

110TH CONGRESS
1ST SESSION

S. 737

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.

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. SHORT TITLE.**

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

6 **SEC. 2. OFFICE OF THE VOTER ADVOCATE AND STATE RE-**
7 **QUIREMENT TO REPORT VOTER DATA.**

8 (a) OFFICE OF THE VOTER ADVOCATE.—

1 (1) IN GENERAL.—Subtitle A of title II of the
2 Help America Vote Act of 2002 (42 U.S.C. 15321
3 et seq.) is amended by adding at the end the fol-
4 lowing new part:

5 **“PART 4—OFFICE OF THE VOTER ADVOCATE**

6 **“SEC. 223. OFFICE OF THE VOTER ADVOCATE.**

7 “(a) IN GENERAL.—There is established within the
8 Commission an Office of the Voter Advocate (in this sec-
9 tion referred to as the ‘Office’).

10 “(b) DUTIES.—The Office shall develop and admin-
11 ister a program to—

12 “(1) collect the voter data described in sub-
13 section (c) from States with respect to each election
14 for Federal office;

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

17 “(3) make grants to eligible entities under sec-
18 tion 224; and

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

24 “(c) VOTER DATA DESCRIBED.—The voter data de-
25 scribed in this subsection includes any data the Office de-

1 termines appropriate for developing or refining the De-
2 mocracy Index published under subsection (b), which may
3 include the following:

4 “(1) The amount of time spent by voters wait-
5 ing in line.

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

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

11 “(4) Provisional voting rates, including the per-
12 centage of provisional ballots that were cast and not
13 counted and the reasons those provisional ballots
14 were not counted.

15 “(5) The number and a description of registra-
16 tion and election day complaints, including any prob-
17 lems faced by individual voters in becoming involved
18 and effectively participating in the process and the
19 reasons given for such problems.

20 “(6) The rate of voting system malfunctions
21 and the time required on average to put malfunc-
22 tioning voting systems back online or otherwise cor-
23 rect the malfunction, or to replace them.

24 “(d) CONSULTATION.—

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

5 “(2) INDEPENDENT BOARD OF ADVISORS.—The
6 Independent Board of Advisors consulted under
7 paragraph (1) shall be composed of 20 members, se-
8 lected by the Office from—

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

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

13 “(e) COORDINATION WITH STATES.—The Office
14 may, in coordination with a State, select precincts within
15 the State on a sample basis from which to draw the infor-
16 mation described in subsection (c) in order to form statis-
17 tical conclusions. In forming such statistical conclusions,
18 the Office may append the information collected from the
19 samples to other information provided by the State that
20 was collected with respect to elections for Federal office
21 in that State.

22 “(f) DEMOCRACY INDEX.—The Democracy Index
23 published under subsection (b) shall include the informa-
24 tion described in subsection (c) with respect to each elec-

1 tion for Federal office, presented on a State-by-State basis
2 that allows for—

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

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

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

12 “(1) improving the types of voter data that are
13 collected and included in the Democracy Index pub-
14 lished under such subsection; and

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

21 **“SEC. 224. DEMOCRACY INDEX PILOT PROGRAM.**

22 “(a) ESTABLISHMENT.—

23 “(1) IN GENERAL.—The Office shall establish a
24 Democracy Index Pilot Program (in this section re-
25 ferred to as the ‘pilot program’) for calendar year

1 2008 to make grants to eligible entities for the pur-
 2 pose of creating a Democracy Index (consistent with
 3 the requirements of section 223).

4 “(2) ELIGIBLE ENTITY.—In this section, the
 5 term ‘eligible entity’ means—

6 “(A) a State;

7 “(B) a nonprofit voting rights organiza-
 8 tion; and

9 “(C) any other organization the Office de-
 10 termines appropriate for the purpose of car-
 11 rying out this section.

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

15 “(b) USE OF FUNDS.—A grant awarded under sub-
 16 section (a) shall be used for the following purposes:

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

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

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

23 “(B) efficient mechanisms for collecting
 24 such voter data.

1 “(3) The development and use of methodologies
2 to check such voter data for accuracy and uni-
3 formity.

4 “(c) PUBLICATION OF PROGRAM SCOPE AND MEAS-
5 URES.—Not later than 6 months before the general elec-
6 tion held in 2008, the Commission shall publish a descrip-
7 tion of the scope of the program, including—

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

11 “(2) which States will receive a grant and par-
12 ticipate in the pilot program under this section.

13 “(d) REPORT.—Not later than 6 months after the
14 regularly scheduled general election for Federal office held
15 in 2008, the Office shall submit a report to Congress and
16 each chief State election officials on the pilot program con-
17 ducted under this section, together with recommendations
18 for such legislation and administrative action as the Sec-
19 retary determines appropriate.

20 **“SEC. 225. FUNDING.**

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

23 “(2) CONFORMING AMENDMENT.—The table of
24 contents of the Help America Vote Act of 2002 is

1 amended by inserting after the item relating to sec-
 2 tion 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.”.

3 (b) STATE REQUIREMENT.—

4 (1) IN GENERAL.—Title III of the Help Amer-
 5 ica Vote Act of 2002 is amended—

6 (A) by redesignating sections 304 and 305
 7 as sections 305 and 306, respectively; and

8 (B) by inserting after section 303 the fol-
 9 lowing new section:

10 **“SEC. 304. REPORTING OF STATE VOTER DATA.**

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

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

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

1 (3) CONFORMING AMENDMENT.—The table of
2 contents of the Help America Vote Act of 2002 is
3 amended—

4 (A) by redesignating the items relating to
5 sections 304 and 305 as relating to sections
6 305 and 306, respectively; and

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

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

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