

## Election Center Research Services Revised 1-4-2012

[H.R.107](#) : Caging Prohibition Act of 2011

**Sponsor:** [Rep Conyers, John, Jr.](#) [MI-14] (introduced 1/5/2011) [Cosponsors](#) (1)

**Committees:** House Judiciary

**Latest Major Action:** 1/24/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

### H.R.107

**Latest Title:** Caging Prohibition Act of 2011

**Sponsor:** [Rep Conyers, John, Jr.](#) [MI-14] (introduced 1/5/2011) [Cosponsors](#) (1)

**Latest Major Action:** 1/24/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

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#### SUMMARY AS OF:

1/5/2011--Introduced.

Caging Prohibition Act of 2011 - Amends the federal criminal code to prohibit state or local election officials from preventing an individual from registering or **voting** in any election for federal office, or from permitting a formal challenge under state law to an individual's **registration** status or eligibility to **vote**, if the basis for such decision is evidence consisting of: (1) a **voter** caging document or **voter** caging list; (2) an unverified match list; (3) an error or omission on **voter** application or **registration** documents that is not material to an individual's eligibility to **vote**; or (4) any other evidence so designated by the Election Assistance Commission.

Defines "**voter** caging document" as: (1) a nonforwardable document that is returned to the sender or a third party as undelivered or undeliverable despite an attempt to deliver it to the address of a registered **voter** or applicant; or (2) any document with instructions to an addressee that the document be returned to a sender or third party but is not so returned, despite an attempt to deliver it to the address of a registered **voter**, unless at least two federal election cycles have passed since the date of the attempted delivery.

Defines "unverified match list" as a list produced by matching the information of registered **voters** or applicants to a list of individuals ineligible to **vote** in the registrar's jurisdiction due to death, conviction, change of address, or otherwise, unless one of the pieces of information matched includes a signature, photograph, or unique identifying number ensuring that the information from each source refers to the same individual.

Requires any private individual who challenges the right of another citizen to **vote** to set forth in writing, under penalty of perjury, personal, first-hand knowledge establishing the grounds for ineligibility.

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[H.R.108](#) : Voting Opportunity and Technology Enhancement Rights Act of 2011

**Sponsor:** [Rep Conyers, John, Jr.](#) [MI-14] (introduced 1/5/2011) **Cosponsors** (None)

**Committees:** House Judiciary; House Oversight and Government Reform; House Administration

**Latest Major Action:** 2/8/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on Federal Workforce, U.S. Postal Service, and Labor Policy .

### H.R.108

**Latest Title:** Voting Opportunity and Technology Enhancement Rights Act of 2011

**Sponsor:** [Rep Conyers, John, Jr.](#) [MI-14] (introduced 1/5/2011) **Cosponsors** (None)

**Related Bills:** [H.R.2212](#)

**Latest Major Action:** 2/8/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on Federal Workforce, U.S. Postal Service, and Labor Policy .

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**SUMMARY AS OF:**  
1/5/2011--Introduced.

**Voting Opportunity and Technology Enhancement Rights Act of 2011 - Amends the Help America Vote Act of 2002 with respect to: (1) use of a national federal write-in absentee ballot; (2) verified ballots; (3) preservation of voting records; (4) requirements for counting provisional ballots; (5) minimum required voting systems and poll workers in polling places; (6) standards for establishing the minimum required voting systems and poll workers; (7) election day registration; (8) removal from voter registration list; (9) early voting; (10) voting systems and voter registration; (11) Internet registration; (12) voter identification; (13) election administration requirements; (14) required use of publicly available open source software in voting machines; (15) standards for conducting recounts; and (16) standards for prohibiting conflicts of interest of entities involved in manufacture, distribution, or other activities relating to voting machines.**

Amends the Revised Statutes to prohibit false statements, including those about public endorsements, intended to mislead voters in federal elections. Creates a private right of action for preventive relief against such false statements. Authorizes the Attorney General to communicate to the public corrections to materially false information if state or local election officials have not taken prompt and adequate steps to do so.

Amends the federal criminal code to: (1) increase the penalty for voter intimidation; and (2) prohibit voter caging and challenges based on certain evidence. Defines "voter caging document" as: (1) a nonforwardable document that is returned to the sender or a third party as undelivered or undeliverable despite an attempt to deliver it to the address of a registered voter or applicant; or (2) any document with instructions to an addressee that the document be returned to a sender or third party but is not so returned, despite an attempt to deliver it to the address of a registered voter, unless at least two federal election cycles have passed since the date of the attempted delivery.

States that the right of a U.S. citizen to vote in any election for federal office shall not be denied or abridged because that individual has been convicted of a criminal offense, unless such individual is serving a felony sentence in a correctional institution or facility at the time of the election.

Treats election day in the same manner as a legal public holiday for purposes of federal employment.

Directs the Comptroller General to study and report to Congress and the President on the impact of such treatment on voter participation.

Expresses the sense of Congress that private employers in the United States should give their employees a day off on the Tuesday after the first Monday in November 2012 and each even-numbered year thereafter to enable them to cast votes in the elections held on that day.

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**H.R.672** : Election Support Consolidation and Efficiency Act

**Sponsor:** [Rep Harper, Gregg](#) [MS-3] (introduced 2/11/2011) **Cosponsors** (22)

**Committees:** House Administration; House Science, Space, and Technology

**House Reports:** [112-100](#) Part 1

**Latest Major Action:** 6/22/2011 Failed of passage/not agreed to in House. Status: On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 235 - 187 (Roll no. 466).

