Model Bill Language: State Accountability for Federal Interference at Polling Places

Section 1. *Troops at polls.*

Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the State of **[insert state name]** or the United States, orders, brings, keeps, or has under his or her authority or control any troops or armed persons at any place where an election is held, unless such force be necessary to repel armed enemies of the United States, and thereby acts in violation of federal law, shall be fined under this chapter or imprisoned not more than five years, or both.

This section shall not prevent any officer or member of the armed forces of the State of **[insert state name]** or United States from exercising the right of suffrage.

This section shall not apply to law enforcement whose presence is otherwise permitted by law, or who is responding to a request for assistance with regard to a specific emergency, allegation of criminal conduct, or disturbance that exists at the time the request for assistance is made, or to a request for assistance from the election officer with jurisdiction over the election in question.

Notwithstanding any other provision of law, the attorney general shall have concurrent jurisdiction with any district attorney in the prosecution of any offenses under this section.

The terms in this section shall be construed consistently with the same or similar terms in 18 U.S. Code § 592.

Section 2. *Interference by armed forces.*

Whoever, being an officer or member of the armed forces of the State of **[insert state name]** or United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in the state, and thereby acts in violation of federal law; or

Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of the state from fully exercising the right of suffrage at any election, and thereby acts in violation of federal law; or

Whoever, being such officer or member, orders or compels or attempts to compel any election officer in the state to receive a vote from a person not legally qualified to vote, and thereby acts in violation of federal law; or

Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any election in the state, different from those prescribed by law, and thereby acts in violation of federal law; or

Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his or her duties, and thereby acts in violation of federal law—

Shall be fined under this chapter or imprisoned not more than five years, or both.

This section shall not prevent any officer or member of the armed forces from exercising the right of suffrage.

Notwithstanding any other provision of law, the attorney general shall have concurrent jurisdiction with any district attorney in the prosecution of any offenses under this section.

The terms in this section shall be construed consistently with the same or similar terms in 18 U.S. Code § 593.

Section 3. *Interference by administrative employees of federal or state governments.*

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the State of **[insert state name]** or any agency or instrumentality thereof, in connection with any activity which is financed in whole or in part by loans or grants made by the United States or the State of **[insert state name]**, or any department or agency thereof, uses his or her official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Member of the **[insert state legislative chambers]**, and thereby acts in violation of federal law, shall be fined under this chapter or imprisoned not more than one year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic or cultural organization.

Notwithstanding any other provision of law, the attorney general shall have concurrent jurisdiction with any district attorney in the prosecution of any offenses under this section.

The terms in this section shall be construed consistently with the same or similar terms in 18 U.S. Code § 595.

Section 4. *Civil enforcement of prohibitions on troops at the polls, interference by armed forces, and interference by administrative employees of federal or state governments.*

A person aggrieved by a violation of this act may enforce the provisions of this act in a suit in equity. A prevailing plaintiff in such an action shall recover reasonable attorney's fees, reasonable expert fees, reasonable litigation expenses, and all such fees as are appropriate as part of the costs to be determined by a court of competent jurisdiction.

An election officer holding an election or conducting a canvass may enforce the provisions of this act and may institute an action for equitable relief on behalf of an aggrieved person who is in the officer's jurisdiction or is eligible to vote in the officer's jurisdiction.

The attorney general may enforce the provisions of this act and may institute for the state, or in the name of the state, an action for equitable relief, including an application for a temporary or permanent injunction, restraining order, or other order.

A suit brought by an election officer holding an election or conducting a canvass or by the attorney general under this section does not preclude a contemporaneous private suit by an aggrieved person to enforce the provisions of this act.

The provisions of this act are cumulative and shall not be construed as restricting the application of any other law, including, but not limited to, the application of a criminal law to a person whose conduct violates this act.

Section 5. *Severability.*

If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.