

AMENDMENT TO
RULES COMMITTEE PRINT 117-20
OFFERED BY MR. AGUILAR OF CALIFORNIA

Page 175, insert after line 18 the following (and re-designate the succeeding provisions accordingly):

1 **DIVISION D—PROTECTING**
2 **ELECTION OFFICIALS**
3 **TITLE XV—PROTECTING ELEC-**
4 **TION OFFICIALS FROM DIS-**
5 **CLOSURE OF PERSONALLY**
6 **IDENTIFIABLE INFORMATION**

7 **SEC. 1501. SHORT TITLE.**

8 This title may be cited as the “Election Officials Pro-
9 tection Act”.

10 **SEC. 1502. REQUIRING STATES TO MAINTAIN LIST OF ELEC-**
11 **TION OFFICIALS PROTECTED FROM DISCLO-**
12 **SURE OF PERSONALLY IDENTIFIABLE INFOR-**
13 **MATION.**

14 (a) **REQUIREMENT.**—Title III of the Help America
15 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
16 by inserting after section 303 the following new section:

1 tion is made, due to his or her service as an
2 election official.

3 “(C) Any police, court, or other govern-
4 ment agency records or files that show any
5 complaints of alleged threats or acts of violence
6 against the applicant.

7 “(D) The signature of the applicant and of
8 any individual or representative of any office
9 designated in writing who assisted in the prepa-
10 ration of the application, and the date on which
11 the applicant signed the application.

12 “(E) Such other information and assur-
13 ances as the chief State election official may re-
14 quire.

15 “(2) PERIOD OF PARTICIPATION.—Upon filing
16 a properly completed application under this sub-
17 section, the chief State election official shall certify
18 the applicant as a program participant for a period
19 of 4 years following the date of filing, unless the ap-
20 plicant’s participation in the program is terminated
21 before that date as provided under subsection (e).

22 “(c) ADDITIONAL NOTICE TO PROGRAM PARTICI-
23 PANTS.—The office of the chief State election official shall
24 provide each program participant a notice in clear and

1 conspicuous font that contains all of the following infor-
2 mation:

3 “(1) The program participant may create a rev-
4 ocable living trust and place his or her real property
5 into the trust to protect his or her residential street
6 address from disclosure in real property trans-
7 actions.

8 “(2) The program participant may obtain a
9 change of his or her legal name to protect his or her
10 anonymity.

11 “(3) A list of contact information for entities
12 that the program participant may contact to receive
13 information on, or receive legal services for, the cre-
14 ation of a trust to hold real property or obtaining a
15 name change, including county bar associations,
16 legal aid societies, State and local agencies, or other
17 nonprofit organizations that may be able to assist
18 program participants.

19 “(d) PROVIDING LIST OF PARTICIPANTS TO DATA
20 BROKERS.—At the request of a data broker, the chief
21 State election official may provide the data broker with
22 the list of program participants.

23 “(e) TERMINATION OF PARTICIPATION.—

24 “(1) GROUNDS FOR TERMINATION.—The chief
25 State election official may terminate a program par-

1 participant's participation in the program for any of the
2 following reasons:

3 “(A) The program participant submits to
4 the chief State election official written notifica-
5 tion of withdrawal, in which case the participa-
6 tion shall be terminated on the date of receipt
7 of the notification.

8 “(B) The program participant's certifi-
9 cation term has expired and the participant did
10 not complete an application for renewal of the
11 certification.

12 “(C) The chief State election official deter-
13 mines that false information was used in the
14 application process to qualify as a program par-
15 ticipant or that participation in the program is
16 being used as a subterfuge to avoid detection of
17 illegal or criminal activity or apprehension by
18 law enforcement.

19 “(D) The program participant fails to dis-
20 close a change in the participant's status as an
21 election official.

22 “(2) APPEAL.—Except in the case of a termi-
23 nation on the grounds described in subparagraph
24 (A) of paragraph (1), the chief State election official
25 shall send written notification of the intended termi-

1 nation to the program participant. The program
2 participant shall have 30 business days in which to
3 appeal the termination under procedures developed
4 by the chief State election official.

5 “(3) NOTIFICATION OF LOCAL OFFICES.—The
6 chief State election official shall notify in writing the
7 appropriate local election officials, county clerks, and
8 local recording offices of the program participant’s
9 termination of participation in the program. Upon
10 receipt of this termination notification, such offi-
11 cials, clerks, and offices—

12 “(A) shall transmit to the chief State elec-
13 tion official all appropriate administrative
14 records pertaining to the program participant;
15 and

16 “(B) shall no longer be responsible for
17 maintaining the confidentiality of the program
18 participant’s record.

19 “(4) TREATMENT OF RECORDS.—

20 “(A) CONFIDENTIALITY.—Upon termi-
21 nation of a program participant’s certification,
22 the chief State election official shall retain
23 records as follows:

24 “(i) Except as provided in subpara-
25 graph (B), any records or documents per-

1 taining to a program participant shall be
2 held confidential.

3 “(ii) All records or documents per-
4 taining to a program participant shall be
5 retained for a period of three years after
6 termination of certification and then de-
7 stroyed without further notice.

8 “(B) EXCEPTION FOR TERMINATION
9 BASED ON FALSE INFORMATION OR SUBTER-
10 FUGE.—In the case of a termination on the
11 grounds described in subparagraph (C) of para-
12 graph (1), the chief State election official may
13 disclose information contained in the partici-
14 pant’s application.

15 “(f) DEFINITIONS.—

16 “(1) DATA BROKER.—In this section, the term
17 ‘data broker’ means a commercial entity that col-
18 lects, assembles, or maintains personal information
19 concerning an individual who is not a customer or
20 an employee of that entity in order to sell the infor-
21 mation or provide third party access to the informa-
22 tion.

