
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 454 Session of
2013

INTRODUCED BY BRADFORD, KOTIK, SCHLOSSBERG, CALTAGIRONE, MUNDY,
SWANGER, O'BRIEN, FARINA, MATZIE, BROWNLEE, ROZZI, KINSEY,
COHEN, SANTARSIERO, D. COSTA, V. BROWN, KORTZ, MOUL,
MOLCHANY, DELUCA, MCGEEHAN AND MURT, JANUARY 30, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 30, 2013

AN ACT

1 Prohibiting certain intimidation and suppression practices in
2 elections; and providing for the powers and duties of the
3 Attorney General.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Prevention of
8 Voter Intimidation and Suppression Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Attorney General." The Attorney General of the
14 Commonwealth.

15 "Election." A general or municipal election held in this
16 Commonwealth.

17 "Election information." Any of the following:

- 1 (1) The time, place or manner of an election.
- 2 (2) The qualifications for or restrictions on voter
- 3 eligibility for an election, including, but not limited to:
- 4 (i) Any criminal penalties associated with voting in
- 5 an election by ineligible voters.
- 6 (ii) Information relating to a voter's registration
- 7 status or eligibility.

8 Section 3. Prohibition on intimidation and suppression
9 practices in elections.

10 (a) General rule.--No person shall, within 60 days before an
11 election, communicate or cause to be communicated election
12 information or produce election information with the intent that
13 the election information be communicated, if the person:

- 14 (1) Knows the election information is false.
- 15 (2) Has the intent to prevent another person from
- 16 exercising the right to vote in an election.

17 (b) Private right of action.--A person aggrieved by a
18 violation of subsection (a) may institute a civil action for
19 injunctive relief or other appropriate remedy.

20 Section 4. Reporting false election information.

21 (a) General rule.--A person may report to the Attorney
22 General any communication or causation of any communication of
23 election information or the production of election information
24 with the intent that the election information be communicated,
25 if the election information is false.

26 (b) Corrective action.--Immediately after receiving a report
27 under subsection (a), the Attorney General shall consider and
28 review the report, and if the Attorney General determines that
29 there is a reasonable basis to find that false election
30 information has been communicated or caused to be communicated

1 or has been produced with the intent that the election
2 information be communicated, the Attorney General shall:

3 (1) Undertake all effective measures necessary to
4 provide correct information to voters affected by the false
5 information.

6 (2) Initiate criminal prosecution or civil action after
7 the election is concluded.

8 Section 5. Regulations.

9 The Attorney General shall promulgate regulations regarding
10 the methods and means of corrective actions to be taken under
11 section 4(b)(1). The regulations shall be developed in
12 consultation with civil rights organizations, voting rights
13 groups, State and local election officials, voter protection
14 groups and other interested community organizations.

15 Section 6. Study.

16 (a) Duty to conduct.--The Attorney General shall conduct a
17 study on the feasibility of providing the corrective information
18 under section 4(b)(1) through public service announcements or
19 other forms of public broadcast.

20 (b) Report.--No later than 180 days after the date of the
21 effective date of this section, the Attorney General shall
22 submit to the General Assembly a report detailing the results of
23 the study conducted under subsection (a).

24 Section 7. Post-election reports.

25 (a) General rule.--Not later than 90 days after any
26 election, the Attorney General shall submit to the appropriate
27 committees of the General Assembly a report compiling and
28 detailing any allegations of false information submitted to the
29 Attorney General pursuant to this act relating to such election.

30 (b) Contents.--Each report submitted under subsection (a)

1 shall include:

2 (1) Detailed information on specific allegations of
3 intimidation and suppression tactics.

4 (2) Statistical compilations of how many allegations
5 were made and of what type.

6 (3) The geographic locations of and the populations
7 affected by the allegations.

8 (4) The status of the investigations of the allegations.

9 (5) Any corrective actions taken in response to the
10 allegations.

11 (6) The rationale used for any corrective actions or for
12 any refusal to pursue an allegation.

13 (7) The effectiveness of any corrective actions.

14 (8) Any suit instituted under this act in connection
15 with the allegations.

16 (c) Exception.--The Attorney General may withhold any
17 information that the Attorney General determines would unduly
18 interfere with an ongoing investigation.

19 (d) Publication.--On the date that the Attorney General
20 submits the report required under subsection (a), the Attorney
21 General shall also make the report available through the
22 Attorney General's Internet website and other appropriate means.

23 Section 8. Effective date.

24 This act shall take effect in 60 days.