

118TH CONGRESS
1ST SESSION

S. 1318

To provide enhanced protections for election workers.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2023

Ms. KLOBUCHAR (for herself, Mr. DURBIN, Mr. KING, Mr. MARKEY, Mr. REED, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mr. BENNET, Mr. WELCH, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. HICKENLOOPER, Mr. SANDERS, Mr. WARNER, Mr. PADILLA, Ms. WARREN, Mr. SCHATZ, Ms. SMITH, Mr. MERKLEY, Mr. WHITEHOUSE, Ms. STABENOW, Ms. HIRONO, and Mr. MENENDEZ) 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 2023”.

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-

1 cial, poll worker, or an election volunteer in connec-
 2 tion with the administration of an election for a
 3 Federal office.

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

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

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

14 **“PART 7—ELECTION WORKER RECRUITMENT,**
 15 **TRAINING, AND SAFETY**

16 **“SEC. 297. GRANTS TO STATES FOR POLL WORKER AND**
 17 **ELECTION VOLUNTEER RECRUITMENT AND**
 18 **TRAINING.**

19 “(a) IN GENERAL.—Not later than 1 year after the
 20 date of enactment of the Election Worker Protection Act
 21 of 2023, 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 recruiting and training
 24 individuals to serve as poll workers and election volunteers
 25 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); divided by

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; bears to

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 under this section,
18 the recipient shall submit a report to the Commis-
19 sion on the activities conducted with the funds pro-
20 vided 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 2024 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 2023, 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) AMOUNT OF GRANT.—

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

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

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

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

6 “(A) the voting age population of the State
7 (as determined on the basis of the most recent
8 information available from the Bureau of the
9 Census); divided by

10 “(B) the total voting age population of all
11 States (as determined on the basis of the most
12 recent information available from the Bureau of
13 the Census).

14 “(d) RULES FOR STATES THAT DO NOT SUBMIT AN
15 APPLICATION AND GRANTS TO POLITICAL SUBDIVI-
16 SIONS.—

17 “(1) IN GENERAL.—If a State fails to submit
18 an application under subsection (b) at the time es-
19 tablished by the Commission for such submission,
20 the Commission may offer to political subdivisions
21 within that State the opportunity to apply for a pay-
22 ment under this section.

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

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

3 “(B) provide assurances that—

4 “(i) the funds provided under this sec-
5 tion will be used to supplement and not
6 supplant other funds used to carry out the
7 activities; and

8 “(ii) the political subdivision will fur-
9 nish the Commission with information on
10 the number of individuals provided services
11 under this section.

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

18 “(A) the aggregate amount made available
19 for grants to States under this section; bears to

20 “(B) the voting age population percentage
21 for the political subdivision of the State.

22 “(e) REPORTS TO CONGRESS.—

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

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

3 “(B) the Committees on Administration
4 and Appropriations of the House of Representa-
5 tives.

6 “(2) REPORTS BY RECIPIENTS OF GRANTS.—
7 Not later than 180 days after the date on which the
8 Commission makes a final grant under this section,
9 the recipient shall submit a report to the Commis-
10 sion on the activities conducted with the funds pro-
11 vided under the grant.

12 “(3) REPORTS BY COMMISSION.—Not later
13 than 1 year after the date on which the Commission
14 makes the final grant under this section, the Com-
15 mission shall submit a report to the relevant com-
16 mittees regarding—

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

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

20 “(C) such recommendations for physical
21 security services and social media threat moni-
22 toring as the Commission considers appropriate.

23 “(f) FUNDING.—There is authorized to be appro-
24 priated to the Commission for fiscal year 2024 and each
25 succeeding fiscal year such sums as may be necessary for

1 payments under this section, to remain available until ex-
 2 pended.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
 4 of the Help America Vote Act of 2002 is amended by add-
 5 ing at the end of the items relating to subtitle D of title
 6 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.”.

7 **SEC. 4. DEPARTMENT OF JUSTICE TRAINING RESOURCES**
 8 **FOR ADDRESSING THREATS TO ELECTION**
 9 **WORKERS.**

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

18 (b) TRAINING.—The Attorney General shall make
 19 training available to Department prosecutors and to As-
 20 sistant United States Attorneys on countering and pros-
 21 ecuting threats to election workers.