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**H.R.672** [[Election Center NOTE: Replaced by HR 3463](#)]

**Latest Title:** Election Support Consolidation and Efficiency Act

**Sponsor:** [Rep Harper, Gregg](#) [MS-3] (introduced 2/11/2011) [Cosponsors](#) (22)

**Related Bills:** [H.R.3463](#)

**Latest Major Action:** 6/22/2011 Failed of passage/not agreed to in House. Status: On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 235 - 187 (Roll no. 466).

**House Reports:** [112-100](#) Part 1

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### SUMMARY AS OF:

6/2/2011--Reported to House amended, Part I. (There is 1 [other summary](#))

Election Support Consolidation and Efficiency Act - (Sec. 2) Amends the Help America **Vote** Act of 2002 to terminate the Election Assistance Commission (EAC), the EAC Standards Board, and the EAC Board of Advisors 61 days after enactment of this Act. Requires the Director of the Office of Management and Budget (OMB) to perform EAC functions with respect to certain existing contracts and agreements during the transition period for winding up EAC affairs.

Transfers specified election administration functions of the EAC to the Federal Election Commission (FEC).

(Sec. 3) Replaces the Standards Board and the Board of Advisors with a Guidelines Review Board to review voluntary **voting** system guidelines proposed by the Technical Guidelines Development Committee.

(Sec. 4) Sets forth special requirements relating to the transfer of certain EAC authorities to the FEC with respect to development of such guidelines.

Transfers to the FEC the EAC Office of **Voting** System Testing and Certification.

(Sec. 7) Directs the Comptroller General to: (1) study the procedures used to adopt and modify the voluntary **voting** system guidelines applicable to the administration of elections for federal office, and (2) develop recommendations on methods to improve such procedures.

Requires the FEC to: (1) study the procedures for the testing, certification, decertification, and recertification of **voting** system hardware and software used in federal elections, and (2) develop a recommendation on the entity best suited to oversee and carry out such procedures.

Requires the recommendations in both studies to take into account the needs of persons affected by such guidelines, including state and local election officials, **voters** with disabilities, absent military and overseas **voters**, and the manufacturers of **voting** systems.

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[H.R.1937](#): EAC Improvements Act of 2011

**Sponsor:** [Rep Gonzalez, Charles A.](#) [TX-20] (introduced 5/23/2011) [Cosponsors](#) (3)

**Committees:** House Administration

**Latest Major Action:** 8/11/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on Elections.

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### H.R.1937

**Latest Title:** EAC Improvements Act of 2011

**Sponsor:** [Rep Gonzalez, Charles A.](#) [TX-20] (introduced 5/23/2011) **Cosponsors** (3)

**Latest Major Action:** 8/11/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on Elections.

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#### **SUMMARY AS OF:**

5/23/2011--Introduced.

EAC Improvements Act of 2011 - Amends the Help America **Vote** Act of 2002 to: (1) reauthorize the Election Assistance Commission (EAC), and (2) require states to participate in post-general election surveys.

Requires the EAC to: (1) conduct and publish a survey of each polling place used in an election to determine the percentage of them in compliance with standards under the Americans with Disabilities Act; (2) establish an escrow account for making payments to accredited laboratories for the costs of the testing carried out in connection with the certification, decertification, and recertification of **voting** system hardware and software; (3) establish a schedule of fees for such testing; and (4) maintain and publish an updated list of all accredited laboratories.

Directs the EAC to analyze various factors that affect the costs to state and local governments of administering elections for federal office.

Directs the Comptroller General to study the administrative operations of the EAC, including various methods for increasing their efficiency and cost-effectiveness.

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[H.R.2212](#) : Democracy Restoration Act of 2011

**Sponsor:** [Rep Conyers, John, Jr.](#) [MI-14] (introduced 6/16/2011) **Cosponsors** (None)

**Committees:** House Judiciary

**Latest Major Action:** 8/25/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on the Constitution.

### H.R.2212

**Latest Title:** Democracy Restoration Act of 2011

**Sponsor:** [Rep Conyers, John, Jr.](#) [MI-14] (introduced 6/16/2011) **Cosponsors** (None)

**Related Bills:** [H.R.108](#), [S.2017](#)

**Latest Major Action:** 8/25/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on the Constitution.

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#### **SUMMARY AS OF:**

6/16/2011--Introduced.

Democracy Restoration Act of 2011 - Declares that the right of a U.S. citizen to **vote** in any election for federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual is serving a felony sentence in a correctional institution or facility. Provides for enforcement and remedies for violations of this Act.

Specifies that: (1) nothing in this Act shall be construed to prohibit a state from enacting any state law that affords the right to **vote** in any election for federal office on terms less restrictive than those terms established

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by this Act; and (2) the rights and remedies established by this Act shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the **Voting** Rights Act of 1965 or the National **Voter** Registration Act of 1993.

Prohibits any state, unit of local government, or other person from receiving or using any federal grant amounts to construct or improve a place of incarceration unless that person has a program to notify each U.S. citizen incarcerated in that person's jurisdiction, on release from such incarceration, of that individual's rights under this Act.

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[H.R.3163](#) : Easy Voting Act of 2011

**Sponsor:** [Rep Brown, Corrine](#) [FL-3] (introduced 10/12/2011) [Cosponsors](#) (21)

**Committees:** House Administration

**Latest Major Action:** 10/12/2011 Referred to House committee. Status: Referred to the House Committee on House Administration.

