

117TH CONGRESS
1ST SESSION

H. R. 5053

To enhance protections for election records.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 20, 2021

Mr. ALLRED (for himself, Mr. SARBANES, Mr. VEASEY, Ms. ESCOBAR, and Ms. SLOTKIN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance protections for election records.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Election
5 Administration from Interference Act of 2021”.

6 **SEC. 2. ENHANCEMENT OF PROTECTIONS FOR ELECTION**
7 **RECORDS, PAPERS, AND EQUIPMENT.**

8 (a) PRESERVATION OF RECORDS, PAPER, AND
9 EQUIPMENT.—Section 301 of the Civil Rights Act of 1960
10 (52 U.S.C. 20701) is amended—

1 (1) by striking “Every officer” and inserting
2 the following:

3 “(a) IN GENERAL.—Every officer”;

4 (2) by striking “records and papers” and in-
5 serting “records (including electronic records), pa-
6 pers, and election equipment” each place the term
7 appears;

8 (3) by striking “record or paper” and inserting
9 “record (including electronic record), paper, or elec-
10 tion equipment”;

11 (4) by inserting “(but only under the direct ad-
12 ministrative supervision of an election officer). Not-
13 withstanding any other provision of this section, the
14 paper record of a voter’s cast ballot shall remain the
15 official record of the cast ballot for purposes of this
16 title” after “upon such custodian”;

17 (5) by inserting “, or acts in reckless disregard
18 of,” after “fails to comply with”; and

19 (6) by inserting after subsection (a) the fol-
20 lowing:

21 “(b) ELECTION EQUIPMENT.—The requirement in
22 subsection (a) to preserve election equipment shall not be
23 construed to prevent the reuse of such equipment in any
24 election that takes place within twenty-two months of a
25 Federal election described in subsection (a), provided that

1 all electronic records, files, and data from such equipment
2 related to such Federal election are retained and pre-
3 served.

4 “(c) GUIDANCE.—Not later than 1 year after the
5 date of the enactment of this subsection, the Director of
6 the Cybersecurity and Infrastructure Security Agency of
7 the Department of Homeland Security, in consultation
8 with the Election Assistance Commission and the Attorney
9 General, shall issue guidance regarding compliance with
10 subsections (a) and (b), including minimum standards and
11 best practices for retaining and preserving records (includ-
12 ing electronic records), papers, and election equipment in
13 compliance with subsections (a) and (b). Such guidance
14 shall also include protocols for enabling the observation
15 of the preservation, security, and transfer of records (in-
16 cluding electronic records), papers, and election equipment
17 described in subsection (a) by the Attorney General and
18 by a representative of each party, as defined by the Attor-
19 ney General.”.

20 (b) PENALTY.—Section 302 of the Civil Rights Act
21 of 1960 (52 U.S.C. 20702) is amended—

22 (1) by inserting “, or whose reckless disregard
23 of section 301 results in the theft, destruction, con-
24 cealment, mutilation, or alteration of,” after “or al-
25 ters”; and

1 (2) by striking “record or paper” and inserting
2 “record (including electronic record), paper, or elec-
3 tion equipment”.

4 (c) INSPECTION, REPRODUCTION, AND COPYING.—
5 Section 303 of the Civil Rights Act of 1960 (52 U.S.C.
6 20703) is amended by striking “record or paper” and in-
7 serting “record (including electronic record), paper, or
8 election equipment” each place the term appears.

9 (d) NONDISCLOSURE.—Section 304 of the Civil
10 Rights Act of 1960 (52 U.S.C. 20704) is amended by
11 striking “record or paper” and inserting “record (includ-
12 ing electronic record), paper, or election equipment”.

13 (e) JURISDICTION TO COMPEL PRODUCTION.—Sec-
14 tion 305 of the Civil Rights Act of 1960 (52 U.S.C.
15 20705) is amended by striking “record or paper” and in-
16 serting “record (including electronic record), paper, or
17 election equipment”.

18 **SEC. 3. JUDICIAL REVIEW FOR ELECTION RECORDS.**

19 Title III of the Civil Rights Act of 1960 (52 U.S.C.
20 20701 et seq.), is amended—

21 (1) by redesignating section 306 as sections
22 307; and

23 (2) by inserting after section 305 the following:

1 **“SEC. 306. JUDICIAL REVIEW TO ENSURE COMPLIANCE.**

2 “(a) RIGHT OF ACTION.—The Attorney General, a
3 representative of the Attorney General, or a candidate in
4 a Federal election described in section 301 may bring an
5 action in the district court of the United States for the
6 judicial district in which a record or paper is located, or
7 in the United States District Court for the District of Co-
8 lumbia, to compel compliance with the requirements of
9 section 301.

10 “(b) DUTY TO EXPEDITE.—It shall be the duty of
11 the court to advance on the docket, and to expedite to
12 the greatest possible extent the disposition of, the action
13 and appeal under this section.”.

14 **SEC. 4. CRIMINAL PENALTIES FOR INTIMIDATION OF TAB-**
15 **ULATION, CANVASS, OR CERTIFICATION EF-**
16 **FORTS.**

17 Section 12(1) of the National Voter Registration Act
18 of 1993 (52 U.S.C. 20511(1)) is amended—

19 (1) in subparagraph (B), by striking “or” at
20 the end; and

21 (2) by adding at the end the following:

22 “(D) processing or scanning of ballots, or
23 tabulating, canvassing, or certifying voting re-
24 sults; or”.

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