

110TH CONGRESS
1ST SESSION

H. R. 1281

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2007

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Deceptive Practices
3 and Voter Intimidation Prevention Act of 2007”.

4 **SEC. 2. PROHIBITION ON DECEPTIVE PRACTICES IN FED-**
5 **ERAL ELECTIONS.**

6 (a) IN GENERAL.—Chapter 29 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 618. Deceptive practices in Federal elections**

10 “(a) Whoever, before or during a Federal election
11 knowingly communicates election-related information
12 about that election, knowing that information to be false,
13 with the intent to prevent another person from exercising
14 the right to vote in that election, or attempts to do so,
15 shall be fined under this title or imprisoned not more than
16 5 years, or both.

17 “(b) As used in this section—

18 “(1) the term ‘Federal election’ means any gen-
19 eral, primary, run-off, or special election for the of-
20 fice of President, Vice President, presidential elector,
21 Member of the Senate, Member of the House of
22 Representatives, or Delegate or Commissioner from
23 a territory or possession; and

24 “(2) the term ‘election related information’
25 means information regarding—

1 “(A) the time, place, or manner of con-
 2 ducting the election;

3 “(B) the qualifications for or restrictions
 4 on voter eligibility for the election, including—

5 “(i) any criminal penalties associated
 6 with voting in the election; or

7 “(ii) information regarding a voter’s
 8 registration status or eligibility;

9 “(C) with respect to a closed primary elec-
 10 tion, the political party affiliation of any can-
 11 didate for office, if the communication of the
 12 information also contains false information de-
 13 scribed in subparagraph (A) or (B); or

14 “(D) the explicit endorsement by any per-
 15 son or organization of a candidate running for
 16 any office voted on in the election.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
 18 for chapter 29 of title 18, United States Code, is amended
 19 by adding at the end the following new item:

“618. Deceptive practices in Federal elections.”.

20 **SEC. 3. MODIFICATION OF PENALTY FOR VOTER INTIMIDA-**
 21 **TION.**

22 Section 594 of title 18, United States Code, is
 23 amended by striking “one year” and inserting “5 years”.

1 **SEC. 4. SENTENCING GUIDELINES.**

2 (a) REVIEW AND AMENDMENT.—Not later than 90
3 days after the date of enactment of this Act, the United
4 States Sentencing Commission, pursuant to its authority
5 under section 994 of title 28, United States Code, and
6 in accordance with this section, shall review and, if appro-
7 priate, amend the Federal sentencing guidelines and policy
8 statements applicable to persons convicted of any offense
9 under sections of title 18, United States Code, that are
10 added or modified by this Act.

11 (b) AUTHORIZATION.—The United States Sentencing
12 Commission may, for the purposes of the amendments
13 made pursuant to this section, amend the Federal sen-
14 tencing guidelines in accordance with the procedures set
15 forth in section 21(a) of the Sentencing Act of 1987 (28
16 U.S.C. 994 note) as though the authority under that sec-
17 tion had not expired.

18 **SEC. 5. REPORTING VIOLATIONS AND REMEDIAL ACTION.**

19 (a) REPORTING.—Any person may report to the At-
20 torney General any violation or possible violation of section
21 594 or 618 of title 18, United States Code.

22 (b) CORRECTIVE ACTION.—

23 (1) IN GENERAL.—Immediately after receiving
24 a report under subsection (a), the Attorney General
25 shall consider and review such report and, if the At-
26 torney General determines that there is a reasonable

1 basis to find that a violation has occurred, the Attor-
2 ney General shall—

3 (A) undertake all effective measures nec-
4 essary to provide correct information to voters
5 affected by the false information; and

6 (B) refer the matter to the appropriate
7 Federal and State authorities for criminal pros-
8 ecution or civil action after the election.

