

Rachel Appel / October 2025

Protecting and Securing Voter Participation: Takeaways from the 2024 Presidential Election

I. INTRODUCTION

This report provides an overview of the current landscape of voter intimidation based on reports collected via the Election Protection hotline¹ during the 2024 General Election and recent claims of voter intimidation brought under federal law. It aims to update and expand on previous accounts of modern voter intimidation in the 21st century.²

II. BACKGROUND

Today, the right to vote is a fundamental, universal right guaranteed to nearly all citizens across the country.³ But at the nation's founding, many were barred from the franchise, including women and racial minorities. When these previously disenfranchised groups were granted the right to vote, they and their allies became the targets of political violence and intimidation to prevent or dissuade them from exercising that newfound freedom.⁴ This violence and intimidation took many forms. It was ruthless and lawless, including murder, rape, beatings, lootings, and baseless arrests and prosecutions.⁵ It also manifested more covertly through tests or devices (literacy or otherwise) and economic reprisals designed to prevent members of certain groups from registering and/or voting, as well as unfulfilled threats and harassment that nevertheless chilled participation.⁶

To counteract these attempts to suppress the voting rights of marginalized populations, Congress passed multiple pieces of legislation over the course of the 19th and 20th centuries, each more comprehensive and providing more tools for enforcement than the last.⁷ The three main federal statutes that prohibit voter intimidation and provide recourse for private individuals are: the Ku Klux Klan (KKK) Act of 1871 (specifically, the provisions known as the

1 The Election Protection Hotline (866-OUR-VOTE) is a national, nonpartisan resource for voters across the country who have questions or need assistance regarding all stages of voting, from registration, to casting a ballot, to overcoming obstacles to participation. The hotline is run by a coalition made up of more than 300 local, state, and national organizations. See About, Election Protection, <https://866ourvote.org/about/>.

2 See, e.g., People for the Am. Way Found. & NAACP, The Long Shadow of Jim Crow: Voter Intimidation and Suppression in America Today (2004).

3 E.g., *Yick Wo v. Hopkins*, 118 U.S. 356, 370-71 (1886) (voting is a fundamental right because it is preservative of all other rights). However, felony disenfranchisement remains a serious issue across the country with an estimated 4 million U.S. citizens who have lost their right to vote. Christopher Uggen, et al., *Locked Out 2024: Four Million Denied Voting Rights Due to a Felony Conviction*, The Sentencing Project (Oct. 10, 2024).

4 Ben Cady & Tom Glazer, *Voters Strike Back: Litigating Against Modern Voter Intimidation*, 39 N.Y.U. Rev. L. & Soc. Change 173, 184-86 (2015).

5 *Id.*; see also Voting Rights Act of 1965: Hearings on S. 1564 Before the S. Comm. on the Judiciary (Part 1 & 2), 89th Cong. (1965); Lee Pinzow, *Is It Really All About Race?: Section 1985(3) Political Conspiracies in the Second Circuit and Beyond*, 83 Fordham L. Rev. 1031, 1038-39 (2014).

6 *Id.*

7 Cady & Glazer, *supra* note 4 at 184-191.

“support-or-advocacy clauses”),⁸ the Civil Rights Act (CRA) of 1957,⁹ and the Voting Rights Act (VRA) of 1965 (specifically Section 11(b)).¹⁰ There are also numerous state and federal laws under which a person can be criminally or civilly prosecuted for voter intimidation.

The KKK Act, CRA, and VRA provide an avenue for aggrieved individuals to vindicate their right to vote free from intimidation and harassment without depending on the government to initiate proceedings.¹¹ In summary, the support-or-advocacy clauses of the KKK Act prohibit two or more people from working together to prevent by force, intimidation, or threat someone from engaging in support or advocacy in relation to a federal election¹² and the CRA and Section 11(b) of the VRA prohibit someone from intimidating, threatening, or coercing another individual from voting or not voting, as well as attempts of the same.¹³ Section 11(b) also prohibits someone from intimidating, threatening, or coercing an individual for assisting someone else in voting.¹⁴ The chart below describes in more detail the elements a litigant would need to prove to bring a successful claim under each statute.