### H.R.3163

**Latest Title:** Easy **Voting** Act of 2011

**Sponsor:** [Rep Brown, Corrine](#) [FL-3] (introduced 10/12/2011) [Cosponsors](#) (21)

**Related Bills:** [H.R.3317](#)

**Latest Major Action:** 10/12/2011 Referred to House committee. Status: Referred to the House Committee on House Administration.

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#### SUMMARY AS OF:

10/12/2011--Introduced.

Easy Voting Act of 2011 - Amends the Help America Vote Act of 2002 to: (1) require a minimum early voting period of 14 days preceding a federal election for states offering early voting, (2) prohibit an election official from requiring an individual to provide a state-based identification as a condition of registering to vote or of receiving or casting a ballot in any federal election, and (3) require states to make same-day voter registration and change of address service available at the polling place on the date of election.

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[H.R.3317](#) : Same Day Voter Registration Act of 2011

**Sponsor:** [Rep Ellison, Keith](#) [MN-5] (introduced 11/2/2011) [Cosponsors](#) (10)

**Committees:** House Administration

### H.R.3317

**Latest Title:** Same Day **Voter Registration** Act of 2011

**Sponsor:** [Rep Ellison, Keith](#) [MN-5] (introduced 11/2/2011) [Cosponsors](#) (10)

**Related Bills:** [H.R.3163](#)

**Latest Major Action:** 11/2/2011 Referred to House committee. Status: Referred to the House Committee on House Administration.

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#### SUMMARY AS OF:

11/2/2011--Introduced.

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Same Day **Voter Registration** Act of 2011 - Amends the Help America **Vote** Act of 2002 to require states with a **voter registration** requirement to make same-day **voter registration** available at the polling place on the date of election itself (or on the day of **voting** under early **voting**).

**Latest Major Action:** 11/2/2011 Referred to House committee. Status: Referred to the House Committee on House Administration.

[H.R.3463](#) : To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

**Sponsor:** [Rep Harper, Gregg](#) [MS-3] (introduced 11/17/2011) [Cosponsors](#) (1)

**Committees:** House Administration; House Ways and Means; Senate Rules and Administration

**Latest Major Action:** 12/5/2011 Referred to Senate committee. Status: Received in the Senate and Read twice and referred to the Committee on Rules and Administration.

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### H.R.3463

**Latest Title:** To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

**Sponsor:** [Rep Harper, Gregg](#) [MS-3] (introduced 11/17/2011) [Cosponsors](#) (1)

**Related Bills:** [H.RES.477](#), [H.R.672](#)

**Latest Major Action:** 12/5/2011 Referred to Senate committee. Status: Received in the Senate and Read twice and referred to the Committee on Rules and Administration.

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### SUMMARY AS OF:

**12/1/2011--Passed House without amendment.** (There is 1 [other summary](#))

**(This measure has not been amended since it was introduced. The summary of that version is repeated here.)**

Amends the Internal Revenue Code to terminate as of December 31, 2010, taxpayer financing of presidential election campaigns. Abolishes the Presidential Election Campaign Fund and the Presidential Primary Matching Payment Account.

Directs the Secretary of the Treasury to transfer all amounts remaining in the Fund after enactment of this Act to the general fund of the Treasury to reduce the deficit.

Amends the Help America **Vote** Act of 2002 to terminate the Election Assistance Commission (EAC), the EAC Standards Board, and the EAC Board of Advisors 61 days after enactment of this Act. Requires the Director of the Office of Management and Budget (OMB) to perform EAC functions with respect to certain existing contracts and agreements during the transition period for winding up EAC affairs.

Transfers specified election administration functions of the EAC to the Federal Election Commission (FEC).

Replaces the Standards Board and the Board of Advisors with a Guidelines Review Board to review voluntary **voting** system guidelines proposed by the Technical Guidelines Development Committee.

Sets forth special requirements relating to the transfer of certain EAC authorities to the FEC with respect to development of such guidelines.

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Transfers to the FEC the EAC Office of **Voting** System Testing and Certification.

Directs the Comptroller General to: (1) study the procedures used to adopt and modify the voluntary **voting** system guidelines applicable to the administration of elections for federal office, and (2) develop recommendations on methods to improve such procedures.

Requires the FEC to: (1) study the procedures for the testing, certification, decertification, and recertification of **voting** system hardware and software used in federal elections; and (2) develop a recommendation on the entity best suited to oversee and carry out such procedures.

Requires the recommendations in both studies to take into account the needs of persons affected by such guidelines, including state and local election officials, **voters** with disabilities, absent military and overseas **voters**, and the manufacturers of **voting** systems.

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[S.111](#): Voting Integrity and Verification Act of 2011

**Sponsor:** [Sen Ensign, John](#) [NV] (introduced 1/25/2011)    **Cosponsors** (None)

**Committees:** Senate Rules and Administration

**Latest Major Action:** 1/25/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Rules and Administration.

#### **S.111**

**Latest Title:** Voting Integrity and Verification Act of 2011

**Sponsor:** [Sen Ensign, John](#) [NV] (introduced 1/25/2011)    **Cosponsors** (None)

**Latest Major Action:** 1/25/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Rules and Administration.

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#### **SUMMARY AS OF:**

1/25/2011--Introduced.

Voting Integrity and Verification Act of 2011 - Amends the Help America Vote Act of 2002 to require each voting system purchased after December 31, 2012, and used in an election for federal office to produce an individual permanent paper record for each **ballot** that is cast.

