

# **Deceptive Practices and Voter Intimidation Prevention Act of 2021**

## **Sponsored by Senators Cardin, Klobuchar**

The spreading of false or misleading information intended to suppress voting and intimidate the electorate remains one of the most effective methods used to keep individuals, particularly Black Americans and other racial minorities, from voting. Advancements in our means of communication, including the rise of social media platforms, have made it easier for bad actors to use these strategies. Examples during the 2020 election cycle include:

- In March, Texas voters received robocalls stating that the Democratic primary election would be taking place a day after its actual date.<sup>1</sup>
- Communities of color in Michigan, Pennsylvania, Ohio, Illinois, and New York were targeted by robocalls sharing false information about how their data would be shared if they voted by mail.<sup>2</sup>
- Widespread disinformation was targeted at Latino communities in Florida and other states, particularly through social media.
- Voters were met by armed individuals at polling sites on Election Day in Florida, North Carolina, and Louisiana.

**The Deceptive Practices and Voter Intimidation Prevention Act would address this problem by:**

- Prohibiting individuals from knowingly deceiving others about the time, place, eligibility, or procedures of participating in a federal election.
- Prohibiting individuals from intentionally hindering, interfering with, or preventing another person from voting, registering to vote, or aiding another person to vote or register to vote in a federal election.
- Enacting criminal penalties, including a fine of up to \$100,000 and/or imprisonment for up to 5 years, for individuals who engage in deceptive practices or voter intimidation. Creating a private right of action for individuals to seek civil action for preventive relief against voter disinformation.
- Giving the Attorney General the responsibility for ensuring that states are taking adequate steps to counter voter intimidation and requiring him/her to, no later than 180 days after each general election for federal office, submit a public report to Congress compiling all allegations of deceptive practices received by the Attorney General.
- Emphasizing that voter intimidation by the spreading of false information is not protected under the first amendment.

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<sup>1</sup> <https://www.newsweek.com/robocalls-spreading-super-tuesday-misinformation-throughout-texas-1490368>

<sup>2</sup> <https://www.npr.org/2020/10/24/927300432/robocalls-rumors-and-emails-last-minute-election-disinformation-floods-voters>