

REPORTING VOTER INTIMIDATION



No one should feel unsafe when exercising their right to vote.

Voter intimidation is not common and is prohibited under federal and state law. Knowing your rights and having a voting plan can help combat any attempt at voter intimidation.

If you suspect or witness voter intimidation, contact vote@narf.org and **866-OUR-VOTE**.

What is voter intimidation?

Voter intimidation takes many forms. It may be subtle or context-specific, making it more difficult to identify. Voter intimidation does not have to occur within a certain distance of a polling place to be illegal. Examples of voter intimidation include:

- Spreading false or misleading information intended to disenfranchise voters
- Confronting or questioning a voter in a harassing or intimidating manner
- Aggressively questioning voters about qualifications to vote
- Violent behavior

- Verbal threats of violence
- Following voters around or invading their physical space
- Brandishing or displaying firearms
- Confronting voters in military-style or official-looking uniforms
- Law enforcement officers, including off-duty officers, loitering around voters and polling places
- Disrupting voting lines or blocking the entrance to a polling place

Voter intimidation is illegal

Multiple federal statutes prohibit voter intimidation. Under federal law, it is a crime to intimidate, threaten, or coerce a person, or attempt to do so, for the purpose of interfering with their right to vote or vote as they may choose.¹ The National Voting Registration Act also makes it a crime to intimidate, threaten, or coerce a person, or attempt to do so, for registering to vote, voting, or “urging or aiding” someone else to vote.² Another statute, enacted as part of the Civil Rights Act of 1968, makes it a crime to use or threaten to use physical force to intimidate a person from voting or qualifying to vote.³ Federal

¹18 U.S.C. § 594.

²52 U.S.C. § 20511(1).

³18 U.S.C. § 245(b)(1)(A).

law also provides non-criminal remedies for voter intimidation. For example, the Voting Rights Act provides for civil lawsuits and makes it unlawful to intimidate, threaten, or coerce a person, or attempt to do so for voting, attempting to vote, or “urging or aiding” someone else to vote.⁴

State law provides additional protection against voter intimidation.

Arizona

Arizona law prohibits the use of force or threats to compel someone to vote or refrain from voting.⁵ To create a safe place to vote, Arizona law prescribes a 75-foot perimeter around each voting location and only the following individuals are allowed inside that area: (1) voters who are voting (may be accompanied by children or someone to assist the voter); (2) election officials; (3) credentialed political party observers; and (4) authorized Department of Justice observers.⁶ Individuals intending to observe outside the 75-foot limit “are prohibited from obstructing voting lines or the entrance to the voting location, or otherwise engaging in any conduct that may have the effect of threatening, harassing, or intimidating voters.”⁷ Additionally, it is illegal for private citizens to bring a weapon within the 75-foot zone.⁸

Only a qualified elector of the county may challenge a voter’s eligibility to vote and political party challengers must be appointed and credentialed as observers by their party.⁹ Challengers are prohibited from directly confronting voters and any challenges must be directed to poll workers.¹⁰

The Secretary of State’s guidance on preventing voter intimidation recognizes that the presence of law enforcement “may have the effect of intimidating voters.”¹¹ In its guidance, the Secretary of State’s Office makes clear that law enforcement officers generally should not be stationed at a voting location and directs poll workers to “make all reasonable efforts to de-escalate disturbances without engaging law enforcement whenever possible.”¹²

Michigan

Michigan law prohibits voter intimidation, making it a crime to attempt to influence a voter or deter a voter from voting by “menace or other corrupt means.”¹³ In Michigan, there are election challengers and poll watchers. Election challengers may be appointed by political parties and qualified interests groups.¹⁴ Election challengers are not authorized to approach or talk to voters for any reason.¹⁵ Michigan law also specifically prohibits election challengers from

⁴ 52 U.S.C. § 10307(b).

⁵ Ariz. Rev. Stat. §§ 16-1006 & 16-1013(A)(1).

⁶ Arizona Secretary of State’s Office, *Guidance on Polling Place Conduct and Preventing Voter Intimidation 1* (Oct. 2020), https://www.arizona.vote/files/Voter_Intimidation_Prevention_Guide.pdf (citing Ariz. Rev. Stat. § 16-515).

⁷ *Id.*

⁸ *Id.*

⁹ Ariz. Rev. Stat. §§ 16-590 to 591.

¹⁰ *Guidance on Polling Place Conduct and Preventing Voter Intimidation* at 3.

¹¹ *Id.* at 2.

¹² *Id.*

¹³ Mich. Comp. Laws § 168.932(a).