Requires the Director of the National Institute of Standards and Technology (NIST) to establish a program to award cash prizes competitively to eligible persons that advance the research, development, demonstration, and application of voting systems which are specifically designed to enhance accessibility and provide independence for persons with disabilities during the voting process.

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[S.331](#): Military and Overseas Voters' Relief Act

**Sponsor:** [Sen Barrasso, John](#) [WY] (introduced 2/14/2011)    **Cosponsors** (2)

**Committees:** Senate Rules and Administration

**Latest Major Action:** 2/14/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Rules and Administration.

#### **S.331**

**Latest Title:** Military and Overseas **Voters'** Relief Act

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**Sponsor:** [Sen Barrasso, John](#) [WY] (introduced 2/14/2011) [Cosponsors](#) (2)

**Latest Major Action:** 2/14/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Rules and Administration.

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### SUMMARY AS OF:

2/14/2011--Introduced.

Military and Overseas **Voters'** Relief Act - Amends the Uniformed and Overseas Citizens Absentee **Voting Act** (the Act) **to allow any person aggrieved by a violation of voting rights under the Act to bring a civil action for necessary declaratory or injunctive relief. (Under current law, only the Attorney General may bring such an action.) Allows for the award of reasonable attorney's fees for the prevailing party.**

Requires a report from the Attorney General in each year in which a general election for federal office is scheduled on the number of attorneys and other staff within the Department of Justice (DOJ) assigned to enforce the Act, as well as a plan to detect noncompliance by state and local election officials with requirements of the law.

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[S.168](#) : Voter Fraud Prevention Act

**Sponsor:** [Sen Vitter, David](#) [LA] (introduced 1/25/2011) [Cosponsors](#) (3)

**Committees:** Senate Rules and Administration

**Latest Major Action:** 1/25/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Rules and Administration.

### S.168

**Latest Title:** Voter Fraud Prevention Act

**Sponsor:** [Sen Vitter, David](#) [LA] (introduced 1/25/2011) [Cosponsors](#) (3)

**Latest Major Action:** 1/25/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Rules and Administration.

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### SUMMARY AS OF:

1/25/2011--Introduced.

**Voter** Fraud Prevention Act - Amends the Help America **Vote** Act of 2002 to prescribe standards for paid distribution of **voter registration** application forms and **registration** requirements for organizations.

**Prohibits any individual from distributing, for compensation, a voter registration application form for federal elections in a state if the individual: (1) has been convicted of a felony under any state or federal law; (2) does not sign and print legibly the individual's name on the form; (3) does not provide identifying information to the proper election official; or (4) does not certify, under penalty of perjury, that he or she has not received financial compensation based on the number of voter registration application forms submitted by the individual to an election official upon completion by the applicant, and that the information provided by the individual is accurate to the best of the individual's knowledge.**

Excepts from this prohibition the distribution of a **voter registration** application form by an individual who is not compensated directly or indirectly for it.

Establishes criminal penalties for: (1) individuals not meeting such standards; and (2) anyone who employs such an individual knowingly, or who should reasonably be expected to know the individual is ineligible.

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[S.677](#) : A bill to amend title 13, United States Code, to provide for the more accurate and complete enumeration of certain overseas Americans in the decennial census, and for other purposes.

**Sponsor:** [Sen Hatch, Orrin G.](#) [UT] (introduced 3/30/2011)    **Cosponsors** (None)

**Committees:** Senate Homeland Security and Governmental Affairs

**Latest Major Action:** 3/30/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

**S.677**

**Latest Title:** A bill to amend title 13, United States Code, to provide for the more accurate and complete enumeration of certain overseas Americans in the decennial census, and for other purposes.

**Sponsor:** [Sen Hatch, Orrin G.](#) [UT] (introduced 3/30/2011)    Cosponsors (None)

**Related Bills:** [H.R.868](#)

**Latest Major Action:** 3/30/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

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**SUMMARY AS OF:**

3/30/2011--Introduced.

Requires the Secretary of Commerce, beginning with the 2020 decennial census of population, to take measures in tabulating total population by state for purposes of apportionment of Representatives in Congress to ensure that all U.S. citizens temporarily living abroad on the census date are fully and accurately counted and properly attributed to the last state in which they were domiciled before leaving the United States.

Requires such measures to include methods: (1) by which administrative records of a nongovernmental organization may be used to enumerate organization members residing overseas if such records satisfy the Secretary's criteria, (2) under which an international "Be Counted" form may be completed at a U.S. embassy by U.S. citizens residing overseas, and (3) under which **voter registration** rolls may be used to establish usual residence by confirming the state in which U.S. citizens living abroad usually reside.

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[S.1253](#) : National Defense Authorization Act for Fiscal Year 2012

**Sponsor:** [Sen Levin, Carl](#) [MI] (introduced 6/22/2011)    **Cosponsors** (None)

**Committees:** Senate Armed Services

**Senate Reports:** [112-26](#)

**Latest Major Action:** 6/22/2011 Placed on Senate Legislative Calendar under General Orders. Calendar No. 80.

**S.1253**

**Latest Title:** National Defense Authorization Act for Fiscal Year 2012

**Sponsor:** [Sen Levin, Carl](#) [MI] (introduced 6/22/2011)    Cosponsors (None)

**Related Bills:** [S.1254](#), [S.1255](#), [S.1256](#), [S.1867](#)

**Latest Major Action:** 6/22/2011 Placed on Senate Legislative Calendar under General Orders. Calendar No. 80.

**Senate Reports:** [112-26](#)

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**SUMMARY AS OF:**

6/22/2011--Reported to Senate without amendment.

