To amend the Help America Vote Act of 2002 in order to measure, compare, and improve the quality of voter access to polls and voter services in the administration of Federal elections in the States.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2007

Mr. OBAMA 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 in order to measure, compare, and improve the quality of voter access to polls and voter services in the administration of Federal elections in the States.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Voter Advocate and Democracy Index Act of 2007”.

SEC. 2. OFFICE OF THE VOTER ADVOCATE AND STATE REQUIREMENT TO REPORT VOTER DATA.

(a) Office of the Voter Advocate.—
(1) IN GENERAL.—Subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

“PART 4—OFFICE OF THE VOTER ADVOCATE

“SEC. 223. OFFICE OF THE VOTER ADVOCATE.

“(a) IN GENERAL.—There is established within the Commission an Office of the Voter Advocate (in this section referred to as the ‘Office’).

“(b) DUTIES.—The Office shall develop and administer a program to—

“(1) collect the voter data described in subsection (c) from States with respect to each election for Federal office;

“(2) develop, refine, and publish a Democracy Index (as described in subsection (f));

“(3) make grants to eligible entities under section 224; and

“(4) provide recommendations to States to improve their performance in the administration of Federal elections (as determined based on a State-by-State comparison of the voter data collected under paragraph (1)).

“(c) VOTER DATA DESCRIBED.—The voter data described in this subsection includes any data the Office de-
termines appropriate for developing or refining the Democracy Index published under subsection (b), which may include the following:

“(1) The amount of time spent by voters waiting in line.

“(2) The number of voters who appeared at, or were incorrectly directed to, the wrong polling place.

“(3) The rate of voter ballots discarded or not counted, and the reasons those voter ballots were discarded or not counted.

“(4) Provisional voting rates, including the percentage of provisional ballots that were cast and not counted and the reasons those provisional ballots were not counted.

“(5) The number and a description of registration and election day complaints, including any problems faced by individual voters in becoming involved and effectively participating in the process and the reasons given for such problems.

“(6) The rate of voting system malfunctions and the time required on average to put malfunctioning voting systems back online or otherwise correct the malfunction, or to replace them.

“(d) CONSULTATION.—
“(1) IN GENERAL.—In developing and refining the Democracy Index published under subsection (b), the Office shall consult an independent Board of Advisors (as described in paragraph (2)).

“(2) INDEPENDENT BOARD OF ADVISORS.—The Independent Board of Advisors consulted under paragraph (1) shall be composed of 20 members, selected by the Office from—

“(A) the academic, nonprofit, and election administration communities; and

“(B) Citizen Advisors nominated by the chief State election official of each State.

“(e) COORDINATION WITH STATES.—The Office may, in coordination with a State, select precincts within the State on a sample basis from which to draw the information described in subsection (c) in order to form statistical conclusions. In forming such statistical conclusions, the Office may append the information collected from the samples to other information provided by the State that was collected with respect to elections for Federal office in that State.

“(f) DEMOCRACY INDEX.—The Democracy Index published under subsection (b) shall include the information described in subsection (c) with respect to each elec-
tion for Federal office, presented on a State-by-State basis that allows for—

“(1) comparisons and rankings between States along each category of voter data collected under this section; and

“(2) an aggregate ranking of each State across all categories of such voter data.

“(g) REPORT.—The Office shall submit an annual report to Congress and to chief State elections officials of each State that includes the voter data collected under subsection (b), together with any recommendations for—

“(1) improving the types of voter data that are collected and included in the Democracy Index published under such subsection; and

“(2) taking into consideration the voter data collected under such subsection, legislation or administrative action to improve State performance in the administration of Federal elections (as determined based on a State-by-State comparison of such voter data).

“SEC. 224. DEMOCRACY INDEX PILOT PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Office shall establish a Democracy Index Pilot Program (in this section referred to as the ‘pilot program’) for calendar year
2008 to make grants to eligible entities for the purpose of creating a Democracy Index (consistent with the requirements of section 223).

“(2) Eligible entity.—In this section, the term ‘eligible entity’ means—

“(A) a State;

“(B) a nonprofit voting rights organization; and

“(C) any other organization the Office determines appropriate for the purpose of carrying out this section.

“(3) Duration.—The pilot program shall be conducted with respect to the general election for Federal office held in 2008.

“(b) Use of funds.—A grant awarded under subsection (a) shall be used for the following purposes:

“(1) For the collection of voter data described in section 223(c) through survey research.

“(2) The development and implementation of innovative proposals for adding—

“(A) to the types of voter data collected under such section; and

“(B) efficient mechanisms for collecting such voter data.
“(3) The development and use of methodologies to check such voter data for accuracy and uniformity.

“(c) Publication of Program Scope and Measures.—Not later than 6 months before the general election held in 2008, the Commission shall publish a description of the scope of the program, including—

“(1) the voter data that will be included in the Democracy Index (consistent with the requirements of section 223); and

“(2) which States will receive a grant and participate in the pilot program under this section.

“(d) Report.—Not later than 6 months after the regularly scheduled general election for Federal office held in 2008, the Office shall submit a report to Congress and each chief State election officials on the pilot program conducted under this section, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

“SEC. 225. FUNDING.

“There are authorized to be appropriated such sums as are necessary to carry out this part.”.

(2) Conforming Amendment.—The table of contents of the Help America Vote Act of 2002 is
amended by inserting after the item relating to section 222 the following:

"PART 4—OFFICE OF THE VOTER ADVOCATE"

"Sec. 223. Office of the Voter Advocate.
"Sec. 224. Democracy Index Pilot Program.
"Sec. 225. Funding."

(b) STATE REQUIREMENT.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 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:

"SEC. 304. REPORTING OF STATE VOTER DATA.

(a) IN GENERAL.—Each State shall submit to the Office of the Voter Advocate the voter data described in section 223(e) with respect to each election for Federal office. Such voter data shall be submitted at the time and place, and in the manner, requested by the Office of the Voter Advocate.

(b) EFFECTIVE DATE.—This section shall apply with respect to general elections for Federal office held after 2008.’”.

(2) ENFORCEMENT.—Section 401 of the Help America Vote Act of 2002 is amended by striking “and 303” and inserting “303, and 304”.

“S 737 IS
(3) CONFORMING AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended—

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

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

“Sec. 304. Reporting of State voter data.”.