

111TH CONGRESS
1ST SESSION

H. R. 4033

To require the Election Assistance Commission to establish an American Democracy Index to measure and improve the quality of voter access to polls and voter services in Federal elections.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2009

Mr. ISRAEL introduced the following bill; which was referred to the Committee on House Administration

A BILL

To require the Election Assistance Commission to establish an American Democracy Index to measure and improve the quality of voter access to polls and voter services in Federal elections.

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 “American Democracy
5 Index Act of 2009”.

1 **SEC. 2. ESTABLISHMENT OF AMERICAN DEMOCRACY INDEX**
2 **AND RELATED ELECTION DATA COLLECTION.**

3 (a) IN GENERAL.—Subtitle C of title II of the Help
4 America Vote Act of 2002 (42 U.S.C. 15381 et seq.) is
5 amended by adding at the end the following:

6 **“SEC. 248. ESTABLISHMENT OF AMERICAN DEMOCRACY**
7 **INDEX AND RELATED ELECTION DATA COL-**
8 **LECTION.**

9 “(a) IN GENERAL.—The Commission, in consultation
10 with the Board and in accordance with this section,
11 shall—

12 “(1) develop an American Democracy Index for
13 the evaluation of elections for Federal office occur-
14 ring in 2010 and thereafter;

15 “(2) establish and operate a data collection sys-
16 tem in order to collect and measure election data de-
17 scribed in subsection (c) to be used in preparing the
18 American Democracy Index; and

19 “(3) make the American Democracy Index with
20 respect to each election for Federal office generally
21 available to the public, including through the Inter-
22 net.

23 “(b) AMERICAN DEMOCRACY INDEX.—The American
24 Democracy Index is an index that is designed to assist
25 States in the administration of elections for Federal office
26 by presenting the information collected under the system

1 established under subsection (a)(2) on a State-by-State
2 basis in a manner designed to demonstrate administration
3 practices that—

4 “(1) ensure the right of individuals to vote;

5 “(2) improve the quality of voter access to polls
6 and the quality of voter services; and

7 “(3) secure the accuracy and integrity of elec-
8 tions.

9 “(c) COLLECTION OF DATA.—

10 “(1) DATA TO BE COLLECTED.—The Commis-
11 sion shall, in consultation with the Board, determine
12 the data that is required to be collected under this
13 section in order to analyze the effectiveness of the
14 State administration of elections for Federal office,
15 including data required for developing or refining
16 the American Democracy Index.

17 “(2) DATA SUBMISSION.—

18 “(A) STATES REQUIRED TO PROVIDE
19 DATA.—Each State shall submit to any grantee
20 under subsection (e) the information described
21 in paragraph (1) in support of the American
22 Democracy Index.

23 “(B) DATA SUBMISSION REGULATIONS.—

24 Within 60 days after the first meeting of the

1 Board under subsection (d)(2)(B)(i), the Com-
2 mission shall promulgate regulations for—

3 “(i) the enforcement of the data sub-
4 mission mandate under subparagraph (A);
5 and

6 “(ii) the standardization of election
7 data described in paragraph (1).

8 “(C) STATISTICAL ANALYSIS.—The Com-
9 mission may, in coordination with a State, se-
10 lect precincts within the State on a sample
11 basis from which to draw the information de-
12 scribed in paragraph (1) in order to form sta-
13 tistical conclusions with respect to election ad-
14 ministration in that State. In forming such sta-
15 tistical conclusions, the Office may append the
16 information collected from the samples to other
17 information provided by the State that was col-
18 lected with respect to elections for Federal of-
19 fice in that State.

20 “(D) PAYMENTS TO STATES.—In accord-
21 ance with such regulations as the Commission
22 may promulgate, the Commission shall make
23 payments to States to assist the States in meet-
24 ing the data submission requirements of this
25 paragraph.

1 “(E) RULEMAKING AUTHORITY OF COM-
2 MISSION.—Section 209 shall not apply with re-
3 spect to any regulations promulgated by the
4 Commission pursuant to the authority of this
5 paragraph.

6 “(d) INDEPENDENT BOARD OF ADVISORS.—

7 “(1) IN GENERAL.—There is hereby established
8 an independent Board of Advisors (in this section
9 referred to as the ‘Board’) that the Commission
10 shall consult in developing and refining the Amer-
11 ican Democracy Index and the data to be collected
12 under subsection (c).

