

112TH CONGRESS
2D SESSION

H. R. 5815

To prohibit deceptive practices in Federal elections.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2012

Mr. HOLT introduced the following bill; which was referred to the Committee
on the Judiciary

A BILL

To prohibit deceptive practices in Federal elections.

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”.

6 **SEC. 2. DECEPTIVE PRACTICES IN ELECTIONS.**

7 (a) CIVIL ACTION.—

8 (1) IN GENERAL.—Subsection (b) of section
9 2004 of the Revised Statutes (42 U.S.C. 1971(b)) is
10 amended—

11 (A) by striking “No person” and inserting
12 the following:

1 “(1) No person”; and

2 (B) by inserting at the end the following
3 new paragraph:

4 “(2) No person, whether acting under color of
5 law or otherwise, shall knowingly deceive any other
6 person regarding—

7 “(A) the time, place, or manner of con-
8 ducting a general, primary, run-off, or special
9 election for the office of President, Vice Presi-
10 dent, presidential elector, Member of the Sen-
11 ate, Member of the House of Representatives,
12 or Delegate or Resident Commissioner to the
13 Congress; or

14 “(B) the qualifications for or restrictions
15 on voter eligibility for any election described in
16 subparagraph (A).”.

17 (2) PRIVATE RIGHT OF ACTION.—

18 (A) IN GENERAL.—Subsection (c) of sec-
19 tion 2004 of the Revised Statutes (42 U.S.C.
20 1971(c)) is amended—

21 (i) by striking “Whenever any person”
22 and inserting the following:

23 “(1) Whenever any person”; and

24 (ii) by adding at the end the following
25 new paragraph:

1 “(2) Any person aggrieved by a violation of
2 subsection (b)(2) may institute a civil action or other
3 proper proceeding for preventive relief, including an
4 application in a United States district court for a
5 permanent or temporary injunction, restraining
6 order, or other order.”.

7 (B) CONFORMING AMENDMENTS.—

8 (i) Subsection (e) of section 2004 of
9 the Revised Statutes (42 U.S.C. 1971(e))
10 is amended by striking “subsection (c)”
11 and inserting “subsection (c)(1)”.

12 (ii) Subsection (g) of section 2004 of
13 the Revised Statutes (42 U.S.C. 1971(g))
14 is amended by striking “subsection (c)”
15 and inserting “subsection (c)(1)”.

16 (b) CRIMINAL PENALTY.—Section 594 of title 18,
17 United States Code, is amended—

18 (1) by striking “Whoever” and inserting the fol-
19 lowing:

20 “(a) INTIMIDATION.—Whoever”; and

21 (2) by adding at the end the following:

22 “(b) DECEPTIVE ACTS.—

23 “(1) PROHIBITION.—

24 “(A) IN GENERAL.—It shall be unlawful
25 for any person to knowingly deceive another

1 person regarding the time, place, or manner of
2 an election described in subparagraph (B), or
3 the qualifications for or restrictions on voter eli-
4 gibility for any such election, with the intent to
5 prevent such person from exercising the right to
6 vote in such election.

7 “(B) ELECTION.—An election described in
8 this subparagraph is any general, primary, run-
9 off, or special election for the office of Presi-
10 dent, Vice President, presidential elector, Mem-
11 ber of the Senate, Member of the House of
12 Representatives, or Delegate or Resident Com-
13 missioner to the Congress.

14 “(2) PENALTY.—Any person who violates para-
15 graph (1) shall be fined not more than \$100,000,
16 imprisoned not more than 1 year, or both.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on the date of the enactment
19 of this Act.

20 **SEC. 3. REPORTING FALSE ELECTION INFORMATION.**

21 (a) IN GENERAL.—Any person may report to the As-
22 sistant Attorney General of the Civil Rights Division of
23 the Department of Justice, or the designee of such Assist-
24 ant Attorney General, any act of deception regarding—

1 (1) the time, place, or manner of conducting a
2 general, primary, run-off, or special election for Fed-
3 eral office; or

4 (2) the qualifications for or restrictions on voter
5 eligibility for any general, primary, run-off, or spe-
6 cial election for Federal office.

7 (b) CORRECTIVE ACTION.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), not later than 48 hours after receiving a
10 report under subsection (a), the Assistant Attorney
11 General shall investigate such report and, if the As-
12 sistant Attorney General determines that an act of
13 deception described in subsection (a) occurred,
14 shall—

15 (A) undertake all effective measures nec-
16 essary to provide correct information to voters
17 affected by the deception, and

18 (B) refer the matter to the appropriate
19 Federal and State authorities for criminal pros-
20 ecution.

21 (2) REPORTS WITHIN 72 HOURS OF AN ELEC-
22 TION.—If a report under subsection (a) is received
23 within 72 hours before the election described in such
24 subsection, the Assistant Attorney General shall im-
25 mediately investigate such report and, if the Assist-

1 ant Attorney General determines that an act of de-
2 ception described in subsection (a) occurred, shall
3 immediately undertake all effective measures nec-
4 essary to provide correct information to voters af-
5 fected by the deception and shall immediately refer
6 the matter to the appropriate Federal and State au-
7 thorities for criminal prosecution.

8 (3) REGULATIONS.—

9 (A) IN GENERAL.—The Attorney General
10 shall promulgate regulations regarding the
11 methods and means of corrective actions to be
12 taken under paragraphs (1) and (2). Such regu-
13 lations shall be developed in consultation with
14 the Election Assistance Commission, civil rights
15 organizations, voting rights groups, State elec-
16 tion officials, voter protection groups, and other
17 interested community organizations.

18 (B) STUDY.—

19 (i) IN GENERAL.—The Attorney Gen-
20 eral, in consultation with the Federal Com-
21 munications Commission and the Election
22 Assistance Commission, shall conduct a
23 study on the feasibility of providing the
24 corrective information under paragraphs
25 (1) and (2) through public service an-

nouncements, 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).

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after
any primary, general, or run-off election for Federal
office, the Attorney General shall submit to the ap-
propriate committees of Congress a report compiling
and detailing any allegations of deceptive practices
submitted pursuant to subsection (a) and relating to
such election.

(2) CONTENTS.—

(A) IN GENERAL.—Each report submitted
under paragraph (1) shall include—

(i) detailed information on specific al-
legations of deceptive tactics;

(ii) any corrective actions taken in re-
sponse to such allegations;

(iii) the effectiveness of any such cor-
rective actions;

1 (iv) any suit instituted under section
2 2004(b)(2) of the Revised Statutes (42
3 U.S.C. 1971(b)(2)) in connection with such
4 allegations;

5 (v) statistical compilations of how
6 many allegations were made and of what
7 type;

8 (vi) the geographic locations of and
9 the populations affected by the alleged de-
10 ceptive information; and

11 (vii) the status of the investigations of
12 such allegations.

13 (B) EXCEPTION.—The Attorney General
14 may withhold any information that the Attorney
15 General determines would unduly interfere with
16 an on-going investigation.

17 (3) REPORT MADE PUBLIC.—The Attorney
18 General shall make the report required under para-
19 graph (1) publicly available through the Internet
20 and other appropriate means.

21 (d) FEDERAL OFFICE.—For purposes of this section,
22 the term “Federal office” means the office of President,
23 Vice President, presidential elector, Member of the Senate,
24 Member of the House of Representatives, or Delegate or
25 Resident Commissioner to the Congress.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Attorney General
3 such sums as may be necessary to carry out this section.

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