¹⁴ Mich. Comp. Laws § 168.731.

¹⁵ Michigan Department of State Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers 6* (Oct. 2020), https://www.michigan.gov/documents/SOS_ED_2_CHALLENGERS_77017_7.pdf.

threatening or intimidating voters.¹⁶ And the “precinct chairperson has the authority to expel challengers that abuse the challenge process.”¹⁷ Poll watchers may only observe the election process. Poll watchers may not approach or talk to a voter for any reason and are not authorized to challenge a person’s right to vote.¹⁸ Poll watchers may be expelled from a polling place for “acting in a disorderly manner,” which includes threatening or intimidating voters.¹⁹ Additionally, Michigan has barred open carry of firearms within 100 feet of a polling place on Election Day.²⁰

Minnesota

Minnesota law prohibits the use of force or threats to obstruct a voter’s “free exercise of the right to vote” or “compel a voter to vote.”²¹ State law also restricts the people allowed near and in polling places. Only election officials, individuals waiting to vote or register to vote, and individuals conducting exit polling are allowed within 100 feet of a polling place.²² Only authorized people are allowed in polling places, such as voters and their children, poll workers, and people assisting a voter.²³ Challengers appointed by political parties are allowed in polling places, but poll watchers are not.²⁴ Challengers are prohibited from talking to a voter “except to determine, in the presence of an election judge, whether the voter is eligible

to vote in the precinct.”²⁵ Peace officers, such as sheriffs and police officers, are prohibited from entering or standing within 50 feet of the entrance to a polling place unless “summoned by an election judge to restore the peace or when voting or registering to vote.”²⁶

Montana

Montana law prohibits the use of force or threats to “induce or compel a person to vote or refrain from voting.”²⁷ State law also specifically prohibits obstructing the entrance to a polling place or engaging in any solicitation of a voter in a manner that interferes with the election process.²⁸ One poll watcher from each political party is permitted to observe.²⁹ A candidate or “group having an interest in the election” may request permission for additional poll watchers and the election administrator must grant such a request if the number of poll watchers will not interfere with the election.³⁰

Nevada

Nevada law makes voter intimidation a crime, including the use or threat of force, intimidation, or violence.³¹ It is also prohibited to remain in or outside a polling place to interfere with the

¹⁶ Mich. Comp. Laws § 168.733(4).

¹⁷ *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers* at 2; see also Mich. Comp. Laws § 168.733(3).

¹⁸ *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers* at 12.

¹⁹ *Id.*

²⁰ Anna Liz Nichols, *Michigan won't allow open carry of guns near polls on Nov. 3*, Associated Press (Oct. 16, 2020), <https://apnews.com/article/election-2020-donald-trump-kidnapping-michigan-voting-rights-d4e040763317fd24cbcd68b006ea98b7>.

²¹ Minn. Stat. § 211B.07.

²² Minn. Stat. § 204C.06(1).

²³ Office of the Minnesota Secretary of State, *Polling Place Rules*, <https://www.sos.state.mn.us/elections-voting/election-day-voting/polling-place-rules/>.

²⁴ Minn. Stat. § 204C.06(2).

²⁵ Minn. Stat. § 204C.07(4).

²⁶ Minn. Stat. § 204C.06(6).

²⁷ Mont. Code Ann. § 13-35-218(1).

²⁸ Mont. Code Ann. § 13-35-218(4).

²⁹ Mont. Code Ann. § 13-13-120.

³⁰ Mont. Code Ann. § 13-13-121.

³¹ Nev. Rev. Stat. § 293.710.

election process.³² Members of the general public are permitted to observe at polling places.³³ A person observing may not talk to voters and the county or city clerk has the authority to remove a person observing from a polling place.³⁴

North Carolina

North Carolina law prohibits “interference with the right of a voter to participate in an election, including hindering access to the voting place.”³⁵ In “buffer zones” around voting places, harassment and election-related activity is prohibited.³⁶ State law also specifically prohibits misrepresenting the law to the public to “intimidate or discourage potential voters from exercising their lawful right to vote.”³⁷ This includes distributing “misleading information about the time, date or place of an election, or about the qualifications required to vote.”³⁸ Each political party and unaffiliated candidates may appoint two observers at each voting place.³⁹ Only lawfully appointed observers are permitted in the voting place.⁴⁰ Observers are prohibited from speaking to voters or interfering with the voting process.⁴¹