23 “(2) ELECTION OFFICIAL.—In this section, an
24 ‘election official’ with respect to a State is any indi-
25 vidual, including a volunteer, who is authorized by

1 the State to carry out duties relating to the adminis-
2 tration of elections for Federal office held in the
3 State.

4 “(3) MEMBER OF THE IMMEDIATE FAMILY.—In
5 this section, the term ‘member of the immediate
6 family’ means, with respect to an individual, a
7 spouse, domestic partner, child, stepchild, parent, or
8 any blood relative of an individual who lives in the
9 same residence as the individual.

10 “(4) PERSONALLY IDENTIFIABLE INFORMA-
11 TION.—The term ‘personally identifiable informa-
12 tion’ means, with respect to any individual—

13 “(A) a home address, including a primary
14 residence or vacation home address;

15 “(B) a home, personal mobile, or direct
16 telephone line to a private office or residence;

17 “(C) a personal email address;

18 “(D) a social security number, driver’s li-
19 cense number, or voter registration information
20 that includes a home address;

21 “(E) a bank account or credit or debit
22 card information;

23 “(F) property tax records or any property
24 ownership records, including a secondary resi-

1 dence and any investment property at which the
2 individual resides for part of a year;

3 “(G) birth and marriage records;

4 “(H) vehicle registration information;

5 “(I) the identification of children of the in-
6 dividual under the age of 18;

7 “(J) the date of birth;

8 “(K) directions to a home of the individual
9 or a member of the immediate family of the in-
10 dividual;

11 “(L) a photograph of any vehicle including
12 the license plate or of a home including an ad-
13 dress of the individual or member of the imme-
14 diate family of the individual;

15 “(M) the name and location of a school or
16 day care facility attended by a child of the indi-
17 vidual or by a child of a member of the imme-
18 diate family of the individual; or

19 “(N) the name and location of an employer
20 of the individual or a member of the immediate
21 family of the individual.”.

22 (b) CONFORMING AMENDMENT RELATING TO EN-
23 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
24 is amended by striking “and 303” and inserting “303, and
25 303A”.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 of such Act is amended by inserting after the item relating
3 to section 303 the following:

“Sec. 303A. Maintenance of list of election officials protected from disclosure
of personally identifiable information.”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect September 1, 2022.

6 **SEC. 3. PROHIBITING DATA BROKERS AND OTHER BUSI-**
7 **NESSES FROM MAKING INFORMATION ON**
8 **PROGRAM PARTICIPANTS AVAILABLE.**

9 (a) PROHIBITING DISSEMINATION OF INFORMATION
10 BY DATA BROKERS.—A data broker may not sell, license,
11 trade, purchase, or otherwise provide or make available
12 for consideration the personally identifiable information of
13 an individual who is a program participant under the pro-
14 gram established by a State under section 303A of the
15 Help America Vote Act of 2002 (hereafter referred to as
16 a “program participant”).

17 (b) REQUIREMENTS FOR PERSONS RECEIVING RE-
18 QUESTS FROM PROGRAM PARTICIPANTS.—If any person,
19 including a business or association and a local government
20 or other public entity, receives a written request from a
21 program participant or the agent of a program participant
22 to not disclose the participant’s personally identifiable in-
23 formation—

1 (1) such person may not post or publicly dis-
2 play the participant's personally identifiable informa-
3 tion on the Internet, including on any website or
4 subsidiary website controlled by such person;

5 (2) such person may not transfer for consider-
6 ation the participant's personally identifiable infor-
7 mation to any other person, including a business or
8 association, through any medium;

9 (3) if the participant or the agent of the partici-
10 pant includes information in the written request to
11 indicate that the disclosure of the participant's per-
12 sonally identifiable information would cause or
13 threaten to cause imminent great bodily harm to the
14 participant or a member of the immediate family of
15 the participant, such person may not transfer with-
16 out consideration the participant's personally identi-
17 fiable information to any other person, including a
18 business or association, through any medium; and

19 (4) if, prior to receiving the request, such per-
20 son publicly displayed the participant's personally
21 identifiable information on the Internet on any
22 website or subsidiary website controlled by such per-
23 son, such person shall remove the information from
24 such websites not later than 72 hours after receiving
25 the request.

1 (c) ENFORCEMENT.—

2 (1) ACTION FOR INJUNCTIVE OR DECLARATORY
3 RELIEF.—A program participant who is aggrieved
4 by a violation of subsection (a) or subsection (b)
5 may bring an action seeking injunctive or declara-
6 tory relief in any court of competent jurisdiction. If
7 the court grants injunctive or declaratory relief, the
8 person responsible for the violation shall be required
9 to pay the participant’s costs and reasonable attor-
10 ney’s fees.

11 (2) ACTION FOR DAMAGES.—

12 (A) IN GENERAL.—A program participant
13 who is aggrieved by a violation of subsection (a)
14 or subsection (b) may bring an action for dam-
15 ages in any court of competent jurisdiction.

16 (B) DAMAGES.—A prevailing plaintiff in
17 an action described in subparagraph (A) shall,
18 for each violation, be awarded damages in an
19 amount—

20 (i) not greater than 3 times the actual
21 damages to the plaintiff; and

22 (ii) not less than \$10,000.

23 (d) DEFINITIONS.—In this section, the terms “data
24 broker”, “member of the immediate family”, and “person-
25 ally identifiable information” have the meaning given such

1 terms in section 303A of the Help America Vote Act of
2 2002.

3 (e) SEVERABILITY.—If any provision of this section,
4 or the application of a provision of this section to any per-
5 son or circumstance, is held to be unconstitutional, the
6 remainder of this section, and the application of the provi-
7 sions of this section to any person or circumstance, shall
8 not be affected by the holding.

