

117TH CONGRESS
2D SESSION

S. 4920

To provide enhanced protections for election workers.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2022

Ms. KLOBUCHAR (for herself, Mr. KING, Mr. BENNET, Mr. HICKENLOOPER, Mr. BLUMENTHAL, Mr. WARNER, Mr. LEAHY, Mr. PADILLA, Mr. MERKLEY, Mr. SANDERS, Mr. MARKEY, Mr. LUJÁN, Mrs. FEINSTEIN, Ms. HIRONO, Mrs. MURRAY, Ms. STABENOW, Mrs. SHAHEEN, Ms. SMITH, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To provide enhanced protections for election workers.

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 “Election Worker Pro-
5 tection Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ELECTION WORKER.**—The term “election
9 worker” means an individual who is an election offi-
10 cial, poll worker, or an election volunteer in connec-

1 tion with the administration of an election for a
2 Federal office.

3 (2) PERSONALLY IDENTIFIABLE INFORMA-
4 TION.—The term “personally identifiable informa-
5 tion” has the meaning given the term “restricted
6 personal information” in section 119 of title 18,
7 United States Code.

8 **SEC. 3. GRANTS TO STATES FOR ELECTION WORKER RE-**
9 **CRUITMENT, TRAINING, AND SAFETY.**

10 (a) IN GENERAL.—Subtitle D of title II of the Help
11 America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is
12 amended by adding at the end the following:

13 **“PART 7—ELECTION WORKER RECRUITMENT,**
14 **TRAINING, AND SAFETY**
15 **“SEC. 297. GRANTS TO STATES FOR POLL WORKER AND**
16 **ELECTION VOLUNTEER RECRUITMENT AND**
17 **TRAINING.**

18 “(a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of the Election Worker Protection Act
20 of 2022, the Commission shall, subject to the availability
21 of appropriations provided to carry out this section, make
22 a grant to each eligible State for recruiting and training
23 individuals to serve as poll workers and election volunteers
24 on dates of elections for public office.

1 “(b) USE OF COMMISSION MATERIALS AND TRAIN-
2 ING PROGRAM DEVELOPMENT.—

3 “(1) IN GENERAL.—In carrying out activities
4 using funds under a grant provided under this sec-
5 tion, the recipient of the grant shall—

6 “(A) use the materials prepared by the
7 Commission on successful practices for poll
8 worker and election volunteer recruiting, train-
9 ing, and retention as an interactive training
10 tool; and

11 “(B) develop training programs with the
12 participation and input of experts in adult
13 learning.

14 “(2) ACCESS AND CULTURAL CONSIDER-
15 ATIONS.—The Commission shall ensure that the ma-
16 terials described in paragraph (1)(A) provide train-
17 ing in methods that will enable poll workers and
18 election volunteers to provide access and delivery of
19 services that meet the unique needs of each voter in
20 a culturally competent manner with respect to each
21 voter who uses the services, including voters who
22 have limited English proficiency, are of diverse cul-
23 tural or ethnic backgrounds, or have disabilities, re-
24 gardless of gender, sexual orientation, or gender
25 identity.

1 “(c) REQUIREMENTS FOR ELIGIBILITY.—

2 “(1) APPLICATION.—Each State that desires to
3 receive a payment under this section shall submit an
4 application for the payment to the Commission at
5 such time, in such manner, and containing such in-
6 formation as the Commission may reasonably re-
7 quire.

8 “(2) CONTENTS OF APPLICATION.—Each appli-
9 cation submitted under paragraph (1) shall—

10 “(A) describe the activities for which as-
11 sistance under this section is sought;

12 “(B) provide assurances that—

13 “(i) the funds provided under this sec-
14 tion will be used to supplement and not
15 supplant other funds used to carry out the
16 activities;

17 “(ii) the State will furnish the Com-
18 mission with information about individuals
19 who served as poll workers and election
20 volunteers after recruitment and training
21 with the funds provided under this section;
22 and

23 “(iii) the State will dedicate poll work-
24 er and election volunteer recruitment ef-
25 forts with respect to—

1 “(I) youth and minors, including
 2 by recruiting at institutions of higher
 3 education and secondary education;
 4 and

5 “(II) diversity, including with re-
 6 spect to race, ethnicity, and disability;
 7 and

8 “(C) provide such additional information
 9 and certifications as the Commission deter-
 10 mines to be essential to ensure compliance with
 11 the requirements of this section.

