



OC Human Relations

Building community by fostering respect, resolving conflict and pursuing equality

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**IS VOTER
INTIMIDATION
ILLEGAL? YES!**

**Be Educated ~ Be
Informed ~ Be Safe!**

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Is voter intimidation illegal? Yes!

The right of each voter to cast his or her ballot free from intimidation or coercion is a foundational principle of a free and democratic society. Federal law prohibits voter intimidation. Multiple federal statutes make it a crime to intimidate voters: it is illegal to intimidate, threaten, or coerce a person, or attempt to do so, “for the purpose of interfering with” that person’s right “to vote or to vote as he may choose.” 18 U.S.C. §594.

It is also a crime to knowingly and willfully intimidate, threaten, or coerce any person, or attempt to do so, for “registering to vote, or voting,” or for “urging or aiding” anyone to vote or register to vote. 52 U.S.C. § 20511(1). And it is a crime to “by force or threat or force” willfully injure, intimidate, or interfere with any person because he or she is voting or has voted or “in order to intimidate” anyone from voting. 18 U.S.C. §245(b)(1)(A).

Federal law also provides for civil lawsuits based on voter intimidation. Section 11 of the Voting Rights Act makes it unlawful to “intimidate, threaten, or coerce” another person, or attempt to do so, “for voting or attempting to vote” or “for urging or aiding any person to vote or attempt to vote.” 52 U.S.C. § 10307(b). And Section 2 of the Ku Klux Klan Act of 1871 makes it unlawful for “two or more persons to conspire to prevent by force, intimidation, or threat,” any voter from casting a ballot for the candidate of his or her choice. 42 U.S.C. § 1985(3)

Every state also separately prohibits interference with voters and/or voter intimidation.

What are examples of voter intimidation?

The U.S. Department of Justice has explained that voter intimidation is conduct that is intended to compel prospective voters to vote against their preferences, or to not vote at all, through activity that is reasonably calculated to instill fear. Some actions that ordinarily would be legal may be unlawful if they are intended to intimidate voters.

Voter intimidation is often subtle and context-dependent, so it can be difficult to identify in advance. Here are some examples of conduct near polling sites that likely would constitute illegal voter intimidation, although other conduct could also qualify:

- Violent behavior inside or outside the polling site
- Verbal threats of violence
- Confronting voters while wearing military-style or
- Spreading false information about voter official-looking uniforms fraud, voting requirements, or related criminal penalties
- Brandishing firearms or the intimidating display of firearms
- Aggressively approaching voters' vehicles or writing down voters' license plate numbers
- Disrupting voting lines or blocking the entrance to the polling place
- Harassing voters, aggressively questioning them about their qualifications to vote
- Following voters to, from, or within the polling place



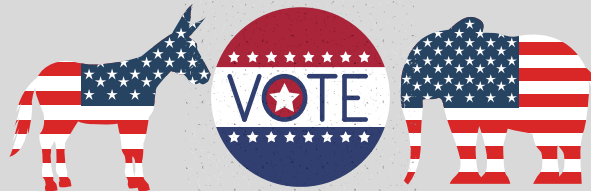
Are guns permitted at polling places?

Sometimes. As the Giffords Law Center explains, Arizona, California, Florida, Georgia, Louisiana, Texas, and the District of Columbia “explicitly prohibit guns at polling locations,” while Mississippi, Missouri, Nebraska, and South Carolina “prohibit concealed firearms at the polls.” Guns may also be prohibited when polling locations are in K–12 schools and other property where firearms are not permitted. Even where guns are not explicitly prohibited, they may not be used to intimidate voters.



What should I do if I see or experience voter intimidation?

- If you fear imminent violence, call 9-1-1.
- Notify your local election official at your polling place.
- Document what you saw or experienced: what happened, where, and when, and whether any voters were deterred from voting.
- Call Election Protection at 866-OUR-VOTE (866-687-8683).
 - Assistance is also available in Spanish at 888-VE-Y-VOTA (888- 839-8682),
 - Asian languages at 888-API-VOTE (1-888-274-8683).
 - A video American Sign Language line is available at 301-818-VOTE (301-818-8683).

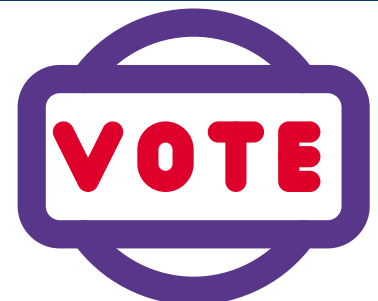


Resource

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