**Subtitle I: Other Matters**

(Sec. 585) Amends the Uniformed and Overseas Citizens Absentee **Voting Act** to apply to overseas **voters** (under current law, only to absent uniformed services **voters**) the prohibition against U.S. states from refusing to accept or process valid applications for **voter registration** and absentee ballots on the grounds of premature submission.

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**S.1264** : Veteran Voting Support Act of 2011

**Sponsor:** [Sen Feinstein, Dianne](#) [CA] (introduced 6/23/2011)      [Cosponsors](#) (4)

**Committees:** Senate Veterans' Affairs

**Latest Major Action:** 6/23/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Veterans' Affairs.

**S.1264**

**Latest Title:** Veteran **Voting** Support Act of 2011

**Sponsor:** [Sen Feinstein, Dianne](#) [CA] (introduced 6/23/2011)      [Cosponsors](#) (4)

**Latest Major Action:** 6/23/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Veterans' Affairs.

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**SUMMARY AS OF:**

6/23/2011--Introduced.

Veteran **Voting** Support Act of 2011 - Directs the Secretary of Veterans Affairs to provide mail **voter registration** application forms to each veteran who: (1) seeks to enroll in the Department of Veterans Affairs (VA) health care system at the time of such enrollment; and (2) is already enrolled in such system when there is a change in the veteran's enrollment status or when there is a change in the veteran's address.

Requires the Secretary to accept completed application forms for transmittal to appropriate state election officials. Instructs that forms accepted at VA medical centers, community living centers, community-based outpatient centers, and domiciliaries be transmitted within ten days of acceptance, unless a completed form is accepted within five days before the last day for **registration to vote** in an election in which case the application shall be transmitted to the appropriate state election official within five days of acceptance.

Prohibits any information relating to registering to **vote** or a declination to register to **vote** under this Act from being used for any purpose other than **voter registration**.

Requires each Director of a VA community living center, domiciliary, or medical center to provide assistance in **voting** by absentee ballot to resident veterans. Requires such assistance to include: (1) providing information relating to the opportunity to request an absentee ballot; (2) making available absentee ballot applications upon request, as well as assisting in completing such applications and ballots; and (3) working with local election administration officials to ensure the proper transmission of the applications and ballots.

Directs the Secretary to permit nonpartisan organizations to provide **voter registration** information and assistance at facilities of the VA health care system.

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Prohibits the Secretary from banning any election administration official, whether state or local, party-affiliated or non-party affiliated, or elected or appointed, from providing **voting** information to veterans at any VA facility.

Directs the Secretary to provide reasonable access to facilities of the VA health care system to state and local election officials for the purpose of providing nonpartisan **voter registration** services to individuals.

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[S.1867](#) : National Defense Authorization Act for Fiscal Year 2012

**Sponsor:** [Sen Levin, Carl](#) [MI] (introduced 11/15/2011) **Cosponsors** (None)

**Committees:** Senate Armed Services

**Latest Major Action:** 12/1/2011 Passed/agreed to in Senate. Status: Passed Senate with amendments by Yea-Nay. 93 - 7. Record Vote Number: 218.

**Latest Action:** 12/1/2011 See also H.R. 1540.

### S.1867

**Latest Title:** National Defense Authorization Act for Fiscal Year 2012

**Sponsor:** [Sen Levin, Carl](#) [MI] (introduced 11/15/2011) **Cosponsors** (None)

**Related Bills:** [H.R.1540](#), [H.R.1894](#), [S.240](#), [S.1106](#), [S.1253](#), [S.1254](#), [S.1255](#), [S.1256](#), [S.1777](#)

**Latest Major Action:** 12/1/2011 Passed/agreed to in Senate. Status: Passed Senate with amendments by Yea-Nay. 93 - 7. Record **Vote** Number: 218.

**Latest Action:** 12/1/2011 See also H.R. 1540.

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### SUMMARY AS OF:

11/15/2011--Reported to Senate without amendment. (There is 1 [other summary](#))

**(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)**

(Sec. 585) Amends the Uniformed and Overseas Citizens Absentee **Voting** Act to apply to overseas **voters** (under current law, only to absent uniformed services **voters**) the prohibition against U.S. states from refusing to accept or process valid applications for **voter registration** and absentee ballots on the grounds of premature submission.

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[S.1994](#) : Deceptive Practices and Voter Intimidation Prevention Act of 2011

**Sponsor:** [Sen Schumer, Charles E.](#) [NY] (introduced 12/14/2011) **Cosponsors** (4)

**Committees:** Senate Judiciary

**Latest Major Action:** 12/14/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary.

112th CONGRESS  
1st Session  
**S. 1994**

To prohibit deceptive practices in Federal elections.

