

Election Worker Safety and Privacy

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Concerns about election workers' safety and privacy have been [reported since the 2020 election](#) in news reports and testimony before House and Senate committees. Some election workers have [raised concerns](#) about their physical safety while performing official duties, as well as threats to their safety and privacy outside the workplace and related psychological effects. Those concerns, 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 executive branch activities, legislative proposals, and policy considerations related to election worker safety and privacy. For more information, see CRS Legal Sidebar LSB10781, *Overview of Federal Criminal Laws Prohibiting Threats and Harassment of Election Workers*, by Jimmy Balser.

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. State legislators have introduced or enacted new prohibitions or protections, including enacted state measures such as a [New Hampshire law](#) that prohibits intimidating election officials to interfere with their work, an [Oregon law](#) that extends existing privacy protections to election workers, and a [Nevada law](#) that provides for new protections against election official doxing and intimidation.

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Federal Activity

The executive branch has taken some action on election worker safety and privacy since the 2020 election. 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 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.” DOJ [reported](#) that it has charged 14 cases and secured nine convictions related to the task force as of August 31, 2023.

In addition to enforcement efforts, federal agencies have provided resources or support for election workers. For example, DOJ, two DHS agencies, and the U.S. Election Assistance Commission (EAC) administer certain grant funds that might be used 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 hosted a [panel discussion](#) on election official security in March 2023 and has released a related [web page](#) and [series of videos](#); 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 addressed threats to election workers in testimony to several congressional committees, including the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol ([June 21, 2022](#)); the House Committee on Homeland Security ([July 20, 2022](#)); the Committee on House Administration (CHA) ([July 28, 2021](#), [April 27, 2023](#), and [June 14, 2023](#)), CHA subcommittees ([June 22, 2022](#), [July 27, 2022](#), [March 10, 2023](#), and [March 23, 2023](#)), and CHA and the House Committee on Oversight and Accountability ([June 7, 2023](#)); the House Committee on Oversight and Reform ([August 11, 2022](#)); the Senate Committee on Rules and Administration ([October 26, 2021](#), [May 19, 2022](#), [August 3, 2022](#), [March 28, 2023](#), and [June 7, 2023](#)); and the Senate Committee on the Judiciary ([August 3, 2022](#)).

In the 117th Congress, the majority staff of the House Committee on Oversight and Reform released a [report about the effects of election misinformation and disinformation](#), including threats to election workers, that drew on responses from election officials to [letters from the committee and CHA](#). Some Senators have also sent letters to federal agencies requesting updates or action on threats to election workers, such as a [DHS- and FBI-issued public service announcement to local law enforcement agencies](#) and [updates on the EAC’s efforts to support election officials](#).

Some bills introduced in the 117th Congress or 118th Congress have aimed to address election worker security directly, including through proposals to

- prohibit intimidation of election workers with intent to interfere with or retaliate for performance of official duties (117th Congress: H.R. 777, H.R. 4064/S. 2155, H.R. 5746, S. 2093, S. 2747, S. 4920; 118th Congress: H.R. 11/S. 1/S. 2344, S. 1318);
- prohibit intimidation for or interference with helping voters register, vote, or both (117th Congress: H.R. 1/S. 1/S. 2093, H.R. 1245, H.R. 1366, H.R. 2358/S. 954, H.R. 5746, S. 1840, S. 2747; 118th Congress: H.R. 11/S. 1/S. 2344, H.R. 1583);
- prohibit physically damaging election infrastructure, with enhanced penalties for certain types of threats and harms (117th Congress: 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 (117th Congress: H.R. 5053/S. 2626, H.R. 5746, S. 2747, S. 4920; 118th Congress: H.R. 11/S. 1/S. 2344, S. 1318, H.R. 3130/S. 1487);

- 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 (117th Congress: 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 (117th Congress: 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 (117th Congress: H.R. 4064/S. 2155, H.R. 5746, S. 2747) and direct state election officials to report any such removals or suspensions to DOJ (118th Congress: H.R. 11/S. 1 /S. 2344, H.R. 5046/S. 2575);
- [extend](#) or create privacy protections for election workers and their families (117th Congress: H.R. 4064/S. 2155, H.R. 5314, H.R. 5746, S. 2093, S. 2747, S. 4920; 118th Congress: H.R. 11/S. 1 /S. 2344, S. 1318);
- increase the penalty for violating a [prohibition on intimidating poll watchers and election officials](#) (117th Congress: S. 4574);
- establish in statute a DOJ-led election officials security task force (117th Congress: H.R. 5314);
- prohibit possession of unauthorized firearms at federal election sites (118th Congress: H.R. 2471); or
- direct DOJ to provide law enforcement and federal attorneys with training and resources on addressing threats to election workers and assign a special agent to each FBI field office to investigate such threats (117th Congress: S. 4920; 118th Congress: S. 1318).

Legislation has also been introduced in recent Congresses to authorize or appropriate funding states might choose to use to address threats to election workers. For example, appropriations measures enacted in the 117th Congress (P.L. 117-103; P.L. 117-328) provided funding for improvements to the administration of federal elections. Members have also introduced legislation in the 117th and 118th Congresses to authorize funding for recruiting, training, retaining, or protecting election workers (117th Congress: H.R. 1/S. 1/S. 2093, H.R. 2358/S. 954, H.R. 5746, H.R. 7992/S. 4239, S. 2747, S. 4920; 118th Congress: H.R. 11/S. 1 /S. 2344, H.R. 5292/S. 630, S. 1318); supplementing election worker pay (117th Congress: H.R. 8015; 118th Congress: H.R. 3436/S. 1609); providing election workers with physical security services and social media threat monitoring (117th Congress: S. 4920; 118th Congress: S. 1318); and preventing disclosure of election workers' personal information (117th Congress: S. 4920; 118th Congress: S. 1318).

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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