROHIBITING ACCEPTANCE OF CHALLENGES**  
4                   **TO ELIGIBILITY TO REGISTER OR VOTE IN**  
5                   **FEDERAL ELECTIONS NOT BASED ON GOOD**  
6                   **CAUSE OR BASED ON RESIDENCE IN PROP-**  
7                   **ERTY SUBJECT TO FORECLOSURE PRO-**  
8                   **CEEDINGS OR IN AREA DAMAGED BY HURRI-**  
9                   **CANE OR OTHER MAJOR DISASTER.**

10       (a) IN GENERAL.—Subtitle A of title III of the Help  
11 America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is  
12 amended by inserting after section 303 the following new  
13 section:

14 **“SEC. 303A. PROHIBITING ACCEPTANCE OF CHALLENGES**  
15                   **TO ELIGIBILITY TO REGISTER OR ELIGI-**  
16                   **BILITY TO VOTE IN FEDERAL ELECTIONS NOT**  
17                   **BASED ON GOOD CAUSE.**

18       “(a) IN GENERAL.—A State or local election official  
19 may not accept a challenge to an individual’s eligibility  
20 to register to vote in an election for Federal office in a  
21 jurisdiction or to vote in an election for Federal office in  
22 a jurisdiction which is not based on good cause.

23       “(b) CHALLENGES BASED ON CERTAIN GROUNDS  
24 NOT CONSIDERED GOOD CAUSE.—For purposes of sub-  
25 section (a), a challenge to an individual’s eligibility to reg-

1 ister to vote in an election for Federal office in a jurisdic-  
2 tion or to vote in an election for Federal office in a juris-  
3 diction is not based on good cause if the challenge is based  
4 on any of the following grounds:

5           “(1) The individual resides in a household in  
6 the jurisdiction which is subject to foreclosure pro-  
7 ceedings.

8           “(2) The jurisdiction is included in a geo-  
9 graphic area which was adversely affected by a hur-  
10 ricane or other major disaster declared by the Presi-  
11 dent under section 401 of the Robert T. Stafford  
12 Disaster Relief and Emergency Assistance Act (42  
13 U.S.C. 5170).

14           “(c) EFFECTIVE DATE.—This section shall apply  
15 with respect to the regularly scheduled general election for  
16 Federal office held in November 2010 and each subse-  
17 quent election for Federal office.”.

18           (b) CONFORMING AMENDMENT RELATING TO EN-  
19 FORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)  
20 is amended by striking “and 303” and inserting “303, and  
21 303A”.

22           (c) CLERICAL AMENDMENT.—The table of contents  
23 of the Help America Vote Act of 2002 is amended by in-  
24 serting after the item relating to section 303 the following  
25 new item:

“Sec. 303A. Prohibiting acceptance of challenges to eligibility to register or eligibility to vote in Federal elections not based on good cause.”.

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