



**Statement of Senator Barack Obama  
Deceptive Practices and Voter Intimidation Prevention Act  
House Judiciary Committee  
March 7, 2007**

Chairman Conyers, distinguished members of the Committee, thank you so much for the opportunity to be here today and discuss with you legislation that will help restore integrity to our electoral system.

I was pleased to introduce the Deceptive Practices and Voter Intimidation Prevention Act in the Senate and I am honored that my colleagues in the House, including Chairman Conyers, Congressman Emanuel, Congressmen Becerra, Honda, and Ellison, introduced companion legislation last week.

It's hard to imagine that we even need a bill like this. But, unfortunately, there are people who will stop at nothing to try to deceive voters and keep them away from the polls. What's worse, these practices often target and exploit vulnerable populations, such as minorities, the disabled, or the poor.

We saw countless examples in this past election. Some of us remember the thousands of Latino voters in Orange County, California, who received letters warning them in Spanish that, "if you are an immigrant, voting in a federal election is a crime that can result in incarceration."

Or the voters in Maryland who received a "democratic sample ballot" featuring a Republican candidate for Governor and a Republican candidate for U.S. Senator.

Or the voters in Virginia who received calls from a so-called "Virginia Elections Commission" informing them – falsely – that they were ineligible to vote.

Or the voters who were told that they couldn't vote if they had family members who had been convicted of a crime.

Of course, these so-called warnings have no basis in fact, and are made with only one goal in mind – to keep Americans away from the polls. We see these problems year after year and election and after election, and my hope is that this bill will finally stop these practices in time for the next election.

The Deceptive Practices and Voter Intimidation Prevention Act makes voter intimidation and deception punishable by law, and it contains strong penalties so that people who commit these crimes suffer more than just a slap on the wrist. The bill also seeks to address the real harm of these crimes— people who are prevented from voting by misinformation — by establishing a process for reaching out to these misinformed voters with accurate information so they can cast their votes in time.

There are some issues in this country that are inherently difficult and political. Making sure that every American can cast a ballot shouldn't be one of them. There is no place for politics in this debate – no room for those who feel that they can gain a partisan advantage by keeping people away from the polls. As the New York Times stated in its January 31st editorial on this issue, "the bill ... is an important step toward making elections more honest and fair. There is no reason it should not be passed by Congress unanimously." I would ask that this editorial be made part of the record.

It's time to get this done in a bipartisan fashion, and I believe this bill can make it happen. I look forward to working with you, Chairman Conyers, and the other members of the Committee, as well as the many co-sponsors of this bill, to pass this legislation this Congress.

New York Times  
January 31, 2007  
EDITORIAL

## **Honesty in Elections**

On Election Day last fall in Maryland, fliers were handed out in black neighborhoods with the heading "Democratic Sample Ballot" and photos of black Democratic leaders — and boxes checked off beside the names of the Republican candidates for senator and governor. They were a blatant attempt to fool black voters into thinking the Republican candidates were endorsed by black Democrats. In Orange County, Calif., 14,000 Latino voters got letters in Spanish saying it was a crime for immigrants to vote in a federal

election. It didn't say that immigrants who are citizens have the right to vote.

Dirty tricks like these turn up every election season, in large part because they are so rarely punished. But two Democratic senators, Barack Obama of Illinois and Charles Schumer of New York, are introducing a bill today that would make deceiving or intimidating voters a federal crime with substantial penalties. The bill aims at some of the most commonly used deceptive political tactics. It makes it a crime to knowingly tell voters the wrong day for an election. There have been numerous reports of organized efforts to use telephones, leaflets or posters to tell voters, especially in minority areas, not to vote on Election Day because voting has been postponed.

The bill would also criminalize making false claims to voters about who has endorsed a candidate, or wrongly telling people — like immigrants who are registered voters in Orange County — that they cannot vote.

Along with defining these crimes and providing penalties of up to five years' imprisonment, the bill would require the Justice Department to counteract deceptive election information that has been put out, and to report to Congress after each election on what deceptive practices occurred and what the Justice Department did about them.

The bill would also allow individuals to go to court to stop deceptive practices while they are happening. That is important, given how uninterested the current Justice Department has proved to be in cracking down on election-season dirty tricks.

The bill is careful to avoid infringing on First Amendment rights, and that is the right course. But in steering clear of regulating speech, it is not clear how effective the measure would be in addressing one of the worst dirty tricks of last fall's election: a particular kind of deceptive "robocall" that was used against Democratic Congressional candidates. These calls, paid for by the Republicans, sounded as if they had come from the Democrat; when a recipient hung up, the call was repeated over and over. The intent was clearly to annoy the recipients so they would not vote for the Democrat.

While there are already laws that can be used against this sort of deceptive telephone harassment, a more specific bill aimed directly at these calls is needed. But the bill being introduced today is an important step toward making elections more honest and fair. There is no reason it should not be passed by Congress unanimously.