

# Election Worker Safety and Privacy

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Concerns about election workers' safety and privacy have been [reported following the 2020 election](#), in news reports and testimony before House and Senate committees. Some election workers have raised concerns about physical safety while performing official duties, as well as more general threats outside the workplace or related psychological effects. These threats, along with a perceived increase in politically motivated job scrutiny, have led some to leave, or consider leaving, their roles.

This Insight provides a brief overview of recent developments, legislative proposals, and policy considerations related to election worker safety and privacy.

## Background

Federal law prohibits certain types of intimidation of or interference with election workers, including intimidation to discourage serving as a poll watcher or election official or intimidation as a result of such service ([18 U.S.C. §245](#)); interference by members of the Armed Forces with election officials' exercise of their duties ([18 U.S.C. §593](#)); and intimidation for helping voters register ([52 U.S.C. §20511](#)) or vote ([52 U.S.C. §§10307, 20511](#)). Many states have laws that address other threats to election workers, such as through [privacy protections for election commissioners](#). More general laws—such as prohibitions against voter intimidation (e.g. [52 U.S.C. §§10101, 10307, 20511](#)) or [harassing or threatening interstate communications](#)—might also apply to some conduct.

Some state and local officials have responded to recent reports of threats to election workers with administrative action or legislative proposals. Election officials have included local law enforcement in poll worker trainings, for example, and implemented new security measures in their offices. Bills have been introduced in state legislatures to establish new prohibitions or protections, such as a [Michigan proposal](#) to prohibit intimidation of election workers and a [Washington State bill](#) to extend existing privacy protections to election officials.

## Recent Federal Developments

The executive branch has taken recent actions on election worker safety and privacy concerns. On July 29, 2021, the U.S. Department of Justice (DOJ) [announced](#) the creation of an Election Threats Task Force comprised of representatives of DOJ Offices, the Federal Bureau of Investigation (FBI), and interagency

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partners, such as the U.S. Department of Homeland Security (DHS), “to address the rise in threats against election workers, administrators, officials, and others associated with the electoral process.” The U.S. Attorney General, DOJ officials, and the Director of the FBI met with more than 1,400 election officials on August 26, 2021, to discuss these threats. DOJ announced the first indictment and arrest related to the Task Force on January 21, 2022.

In addition to enforcement efforts, federal agencies have provided resources or support for election workers. For example, DOJ and the U.S. Election Assistance Commission (EAC) permit use of certain grant funds to address threats to election workers. DHS’s Cybersecurity and Infrastructure Security Agency (CISA) also offers publications and services to help election officials respond to physical and online threats, the EAC has released a webpage and series of videos about election official security, and the EAC’s Board of Advisors adopted a resolution condemning threats against election workers and calling for additional agency resources to help protect them.

There has also been activity on the issue in Congress. Election administrators and other witnesses have testified about recent threats to election workers in at least three congressional hearings: a Committee on House Administration hearing on July 28, 2021, and Senate Committee on Rules and Administration hearings on October 26, 2021, and May 19, 2022. Some Senators have also sent letters expressing concern over the threats to election workers; requesting updates on the DOJ Task Force and making recommendations for its work with state and local officials and election workers; and requesting EAC guidance on resources for addressing threats.

Some bills introduced in the 117<sup>th</sup> Congress would address election worker security directly, including through provisions that would

- prohibit harassment of election workers with intent to interfere with or retaliate for performance of official duties (H.R. 4064/S. 2155; H.R. 5746; S. 2093; S. 2747);
  - prohibit intimidation for the purpose of interfering with election administration duties (H.R. 777);
  - prohibit physically damaging election infrastructure, with enhanced penalties for certain types of threats and harms (H.R. 5746; H.R. 6872/S. 3142; S. 4; S. 2928);
  - extend a prohibition on certain types of intimidation in federal elections to intimidation for processing ballots or tabulating, canvassing, or certifying votes (H.R. 5053/S. 2626; H.R. 5746; S. 2747);
  - extend a prohibition on intimidating poll watchers and election officials to cases involving violence or threats of harm to people or property and to election agents, vendors, and contractors (S. 4; S. 2928);
  - prohibit intimidation of poll watchers, election officials, and election agents, vendors, and contractors that involves violence or threats of harm, with enhanced penalties for certain types of threats and harms (H.R. 5746; H.R. 6872/S. 3142);
  - prohibit removal or suspension of local election administrators except for specified reasons, such as neglect of duty or malfeasance in office (H.R. 4064/S. 2155; H.R. 5746; S. 2747);
  - extend or create privacy protections for election workers and their families (H.R. 4064/S. 2155; H.R. 5314; H.R. 5746; S. 2093; S. 2747); and
  - establish in statute a DOJ-led election officials security task force with representatives from the FBI; the U.S. Marshals Service; CISA; the EAC; state and local prosecutors; election officials; and election officials associations (H.R. 5314).
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Legislation has also been introduced in the 117<sup>th</sup> Congress that would authorize or appropriate funding states might choose to use to address threats to election workers. The Consolidated Appropriations Act, 2022 (P.L. 117-103) provided funding for general improvements to the administration of federal elections, for example, and multiple bills would authorize a grant program for recruiting and training poll workers (H.R. 1/S. 1/S. 2093; H.R. 2358/S. 954; H.R. 5746; S. 2747). Another bill (S. 4239) would authorize funding states could use to recruit, train, retain, and protect election workers and prohibit use of the funding to intimidate election workers or remove election administrators on grounds other than negligence, neglect of duty, or malfeasance in office.

## Potential Considerations for Congress

As noted above, states, localities, and federal agencies have taken some steps to address threats to election workers. Congress might choose to leave any further action to federal agencies under their existing authorities or to state and local officials.

Members might also see a role for Congress in strengthening protections—or helping states and localities strengthen protections—for election workers. The following questions might be relevant to Members who are considering whether or how to engage with this issue.

- **How might threats be addressed?** Would action be aimed at addressing obstacles to enforcement of existing laws, for example, or at helping fund security efforts or establishing new penalties, prohibitions, or protections?
- **What types of threats might be addressed?** Would proposed action focus on activities affecting election workers' physical, psychological, or economic well-being or a combination? Would it address threats to election workers while they were conducting their official duties, in their private lives, or both?
- **Who might be covered by proposed protections?** Would protections apply only to election officials or also to volunteer workers, vendors and contractors, or family members?

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