

117TH CONGRESS
1ST SESSION

S. 3142

To protect election workers and polling places.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2021

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

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. ELECTION WORKER AND POLLING PLACE PROTEC-**
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) Whoever, whether or not acting under color
12 of law, by force or threat of force, or violence, or threat

1 of harm to any person or property, willfully intimidates
2 or interferes with, or attempts to intimidate or interfere
3 with, the ability of any person or any class of persons to
4 vote or qualify to vote, or to qualify or act as a poll watch-
5 er, or any legally authorized election official, in any pri-
6 mary, special, or general election, or any person who is,
7 or is employed by, an agent, contractor, or vendor of a
8 legally authorized election official assisting in the adminis-
9 tration of any primary, special, or general election, shall
10 be fined not more than \$5,000, or imprisoned not more
11 than one year, or both; and if bodily injury results from
12 the acts committed in violation of this paragraph or if
13 such acts include the use, attempted use, or threatened
14 use of a dangerous weapon, explosives, or fire, shall be
15 fined not more than \$5,000 or imprisoned not more than
16 5 years, or both.

17 “(2) Whoever, whether or not acting under color of
18 law, willfully physically damages or threatens to physically
19 damage any physical property being used as a polling
20 place or tabulation center or other election infrastructure,
21 with the intent to interfere with the administration of an
22 election or the tabulation or certification of votes, shall
23 be fined not more than \$5,000, or imprisoned not more
24 than one year, or both; and if bodily injury results from
25 the acts committed in violation of this paragraph or if

1 such acts include the use, attempted use, or threatened
2 use of a dangerous weapon, explosives, or fire, shall be
3 fined not more than \$5,000 or imprisoned not more than
4 5 years, or both.

5 “(3) For purposes of this subsection, de minimus
6 damage or threats of de minimus damage to physical prop-
7 erty shall not be considered a violation of this subsection.

8 “(4) For purposes of this subsection, the term ‘elec-
9 tion infrastructure’ means any office of an election official,
10 staff, worker, or volunteer or any physical, mechanical, or
11 electrical device, structure, or tangible item used in the
12 process of creating, distributing, voting, returning, count-
13 ing, tabulating, auditing, storing, or other handling of
14 voter registration or ballot information.

15 “(g) No prosecution of any offense described in this
16 subsection may be undertaken by the United States, ex-
17 cept under the certification in writing of the Attorney Gen-
18 eral, or a designee, that—

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

20 “(2) the State has requested that the Federal
21 Government assume jurisdiction; or

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

○