**IN THE SENATE OF THE UNITED STATES**

**December 14, 2011**

Mr. SCHUMER (for himself, Mr. CARDIN, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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**A BILL**

To prohibit deceptive practices in Federal elections.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Deceptive Practices and Voter Intimidation Prevention Act of 2011'.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

- (1) The right to vote by casting a ballot for one's preferred candidate is a fundamental right accorded to United States citizens by the Constitution, and the unimpeded exercise of this right is essential to the functioning of our democracy.
- (2) Historically, certain citizens, especially racial, ethnic, and language minorities, were prevented from voting because of significant barriers such as literacy tests, poll taxes, and property requirements.
- (3) Some of these barriers were removed by the 15th, 19th, and 24th Amendments to the Constitution.
- (4) Despite the elimination of some of these barriers to the polls, the integrity of today's elections is threatened by newer tactics aimed at suppressing voter turnout. These tactics include 'deceptive practices', which involve the dissemination of false information intended to prevent voters from casting their ballots, prevent voters from voting for the candidate of their choice, intimidate the electorate, and undermine the integrity of the electoral process.
- (5) Denials of the right to vote, and deceptive practices designed to prevent members of racial, ethnic, and language minorities from exercising that right, are an outgrowth of discriminatory history, including slavery. Measures to combat denials of that right are a legitimate exercise of congressional power under article I, section 4 and article II, section 1 of, and the 14th and 15th Amendments to, the United States Constitution.

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- (6) Shortly before the 1990 midterm Federal elections, 125,000 voters in North Carolina received postcards providing false information about voter eligibility and a warning about criminal penalties for voter fraud. Ninety-seven percent of the voters who received postcards were African-American.
- (7) In 2004, Native American voters in South Dakota were prevented from voting after they did not provide photographic identification upon request, despite the fact that they were not required to present such identification in order to vote under State or Federal law.
- (8) In 2004, fliers were distributed in minority neighborhoods in Milwaukee, Wisconsin, falsely claiming, 'If you've already voted in any election this year, you can't vote in the presidential election; If anybody in your family has ever been found guilty of anything, you can't vote in the presidential election; If you violate any of these laws, you can get ten years in prison and your children will get taken away from you.'
- (9) In 2004, in Franklin County, Ohio, a flyer was distributed urging voters of one political party to vote on Tuesday, Election Day, and voters of another political party to vote on Wednesday, the day after the election.
- (10) In the 2004 general election, in Allegheny County, Pennsylvania, a flyer was distributed noting that due to 'immense voter turnout' Republicans should vote on Tuesday and Democrats should vote on Wednesday. The flyer thanked voters 'for cooperating with us in this endeavor to create a peaceful voting environment'.
- (11) In the 2006 midterm election, 14,000 Latino voters in Orange County, California received mailings from the California Coalition for Immigration Reform, warning them in Spanish that 'if you are an immigrant, voting in a federal election is a crime that can result in incarceration . . .'. In fact, an immigrant who is a naturalized citizen of the United States has the same right to vote as any other citizen.
- (12) In the same 2006 election, some Virginia voters received automated phone messages falsely warning them that the 'Virginia Elections Commission' had determined they were ineligible to vote and that they would face severe criminal penalties if they tried to cast a ballot.
- (13) In 2006, in Maryland, certain campaigns for Governor and United States Senator distributed fliers in predominantly African-American neighborhoods falsely claiming that certain candidates had been endorsed by their opponents' party and by prominent figures who had actually endorsed the opponents of the candidates.
- (14) In 2008, Ohio residents reported receiving misleading automated calls giving voters incorrect information about the location of their polling places.
- (15) In the same year, fliers were distributed in predominantly African-American neighborhoods of Philadelphia, Pennsylvania, falsely warning that people with outstanding warrants or unpaid parking tickets could be arrested if they showed up at the polls on Election Day.
- (16) In the same year, messages were sent to users of the social media website Facebook falsely stating that the election had been postponed a day. Students at some universities, including Florida State University, received text messages saying the same thing.
- (17) In the same year, a local registrar of elections in Montgomery County, Virginia, issued two releases incorrectly warning that students at Virginia Tech who registered to vote at their college could no longer be claimed as dependents on their parents' tax returns and could lose scholarships or coverage under their parents' car and health insurance.
- (18) In the 2010 election, in African-American neighborhoods of Houston, Texas, a group called the 'Black Democratic Trust of Texas' distributed flyers falsely warning that a straight-ticket vote for the Democratic Party would not count and that a vote just for a single Democratic candidate would count for the entire Democratic ticket.
- (19) In the 2010 election, in Maryland, a political consultant paid for robocalls on election night to thousands of African-American households that said, while the polls were still open, 'I'm calling to let everyone know that Governor O'Malley and President Obama have been

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successful. Our goals have been met. The polls were correct . . . We're okay. Relax. Everything is fine. The only thing left is to watch on TV tonight.'

(20) Those responsible for these and similar efforts should be held accountable, and civil and criminal penalties should be available to punish anyone who seeks to keep voters away from the polls by providing false information.

(21) Moreover, the Federal Government should help correct such false information in order to assist voters in exercising their right to vote without confusion and to preserve the integrity of the electoral process.

(22) The Federal Government has a compelling interest in 'protecting voters from confusion and undue influence' and in 'preserving the integrity of its election process'. *Burson v. Freeman*, 504 U.S. 191, 199 (1992).

(23) The First Amendment does not preclude the regulation of some intentionally false speech, even if it is political in nature. As the Supreme Court of the United States has recognized, '[t]hat speech is used as a tool for political ends does not automatically bring it under the protective mantle of the Constitution. For the use of the known lie as a tool is at once at odds with the premises of democratic government and with the orderly manner in which economic, social, or political change is to be effected . . . . Hence the knowingly false statement and the false statement made with reckless disregard of the truth, do not enjoy constitutional protection.'. *Garrison v. Louisiana*, 379 U.S. 64, 75 (1964).

**SEC. 3. PROHIBITION ON DECEPTIVE PRACTICES IN FEDERAL ELECTIONS.**

(a) Civil Action- Subsection (b) of section 2004 of the Revised Statutes (42 U.S.C. 1971(b)) is amended--

(1) by striking 'No person' and inserting the following:

'(1) IN GENERAL- No person'; and

(2) by inserting at the end the following new paragraphs:

'(2) FALSE STATEMENTS REGARDING FEDERAL ELECTIONS-

'(A) PROHIBITION- No person, whether acting under color of law or otherwise, shall, within 90 days before an election described in paragraph (5), by any means, including by means of written, electronic, or telephonic communications, communicate or cause to be communicated information described in subparagraph (B), or produce information described in subparagraph (B) with the intent that such information be communicated, if such person--

'(i) knows such information to be materially false; and

'(ii) has the intent to mislead voters, or the intent to impede, hinder, discourage, or prevent another person from exercising the right to vote in an election described in paragraph (5).

'(B) INFORMATION DESCRIBED- Information is described in this subparagraph if such information is regarding--

'(i) the time or place of holding any election described in paragraph (5); or

'(ii) the qualifications for or restrictions on voter eligibility for any such election, including--

'(I) any criminal penalties associated with voting in any such election; or

'(II) information regarding a voter's registration status or eligibility.

'(3) FALSE STATEMENTS REGARDING PUBLIC ENDORSEMENTS-

'(A) PROHIBITION- No person, whether acting under color of law or otherwise, shall, within 90 days before an election described in paragraph (5), by any means, including by means of written, electronic, or telephonic communications, communicate, or cause to be communicated, a materially false statement about an endorsement, if such person--

'(i) knows such statement to be false; and

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`(ii) has the intent to mislead voters.

`(B) DEFINITION OF `MATERIALLY FALSE'- For purposes of subparagraph (A), a statement about an endorsement is `materially false' if, with respect to an upcoming election described in paragraph (5)--

`(i) the statement states that a specifically named person, political party, or organization has endorsed the election of a specific candidate for a Federal office described in such paragraph;

`(ii) such person, political party, or organization has not endorsed the election of such candidate; and

`(iii) such person, political party, or organization--

`(I) has publicly and explicitly stated that it supports the election of a different candidate for such Federal office in the election; or

`(II) has supported no candidate for such Federal office in the election.

**`(4) HINDERING, INTERFERING WITH, OR PREVENTING VOTING OR REGISTERING TO VOTE- No person, whether acting under color of law or otherwise, shall corruptly hinder, interfere with, or prevent another person from voting, registering to vote, or aiding another person to vote or register to vote in an election described in paragraph (5).**

`(5) ELECTION DESCRIBED- An election described in this paragraph is any general, primary, run-off, or special election held solely or in part for the purpose of nominating or electing a candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegate or Commissioner from a district, territory, or possession.'

**(b) Private Right of Action-**

(1) IN GENERAL- Subsection (c) of section 2004 of the Revised Statutes (42 U.S.C. 1971(c)) is amended--

(A) by striking `Whenever any person' and inserting the following:

`(1) Whenever any person'; and

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

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

(2) CONFORMING AMENDMENTS-

(A) Subsection (e) of section 2004 of the Revised Statutes (42 U.S.C. 1971(e)) is amended by striking `subsection (c)' and inserting `subsection (c)(1)'

(B) Subsection (g) of section 2004 of the Revised Statutes (42 U.S.C. 1971(g)) is amended by striking `subsection (c)' and inserting `subsection (c)(1)'

**(c) Criminal Penalty-**

(1) IN GENERAL- Section 594 of title 18, United States Code, is amended--

(A) by striking `Whoever' and inserting the following:

`(a) Intimidation- Whoever';

(B) in subsection (a), as inserted by subparagraph (A), by striking `at any election' and inserting `at any general, primary, run-off, or special election'; and

(C) by adding at the end the following new subsections:

`(b) Deceptive Acts-

`(1) FALSE STATEMENTS REGARDING FEDERAL ELECTIONS-

`(A) PROHIBITION- It shall be unlawful for any person, whether acting under color of law or otherwise, within 90 days before an election described in subsection (e), by any means, including by means of written, electronic, or telephonic communications, to communicate or cause to be communicated information described in subparagraph (B), or produce information described in subparagraph (B) with the intent that such information be communicated, if such person--

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- `(i) knows such information to be materially false; and
- `(ii) has the intent to mislead voters, or the intent to impede, hinder, discourage, or prevent another person from exercising the right to vote in an election described in subsection (e).

`(B) INFORMATION DESCRIBED- Information is described in this subparagraph if such information is regarding--

- `(i) the time or place of holding any election described in subsection (e); or
- `(ii) the qualifications for or restrictions on voter eligibility for any such election, including--
  - `(I) any criminal penalties associated with voting in any such election; or
  - `(II) information regarding a voter's registration status or eligibility.

**`(2) PENALTY- Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.**

**`(c) Hindering, Interfering With, or Preventing Voting or Registering To Vote-**

**`(1) PROHIBITION- It shall be unlawful for any person, whether acting under color of law or otherwise, to corruptly hinder, interfere with, or prevent another person from voting, registering to vote, or aiding another person to vote or register to vote in an election described in subsection (e).**

**`(2) PENALTY- Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.**

`(d) Attempt- Any person who attempts to commit any offense described in subsection (a), (b)(1), or (c)(1) shall be subject to the same penalties as those prescribed for the offense that the person attempted to commit.

