

116TH CONGRESS
1ST SESSION

H. R. 1460

To amend title 18, United States Code, to prohibit voter caging and other questionable challenges.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2019

Ms. MUCARSEL-POWELL (for herself, Mr. COHEN, Ms. GARCIA of Texas, Mr. COOPER, Ms. HAALAND, Ms. NORTON, Mr. SOTO, Ms. WASSERMAN SCHULTZ, Ms. SHALALA, and Mr. RUSH) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to prohibit voter caging and other questionable challenges.

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. VOTER CAGING AND OTHER QUESTIONABLE**
4 **CHALLENGES PROHIBITED.**

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

1 **“§ 612. Voter caging and other questionable chal-**
2 **lenges**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘voter caging document’ means—

5 “(A) a nonforwardable document that is
6 returned to the sender or a third party as unde-
7 livered or undeliverable despite an attempt to
8 deliver such document to the address of a reg-
9 istered voter or applicant; or

10 “(B) any document with instructions to an
11 addressee that the document be returned to the
12 sender or a third party but is not so returned,
13 despite an attempt to deliver such document to
14 the address of a registered voter or applicant,
15 unless at least two Federal election cycles have
16 passed since the date of the attempted delivery;

17 “(2) the term ‘voter caging list’ means a list of
18 individuals compiled from voter caging documents;
19 and

20 “(3) the term ‘unverified match list’ means a
21 list produced by matching the information of reg-
22 istered voters or applicants for voter registration to
23 a list of individuals who are ineligible to vote in the
24 registrar’s jurisdiction, by virtue of death, convic-
25 tion, change of address, or otherwise; unless one of
26 the pieces of information matched includes a signa-

1 ture, photograph, or unique identifying number en-
2 suring that the information from each source refers
3 to the same individual.

4 “(b) PROHIBITION AGAINST VOTER CAGING.—No
5 State or local election official shall prevent an individual
6 from registering or voting in any election for Federal of-
7 fice, or permit in connection with any election for Federal
8 office a formal challenge under State law to an individual’s
9 registration status or eligibility to vote, if the basis for
10 such decision is evidence consisting of—

11 “(1) a voter caging document or voter caging
12 list;

13 “(2) an unverified match list;

14 “(3) an error or omission on any record or
15 paper relating to any application, registration, or
16 other act requisite to voting, if such error or omis-
17 sion is not material to an individual’s eligibility to
18 vote under section 2004 of the Revised Statutes, as
19 amended (52 U.S.C. 10101(a)(2)(B)); or

20 “(4) any other evidence so designated for pur-
21 poses of this section by the Election Assistance Com-
22 mission,

23 except that the election official may use such evidence if
24 it is corroborated by independent evidence of the individ-
25 ual’s ineligibility to register or vote.

1 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS
2 OTHER THAN ELECTION OFFICIALS.—

3 “(1) REQUIREMENTS FOR CHALLENGES.—No
4 person, other than a State or local election official,
5 shall submit a formal challenge to an individual’s eli-
6 gibility to register to vote in an election for Federal
7 office or to vote in an election for Federal office un-
8 less that challenge is supported by personal knowl-
9 edge regarding the grounds for ineligibility which
10 is—

11 “(A) documented in writing; and

12 “(B) subject to an oath or attestation
13 under penalty of perjury that the challenger has
14 a good faith factual basis to believe that the in-
15 dividual who is the subject of the challenge is
16 ineligible to register to vote or vote in that elec-
17 tion, except a challenge which is based on the
18 race, ethnicity, or national origin of the indi-
19 vidual who is the subject of the challenge may
20 not be considered to have a good faith factual
21 basis for purposes of this paragraph.

22 “(2) PROHIBITION ON CHALLENGES ON OR
23 NEAR DATE OF ELECTION.—No person, other than
24 a State or local election official, shall be permitted—

1 “(A) to challenge an individual’s eligibility
2 to vote in an election for Federal office on Elec-
3 tion Day, or

4 “(B) to challenge an individual’s eligibility
5 to register to vote in an election for Federal of-
6 fice or to vote in an election for Federal office
7 less than 10 days before the election unless the
8 individual registered to vote less than 20 days
9 before the election.

10 “(d) PENALTIES FOR KNOWING MISCONDUCT.—
11 Whoever knowingly challenges the eligibility of one or
12 more individuals to register or vote or knowingly causes
13 the eligibility of such individuals to be challenged in viola-
14 tion of this section with the intent that one or more eligi-
15 ble voters be disqualified, shall be fined under this title
16 or imprisoned not more than 1 year, or both, for each such
17 violation. Each violation shall be a separate offense.

18 “(e) NO EFFECT ON RELATED LAWS.—Nothing in
19 this section is intended to override the protections of the
20 National Voter Registration Act of 1993 (52 U.S.C.
21 20501 et seq.) or to affect the Voting Rights Act of 1965
22 (52 U.S.C. 10301 et seq.).”.

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

“612. Voter caging and other questionable challenges.”.

1 **SEC. 2. DEVELOPMENT AND ADOPTION OF BEST PRACTICES FOR PREVENTING VOTER CAGING.**
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3 (a) BEST PRACTICES.—Not later than 180 days after
4 the date of the enactment of this Act, the Election Assist-
5 ance Commission shall develop and publish for the use of
6 States recommendations for best practices to deter and
7 prevent violations of section 612 of title 18, United States
8 Code, as added by section 1(a), including practices to pro-
9 vide for the posting of relevant information at polling
10 places and voter registration agencies, the training of poll
11 workers and election officials, and relevant educational
12 measures. For purposes of this subsection, the term
13 “State” includes the District of Columbia, the Common-
14 wealth of Puerto Rico, Guam, American Samoa, the
15 United States Virgin Islands, and the Commonwealth of
16 the Northern Mariana Islands.

17 (b) INCLUSION IN VOTING INFORMATION REQUIRE-
18 MENTS.—Section 302(b)(2) of the Help America Vote Act
19 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

20 (1) by striking “and” at the end of subpara-
21 graph (E);

22 (2) by striking the period at the end of sub-
23 paragraph (F) and inserting “; and”; and

24 (3) by adding at the end the following new sub-
25 paragraph:

1 “(G) information relating to the prohibi-
2 tion against voter caging and other questionable
3 challenges (as set forth in section 612 of title
4 18, United States Code), including information
5 on how individuals may report allegations of
6 violations of such prohibition.”.

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