



Enhancing Protections for Election Workers

By: Grace Kelley, Legislative Research Analyst
June 11, 2024

Overview

Election officials and poll workers are an essential part of successful elections. [Election officials](#) work year-round to prepare for each election: securing voting equipment, maintaining voter rolls, and recruiting poll workers, among other responsibilities. Poll workers are temporary staff that play a hands-on role in elections, ranging from greeters at polling places and ballot counters, to foreign language interpreters and warehouse workers. Although mail-in and absentee voting has gained popularity in recent years following the COVID-19 pandemic, in-person voting is still considered to be the most popular method of voting in U.S. elections. Accordingly, qualified election workers are crucial in ensuring that elections are safe, fair, and organized.

In recent years, election offices around the country have faced issues recruiting and retaining qualified election personnel due to an increase in threats. According to the [Brennan Center for Justice](#), almost half of local election officials are concerned about recruiting enough poll workers for the presidential election. Additionally, 1 in 5 local election officials are unlikely to continue to serve in the 2026 midterms. Out of the local election officials surveyed, more than 1 in 3 have experienced threats, harassment, or abuse. Sixty-one percent were threatened over the phone or in person, while thirty-eight percent were threatened through email, and thirty-one percent through social media.

Since 2020, [17 states and Washington, D.C.](#) have enacted laws that either add or expand protections for election workers. Many of these statutes criminalize intimidation and interference with election personnel and their families, specifically stating that offenders can be incarcerated or fined. Additionally, some states clarify that election workers qualify for inclusion in address confidentiality programs. Washington includes specific provisions on cyber harassment of election personnel, increasing the penalty from a gross misdemeanor to a felony. The types of laws mentioned aim to deter the harassment of election workers, and in turn, encourage individuals to continue or start their service in these important positions.

Under [current Delaware law](#), anyone who interferes with an election officer's ability to perform their duties in general and on the day of an election can be fined up to \$200 or imprisoned up to 2 years, or both. However, Delaware law does not specify if cyber harassment, doxing, or threats to family members of election officers are included in these protections. Additionally, election officers are not explicitly eligible to apply to [Delaware's Address Confidentiality Program](#).

Recent Legislation Enhancing Protections for Election Workers

- **Arizona SB 1061 (2023)**
It is a [Class 5 felony](#) to knowingly make available on the internet the personal information that threatens the safety of an election worker and their immediate family. Election workers are eligible to participate in Arizona's address confidentiality program.
- **California SB 1131 (2022)**
Employees who perform election-related work are eligible to apply for California's address confidentiality program.
- **Maryland HB 585 (2024)**
Individuals are prohibited from knowingly making a threat to harm an election worker or their immediate family. Violators can be imprisoned up to 3 years or fined up to \$2,500, or both.
- **Washington SB 5628 (2022); HB 1241 (2024)**
It is a [Class C felony](#) to cyber harass election personnel in relation to their job duties. Otherwise, cyber harassment is classified as a gross misdemeanor. Election workers and individuals in the same household are eligible for Washington's address confidentiality program.

Delaware's Current Protections for Election Workers

- **DE Code Title 15 § 5139**
Interference with an election officer's ability to perform their duties in general and on the day of an election results in a fine up to \$200 or imprisonment up to 2 years, or both.

Considerations for Delaware Legislators

- **Adding Election Officers as Eligible Participants of Delaware's Address Confidentiality Program.**
Under Delaware's current Address Confidentiality Act in [DE Code Title 11 § 9611](#), participants and individuals in the same household are afforded legal remedies if anyone shares the participant's actual address on the Internet with intent to threaten or harm. If election officers are eligible to apply to the Program, there is another layer of protection for election officers and their households from doxing and threats in Delaware.
- **Narrowing Ambiguity in Delaware's Protections for Election Officers.**
As currently written, [DE Code Title 15 § 5139](#) protects election officers from assaults and threats, but the protections are contingent on how these actions affect the election officers' abilities to perform their duties. This contingency creates a gray area for the penalties currently outlined. Specifically, election officers may receive threats at any time, whether in person, by telephone, or online, due to their overall involvement in the election process. However, these threats do not necessarily interfere with the ability to perform the duties of an election officer.
- **Increasing Fines and Prison Sentences for Harassment of Election Workers.**
In May 2024, Maryland increased the penalty for threatening election workers to a \$2,500 fine or 3 years of imprisonment. Previously, the penalty was imprisonment up to 1 year and up to a \$1,000 fine. Cyber harassing election personnel in Washington carries a state correctional institution sentence of 5 years or a \$10,000 fine, or both.