a. Elements of each claim

Element	KKK Act	CRA	VRA
Plaintiff’s conduct	“support or advocacy” for a candidate for federal office	Vote or not vote	Vote or urge/aid someone to vote
Defendant’s conduct	Force, intimidation, or threat; or injury to Plaintiff’s person or property	Intimidate, threaten, or coerce	Intimidate, threaten, or coerce
Prohibits Attempts		X	X
Elections Covered	Federal Only	Federal Only	Federal, State, and Local

⁸ 42 U.S.C. § 1985(3) (“if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy ...”).

⁹ 52 U.S.C. § 10101(b) (“No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.”).

¹⁰ 52 U.S.C. § 10307(b) (“No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 10302(a), 10305, 10306, or 10308(e) of this title or section 1973d or 1973g of Title 42.”).

¹¹ For more details on these types of laws, see the resources here: https://campaignlegal.org/democracy/inclusion/protecting-voters-intimidation?trk=article-ssr-frontend-pulse_little-text-block.

¹² 42 U.S.C. § 1985(3).

¹³ 52 U.S.C. § 10101(b); 52 U.S.C. § 10307(b).

¹⁴ 52 U.S.C. § 10307(b).

Element	KKK Act	CRA	VRA
Establish intent and racial motivation on behalf Defendant		X	
Requires a conspiracy	X		
Establish Plaintiff was intimidated and reasonable person would have been intimidated		X	X

III. VOTER INTIMIDATION TODAY

Today, voter intimidation often takes more covert forms than during Reconstruction or the Civil Rights Era, but it is no less pernicious. Many scholars and advocacy groups have noted that “voter intimidation tactics have shifted from overtly racist violence and threats toward tactics that are more ‘subtle, cynical, and creative[]’ [and] intimidation is now less likely to come from local law enforcement officials and white supremacist groups than it is from political organizations such as conservative ballot security groups.”¹⁵ Bad actors leverage the innovations of technology, such as generative AI, to rapidly spread mis- and disinformation to intimidate or prevent voters from voting, as well as to sow fears of voter fraud to justify and advocate for restrictive laws and policies that can be abused to similarly intimidate or prevent voters from voting. For example, voters have been subjected to threatening robocalls, aggressive poll-watchers, and unjustified voter challenges. Courts have found that following voters in an aggressive manner, displaying guns near polling locations or ballot drop boxes, or recording voters in an aggressive manner during the voting process can constitute voter intimidation.¹⁶

Below are summaries of a few cases that illustrate recent examples of voter intimidation.

a. *National Coalition on Black Civic Participation v. Wohl*, (S.D. New York 2020)

In 2020, the National Coalition on Black Civic Participation, an organization focused on increasing civic engagement in Black and underserved communities, and individual voters sued Jacob Wohl, Jack Burkman, J.M. Burkman & Associates, LLC, Project 1599, and anonymous individuals, John Does 1 through 10, for allegedly sending robocalls containing

¹⁵ Cady & Glazer, *supra* note 4 at 215.

¹⁶ Complaint for Enforce Compliance with Consent Order, *Daschle v. Thune*, No. 04-cv-4177, 2004 WL 3650153 (D.S.D. Nov. 1, 2004) (following Native American voters at the polling place and taking notes; following Native American voters to their cars and writing down their license plates; and having “loud conversation[s] in a polling place . . . about Native Americans who were prosecuted for voting illegally” was voter intimidation); see also *Arizona Alliance for Retired Americans v. Clean Elections USA*, No. 22-cv-01823, 2022 WL 17088041 (D. Ariz. Nov. 1, 2022) (intentionally following individuals delivering ballots to a dropbox; speaking or yelling at those individuals; and openly carrying firearms or wearing body armor near the drop box was likely to constitute voter intimidation).

false information and threatening messages to prevent recipients from voting by mail.¹⁷ The New York State Office of the Attorney General later intervened.¹⁸ Specifically, the robocalls proclaimed that the police would use vote-by-mail information to track persons with outstanding warrants; that vote-by-mail information would be used by debt collectors to collect unpaid debts; and that the Centers for Disease Control and Prevention (“CDC”) would access vote-by-mail information to track for mandatory vaccinations.¹⁹ The defendants sent about 85,000 robocalls to voters in majority-Black neighborhoods.

