

2. POLITICAL RIGHTS

§2H2.1. Obstructing an Election or Registration

- (a) Base Offense Level (Apply the greatest):
- (1) **18**, if the obstruction occurred by use of force or threat of force against person(s) or property; or
 - (2) **12**, if the obstruction occurred by forgery, fraud, theft, bribery, deceit, or other means, except as provided in paragraph (3) below; or
 - (3) **6**, if the defendant (A) solicited, demanded, accepted, or agreed to accept anything of value to vote, refrain from voting, vote for or against a particular candidate, or register to vote, (B) gave false information to establish eligibility to vote, or (C) voted more than once in a federal election.

Commentary

Statutory Provisions: 18 U.S.C. §§ 241, 242, 245(b)(1)(A), 592, 593, 594, 597, 1015(f); 52 U.S.C. §§ 10307, 10308(a), (b). For additional statutory provision(s), see Appendix A (Statutory Index).

Background: Alternative base offense levels cover three major ways of obstructing an election: by force, by deceptive or dishonest conduct, or by bribery. A defendant who is a public official or who directs others to engage in criminal conduct is subject to an enhancement from Chapter Three, Part B (Role in the Offense).

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1989 (amendment 168); November 1, 1995 (amendment 534); November 1, 2003 (amendment 661); November 1, 2015 (amendment 796); November 1, 2024 (amendment 831); November 1, 2025 (amendment 836).
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3. PRIVACY AND EAVESDROPPING

§2H3.1. Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information

- (a) Base Offense Level (Apply the greater):
- (1) **9**; or
 - (2) **6**, if the offense of conviction has a statutory maximum term of imprisonment of one year or less but more than six months.