12 “(d) AMOUNT OF GRANT.—

13 “(1) IN GENERAL.—The amount of a grant
 14 made to a State under this section shall be equal to
 15 the product of—

16 “(A) the aggregate amount made available
 17 for grants to States under this section; and

18 “(B) the voting age population percentage
 19 for the State.

20 “(2) VOTING AGE POPULATION PERCENTAGE
 21 DEFINED.—In paragraph (1), the ‘voting age popu-
 22 lation percentage’ for a State is the quotient of—

23 “(A) the voting age population of the State
 24 (as determined on the basis of the most recent

1 information available from the Bureau of the
2 Census); and

3 “(B) the total voting age population of all
4 States (as determined on the basis of the most
5 recent information available from the Bureau of
6 the Census).

7 “(e) RULES FOR STATES THAT DO NOT SUBMIT AN
8 APPLICATION AND GRANTS TO POLITICAL SUBDIVI-
9 SIONS.—

10 “(1) IN GENERAL.—If a State fails to submit
11 an application under subsection (c) at the time es-
12 tablished by the Commission for such submission,
13 the Commission may offer to political subdivisions
14 within that State the opportunity to apply for a pay-
15 ment under this section.

16 “(2) CONTENTS OF APPLICATION.—Each appli-
17 cation submitted under paragraph (1) shall—

18 “(A) describe the activities for which as-
19 sistance under this section is sought;

20 “(B) provide assurances that—

21 “(i) the funds provided under this sec-
22 tion will be used to supplement and not
23 supplant other funds used to carry out the
24 activities;

1 “(ii) the political subdivision will fur-
 2 nish the Commission with information
 3 about individuals who served as poll work-
 4 ers and election volunteers after recruit-
 5 ment and training with the funds provided
 6 under this section; and

7 “(iii) the political subdivision will
 8 dedicate poll worker and election volunteer
 9 recruitment efforts with respect to—

10 “(I) youth and minors, including
 11 by recruiting at institutions of higher
 12 education and secondary education;
 13 and

14 “(II) diversity, including with re-
 15 spect to race, ethnicity, and disability;
 16 and

17 “(C) provide such additional information
 18 and certifications as the Commission deter-
 19 mines to be essential to ensure compliance with
 20 the requirements of this section.

21 “(3) AMOUNT OF GRANTS FOR POLITICAL SUB-
 22 DIVISIONS.—The amount of a grant made to a polit-
 23 ical subdivision under this subsection shall be an
 24 amount that bears the same proportion to the

1 amount determined with respect to the State in
 2 which the political subdivision is located as—

3 “(A) the aggregate amount made available
 4 for grants to States under this section; and

5 “(B) the voting age population percentage
 6 for the political subdivision of the State.

7 “(f) REPORTS TO CONGRESS.—

8 “(1) RELEVANT COMMITTEES.—In this sub-
 9 section, the term ‘relevant committees’ means—

10 “(A) the Committees on Rules and Admin-
 11 istration and Appropriations of the Senate; and

12 “(B) the Committees on Administration
 13 and Appropriations of the House of Representa-
 14 tives.

15 “(2) REPORTS BY RECIPIENTS OF GRANTS.—

16 Not later than 180 days after the date on which the
 17 Commission makes a final grant to a State under
 18 this section, the recipient shall submit a report to
 19 the Commission on the activities the State conducted
 20 with the funds provided under the grant.

21 “(3) REPORTS BY COMMISSION.—Not later
 22 than 1 year after the date on which the Commission
 23 makes the final grant under this section, the Com-
 24 mission shall submit a report to the relevant com-
 25 mittees regarding—

1 “(A) the grants made under this section;

2 “(B) the activities carried out by recipients
3 using funds provided under the grants; and

4 “(C) such recommendations relating to re-
5 cruitment and training of election workers as
6 the Commission considers appropriate.

7 “(g) FUNDING.—

8 “(1) AUTHORIZATION.—There is authorized to
9 be appropriated to the Commission for fiscal year
10 2023 and each succeeding fiscal year such sums as
11 may be necessary for payments under this section,
12 to remain available until expended.

