



PROJECT VOTE
737-1/2 8th Street SE
Washington, DC 20009
1-202-546-4173
www.projectvote.org

VOTER CAGING

Model Bill

A BILL

To amend _____ of the Code of _____ to prevent the election practice known as caging, and for other purposes.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Caging Prohibition Act of ____.”

SEC. 2. VOTER CAGING AND OTHER QUESTIONABLE CHALLENGES PROHIBITED.

Chapter _____ is amended by adding at the end the following:

§ _____ Voter caging and other questionable challenges

(a) DEFINITIONS.—In this section—

(1) The term ‘voter caging document’ means—

(A) a nonforwardable document that is returned to the sender or a third party as undelivered or undeliverable despite an attempt to deliver such document to the address of a registered voter or applicant; or

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

(2) The term ‘voter caging list’ means a list of individuals compiled from voter caging documents; and

(3) The term ‘unverified match list’ means a list produced by matching the information of registered voters or applicants for voter registration to a list of individuals who are ineligible to vote in the registrar’s jurisdiction, by virtue of death, felony conviction, residence in the precinct, or otherwise [add or delete state qualifications as appropriate]; unless one of the pieces of information matched includes a signature, photograph, or



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unique identifying number ensuring that the information from each source refers to the same individual.

(b) PROHIBITION AGAINST VOTER CAGING.—No State or local election official shall prevent an individual from registering or voting in any election, or permit in connection with any election a formal challenge under State law to an individual's registration status or eligibility to vote, if the basis for such decision is evidence consisting of—

- (1) a voter caging document or voter caging list;
- (2) an unverified match list;
- (3) an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material to an individual's eligibility to vote under _____. [state voter eligibility law]

If a challenge by a state or local election official is resolved against the voter on Election Day, the voter is nonetheless entitled to vote by provisional ballot.

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

(1) ATTESTATION OF FIRST-HAND KNOWLEDGE OF INELIGIBILITY.—A person other than a State or local election official may submit a formal challenge to an individual's eligibility to register to vote in an election or to vote in an election if--

- (A) the person is a registered voter in the precinct where the challenge is being made;
- (B) the challenge is supported by personal, first-hand knowledge regarding the grounds for ineligibility;
- (C) the challenge is documented in writing; and
- (D) the person makes an oath or attestation under penalty of perjury that the individual who is the subject of the challenge is ineligible to register to vote or vote in that election because of age, citizenship, _____ [fill in state's eligibility requirements].

(2) Timing and procedures for challenges by persons other than election officials.—



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(A) Any person other than an election official who challenges a voter must file the challenge with the Board of Elections at least 30 days prior to the election.

(B) The Board must serve the voter with notice by mail at the voter's last known address. Notice must also be published in a periodical of general circulation at least 21 days prior to the election.

(C) At least 14 days before the election, the Board of Elections must hold a public hearing, at which the challenger must appear and present the grounds for the challenge. Failure of the challenger to appear will result in dismissal of the challenge. The burden of proof is on the challenger to show by clear and convincing evidence that the voter is ineligible to vote.

(D) The challenged voter may submit evidence or otherwise rebut the challenge. If the voter fails to appear, the Board must evaluate the challenge on its face and sustain or dismiss the challenge according under the clear and convincing standard.

(E) The Board shall render its decision and communicate it to the voter at least 7 days before the election.

(F) If the decision of the Board is adverse to the voter, he or she may vote by provisional ballot.

(3) PROHIBITING CHALLENGES BASED ON CERTAIN EVIDENCE.

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 or to vote in an election if the basis for such challenge is evidence consisting of—

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

(B) an unverified match list; or

(C) an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material to an individual's eligibility to vote under section _____
[state voter eligibility law]



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(d) PENALTIES FOR KNOWING MISCONDUCT.—

Whoever knowingly challenges the eligibility of one or more individuals to register or vote or knowingly causes the eligibility of such individuals to be challenged in violation of this section with the intent that one or more eligible voters be disqualified, shall be fined under this title or imprisoned not more than 5 years, or both, for each such violation. Each violation shall be a separate offense.

SEC. 3. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions to any person or circumstance, shall not be affected by the holding.