

110TH CONGRESS  
1ST SESSION

# S. 2305

To prevent voter caging.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2007

Mr. WHITEHOUSE (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. BROWN, Ms. KLOBUCHAR, Mrs. CLINTON, Mr. KERRY, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To prevent voter caging.

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 “Caging Prohibition Act  
5       of 2007”.

6       **SEC. 2. PROHIBITION ON VOTER CAGING.**

7       (a) DEFINITIONS.—In this section:

8               (1) VOTER CAGING DOCUMENT.—The term  
9       “voter caging document” means—

1 (A) any nonforwardable document that is  
2 sent to an individual at the address at which  
3 such individual is registered or seeking to be-  
4 come registered as a voter in a Federal election  
5 and that is returned to the sender or to a third  
6 party as undelivered or undeliverable; and

7 (B) any document (other than a notice de-  
8 scribed in section 8(d) of the National Voter  
9 Registration Act of 1993) that is sent to an in-  
10 dividual at the address at which such individual  
11 is registered as a voter in a Federal election  
12 and that contains instructions to return the  
13 document to the sender or a third party but is  
14 not so returned.

15 (2) VOTER CAGING LIST.—The term “voter cag-  
16 ing list” means any list of individuals compiled from  
17 voter caging documents.

18 (3) UNVERIFIED LIST MATCH.—The term  
19 “unverified list match” means a list produced by  
20 matching—

21 (A) the identity of registered voters or ap-  
22 plicants for voter registration, with

23 (B) the identity of individuals who are in-  
24 eligible to vote in the registrar’s jurisdiction, by

1           virtue of death, conviction, change of address,  
2           mental impairment, or otherwise;  
3           unless the information establishing the identity of  
4           the individual under both subparagraphs (A) and  
5           (B) contains a signature, photograph, or unique  
6           identifying number verifying the identity of the indi-  
7           vidual.

8           (b) CONDUCT BY ELECTION OFFICIALS PROHIB-  
9           ITED.—No State or local election official shall prevent an  
10          individual from registering or voting in any election for  
11          Federal office, or permit in connection with any election  
12          for Federal office a formal challenge under State law to  
13          an individual’s registration status or eligibility to vote, if  
14          the sole basis for such decision or challenge is evidence  
15          consisting of—

16               (1) a voter caging document or voter caging  
17          list;

18               (2) an unverified match list; or

19               (3) notwithstanding section 209 of the Help  
20          America Vote Act of 2002 (42 U.S.C. 15329), any  
21          other evidence so designated for the purposes of this  
22          section by the Election Assistance Commission.

23           (c) REQUIREMENTS FOR CHALLENGES BY PERSONS  
24          OTHER THAN ELECTION OFFICIALS.—

1           (1) ATTESTATION OF FIRST-HAND KNOWLEDGE  
2           OF INELIGIBILITY.—No person, other than a State  
3           or local election official, shall submit a formal chal-  
4           lenge to an individual’s eligibility to register to vote  
5           in an election for Federal office or to vote in an elec-  
6           tion for Federal office unless the challenge—

7                   (A) sets forth in writing the specific  
8                   grounds for the ineligibility of the individual  
9                   who is the subject of the challenge; and

10                   (B) is subject to an oath or attestation  
11                   under penalty of perjury that such individual is  
12                   ineligible to register to vote or to vote in that  
13                   election.

14           (2) PROHIBITING CHALLENGES BASED ON CER-  
15           TAIN EVIDENCE.—No person shall submit a formal  
16           challenge to an individual’s eligibility to register to  
17           vote in an election for Federal office or to vote in  
18           an election for Federal office if the sole basis for  
19           such challenge is evidence consisting of —

20                   (A) a voter caging document or voter cag-  
21                   ing list;

22                   (B) an unverified match list; or

23                   (C) notwithstanding section 209 of the  
24                   Help America Vote Act of 2002 (42 U.S.C.  
25                   15329), any other evidence so designated for

1           the purposes of this section by the Election As-  
2           sistance Commission.

3           (3) PENALTIES FOR KNOWING MISCONDUCT.—

4           Whoever knowingly challenges the eligibility of any  
5           individual to register or vote or knowingly causes the  
6           eligibility of such individuals to be challenged in vio-  
7           lation of paragraph (1) or (2) with the intent that  
8           one or more such individuals be disqualified from  
9           voting, shall be fined not more than \$50,000 for  
10          each such violation.

11          (d) NO EFFECT ON NATIONAL VOTER REGISTRA-  
12          TION ACT OF 1993.—Nothing in this section shall be con-  
13          strued to override the protections of the National Voter  
14          Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

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