Plaintiffs brought voter intimidation claims under Section 11(b) of the VRA and the support-or-advocacy clauses of the KKK Act. The court found the robocalls constituted intimidation because they were “unambiguous threats designed to stop eligible voters, particularly Black voters, from exercising [their] right to vote” and held defendants were liable on all claims.²⁰ The Defendants were ordered to pay \$1,000,000 in damages to the Plaintiffs; to refrain from communicating in any way that would intimidate or deter voters from voting by any method in any election or communicate in any way any false or fraudulent information concerning voting, the right to vote, or the conduct of elections; to alert the New York Office of the Attorney General before conducting any lobbying activity or political campaigning in the state of New York; and to provide notice to Plaintiffs’ counsel before transmitting any election-related, unsolicited mass communication, which, if Plaintiffs’ counsel found intimidating or threatening in violation of the law, they were prohibited from sending.²¹

b. *Andrews v. D’Souza*, (N.D. Georgia 2022)

A registered voter, Mark Andrews, was filmed while legally dropping off ballots for himself and his family during the 2020 general election in Georgia. Those clips were used in a film to support the idea that “ballot mules,” or people paid to vote illegally, affected the 2020 election results resulting in President Joe Biden’s victory.²² The film also asserted—falsely—that Andrews himself was fraudulently voting.²³ The film was entitled “2,000 Mules” and involved founders of True the Vote, a group that perpetuates election conspiracy theories²⁴ and has repeatedly been accused of voter intimidation.²⁵ After the film was published and promoted, Andrews was doxed,²⁶ both he and his family were physically threatened,²⁷ and a complaint was made against him for fraudulently voting with the Georgia Bureau of Investigations.²⁸

¹⁷ *Nat’l Coal. on Black Civic Participation v. Wohl*, 498 F. Supp. 3d 457 (S.D.N.Y. 2020).

¹⁸ *Nat’l Coal. on Black Civic Participation v. Wohl*, No. 20 CIV. 8668 (VM), 2021 WL 4254802, at *1 (S.D.N.Y. Sept. 17, 2021).

¹⁹ 498 F. Supp. 3d at 466.

²⁰ *Nat’l Coal. on Black Civic Participation v. Wohl*, 661 F. Supp. 3d 78, 113 (S.D.N.Y. 2023).

²¹ Consent Decree, *Nat’l Coal. on Black Civic Participation v. Wohl*, No. 1:20-cv-08668-JSR (S.D.N.Y. 2024), <https://www.democracydocket.com/wp-content/uploads/2023/02/3442024-04-10-Consent-Decree-.pdf>.

²² *Andrews v. D’Souza*, 696 F. Supp. 3d 1332, 1339 (N.D. Ga. 2023).

²³ *Id.* at 1340.

²⁴ Paul P. Murphy, *Leaders of right-wing election conspiracy group jailed after being found in contempt of court*, CNN (Nov. 1, 2022), <https://www.cnn.com/2022/11/01/politics/true-the-vote-leaders-jail-contempt-of-court>.

²⁵ Stacy Dunlap, *Court fight over 2021 Georgia mass voter eligibility challenges heads to federal court*, Georgia Recorder (May 12, 2025), <https://georgiarecorder.com/briefs/court-fight-over-2021-georgia-mass-voter-eligibility-challenges-heads-to-federal-court/>.

²⁶ Doxing “refers to the intentional release of an individual’s personal identifying information without the person’s permission, usually with the intent to retaliate or intimidate.” David L. Judson, Jr., et al., *Is doxing illegal?*, FIRE (Feb. 28, 2024), <https://www.thefire.org/research-learn/doxing-free-speech-and-first-amendment>.

²⁷ *Supra* note 22.