9 (2) REGULATIONS.—

10 (A) IN GENERAL.—The Attorney General
11 shall promulgate regulations regarding the
12 methods and means of corrective actions to be
13 taken under paragraph (1). Such regulations
14 shall be developed in consultation with the Elec-
15 tion Assistance Commission, civil rights organi-
16 zations, voting rights groups, State and local
17 election officials, voter protection groups, and
18 other interested community organizations.

19 (B) STUDY.—

20 (i) IN GENERAL.—The Attorney Gen-
21 eral, in consultation with the Federal Com-
22 munications Commission and the Election
23 Assistance Commission, shall conduct a
24 study on the feasibility of providing the
25 corrective information under paragraph (1)

1 through public service announcements, the
2 emergency alert system, or other forms of
3 public broadcast.

4 (ii) REPORT.—Not later than 180
5 days after the date of the enactment of
6 this Act, the Attorney General shall submit
7 to Congress a report detailing the results
8 of the study conducted under clause (i).

9 (3) PUBLICIZING REMEDIES.—The Attorney
10 General shall make public through the Internet,
11 radio, television, and newspaper advertisements in-
12 formation on the responsibilities, contact informa-
13 tion, and complaint procedures applicable under this
14 section.

15 (c) REPORTS TO CONGRESS.—

16 (1) IN GENERAL.—Not later than 90 days after
17 any primary, general, or run-off election for Federal
18 office, the Attorney General shall submit to Con-
19 gress a report compiling and detailing any allega-
20 tions of false information submitted pursuant to
21 subsection (a) and relating to such election.

22 (2) CONTENTS.—Each report submitted under
23 paragraph (1) shall include—

24 (A) detailed information on specific allega-
25 tions of deceptive tactics;

1 (B) statistical compilations of how many
2 allegations were made and of what type;

3 (C) the geographic locations of and the
4 populations affected by the alleged deceptive in-
5 formation;

6 (D) the status of the investigations of such
7 allegations;

8 (E) any corrective actions taken in re-
9 sponse to such allegations;

10 (F) the rationale used for any corrective
11 actions or for any refusal to pursue an allega-
12 tion;

13 (G) the effectiveness of any such corrective
14 actions;

15 (H) whether a Voting Integrity Task Force
16 was established with respect to such election,
17 and, if so, how such task force was staffed and
18 funded;

19 (I) any referrals of information to other
20 Federal, State, or local agencies;

21 (J) any suit instituted under section
22 2004(b)(2) of the Revised Statutes (42 U.S.C.
23 1971(b)(2)) in connection with such allegations;
24 and

1 (K) any criminal prosecution instituted
2 under title 18, United States Code, in connec-
3 tion with such allegations.

4 (3) REPORT MADE PUBLIC.—On the date that
5 the Attorney General submits the report required
6 under paragraph (1), the Attorney General shall also
7 make the report publicly available through the Inter-
8 net and other appropriate means.

9 (d) DELEGATION OF DUTIES.—

10 (1) IN GENERAL.—The Attorney General shall
11 delegate the responsibilities under this section to a
12 Voting Integrity Task Force established under para-
13 graph (2).

14 (2) VOTING INTEGRITY TASK FORCE.—

15 (A) IN GENERAL.—The Attorney General
16 shall establish a Voting Integrity Task Force to
17 carry out the requirements of this section with
18 respect to any general, primary, run-off, or spe-
19 cial election for Federal office.

20 (B) COMPOSITION.—Any Voting Integrity
21 Task Force established under paragraph (1)
22 shall be under the direction of the Assistant At-
23 torney General for the Civil Rights Division and
24 the Assistant Attorney General for the Criminal
25 Division, jointly.

1 (e) FEDERAL OFFICE.—For purposes of this section,
2 the term “Federal office” means the office of President,
3 Vice President, presidential elector, Member of the Senate,
4 Member of the House of Representatives, or Delegate or
5 Commissioner from a territory or possession of the United
6 States.

Passed the House of Representatives June 25, 2007.

Attest: LORRAINE C. MILLER,
Clerk.