

CARDIN-SCHUMER DECEPTIVE PRACTICES AND VOTER INTIMIDATION PREVENTION ACT OF 2011

Prohibits Deceptive Practices in Federal Elections

- **Prohibits communicating false statements to voters regarding election and voting information:** Prohibits any individual, within 90 days of an election, from communicating (including written, electronic, and telephone communications) or producing materially false election information with the intent to mislead voters or discourage or prevent another person from exercising the right to vote in a federal election. Prohibited communication includes false information on the time or place of the election and false voter qualification information, including fake criminal penalties associated with voting or other false information regarding status or eligibility.
- **Prohibits false statements to voters regarding candidate endorsement:** Prohibits any individual, within 90 days of an election, from communicating (including written, electronic, and telephone communications) a materially false statement about a public endorsement of a candidate with the intent to mislead voters.
- **Prohibits hindering, interfering with, or preventing voting or voter registration:** Prohibits any individual from interfering with or preventing another person from voting, registering to vote. Prohibits any individual from interfering with or preventing someone aiding another person to vote or register to vote.
- **Prohibits payment to individuals for not voting:** Amends the Voting Rights Act to include a prohibition on paying individuals to *not* vote (in addition to the existing prohibitions on paying for votes and registration to vote).

Creates Civil Right of Action and Criminal Penalties For Violations

- **Creates a private right of action for deceptive practices:** Allows any person aggrieved by a violation of the prohibition against deceptive practices to institute a civil action for preventive relief, including injunctions and restraining orders.
- **Creates criminal penalties for deceptive practices:** Individuals who commit deceptive practices or an attempt to commit deceptive practices are subject to a fine or imprisonment for not more than 5 years or both.
- **Increases existing penalty for voter intimidation:** Increases penalty for voter intimidation from 1 year to 5 years imprisonment.
- **Authorizes and directs U.S. Sentencing Commission to review and amend Federal sentencing guidelines:** Directs USSC to review and, if appropriate, amend applicable Federal sentencing guidelines and policy statements.

Allows for Corrective Action

- **Allows AG to communicate accurate information to communities affected by deceptive practices:** Authorizes Attorney General to promptly communicate accurate information to correct any false information disseminated to affected communities if AG determines that appropriate corrective action has not been taken by state or local officials. Sets standards Attorney General to communicate accurate information.

Reports to Congress

- **Requires regular AG reports to Congress:** Requires that, not later than 180 days after each general federal election, the Attorney General to submit a report to Congress compiling all allegations received by the AG of deceptive practices, including a detailed description of each allegation of deceptive practice, the status of the investigation, a description of each corrective action taken by the AG, criminal prosecutions made pursuant to an allegation, and other information. Requires report to be made public.

Severability

- **Provides for severability of provisions:** Provides that if any provision of the Act is held to be unconstitutional, the remainder of the Act shall not be affected by the holding

Effective Date

- **Effective upon enactment:** Provisions contained in the Deceptive Practices and Voter Intimidation Prevention Act are effective upon enactment. AG required to issue written standards and procedures for corrective action within 180 days of enactment. U.S. Sentencing Commission required to review and, if appropriate, to amend Federal sentencing guidelines and policy statements within 180 days of enactment.