

118TH CONGRESS
2D SESSION

S. 3912

To protect election workers and polling places.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2024

Mr. OSSOFF introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To protect election workers and polling places.

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 and
5 Polling Place Protection Act”.

6 **SEC. 2. PROHIBITION ON INTERFERENCE AND INTIMIDA-**
7 **TION.**

8 Section 11 of the Voting Rights Act of 1965 (52
9 U.S.C. 10307) is amended by adding at the end the fol-
10 lowing:

11 “(f)(1)(A) Whoever, whether or not acting under
12 color of law, by force or threat of force, or by violence

1 or threat of violence to any person or property, willfully
2 interferes with or attempts to interfere with, the ability
3 of any person or any class of persons to vote or qualify
4 to vote, or to qualify or act as a poll watcher or as any
5 legally authorized election official, in any primary, special,
6 or general election, or any person who is, or is employed
7 by, an agent, contractor, or vendor of a legally authorized
8 election official assisting in the administration of any pri-
9 mary, special, or general election to assist in that adminis-
10 tration, shall be fined not more than \$2,500, or impris-
11 oned not more than 6 months, or both.

12 “(B) Whoever, whether or not acting under color of
13 law, by force or threat of force, or by violence or threat
14 of violence to any person or property, willfully intimidates
15 or attempts to intimidate, any person or any class of per-
16 sons seeking to vote or qualify to vote, or to qualify or
17 act as a poll watcher or as any legally authorized election
18 official, in any primary, special, or general election, or any
19 person who is, or is employed by, an agent, contractor,
20 or vendor of a legally authorized election official assisting
21 in the administration of any primary, special, or general
22 election, shall be fined not more than \$2,500, or impris-
23 oned not more than 6 months, or both.

24 “(C) If bodily injury results from an act committed
25 in violation of this paragraph or if such act includes the

1 use, attempted use, or threatened use of a dangerous
2 weapon, an explosive, or fire, then, in lieu of the remedy
3 described in subparagraph (A) or (B), the violator shall
4 be fined not more than \$5,000 or imprisoned not more
5 than 1 year, or both.

6 “(2)(A) Whoever, whether or not acting under color
7 of law, willfully physically damages or threatens to phys-
8 ically damage any physical property being used as a poll-
9 ing place or tabulation center or other election infrastruc-
10 ture, with the intent to interfere with the administration
11 of a primary, general, or special election or the tabulation
12 or certification of votes for such an election, shall be fined
13 not more than \$2,500, or imprisoned not more than 6
14 months, or both.

15 “(B) If bodily injury results from an act committed
16 in violation of this paragraph or if such act includes the
17 use, attempted use, or threatened use of a dangerous
18 weapon, an explosive, or fire, then, in lieu of the remedy
19 described in subparagraph (A), the violator shall be fined
20 not more than \$5,000 or imprisoned not more than 1 year,
21 or both.

22 “(3) For purposes of this subsection, de minimus
23 damage or a threat of de minimus damage to physical
24 property shall not be considered a violation of this sub-
25 section.

1 “(4) For purposes of this subsection, the term ‘elec-
2 tion infrastructure’ means any office of a legally author-
3 ized election official, or a staffer, worker, or volunteer, as-
4 sisting such an election official or any physical, mechan-
5 ical, or electrical device, structure, or tangible item, used
6 in the process of creating, distributing, voting, returning,
7 counting, tabulating, auditing, storing, or other handling
8 of voter registration or ballot information.

9 “(g) No prosecution of any offense described in sub-
10 section (f) may be undertaken by the United States, ex-
11 cept under the certification in writing of the Attorney Gen-
12 eral, or a designee, that—

13 “(1) the State does not have jurisdiction;

14 “(2) the State has requested that the Federal
15 Government assume jurisdiction; or

16 “(3) a prosecution by the United States is in
17 the public interest and necessary to secure substan-
18 tial justice.”.

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