13 “(2) ADMINISTRATIVE EXPENSES.—Of the
14 amount appropriated for any fiscal year to carry out
15 this section, not more than 3 percent shall be avail-
16 able for administrative expenses of the Commission.

17 **“SEC. 298. GRANTS TO STATES FOR ELECTION WORKER**
18 **SAFETY.**

19 “(a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of the Election Worker Protection Act
21 of 2022, the Commission shall, subject to the availability
22 of appropriations provided to carry out this section, make
23 a grant to each eligible State for physical security services
24 and social media threat monitoring for election workers.

25 “(b) REQUIREMENTS FOR ELIGIBILITY.—

1 “(1) APPLICATION.—Each State that desires to
 2 receive a payment under this section shall submit an
 3 application for the payment to the Commission at
 4 such time, in such manner, and containing such in-
 5 formation as the Commission may reasonably re-
 6 quire.

7 “(2) CONTENTS OF APPLICATION.—Each appli-
 8 cation submitted under paragraph (1) shall—

9 “(A) describe the activities for which as-
 10 sistance under this section is sought; and

11 “(B) provide assurances that—

12 “(i) the funds provided under this sec-
 13 tion will be used to supplement and not
 14 supplant other funds used to carry out the
 15 activities; and

16 “(ii) the State will furnish the Com-
 17 mission with information on the number of
 18 individuals provided services under this
 19 section.

20 “(c) RULES FOR STATES THAT DO NOT SUBMIT AN
 21 APPLICATION AND GRANTS TO POLITICAL SUBDIVI-
 22 SIONS.—

23 “(1) IN GENERAL.—If a State fails to submit
 24 an application under subsection (b) at the time es-
 25 tablished by the Commission for such submission,

1 the Commission may offer to political subdivisions
2 within that State the opportunity to apply for a pay-
3 ment under this section.

4 “(2) CONTENTS OF APPLICATION.—Each appli-
5 cation submitted under paragraph (1) shall—

6 “(A) describe the activities for which as-
7 sistance under this section is sought; and

8 “(B) provide assurances that—

9 “(i) the funds provided under this sec-
10 tion will be used to supplement and not
11 supplant other funds used to carry out the
12 activities; and

13 “(ii) the political subdivision will fur-
14 nish the Commission with information on
15 the number of individuals provided services
16 under this section.

17 “(3) AMOUNT OF GRANTS FOR POLITICAL SUB-
18 DIVISIONS.—The amount of a grant made to a polit-
19 ical subdivision under this subsection shall be an
20 amount that bears the same proportion to the
21 amount determined with respect to the State in
22 which the political subdivision is located as—

23 “(A) the aggregate amount made available
24 for grants to States under this section; and

1 “(B) the voting age population percentage
2 for the political subdivision of the State.

3 “(d) REPORTS TO CONGRESS.—

4 “(1) RELEVANT COMMITTEES.—In this sub-
5 section, the term ‘relevant committees’ means—

6 “(A) the Committees on Rules and Admin-
7 istration and Appropriations of the Senate; and

8 “(B) the Committees on Administration
9 and Appropriations of the House of Representa-
10 tives.

11 “(2) REPORTS BY RECIPIENTS OF GRANTS.—

12 Not later than 180 days after the date on which the
13 Commission makes a final grant to a State under
14 this section, the recipient shall submit a report to
15 the Commission on the activities the State conducted
16 with the funds provided under the grant.

17 “(3) REPORTS BY COMMISSION.—Not later
18 than 1 year after the date on which the Commission
19 makes the final grant under this section, the Com-
20 mission shall submit a report to the relevant com-
21 mittees regarding—

22 “(A) the grants made under this section;

23 “(B) the activities carried out by recipients
24 using funds provided under the grants; and

1 “(C) such recommendations for physical
2 security services and social media threat moni-
3 toring as the Commission considers appropriate.