`(e) Election Described- An election described in this subsection is any general, primary, run-off, or special election held solely or in part for the purpose of nominating or electing a candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegate or Commissioner from a district, territory, or possession.'

**(2) MODIFICATION OF PENALTY FOR VOTER INTIMIDATION- Section 594(a) of title 18, United States Code, as inserted and amended by paragraph (1), is amended by striking 'one year' and inserting '5 years'.**

**(3) SENTENCING GUIDELINES-**

(A) REVIEW AND AMENDMENT- Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 594 of title 18, United States Code, as amended by this section.

(B) AUTHORIZATION- The United States Sentencing Commission may amend the Federal Sentencing Guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(4) PAYMENTS FOR REFRAINING FROM VOTING- Subsection (c) of section 11 of the Voting Rights Act of 1965 (42 U.S.C. 1973i) is amended by striking 'either for registration to vote or for voting' and inserting 'for registration to vote, for voting, or for not voting'.

**SEC. 4. CORRECTIVE ACTION.**

(a) Corrective Action-

(1) IN GENERAL- If the Attorney General receives a credible report that materially false information has been or is being communicated in violation of paragraphs (2) and (3) of section

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2004(b) of the Revised Statutes (42 U.S.C. 1971(b)), as added by section 3(a), and if the Attorney General determines that State and local election officials have not taken adequate steps to promptly communicate accurate information to correct the materially false information, the Attorney General shall, pursuant to the written procedures and standards under subsection (b), communicate to the public, by any means, including by means of written, electronic, or telephonic communications, accurate information designed to correct the materially false information.

(2) COMMUNICATION OF CORRECTIVE INFORMATION- Any information communicated by the Attorney General under paragraph (1)--

(A) shall--

(i) be accurate and objective;

(ii) consist of only the information necessary to correct the materially false information that has been or is being communicated; and

(iii) to the extent practicable, be by a means that the Attorney General determines will reach the persons to whom the materially false information has been or is being communicated; and

(B) shall not be designed to favor or disfavor any particular candidate, organization, or political party.

(b) Written Procedures and Standards for Taking Corrective Action-

(1) IN GENERAL- Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish written procedures and standards for determining when and how corrective action will be taken under this section.

(2) INCLUSION OF APPROPRIATE DEADLINES- The procedures and standards under paragraph (1) shall include appropriate deadlines, based in part on the number of days remaining before the upcoming election.

(3) CONSULTATION- In developing the procedures and standards under paragraph (1), the Attorney General shall consult with the Election Assistance Commission, State and local election officials, civil rights organizations, voting rights groups, voter protection groups, and other interested community organizations.

(c) Authorization of Appropriations- There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this Act.

**SEC. 5. REPORTS TO CONGRESS.**

(a) In General- Not later than 180 days after each general election for Federal office, the Attorney General shall submit to Congress a report compiling all allegations received by the Attorney General of deceptive practices described in paragraphs (2), (3), and (4) of section 2004(b) of the Revised Statutes (42 U.S.C. 1971(b)), as added by section 3(a), relating to the general election for Federal office and any primary, run-off, or special election relating to the general election for Federal office held in the 2 years preceding the general election.

(b) Contents-

(1) IN GENERAL- Each report submitted under subsection (a) shall include--

(A) a description of each allegation of a deceptive practice described in subsection (a), including the geographic location, racial and ethnic composition, and language minority-group membership of the persons toward whom the alleged deceptive practice was directed;

(B) the status of the investigation of each allegation described in subparagraph (A);

(C) a description of each corrective action taken by the Attorney General under section 4(a) in response to an allegation described in subparagraph (A);

(D) a description of each referral of an allegation described in subparagraph (A) to other Federal, State, or local agencies;

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(E) a description of any civil action instituted under paragraph (2), (3), or (4) of section 2004(b) of the Revised Statutes (42 U.S.C. 1971(b)), as added by section 3(a), in connection with an allegation described in subparagraph (A); and  
(F) a description of any criminal prosecution instituted under section 594 of title 18, United States Code, as amended by section 3(c), in connection with the receipt of an allegation described in subparagraph (A) by the Attorney General.

(2) EXCLUSION OF CERTAIN INFORMATION-

(A) IN GENERAL- The Attorney General shall not include in a report submitted under subsection (a) any information protected from disclosure by rule 6(e) of the Federal Rules of Criminal Procedure or any Federal criminal statute.

(B) EXCLUSION OF CERTAIN OTHER INFORMATION- The Attorney General may determine that the following information shall not be included in a report submitted under subsection (a):

(i) Any information which is privileged.

(ii) Any information concerning an ongoing investigation.

(iii) Any information concerning a criminal or civil proceeding conducted under seal.

(iv) Any other nonpublic information that the Attorney General determines the disclosure of which could reasonably be expected to infringe on the rights of any individual or adversely affect the integrity of a pending or future criminal investigation.

(c) Report Made Public- On the date that the Attorney General submits the report under subsection (a), the Attorney General shall also make the report publicly available through the Internet and other appropriate means.

**SEC. 6. SEVERABILITY.**

If any provision of this Act or any amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

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[S.2017](#) : Democracy Restoration Act of 2011

**Sponsor:** [Sen Cardin, Benjamin L.](#) [MD] (introduced 12/16/2011)    [Cosponsors](#) (2)

**Committees:** Senate Judiciary

**Latest Major Action:** 12/16/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary

Companion bill to Conyers House bill.

END