

119TH CONGRESS
2D SESSION

S. _____

To prohibit interference in elections for Federal office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. PADILLA (for himself, Mr. BLUMENTHAL, Mr. KING, Ms. KLOBUCHAR, Mr. HICKENLOOPER, Ms. HIRONO, Ms. SLOTKIN, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prohibit interference in elections for Federal office, and
for other purposes.

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 “Stop Harassment and
5 Intimidations in Elections through Legal Defenses
6 (SHIELD) Our Elections Act”.

TITLE I—ELECTION INTERFERENCE

SEC. 101. PRIVATE RIGHT OF ACTION FOR FEDERAL INTER- FERENCE AT ELECTION LOCATIONS.

(a) IN GENERAL.—A person who is aggrieved by a violation of section 592, 593, or 594 of title 18, United States Code, may bring a civil action in the appropriate district court for declaratory or injunctive relief to prevent or halt the violation.

(b) ATTORNEYS' FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses and costs.

(c) NO INFERENCE.—Nothing in this section shall be construed to deny any right otherwise provided under law for relief from any violation of a provision described in subsection (a).

SEC. 102. EXTENSION OF STATUTE OF LIMITATIONS FOR CERTAIN ELECTION INTERFERENCE CRIMES.

(a) TROOPS AT POLLS.—Section 592 of title 18, United States Code, is amended by adding at the end the following:

“No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted not later than

1 9 years after the date on which the offense was com-
2 mitted.”.

3 (b) INTERFERENCE BY ARMED FORCES.—Section
4 593 of title 18, United States Code, is amended by adding
5 at the end the following:

6 “No person shall be prosecuted, tried, or punished
7 for any offense under this section unless the indictment
8 is found or the information is instituted not later than
9 9 years after the date on which the offense was com-
10 mitted.”.

11 (c) INTIMIDATION OF VOTERS.—Section 594 of title
12 18, United States Code, is amended—

13 (1) by striking “Whoever intimidates” and in-
14 serting “(a) IN GENERAL.—Whoever intimidates”;
15 and

16 (2) by adding at the end the following:

17 “(b) STATUTE OF LIMITATIONS.—No person shall be
18 prosecuted, tried, or punished for any offense under this
19 section unless the indictment is found or the information
20 is instituted not later than 9 years after the date on which
21 the offense was committed.”.

22 (d) VOTING RIGHTS ACT OF 1965.—Section 11 of
23 the Voting Rights Act of 1965 (52 U.S.C. 10307) is
24 amended by adding at the end the following:

1 “(f) No person shall be prosecuted, tried, or punished
2 for any offense under this section unless the indictment
3 is found or the information is instituted not later than
4 9 years after the date on which the offense was com-
5 mitted.”.

6 (e) NATIONAL VOTER REGISTRATION ACT OF
7 1993.—Section 12 of the National Voter Registration Act
8 of 1993 (52 U.S.C. 20511) is amended—

9 (1) in the matter preceding paragraph (1), by
10 striking “A person” and inserting “(a) IN GEN-
11 ERAL.—A person”; and

12 (2) by adding at the end the following:

13 “(b) STATUTE OF LIMITATIONS.—No person shall be
14 prosecuted, tried, or punished for any offense under this
15 section unless the indictment is found or the information
16 is instituted not later than 9 years after the date on which
17 the offense was committed.”.

18 **TITLE II—ELECTION RECORDS**

19 **SEC. 201. RESTRICTIONS ON SEIZURE OF BALLOTS.**

20 (a) IN GENERAL.—Title III of the Civil Rights Act
21 of 1960 (52 U.S.C. 20701 et seq.) is amended by redesign-
22 ating sections 305 and 306 as sections 306 and 307, re-
23 spectively, and by inserting after section 304 the following
24 new section:

1 **“SEC. 305. RESTRICTIONS ON SEIZURE OF BALLOTS.**

2 “(a) RESTRICTION.—

3 “(1) IN GENERAL.—No record or paper to
4 which section 301 applies, and no election equipment
5 used in an election described in such section, may be
6 seized by State or Federal law enforcement before
7 the time at which any recount, audit, or legal chal-
8 lenge to the results of the election to which such
9 record or paper relate, or in which such equipment
10 is used, has been conclusively resolved.

11 “(2) EXCEPTION.—Paragraph (1) shall not
12 apply if an appropriate judge in the United States
13 district court in which the record, paper, or equip-
14 ment is located determines, pursuant to an action
15 brought in such court, that there is clear and con-
16 vincing evidence that such record, paper, or equip-
17 ment is at risk of being destroyed. In any case in
18 which records, papers, or equipment are seized
19 under this paragraph, such records, papers, or
20 equipment may be removed but shall remain in the
21 joint custody of the person authorized by the court
22 to remove such records or papers and an election of-
23 ficer designated by the court.