13 “(2) INDEPENDENT BOARD OF ADVISORS.—

14 “(A) ESTABLISHMENT.—The Board—

15 “(i) shall be composed of 8 members
16 from individuals from the academic, non-
17 profit, and election administration commu-
18 nities, of whom—

19 “(I) 4 shall be selected by the
20 Committee on Rules and Administra-
21 tion of the Senate, in consultation
22 with the majority and minority leader
23 of the Senate; and

24 “(II) 4 shall be selected by the
25 Committee on House Administration

1 of the House of Representatives, in
2 consultation with the Speaker and mi-
3 nority leader of the House of Rep-
4 resentatives; and

5 “(ii) shall be headed by a President
6 elected by the members of the Board.

7 “(B) DUTIES.—The Board shall—

8 “(i) meet at least twice a year, and at
9 such other times as are specified by the
10 President of the Board; and

11 “(ii) consult with the Commission as
12 provided by this section, including making
13 periodic recommendations to the Commis-
14 sion on the type of election data to be col-
15 lected from States, the method of data col-
16 lection, the enforcement mechanism for the
17 collection of election data, the administra-
18 tion of elections in general, and other rel-
19 evant issues as the Board sees appropriate.

20 “(e) ESTABLISHMENT AND OPERATION OF INDEX
21 AND DATA COLLECTION SYSTEM.—

22 “(1) PILOT PROGRAM.—The Commission shall
23 conduct a pilot program for elections for Federal of-
24 fice occurring in 2010 under which the Commission
25 shall make a grant to 1 or more eligible entities to—

1 “(A) to collect election data described in
2 subsection (c) in not more than 5 States se-
3 lected by the Board; and

4 “(B) to develop, refine, and publish data
5 collection results for each of the States selected
6 under subparagraph (A), including a compari-
7 son of localities in each State based on the data
8 collected.

9 “(2) INITIAL INDEX FOR 2012 ELECTIONS.—
10 Based on the pilot project conducted under para-
11 graph (1), the Commission shall make a grant to 1
12 or more eligible entities to—

13 “(A) collect election data described in sub-
14 section (c) in all States with respect to elections
15 for Federal office occurring in 2012; and

16 “(B) prepare and publish the first Amer-
17 ican Democracy Index.

18 “(3) FUTURE ELECTIONS.—The Commission
19 shall collect data, and prepare and publish an Amer-
20 ican Democracy Index, for each Presidential election
21 cycle beginning on or after January 1, 2012, with
22 respect to elections for Federal office occurring dur-
23 ing the Presidential election cycle. In carrying out
24 such duties, the Commission shall—

1 “(A) modify the data to be collected and
2 the index in accordance with the provisions of
3 this section; and

4 “(B) contract with 1 or more eligible enti-
5 ties to carry out all or a portion of such duties.

6 “(f) REPORTS.—Not later than 9 months after the
7 end of the election cycle for the election for Federal office
8 occurring in 2012 and the end of each Presidential elec-
9 tion cycle beginning on or after January 1, 2012, the
10 Commission shall submit a report to Congress and to the
11 chief State elections officials of each State that includes
12 the election data collected under this section, together with
13 any recommendations for—

14 “(1) improving the types of election data that
15 are collected and included in the American Democ-
16 racy Index published under this section; and

17 “(2) legislation or administrative action to im-
18 prove State performance in the administration of
19 elections for Federal office (as determined based on
20 a State-by-State comparison of such election data).

21 “(g) DEFINITIONS.—In this section:

22 “(1) ELECTIONS FOR FEDERAL OFFICE.—The
23 term ‘elections for Federal office’ means general
24 elections only for Federal office.

1 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’ means any nonprofit organization or other or-
3 ganization deemed appropriate by the Commission.

4 “(3) PRESIDENTIAL ELECTION CYCLE.—The
5 term ‘Presidential election cycle’ means the 4-year
6 period beginning with January of the year following
7 an election for the office of President of the United
8 States.

9 “(4) STATE.—The term ‘State’ means each of
10 the 50 States and the District of Columbia.

11 “(h) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There are authorized to be
13 appropriated to the Commission such sums as may
14 be necessary to carry out the provisions of this sec-
15 tion.

16 “(2) DATA SUBMISSION.—There is authorized
17 to be appropriated \$18,000,000 for each of fiscal
18 years 2011 through 2016 to assist the States in
19 complying with the data submission requirements of
20 subsection (c)(2)(A).”.

21 (b) CONFORMING AMENDMENT.—The table of con-
22 tents of the Help America Vote Act of 2002 is amended
23 by inserting after the item relating to section 247 the fol-
24 lowing:

“Sec 248. Establishment of American Democracy Index and related election data collection.”.