1 **SEC. 5. GRANT PROGRAM TO PREVENT DISCLOSURE OF**
2 **PERSONAL INFORMATION OF ELECTION**
3 **WORKERS.**

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

9 (1) are—

10 (A) States or units of local government (as
11 those terms are defined in section 901 of the
12 Omnibus Crime Control and Safe Streets Act of
13 1968 (34 U.S.C. 10251)); or

14 (B) agencies of States or units of local
15 government; and

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

18 (b) **APPLICATION.**—Each entity described in sub-
19 section (a) that desires a payment under this section shall
20 submit to the Attorney General an application at such
21 time, in such manner, and containing such information as
22 the Attorney General may reasonably require.

23 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is
24 authorized to be appropriated such sums as may be nec-
25 essary to provide grants to entities described in subsection
26 (a) to create or expand programs designed to protect the

1 personally identifiable information of election workers, in-
2 cluding through—

3 (1) the creation of programs to redact or re-
4 move the personally identifiable information of elec-
5 tion workers, upon request, from public records
6 maintained by State agencies, including by hiring
7 third parties to redact or remove the personally iden-
8 tifiable information of election workers from public
9 records;

10 (2) the expansion of existing programs to pro-
11 tect personally identifiable information of election
12 workers;

13 (3) the development or improvement of proto-
14 cols, procedures, and policies to prevent the release
15 of personally identifiable information of election
16 workers;

17 (4) the defrayment of costs of modifying or im-
18 proving existing databases and registries to ensure
19 that personally identifiable information of election
20 workers is protected from release; and

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

25 (d) REPORT.—

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

12 (2) STATES AND LOCAL GOVERNMENTS.—Not
13 later than 180 days after the date on which a State
14 or local government receives funds under this sec-
15 tion, the State or local government shall submit to
16 the Comptroller General a report that, with respect
17 to that State or local government, contains the infor-
18 mation described in paragraph (1) to be included in
19 the report required under that paragraph.

20 **SEC. 6. HARASSMENT OF ELECTION WORKERS PROHIB-**
21 **ITED.**

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

1 **“§ 612. Harassment of election workers**

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

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

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

18 “(d) SPECIAL AGENTS.—The Attorney General, act-
19 ing through the Director of the Federal Bureau of Inves-
20 tigation, shall assign a special agent to each field office
21 of the Federal Bureau of Investigation to investigate
22 threats against election workers.”.

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

“612. Harassment of election workers.”.

1 **SEC. 7. MAKING INTIMIDATION OF TABULATION, CANVAS,**
2 **AND CERTIFICATION EFFORTS A CRIME.**

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

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

7 (2) by adding at the end the following new sub-
8 paragraph:

9 “(D) processing or scanning ballots, or
10 tabulating, canvassing, or certifying voting re-
11 sults; or”.

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

13 Section 119(b)(2) of title 18, United States Code, is
14 amended—

15 (1) in subparagraph (C), by striking “or” at the
16 end;

17 (2) in subparagraph (D), by inserting “or” at
18 the end; and

19 (3) by adding at the end the following new sub-
20 paragraph:

21 “(E) an election official, poll worker, or an
22 election volunteer in connection with an election
23 for a Federal office.”.

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

25 (a) **VOTER PROTECTION REQUIREMENTS.**—Subtitle
26 A of title III of the Help America Vote Act of 2002 (52

1 U.S.C. 21081 et seq.) is amended by inserting after sec-
2 tion 303 the following new section:

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

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

11 “(1) has engaged in, or imminently will engage
12 in, intimidation or deceptive practices prohibited by
13 Federal law; or

14 “(2) has disrupted, or will disrupt, the voting,
15 processing, scanning, tabulating, or canvassing of
16 ballots or the certification of results.

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

22 “(c) EFFECTIVE DATE.—This section shall apply
23 with respect to elections for Federal office occurring on
24 and after the date of enactment of the Election Worker
25 Protection Act of 2023.”.

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

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

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

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

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

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

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

○