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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R. _____

To prohibit deceptive practices in elections for Federal office.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To prohibit deceptive practices in elections for Federal office.

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 2014”.

6 **SEC. 2. PROHIBITING DECEPTIVE PRACTICES IN FEDERAL**
7 **ELECTIONS.**

8 (a) CIVIL ACTIONS.—Section 2004(b) of the Revised
9 Statutes (42 U.S.C. 1971(b)) is amended—

1 (1) by striking “No person” and inserting “(1)
2 PROHIBITION.—No person”;

3 (2) by striking “any candidate for the office”
4 and all that follows and inserting “any candidate in
5 any election for Federal office.”; and

6 (3) by adding at the end the following new
7 paragraphs:

8 “(2) FALSE STATEMENTS REGARDING FEDERAL
9 ELECTIONS.—

10 “(A) PROHIBITION.—No person, whether
11 acting under color of law or otherwise, shall
12 communicate or cause to be communicated in-
13 formation described in subparagraph (B), or
14 produce information described in subparagraph
15 (B), with the intent that such information be
16 communicated, if such information is materially
17 false and if such person—

18 “(i) knows such information to be
19 false; and

20 “(ii) has the intent to mislead voters,
21 or the intent to impede, hinder, discourage,
22 or prevent another person from exercising
23 the right to vote in an election for Federal
24 office.

1 “(B) INFORMATION DESCRIBED.—Infor-
2 mation described in this subparagraph is infor-
3 mation regarding—

4 “(i) the time, place, or manner of
5 holding any election for Federal office; or

6 “(ii) the qualifications for, or restric-
7 tions on eligibility of, a voter in an election
8 for Federal office, including—

9 “(I) any criminal penalties asso-
10 ciated with voting in any such elec-
11 tion; or

12 “(II) information regarding a
13 voter’s registration status or eligi-
14 bility.

15 “(3) ELECTION FOR FEDERAL OFFICE DE-
16 FINED.—In this subsection, the term ‘election for
17 Federal office’ means a general, special, primary, or
18 runoff election held to nominate or elect a candidate
19 for the office of President or Vice President, presi-
20 dential elector, or of Senator or Representative in, or
21 Delegate or Resident Commissioner to, the Con-
22 gress.”.

23 (b) PRIVATE RIGHT OF ACTION.—

24 (1) IN GENERAL.—Section 2004(c) of the Re-
25 vised Statutes (42 U.S.C. 1971(c)) is amended—

1 (A) by striking “Whenever any person”
2 and inserting “(1) Whenever any person” ; and

3 (B) by adding at the end the following new
4 paragraph:

5 “(2) Any person aggrieved by a violation of
6 subsection (b)(2) may institute a civil action for pre-
7 ventive relief, including an application in a United
8 States district court for a permanent or temporary
9 injunction, restraining order, or other order.”.

10 (2) CONFORMING AMENDMENTS.—Section 2004
11 of the Revised Statutes (42 U.S.C. 1971) is amend-
12 ed—

13 (A) in subsection (e), by striking “sub-
14 section (c)” and inserting “subsection (c)(1)”;
15 and

16 (B) in subsection (g), by striking “sub-
17 section (c)” and inserting “subsection (c)(1)”.

18 (c) CRIMINAL PENALTY.—

19 (1) FALSE STATEMENTS REGARDING FEDERAL
20 ELECTIONS.—Chapter 29 of title 18, United States
21 Code, is amended by adding at the end the following
22 new section:

23 **“§ 612. False statements regarding Federal elections**

24 “(a) PROHIBITION.—It shall be unlawful for any per-
25 son, whether acting under color of law or otherwise, to

1 communicate or cause to be communicated materially false
2 information described in subsection (b), or produce mate-
3 rially false information described in subsection (b) with
4 the intent that such information be communicated, if such
5 person—

6 “(1) knows such information to be false; and

7 “(2) has the intent to mislead voters, or the in-
8 tent to impede, hinder, discourage, or prevent an-
9 other person from exercising the right to vote, in the
10 election.

11 “(b) INFORMATION DESCRIBED.—Information de-
12 scribed in this subsection is information regarding—

13 “(1) the time, place, or manner of holding any
14 election for Federal office; or

15 “(2) the qualifications for, or restrictions on eli-
16 gibility of, a voter in an election for Federal office,
17 including—

18 “(A) any criminal penalties associated with
19 voting in any such election; or

20 “(B) information regarding a voter’s reg-
21 istration status or eligibility.

22 “(c) ATTEMPT.—Any person who attempts to commit
23 any offense described in subsection (a) shall be subject to
24 the same penalties as those prescribed for the offense that
25 the person attempted to commit.

1 “(d) PENALTY.—Any person who violates subsection
2 (a) shall be fined under this title, imprisoned not more
3 than 5 years, or both.

