

110TH CONGRESS
1ST SESSION

H. R. 1281

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. FATAH, 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

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,*

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

16 “(b) As used in this section—

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

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

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

1 States Sentencing Commission, pursuant to its authority
2 under section 994 of title 28, United States Code, and
3 in accordance with this section, shall review and, if appro-
4 priate, amend the Federal sentencing guidelines and policy
5 statements applicable to persons convicted of any offense
6 under sections of title 18, United States Code that are
7 added or modified by this Act.

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

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

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

19 (b) CORRECTIVE ACTION.—

20 (1) IN GENERAL.—Immediately after receiving
21 a report under subsection (a), the Attorney General
22 shall consider and review such report and, if the At-
23 torney General determines that there is a reasonable
24 basis to find that a violation has occurred, the Attor-
25 ney General shall—

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

4 (B) refer any matter under the jurisdiction
5 of the Civil Rights Division of the Department
6 of Justice to such division for prosecution; and

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

10 (2) REGULATIONS.—

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

20 (B) STUDY.—

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

1 corrective information under paragraph (1)
2 through public service announcements, the
3 emergency alert system, or other forms of
4 public broadcast.

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

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

16 (c) REPORTS TO CONGRESS.—

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

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

1 (A) detailed information on specific allega-
2 tions of deceptive tactics;

3 (B) statistical compilations of how many
4 allegations were made and of what type;

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

8 (D) the status of the investigations of such
9 allegations.

10 (E) any corrective actions taken in re-
11 sponse to such allegations;

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

15 (G) the effectiveness of any such corrective
16 actions;

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

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

23 (J) any suit instituted under section
24 2004(b)(2) of the Revised Statutes (42 U.S.C.

1 1971(b)(2)) in connection with such allegations;
2 and

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

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

11 (d) DELEGATION OF DUTIES.—

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

16 (2) VOTING INTEGRITY TASK FORCE.—

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

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

1 the Assistant Attorney General for the Criminal
2 Division, jointly.

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

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