4 “(e) FUNDING.—There is authorized to be appro-
5 priated to the Commission for fiscal year 2023 and each
6 succeeding fiscal year such sums as may be necessary for
7 payments under this section, to remain available until ex-
8 pended.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 of the Help America Vote Act of 2002 is amended by add-
11 ing at the end of the items relating to subtitle D of title
12 II the following:

 “PART 7—ELECTION WORKER RECRUITMENT, TRAINING, AND SAFETY

 “Sec. 297. Grants to States for election worker recruitment and training

 “Sec. 298. Grants to States for election worker safety.”.

13 **SEC. 4. DEPARTMENT OF JUSTICE TRAINING RESOURCES**
14 **FOR ADDRESSING THREATS TO ELECTION**
15 **WORKERS.**

16 (a) REVIEW.—Not later than 180 days after the date
17 of enactment of this Act, the Attorney General shall review
18 training resources provided to Federal, State, local, and
19 Tribal law enforcement agencies and ensure that the De-
20 partment of Justice offers programs that include training
21 and resources to assist State, local, and Tribal law en-
22 forcement agencies in understanding, detecting, deterring,
23 and investigating threats to election workers.

1 (b) TRAINING.—The Attorney General shall make
 2 training available to Department prosecutors and to As-
 3 sistant United States Attorneys on countering and pros-
 4 ecuting threats to election workers.

5 **SEC. 5. GRANT PROGRAM TO PREVENT DISCLOSURE OF**
 6 **PERSONAL INFORMATION OF ELECTION**
 7 **WORKERS.**

8 (a) AUTHORIZATION.—Not later than 1 year after
 9 the date of enactment of this Act, the Attorney General
 10 shall establish a program to provide grants to create or
 11 expand programs designed to protect the personally identi-
 12 fiable information of election workers to entities that—

13 (1) are—

14 (A) States or units of local government (as
 15 those terms are defined in section 901 of the
 16 Omnibus Crime Control and Safe Streets Act of
 17 1968 (34 U.S.C. 10251)); or

18 (B) agencies of States or units of local
 19 government; and

20 (2) operate a State or local database or registry
 21 that contains personally identifiable information.

22 (b) APPLICATION.—Each entity described in sub-
 23 section (a) that desires a payment under this section shall
 24 submit to the Attorney General an application at such

1 time, in such manner, and containing such information as
2 the Attorney General may reasonably require.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated such sums as may be nec-
5 essary to provide grants to entities described in subsection
6 (a) to create or expand programs designed to protect the
7 personally identifiable information of election workers, in-
8 cluding through—

9 (1) the creation of programs to redact or re-
10 move the personally identifiable information of elec-
11 tion workers, upon request, from public records
12 maintained by State agencies, including by hiring
13 third parties to redact or remove the personally iden-
14 tifiable information of election workers from public
15 records;

16 (2) the expansion of existing programs to pro-
17 tect personally identifiable information of election
18 workers;

19 (3) the development or improvement of proto-
20 cols, procedures, and policies to prevent the release
21 of personally identifiable information of election
22 workers;

23 (4) the defrayment of costs of modifying or im-
24 proving existing databases and registries to ensure

1 that personally identifiable information of election
2 workers is protected from release; and

3 (5) the development of confidential opt-out sys-
4 tems that allow election workers to request that per-
5 sonally identifiable information is not included in
6 publicly accessible databases or registries.

7 (d) REPORT.—

8 (1) IN GENERAL.—Not later than 2 years after
9 the date of enactment of this Act, and biennially
10 thereafter, the Comptroller General of the United
11 States shall submit to the Committee on the Judici-
12 ary of the Senate and the Committee on the Judici-
13 ary of the House of Representatives an annual re-
14 port that includes a detailed description of the
15 amount spent by States and local governments using
16 funds under this section relating to protection of
17 personally identifiable information of election work-
18 ers.

19 (2) STATES AND LOCAL GOVERNMENTS.—Not
20 later than 180 days after the date on which a State
21 or local government receives funds under this sec-
22 tion, the State or local government shall submit to
23 the Comptroller General a report that, with respect
24 to that State or local government, contains the infor-

1 mation described in paragraph (1) to be included in
 2 the report required under that paragraph.

