To prevent voter caging.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To prevent voter caging.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Caging Prohibition Act

of 2007”.

SEC. 2. PROHIBITION ON VOTER CAGING.

(a) DEFINITIONS.—In this section:

(1) VOTER CAGING DOCUMENT.—The term

“voter caging document” means—
(A) any nonforwardable document that is
sent to an individual at the address at which
such individual is registered or seeking to be-
come registered as a voter in a Federal election
and that is returned to the sender or to a third
party as undelivered or undeliverable; and

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

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

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

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

(B) the identity of individuals who are in-
eligible to vote in the registrar’s jurisdiction, by
virtue of death, conviction, change of address,
mental impairment, or otherwise;
unless the information establishing the identity of
the individual under both subparagraphs (A) and
(B) contains a signature, photograph, or unique
identifying number verifying the identity of the indi-
vidual.

(b) Conduct by Election Officials Prohibited.—No State or local election official shall prevent an individual from registering or voting in any election for Federal office, or permit in connection with any election for Federal office a formal challenge under State law to an individual’s registration status or eligibility to vote, if the sole basis for such decision or challenge is evidence consisting of—

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

(2) an unverified match list; or

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

e) Requirements for Challenges by Persons Other Than Election Officials.—
(1) ATTESTATION OF FIRST-HAND KNOWLEDGE OF INELIGIBILITY.—No person, other than a State or local election official, shall submit a formal challenge to an individual’s eligibility to register to vote in an election for Federal office or to vote in an election for Federal office unless the challenge—

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

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

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

(A) a voter caging document or voter caging list;

(B) an unverified match list; or

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

(3) Penalties for knowing misconduct.—Whoever knowingly challenges the eligibility of any individual to register or vote or knowingly causes the eligibility of such individuals to be challenged in violation of paragraph (1) or (2) with the intent that one or more such individuals be disqualified from voting, shall be fined not more than $50,000 for each such violation.

(d) No Effect on National Voter Registration Act of 1993.—Nothing in this section shall be construed to override the protections of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq).