

112TH CONGRESS  
1ST SESSION

# H. R. 107

To amend title 18, United States Code, to prevent the election practice known as caging, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

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

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## A BILL

To amend title 18, United States Code, to prevent the election practice known as caging, and for other purposes.

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 2011”.

6 **SEC. 2. VOTER CAGING AND OTHER QUESTIONABLE CHAL-**  
7 **LENGES PROHIBITED.**

8 (a) IN GENERAL.—Chapter 29 of title 18, United  
9 States Code is amended by adding at the end the fol-  
10 lowing:

1 **“§ 612. Voter caging and other questionable chal-**  
2 **lenges**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘voter caging document’ means—

5 “(A) a nonforwardable document that is  
6 returned to the sender or a third party as unde-  
7 livered or undeliverable despite an attempt to  
8 deliver such document to the address of a reg-  
9 istered voter or applicant; or

10 “(B) any document with instructions to an  
11 addressee that the document be returned to the  
12 sender or a third party but is not so returned,  
13 despite an attempt to deliver such document to  
14 the address of a registered voter or applicant,  
15 unless at least two Federal election cycles have  
16 passed since the date of the attempted delivery;

17 “(2) the term ‘voter caging list’ means a list of  
18 individuals compiled from voter caging documents;  
19 and

20 “(3) the term ‘unverified match list’ means a  
21 list produced by matching the information of reg-  
22 istered voters or applicants for voter registration to  
23 a list of individuals who are ineligible to vote in the  
24 registrar’s jurisdiction, by virtue of death, convic-  
25 tion, change of address, or otherwise; unless one of  
26 the pieces of information matched includes a signa-

1        ture, photograph, or unique identifying number en-  
2        suring that the information from each source refers  
3        to the same individual.

4        “(b) PROHIBITION AGAINST VOTER CAGING.—No  
5        State or local election official shall prevent an individual  
6        from registering or voting in any election for Federal of-  
7        fice, or permit in connection with any election for Federal  
8        office a formal challenge under State law to an individual’s  
9        registration status or eligibility to vote, if the basis for  
10       such decision is evidence consisting of—

11                “(1) a voter caging document or voter caging  
12        list;

13                “(2) an unverified match list;

14                “(3) an error or omission on any record or  
15        paper relating to any application, registration, or  
16        other act requisite to voting, if such error or omis-  
17        sion is not material to an individual’s eligibility to  
18        vote under section 2004 of the Revised Statutes, as  
19        amended (42 U.S.C. 1971(a)(2)(B)); or

20                “(4) any other evidence so designated for pur-  
21        poses of this section by the Election Assistance Com-  
22        mission,

23        except that the election official may use such evidence if  
24        it is corroborated by independent evidence of the individ-  
25        ual’s ineligibility to register or vote.

1       “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS  
2 OTHER THAN ELECTION OFFICIALS.—

3               “(1) ATTESTATION OF FIRST-HAND KNOWL-  
4 EDGE OF INELIGIBILITY.—No person, other than a  
5 State or local election official, shall submit a formal  
6 challenge to an individual’s eligibility to register to  
7 vote in an election for Federal office or to vote in  
8 an election for Federal office unless that challenge  
9 is supported by personal, first-hand knowledge re-  
10 garding the grounds for ineligibility which is—

11                       “(A) documented in writing; and

12                       “(B) subject to an oath or attestation  
13 under penalty of perjury that the individual  
14 who is the subject of the challenge is ineligible  
15 to register to vote or vote in that election.

16               “(2) PROHIBITING CHALLENGES BASED ON  
17 CERTAIN EVIDENCE.—No person, other than a State  
18 or local election official, shall submit a formal chal-  
19 lenge to an individual’s eligibility to register to vote  
20 in an election for Federal office or to vote in an elec-  
21 tion for Federal office if the basis for such challenge  
22 is evidence consisting of—

23                       “(A) a voter caging document or voter cag-  
24 ing list;

25                       “(B) an unverified match list;

1           “(C) an error or omission on any record or  
2           paper relating to any application, registration,  
3           or other act requisite to voting, if such error or  
4           omission is not material to an individual’s eligi-  
5           bility to vote under section 2004 of the Revised  
6           Statutes, as amended (42 U.S.C.  
7           1971(a)(2)(B)); or

8           “(D) any other evidence so designated for  
9           purposes of this section by the Election Assist-  
10          ance Commission.

11          “(d) PENALTIES FOR KNOWING MISCONDUCT.—  
12          Whoever knowingly challenges the eligibility of one or  
13          more individuals to register or vote or knowingly causes  
14          the eligibility of such individuals to be challenged in viola-  
15          tion of this section with the intent that one or more eligi-  
16          ble voters be disqualified, shall be fined under this title  
17          or imprisoned not more than 5 years, or both, for each  
18          such violation. Each violation shall be a separate offense.

19          “(e) NO EFFECT ON RELATED LAWS.—Nothing in  
20          this section is intended to override the protections of the  
21          National Voter Registration Act of 1993 (42 U.S.C.  
22          1973gg et seq.) or to affect the Voting Rights Act of 1965  
23          (42 U.S.C. 1973 et seq.).”.

1           (b) CLERICAL AMENDMENT.—The table of sections  
2 for chapter 29 of title 18, United States Code, is amended  
3 by adding at the end the following:

“612. Voter caging and other questionable challenges.”.

4 **SEC. 3. SEVERABILITY.**

5           If any provision of this Act or any amendment made  
6 by this Act, or the application of a provision to any person  
7 or circumstance, is held to be unconstitutional, the re-  
8 mainder of this Act and the amendments made by this  
9 Act, and the application of the provisions to any person  
10 or circumstance, shall not be affected by the holding.

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