

117TH CONGRESS
1ST SESSION

S. 2928

To amend section 245 of title 18, United States Code, to expand protections for election workers, polling places, and other election infrastructure against threats and violence.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2021

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

A BILL

To amend section 245 of title 18, United States Code, to expand protections for election workers, polling places, and other election infrastructure against threats and violence.

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. FEDERALLY PROTECTED ACTIVITIES.**

7 Section 245 of title 18, United States Code, is
8 amended—

1 (1) in subsection (b)—

2 (A) in the matter preceding paragraph (1),
 3 by striking “willfully” and inserting “, or vio-
 4 lence, or threat of harm to any person or prop-
 5 erty, intentionally”;

6 (B) in paragraph (1)(A), by inserting “, or
 7 any agent, contractor, or vendor of a legally au-
 8 thorized election official assisting in the admin-
 9 istration of any primary, special, or general
 10 election” before the semicolon at the end; and

11 (C) in the undesignated matter following
 12 paragraph (5), by striking “of this section”
 13 each place it appears and inserting “of this sub-
 14 section”;

15 (2) by redesignating subsections (c) and (d) as
 16 subsections (d) and (e), respectively; and

17 (3) by inserting after subsection (b) the fol-
 18 lowing:

19 “(c)(1) Whoever, whether or not acting under color
 20 of law, intentionally physically damages or threatens to
 21 physically damage any physical property being used as a
 22 polling place or tabulation center or other election infra-
 23 structure shall be fined under this title, or imprisoned not
 24 more than 1 year, or both; and if bodily injury results
 25 from the acts committed in violation of this subsection or

1 if such acts include the use, attempted use, or threatened
2 use of a dangerous weapon, explosives, or fire shall be
3 fined under this title, or imprisoned not more than 10
4 years, or both; and if death results from the acts com-
5 mitted in violation of this subsection or if such acts include
6 kidnapping or an attempt to kidnap, aggravated sexual
7 abuse or an attempt to commit aggravated sexual abuse,
8 or an attempt to kill, shall be fined under this title or
9 imprisoned for any term of years or for life, or both.

10 “(2) For purposes of this subsection, de minimus
11 damage or threats of de minimus damage to physical prop-
12 erty, such as graffiti, shall not be considered a violation
13 of paragraph (1).

14 “(3) In this subsection, the term ‘election infrastruc-
15 ture’ means any office of an election official, staff, worker,
16 or volunteer or any physical, mechanical, or electrical de-
17 vice, structure, or tangible item used in the process of cre-
18 ating, distributing, voting, returning, counting, tabulating,
19 auditing, storing, or other handling of voter registration
20 or ballot information.”.

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