4 “(e) ELECTION FOR FEDERAL OFFICE DEFINED.—
5 In this subsection, the term ‘election for Federal office’
6 means a general, special, primary, or runoff election held
7 to nominate or elect a candidate for the office of President
8 or Vice President, presidential elector, or of Senator or
9 Representative in, or Delegate or Resident Commissioner
10 to, the Congress.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions for chapter 29 of title 18, United States Code,
13 is amended by adding at the end the following new
14 item:

“612. False statements regarding Federal elections.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to elections held on
17 or after the date of the enactment of this Act, except that
18 no person may be found to have violated subsection (b)(2)
19 of section 2004(b) of the Revised Statutes (as added by
20 subsection (a)) or section 612 of title 18, United States
21 Code (as added by subsection (c)) on the basis of any act
22 occurring prior to the date of the enactment of this Act.

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

24 (a) IN GENERAL.—Any person may report to the As-
25 sistant Attorney General of the Civil Rights Division of

1 the Department of Justice, or the designee of such Assist-
2 ant Attorney General, any deceptive act regarding—

3 (1) the time, place, or manner of conducting
4 any election for Federal office; or

5 (2) the qualifications for, or restrictions on eli-
6 gibility of, a voter in an 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 a deceptive
13 act described in subsection (a) occurred, shall—

14 (A) undertake all effective measures nec-
15 essary to provide correct information to voters
16 affected by the deceptive act; and

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

20 (2) REPORTS WITHIN 72 HOURS OF AN ELEC-
21 TION.—If a report under subsection (a) relating to
22 an election for Federal office is received within 72
23 hours before the election, the Assistant Attorney
24 General shall immediately investigate such report
25 and, if the Assistant Attorney General determines

1 that a deceptive act described in subsection (a) oc-
2 curred, shall immediately undertake all effective
3 measures necessary to provide correct information to
4 voters affected by the deceptive act and shall imme-
5 diately refer the matter to the appropriate Federal
6 and State authorities for criminal prosecution.

7 (3) REGULATIONS.—The Attorney General shall
8 promulgate regulations regarding the methods and
9 means of corrective actions to be taken under para-
10 graphs (1) and (2). Such regulations shall be devel-
11 oped in consultation with the Election Assistance
12 Commission, civil rights organizations, voting rights
13 groups, State election officials, voter protection
14 groups, and other interested community organiza-
15 tions.

16 (4) STUDY.—

17 (A) IN GENERAL.—The Attorney General,
18 in consultation with the Federal Communica-
19 tions Commission and the Election Assistance
20 Commission, shall conduct a study on the feasi-
21 bility of providing the corrective information
22 under paragraphs (1) and (2) through public
23 service announcements, the emergency alert
24 system, or other forms of public broadcast.

1 (B) REPORT.—Not later than 180 days
2 after the date of the enactment of this Act, the
3 Attorney General shall submit to Congress a re-
4 port detailing the results of the study conducted
5 under subparagraph (A).

6 (c) REPORTS TO CONGRESS.—

7 (1) IN GENERAL.—Not later than 90 days after
8 each election for Federal office, the Attorney Gen-
9 eral shall submit to the appropriate committees of
10 Congress a report compiling and detailing all allega-
11 tions of deceptive acts with respect to the election
12 which were reported under subsection (a).

13 (2) CONTENTS.—

14 (A) IN GENERAL.—Except as provided in
15 paragraph (2), each report submitted under
16 paragraph (1) shall include—

17 (i) detailed information on specific al-
18 legations of deceptive acts;

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

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

23 (iv) descriptions of any action insti-
24 tuted under section 2004(b)(2) of the Re-

1 vised Statutes (as added by section 2(a))
2 in connection with such allegations;

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

6 (vi) the geographic locations of and
7 the populations affected by the alleged de-
8 ceptive acts; and

9 (vii) the status of the investigations of
10 such allegations.

11 (B) EXCEPTION.—The Attorney General
12 may withhold from a report submitted under
13 subsection (a) any information the disclosure of
14 which as determined by the Attorney General
15 would unduly interfere with an ongoing inves-
16 tigation.

17 (3) REPORT MADE PUBLIC.—On the date that
18 the Attorney General submits a report required
19 under subsection (a), the Attorney General shall also
20 make the report publicly available through the Inter-
21 net and other appropriate means.

22 (d) ELECTION FOR FEDERAL OFFICE DEFINED.—In
23 this section, the term “election for Federal office” means
24 a general, special, primary, or runoff election held to nomi-
25 nate or elect a candidate for the office of President or

1 Vice President, presidential elector, or of Senator or Rep-
2 resentative in, or Delegate or Resident Commissioner to,
3 the Congress.

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

7 (f) EFFECTIVE DATE.—This section shall apply with
8 respect to the regularly scheduled general election for Fed-
9 eral office held in November 2014 and each succeeding
10 election for Federal office.