24 “(b) CHAIN OF CUSTODY.—In any case in which
25 records, papers, or election equipment described in sub-

1 section (a) are seized, the person controlling such records,
2 papers, or equipment shall—

3 “(1) maintain a record of the chain of custody
4 of such records, papers, or equipment; and

5 “(2) allow the election official from whom the
6 records, papers, or equipment were seized access to
7 such records, papers, or equipment.”.

8 (b) NO INFERENCE.—Nothing in this section or the
9 amendments made by this section shall be construed to
10 limit the application of any other provision of law which
11 otherwise restricts the seizure of records or papers relating
12 to an election for Federal office or of any equipment used
13 in such an election.

14 **TITLE III—BALLOT MATERIALS**
15 **TRACKING PROGRAM**

16 **SEC. 301. GRANTS TO ESTABLISH STATE BALLOT MATE-**
17 **RIALS TRACKING PROGRAM.**

18 (a) IN GENERAL.—Subtitle D of title II of the Help
19 America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is
20 amended by adding at the end the following new part:

1 **“PART 7—BALLOTING MATERIALS TRACKING**
2 **PROGRAMS**

3 **“SEC. 297. GRANTS FOR QUALIFYING BALLOTING MATE-**
4 **RIALS TRACKING PROGRAMS.**

5 “(a) PAYMENTS FOR COSTS OF PROGRAM.—The
6 Commission is authorized to make grants to States to
7 cover costs incurred in establishing and administering a
8 qualifying balloting materials tracking programs.

9 “(b) QUALIFYING ABSENTEE BALLOT TRACKING
10 PROGRAM.—

11 “(1) IN GENERAL.—For purposes of this sec-
12 tion, the term ‘qualifying absentee ballot tracking
13 program’ means a program established in a State—

“(A) under which the State or local elec-
tion official responsible for the receipt of voted
mail-in ballots and absentee ballots in an elec-
tion for Federal office—

18 “(i) tracks and confirms the receipt of
19 such ballots; and

“(ii) makes information on the receipt
of such ballots available to the individual
who cast the ballot; and

23 “(B) which meets the requirements of
24 paragraphs (2), (3), and (4).

25 “(2) INFORMATION REQUIREMENTS.—A pro-
26 gram meets the requirements of this paragraph if

1 such program provides to a voter the following infor-
2 mation with respect to that voter:

3 “(A) The date on which any request by the
4 voter for an application for voter registration or
5 an absentee ballot was received.

6 “(B) The date on which any such re-
7 quested application was sent to the voter.

8 “(C) The date on which any such com-
9 pleted application was received from the voter
10 and the status of such application.

11 “(D) The date on which any mail-in ballot
12 or absentee ballot was sent to the voter.

13 “(E) The date on which any mail-in ballot
14 or absentee ballot was out for delivery to the
15 voter.

16 “(F) Whether such ballot was accepted
17 and counted, and in the case of any ballot not
18 counted, the reason why the ballot was not
19 counted.

20 The information described in subparagraph (F) shall
21 be available not later than 1 day after a determina-
22 tion is made on whether or not to accept and count
23 the ballot.

24 “(3) PUBLIC AVAILABILITY REQUIREMENTS.—A
25 program meets the requirements of this paragraph if

1 the information described in subparagraphs (D) and
2 (F) of paragraph (2) is made available to political
3 parties and voter registration organizations, at cost
4 to cover the expense of providing such information,
5 for use, in accordance with State guidelines and pro-
6 cedures, in helping to return or cure mail-in ballots
7 during any period in which mail-in ballots may be
8 returned.

9 “(4) ACCESSIBILITY OF INFORMATION.—

10 “(A) IN GENERAL.—Except as provided
11 under subparagraph (B), a program meets the
12 requirements of this paragraph if the informa-
13 tion provided under the program is available by
14 means of online access using the internet site of
15 the State or local election office.

16 “(B) USE OF TOLL-FREE TELEPHONE
17 NUMBER BY OFFICIALS WITHOUT INTERNET
18 SITE.—In the case of a State or local election
19 official whose office does not have an internet
20 site, the program meets the requirements of
21 this paragraph if the official establishes a toll-
22 free telephone number that may be used by an
23 individual who cast an absentee ballot to obtain
24 the information required under paragraph (2).

25 “(c) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) AUTHORIZATION.—There are authorized to
2 be appropriated \$50,000,000 to the Commission for
3 fiscal year 2027 for payments under this section.

4 “(2) CONTINUING AVAILABILITY OF FUNDS.—
5 Any amounts appropriated pursuant to the author-
6 ization under this section shall remain available until
7 expended.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 of such Act is amended by adding at the end of the items
10 relating to subtitle D of title II the following:

 “PART 7—BALLOTING MATERIALS TRACKING PROGRAMS

 “Sec. 297. Grants for qualifying balloting materials tracking programs.”.