

**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 (d).

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 ovable 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) TERMINATION OF PARTICIPATION.—

20 “(1) GROUNDS FOR TERMINATION.—The chief
21 State election official may terminate a program par-
22 ticipant’s participation in the program for any of the
23 following reasons:

24 “(A) The program participant submits to
25 the chief State election official written notifica-

1 tion of withdrawal, in which case the participa-
2 tion shall be terminated on the date of receipt
3 of the notification.

4 “(B) The program participant’s certifi-
5 cation term has expired and the participant did
6 not complete an application for renewal of the
7 certification.

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

15 “(D) The program participant fails to dis-
16 close a change in the participant’s status as an
17 election official.

18 “(2) APPEAL.—Except in the case of a termi-
19 nation on the grounds described in subparagraph
20 (A) of paragraph (1), the chief State election official
21 shall send written notification of the intended termi-
22 nation to the program participant. The program
23 participant shall have 30 business days in which to
24 appeal the termination under procedures developed
25 by the chief State election official.

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

8 “(A) shall transmit to the chief State elec-
9 tion official all appropriate administrative
10 records pertaining to the program participant;
11 and

12 “(B) shall no longer be responsible for
13 maintaining the confidentiality of the program
14 participant’s record.

15 “(4) TREATMENT OF RECORDS.—

16 “(A) CONFIDENTIALITY.—Upon termi-
17 nation of a program participant’s certification,
18 the chief State election official shall retain
19 records as follows:

20 “(i) Except as provided in subpara-
21 graph (B), any records or documents per-
22 taining to a program participant shall be
23 held confidential.

24 “(ii) All records or documents per-
25 taining to a program participant shall be

1 retained for a period of three years after
2 termination of certification and then de-
3 stroyed without further notice.

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

11 “(e) DEFINITIONS.—

12 “(1) ELECTION OFFICIAL.—In this section, an
13 ‘election official’ with respect to a State is any indi-
14 vidual, including a volunteer, who is authorized by
15 the State to carry out duties relating to the adminis-
16 tration of elections for Federal office held in the
17 State.

18 “(2) MEMBER OF THE IMMEDIATE FAMILY.—In
19 this section, the term ‘member of the immediate
20 family’ means, with respect to an individual, a
21 spouse, domestic partner, child, stepchild, parent, or
22 any blood relative of an individual who lives in the
23 same residence as the individual.

1 “(3) PERSONALLY IDENTIFIABLE INFORMA-
2 TION.—The term ‘personally identifiable informa-
3 tion’ means, with respect to any individual—

4 “(A) a home address, including a primary
5 residence or vacation home address;

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

8 “(C) a personal email address;

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

12 “(E) a bank account or credit or debit
13 card information;

14 “(F) property tax records or any property
15 ownership records, including a secondary resi-
16 dence and any investment property at which the
17 individual resides for part of a year;

18 “(G) birth and marriage records;

19 “(H) vehicle registration information;

20 “(I) the identification of children of the in-
21 dividual under the age of 18;

22 “(J) the date of birth;

23 “(K) directions to a home of the individual
24 or a member of the immediate family of the in-
25 dividual;

1 **SEC. 1503. PROHIBITING PERSONS FROM MAKING INFOR-**
2 **MATION ON PROGRAM PARTICIPANTS AVAIL-**
3 **ABLE.**

4 (a) REQUIREMENTS FOR PERSONS RECEIVING RE-
5 QUESTS FROM PROGRAM PARTICIPANTS.—If any person,
6 including a business or association and a local government
7 or other public entity, receives a written request from an
8 individual who is a program participant under the pro-
9 gram established by a State under section 303A of the
10 Help America Vote Act of 2002 (hereafter referred to as
11 a “program participant”) or the agent of a program par-
12 ticipant to not disclose the participant’s personally identi-
13 fiable information—

14 (1) such person may not knowingly post or pub-
15 licly display the participant’s personally identifiable
16 information on the Internet, including on any
17 website or subsidiary website controlled by such per-
18 son;

19 (2) such person may not knowingly transfer for
20 consideration the participant’s personally identifiable
21 information to any other person, including a busi-
22 ness or association, through any medium;

23 (3) if the participant or the agent of the partici-
24 pant includes information in the written request to
25 indicate that the disclosure of the participant’s per-
26 sonally identifiable information would cause or

1 threaten to cause imminent great bodily harm to the
2 participant or a member of the immediate family of
3 the participant, such person may not knowingly
4 transfer without consideration the participant's per-
5 sonally identifiable information to any other person,
6 including a business or association, through any me-
7 dium; and

8 (4) if, prior to receiving the request, such per-
9 son publicly displayed the participant's personally
10 identifiable information on the Internet on any
11 website or subsidiary website controlled by such per-
12 son, such person shall remove the information from
13 such websites not later than 72 hours after receiving
14 the request.

15 (b) ENFORCEMENT.—

16 (1) ACTION FOR INJUNCTIVE OR DECLARATORY
17 RELIEF.—A program participant who is aggrieved
18 by a violation of subsection (a) or subsection (b)
19 may bring an action seeking injunctive or declara-
20 tory relief in any court of competent jurisdiction. If
21 the court grants injunctive or declaratory relief, the
22 person responsible for the violation shall be required
23 to pay the participant's costs and reasonable attor-
24 ney's fees.

25 (2) ACTION FOR DAMAGES.—

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

5 (B) DAMAGES.—A prevailing plaintiff in
6 an action described in subparagraph (A) shall,
7 for each violation, be awarded damages in an
8 amount determined by the court, except that
9 such amount—

10 (i) may not exceed 3 times the actual
11 damages to the plaintiff; and

12 (ii) may not be less than \$10,000.

13 (c) DEFINITIONS.—In this section, the terms “mem-
14 ber of the immediate family” and “personally identifiable
15 information” have the meaning given such terms in sec-
16 tion 303A of the Help America Vote Act of 2002.

17 (d) SEVERABILITY.—If any provision of this section,
18 or the application of a provision of this section to any per-
19 son or circumstance, is held to be unconstitutional, the
20 remainder of this section, and the application of the provi-
21 sions of this section to any person or circumstance, shall
22 not be affected by the holding.