3 **SEC. 6. HARASSMENT OF ELECTION WORKERS PROHIB-**
 4 **ITED.**

5 (a) IN GENERAL.—Chapter 29 of title 18, United
 6 States Code, is amended by adding at the end the fol-
 7 lowing new section:

8 **“§ 613. Harassment of election workers**

9 “(a) ELECTION WORKER.—For purposes of this sec-
 10 tion, the term ‘election worker’ means an individual who
 11 is an election official, poll worker, or election volunteer in
 12 connection with an election for a Federal office.

13 “(b) HARASSMENT OF ELECTION WORKERS.—It
 14 shall be unlawful for any person, whether acting under
 15 color of law or otherwise, to intimidate, threaten, coerce,
 16 or attempt to intimidate, threaten, or coerce an election
 17 worker with intent to impede, intimidate, or interfere with
 18 that election worker while the election worker is engaged
 19 in the performance of official duties, or with intent to re-
 20 taliate against the election worker on the basis of the per-
 21 formance of such duties.

22 “(c) PENALTY.—Any person who violates subsection
 23 (b) shall be fined not more than \$100,000, imprisoned for
 24 not more than 5 years, or both.

1 “(d) SPECIAL AGENTS.—The Attorney General, act-
 2 ing through the Director of the Federal Bureau of Inves-
 3 tigation, shall assign a special agent to each field office
 4 of the Federal Bureau of Investigation to investigate
 5 threats against election workers.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
 7 for chapter 29 of title 18, United States Code, is amended
 8 by adding at the end the following:

“613. Harassment of election workers.”.

9 **SEC. 7. MAKING INTIMIDATION OF TABULATION, CANVAS,**
 10 **AND CERTIFICATION EFFORTS A CRIME.**

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

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

15 (2) by adding at the end the following new sub-
 16 paragraph:

17 “(D) processing or scanning ballots, or
 18 tabulating, canvassing, or certifying voting re-
 19 sults; or”.

20 **SEC. 8. PROHIBITION OF DOXXING OF ELECTION WORKERS.**

21 Section 119(b)(2) of title 18, United States Code, is
 22 amended by adding at the end the following:

23 “(E) or an election official, poll worker, or
 24 an election volunteer in connection with an elec-
 25 tion for a Federal office.”.

1 **SEC. 9. PREVENTING POLL OBSERVER INTERFERENCE.**

2 (a) VOTER PROTECTION REQUIREMENTS.—Subtitle
3 A of title III of the Help America Vote Act of 2002 (52
4 U.S.C. 21081 et seq.) is amended by inserting after sec-
5 tion 303 the following new section:

6 **“SEC. 303A. VOTER PROTECTION REQUIREMENTS.**

7 “(a) IN GENERAL.—A State or local election official
8 may remove a poll observer from a polling location for an
9 election for Federal office or any location where proc-
10 essing, scanning, tabulating, canvassing, or certifying vot-
11 ing results in such an election is occurring on the basis
12 that the State or local election official has a reasonable
13 basis to believe that the observer—

14 “(1) has engaged in, or imminently will engage
15 in, intimidation or deceptive practices prohibited by
16 Federal law; or

17 “(2) has disrupted, or will disrupt, the voting,
18 processing, scanning, tabulating, or canvassing of
19 ballots or the certification of results.

20 “(b) RULE OF CONSTRUCTION.—Nothing in sub-
21 section (a) may be construed to prevent a State or a unit
22 of local government in a State from permitting the re-
23 moval of a poll observer for reasons other than those de-
24 scribed in subsection (a).

25 “(c) EFFECTIVE DATE.—This section shall apply
26 with respect to elections for Federal office occurring on

1 and after the date of enactment of the Election Worker
2 Protection Act of 2022.”.

3 (b) CONFORMING AMENDMENT RELATING TO VOL-
4 UNTARY GUIDANCE.—Section 311(b) of the Help America
5 Vote Act of 2022 (52 U.S.C. 21101(b)) is amended—

6 (1) in paragraph (2), by striking “and” at the
7 end;

8 (2) in paragraph (3), by striking the period at
9 the end and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(4) in the case of recommendations with re-
12 spect to section 303A, January 1, 2024.”.

13 (c) CLERICAL AMENDMENT.—The table of contents
14 of the Help America Vote Act of 2002 is amended by in-
15 serting after the item relating to section 303 the following:

“Sec. 303A. Voter protection requirements.”.