The State Board of Elections provided guidance to elections officials intended to “ensure all voters enjoy a safe environment that is free from

intimidation.”⁴² The guidance states that the chief judge or site manager “must ensure that voters are able to freely access the voting place without fear of harassment or intimidation.”⁴³ Under state law, election judges have a duty to prevent improper practices, including voter intimidation.⁴⁴ The State Board’s guidance emphasized that it “is not appropriate or permissible for law enforcement to be stationed at a voting place” and reminds county boards of elections to “be mindful that some voters find a law enforcement presence at the polls intimidating.”⁴⁵ County boards are permitted to use private security, but they cannot be armed or stationed inside the voting enclosure.⁴⁶

Wisconsin

Wisconsin law prohibits the use of force or threats “to induce or compel any person to vote or refrain from voting.”⁴⁷ Though members of the public are permitted to be at a polling place to observe, the chief inspector or municipal clerk may limit the number of persons permitted to observe who represent the same organization.⁴⁸ The chief inspector or municipal clerk may also order the removal of an observer for disrupting the operation of the polling place, engaging in electioneering, or distributing election-related materials.⁴⁹

³² Nev. Rev. Stat. § 293.730.

³³ Nev. Rev. Stat. § 293.274.

³⁴ Nev. Admin. Code § 293.245.

³⁵ North Carolina State Board of Elections, *Numbered Memo 2020-30: Conduct at the Polls for the 2020 General Election 4-5* (Oct. 2020), https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2020/Numbered%20Memo%202020-30_Conduct%20at%20the%20Polls.pdf (citing N.C. Gen. Stat. § 163-274(4)).

³⁶ N.C. Gen. Stat. § 163-166.4(a).

³⁷ N.C. Gen. Stat. § 163-275.

³⁸ *Numbered Memo 2020-30* at 4-5.

³⁹ N.C. Gen. Stat. § 163-45(a).

⁴⁰ *Numbered Memo 2020-30* at 7.

⁴¹ N.C. Gen. Stat. § 163-45(c).

⁴² *Id.* at 1.

⁴³ *Id.* at 2.

⁴⁴ N.C. Gen. Stat. § 163-48.

⁴⁵ *Numbered Memo 2020-30* at 3-4.

⁴⁶ *Numbered Memo 2020-30* at 4.

⁴⁷ Wis. Stat. § 12.09(1).

⁴⁸ Wis. Stat. § 12.09(1).

⁴⁹ Wis. Stat. § 7.41(3).

WHAT TO DO IF YOU SEE OR EXPERIENCE VOTER INTIMIDATION

Prior to Voting

- Make a voting plan
- If you hear about a possible threat, contact the Native American Rights Fund at vote@narf.org and call election protection at 866-OUR-VOTE
- Do not share or amplify threats on social media, as this may deter people from voting

While Voting

- If it is an emergency situation, where you or anyone else is in immediate danger, call 9-1-1 first. As soon as possible, immediately inform an election official.
- Document what you experienced, including what happened, who was involved, where, and when, and if any voters were discouraged or prevented from voting. Try to obtain the contact information for any voter discouraged or prevented from voting.
- Call Election Protection at 866-OUR-VOTE (866-687-8683) and contact the Native American Rights Fund at vote@narf.org
- Avoid spreading stories about intimidation efforts. Sharing incidents on social media may further deter people from voting

Arizona

- Report it to the Secretary of State's Office by using the [Incident Form](#) or by calling 1-877-THE-VOTE (843-8683)
- Contact vote@narf.org

Michigan

- Contact Michigan Bureau of Elections at 517-335-3234 or elections@michigan.gov
- Contact vote@narf.org

Minnesota

- Submit a [Minnesota State Election Complaint Form](#) or contact the Minnesota Secretary of State's Office at 1-877-600-VOTE (8683) or elections.dept@state.mn.us
- Contact vote@narf.org

Montana

- Contact 866-OUR-VOTE and vote@narf.org

Nevada

- Submit an [Election Integrity Violation Report](#) to the Secretary of State; contact the Secretary of State at 775-684-5705 or nvelect@sos.nv.gov
- Contact vote@narf.org

North Carolina

- Contact the State Board of Elections at (919) 814-0700 or elections.sboe@ncsbe.gov
- Contact vote@narf.org

Wisconsin

- Submit a [Voter Intimidation Complaint](#) to the Wisconsin Elections Commission
- Contact vote@narf.org

Additional information

Brennan Center for Justice at New York University School of Law, [Voters Should Not Be Intimidated](#)

Georgetown Law Institute of Constitution Advocacy and Protection, [Fact Sheet: Protecting Against Voter Intimidation](#)