

# 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.

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## 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. CAPPES, 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

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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



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-

1           tion Assistance Commission, civil rights organi-  
2           zations, voting rights groups, State and local  
3           election officials, voter protection groups, and  
4           other interested community organizations.

5           (B) STUDY.—

6           (i) IN GENERAL.—The Attorney Gen-  
7           eral, in consultation with the Federal Com-  
8           munications Commission and the Election  
9           Assistance Commission, shall conduct a  
10          study on the feasibility of providing the  
11          corrective information under paragraph (1)  
12          through public service announcements, the  
13          emergency alert system, or other forms of  
14          public broadcast.

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

20          (3) PUBLICIZING REMEDIES.—The Attorney  
21          General shall make public through the Internet,  
22          radio, television, and newspaper advertisements in-  
23          formation on the responsibilities, contact informa-  
24          tion, and complaint procedures applicable under this  
25          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.

Union Calendar No. 61

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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**A BILL**

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