

Union Calendar No. 61

110TH CONGRESS
1ST SESSION

H. R. 1281

[Report No. 110–101]

To amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2007

Mr. EMANUEL (for himself, Mr. CONYERS, Mr. HOLT, Mr. BECERRA, Mr. HONDA, Mr. ELLISON, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CLEAVER, Mr. COHEN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DELAHUNT, Mr. ENGEL, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. HARE, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. ORTIZ, Mr. PAYNE, Mr. REYES, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHULER, Mr. SIRES, Mr. VAN HOLLEN, Ms. WATERS, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on the Judiciary

APRIL 18, 2007

Additional sponsors: Mr. RANGEL, Mr. MCGOVERN, Mr. CLAY, Mrs. MALONEY of New York, Mr. GRIJALVA, Ms. ESHOO, Mr. GONZALEZ, Ms. LINDA T. SÁNCHEZ of California, Mrs. LOWEY, Mr. WEXLER, Mr. CUELLAR, Ms. WASSERMAN SCHULTZ, Mrs. NAPOLITANO, Mr. LEVIN, Mr. WATT, Mr. WYNN, and Mr. PRICE of North Carolina

APRIL 18, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. PROHIBITION ON DECEPTIVE PRACTICES IN FED-**
7 **ERAL ELECTIONS.**

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

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

12 “(a) Whoever, ~~within 60 days~~ before a Federal elec-
13 tion, knowingly communicates false election-related infor-
14 mation about that election, with intent to prevent another
15 person from exercising the right to vote in that election,
16 or attempts to do so, shall be fined under this title or im-
17 prisoned not more than 5 years, or both.

18 “(b) As used in this section—

1 “(1) the term ‘Federal election’ means any gen-
2 eral, primary, run-off, or special election for the of-
3 fice of President, Vice President, presidential elector,
4 Member of the Senate, Member of the House of
5 Representatives, or Delegate or Commissioner from
6 a territory or possession; and

7 “(2) the term ‘election related information’
8 means information regarding—

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

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

13 “(i) any criminal penalties associated
14 with voting in the election by ineligible vot-
15 ers; or

16 “(ii) information regarding a voter’s
17 registration status or eligibility;

18 “(C) with respect to a closed primary elec-
19 tion, the political party affiliation of any can-
20 didate for office, if the communication of the
21 information also contains false information de-
22 scribed in subparagraph (A) or (B); or

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

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for chapter 29 of title 18 is amended by adding at the
 3 end the following new item:

“618. Deceptive practices in Federal elections.”.

4 **SEC. 3. MODIFICATION OF PENALTY FOR VOTER INTIMIDA-**
 5 **TION.**

6 Section 594(a) of title 18, United States Code, is
 7 amended by striking “one year” and inserting “5 years”.

8 **SEC. 4. SENTENCING GUIDELINES.**

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

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

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

2 (a) REPORTING.—Any person may report to the At-
3 torney General any violation or possible violation of section
4 594 or 618 of title 18, United States Code.

5 (b) CORRECTIVE ACTION.—

6 (1) IN GENERAL.—Immediately after receiving
7 a report under subsection (a), the Attorney General
8 shall consider and review such report and, if the At-
9 torney General determines that there is a reasonable
10 basis to find that a violation has occurred, the Attor-
11 ney General shall—

12 (A) undertake all effective measures nec-
13 essary to provide correct information to voters
14 affected by the false information;

15 (B) refer any matter under the jurisdiction
16 of the Civil Rights Division of the Department
17 of Justice to such division for prosecution; and

18 (C) refer the matter to the appropriate
19 Federal and State authorities for criminal pros-
20 ecution or civil action after the election.

21 (2) REGULATIONS.—

22 (A) IN GENERAL.—The Attorney General
23 shall promulgate regulations regarding the
24 methods and means of corrective actions to be
25 taken under paragraph (1). Such regulations
26 shall be developed in consultation with the Elec-

tion Assistance Commission, civil rights organizations, voting rights groups, State and local election officials, voter protection groups, and other interested community organizations.

(B) STUDY.—

(i) IN GENERAL.—The Attorney General, in consultation with the Federal Communications Commission and the Election Assistance Commission, shall conduct a study on the feasibility of providing the corrective information under paragraph (1) through public service announcements, the emergency alert system, or other forms of public broadcast.

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

(3) PUBLICIZING REMEDIES.—The Attorney General shall make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities, contact information, and complaint procedures applicable under this section.

1 (c) REPORTS TO CONGRESS.—

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

8 (2) CONTENTS.—Each report submitted under
9 paragraph (1) shall include—

10 (A) detailed information on specific allega-
11 tions of deceptive tactics;

12 (B) statistical compilations of how many
13 allegations were made and of what type;

14 (C) the geographic locations of and the
15 populations affected by the alleged deceptive in-
16 formation;

17 (D) the status of the investigations of such
18 allegations.

19 (E) any corrective actions taken in re-
20 sponse to such allegations;

21 (F) the rationale used for any corrective
22 actions or for any refusal to pursue an allega-
23 tion;

24 (G) the effectiveness of any such corrective
25 actions;

1 (H) whether a Voting Integrity Task Force
2 was established with respect to such election,
3 and, if so, how such task force was staffed and
4 funded;

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

7 (J) any suit instituted under section
8 2004(b)(2) of the Revised Statutes (42 U.S.C.
9 1971(b)(2)) in connection with such allegations;
10 and

11 (K) any criminal prosecution instituted
12 under title 18, United States Code in connec-
13 tion with such allegations.

14 (3) REPORT MADE PUBLIC.—On the date that
15 the Attorney General submits the report required
16 under paragraph (1), the Attorney General shall also
17 make the report publicly available through the Inter-
18 net and other appropriate means.

19 (d) DELEGATION OF DUTIES.—

20 (1) IN GENERAL.—The Attorney General shall
21 delegate the responsibilities under this section to a
22 Voting Integrity Task Force established under para-
23 graph (2).

24 (2) VOTING INTEGRITY TASK FORCE.—

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

6 (B) COMPOSITION.—Any Voting Integrity
7 Task Force established under paragraph (1)
8 shall be under the direction of the Assistant At-
9 torney General for the Civil Rights Division and
10 the Assistant Attorney General for the Criminal
11 Division, jointly.

12 (e) FEDERAL OFFICE.—For purposes of this section,
13 the term “Federal office” means the office of President,
14 Vice President, presidential elector, Member of the Senate,
15 Member of the House of Representatives, or Delegate or
16 Commissioner from a territory or possession of the United
17 States.

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