²⁸ *Id.*

Andrews sued the individuals who appeared in the film stating he fraudulently voted and the media and publishing companies that created the film.²⁹ The case is still ongoing, but in March 2024, one of the defendants, Salem Media Group, issued an apology to Andrews and stated they would no longer distribute the film.³⁰

c. *Cervini v. Cisneros*, (W.D. Texas 2021)

Plaintiffs were three individuals who were Biden-Harris campaign supporters and staff who were driving and riding in a Biden-Harris campaign bus down the highway when their bus was surrounded by a “Trump Train”—dozens of individuals in 40 or so vehicles.³¹ “Plaintiffs state[d] that for at least ninety minutes, the Trump Train forced the campaign bus to slow down to a crawl on the highway, that cars came within inches of the campaign bus, and that one Trump Train vehicle slammed into a Biden campaign staffer’s car, causing Plaintiffs to fear for their lives and suffer emotional trauma.”³² The case went to trial and a jury found the lead organizer of the Trump Train liable under the KKK act and awarded the plaintiffs compensatory and punitive damages.³³

d. *LULAC v. PILF*, (E.D. Virginia 2018)

The League of United Latin American Citizens (“LULAC”) and four individuals sued the Public Interest Legal Foundation (PILF) and an individual, J. Christian Adams, for their publication of reports entitled Alien Invasion I and II, which accused voters of “committing multiple separate felonies, from illegally registering to vote to casting an ineligible ballot.”³⁴ The individual plaintiffs were personally identified in the reports.³⁵ Defendants had obtained lists of voters purged from the voter rolls for administrative reasons (who were still eligible citizens) and, knowing these voters likely hadn’t committed fraud, nevertheless published the reports which contained personal identifying information and accused these voters of fraud and other criminal activity.³⁶ The court found the Plaintiffs suffered “adverse publicity, intimidation, embarrassment, and fear of harassment associated with their participation in the electoral process.”³⁷ The case ended in a settlement and PILF agreed to remove all references to individuals from its website, issued an apology, and agreed to redact personal information from future publications describing alleged non-citizen registrants or voters.³⁸

²⁹ *Id.*

³⁰ *Mark Andrews v. Dinesh D’Souza et al.*, Protect Democracy (Nov. 3, 2022), <https://protectdemocracy.org/work/mark-andrews-v-dinesh-dsouza/>.

³¹ *Cervini v. Cisneros*, 593 F. Supp. 3d 530, 532 (W.D. Tex. 2022).

³² *Id.*

³³ *Federal Jury Finds Ringleader of 2020 “Trump Train” Attack on Biden-Harris Campaign Bus Liable under Ku Klux Klan Act*, Protect Democracy (Sept. 23, 2024), [https://protectdemocracy.org/work/federal-jury-ringleader-trump-train-guilty/#~:text=The%20jury%20held%20Eliazar%20Cisneros%2C%20a%20lead,in%20punitive%20damages%20to%20all%20three%20plaintiffs.&text=The%20jury%20found%20defendant%20Eliazar%20Cisneros%20liable,of%20\\$40%2C000%20in%20compensatory%20and%20punitive%20damages.](https://protectdemocracy.org/work/federal-jury-ringleader-trump-train-guilty/#~:text=The%20jury%20held%20Eliazar%20Cisneros%2C%20a%20lead,in%20punitive%20damages%20to%20all%20three%20plaintiffs.&text=The%20jury%20found%20defendant%20Eliazar%20Cisneros%20liable,of%20$40%2C000%20in%20compensatory%20and%20punitive%20damages.)

³⁴ *League of United Latin Am. Citizens - Richmond Region Council 4614 v. Pub. Int. Legal Found.*, No. 1:18-CV-00423, 2018 WL 3848404, at *1 (E.D. Va. Aug. 13, 2018).

³⁵ *League of United Latin Am. Citizens - Richmond Region Council 4614 v. Pub. Int. Legal Found.*, No. 1:18-CV-00423, 2018 WL 10498655, at *1 (E.D. Va. Nov. 27, 2018).

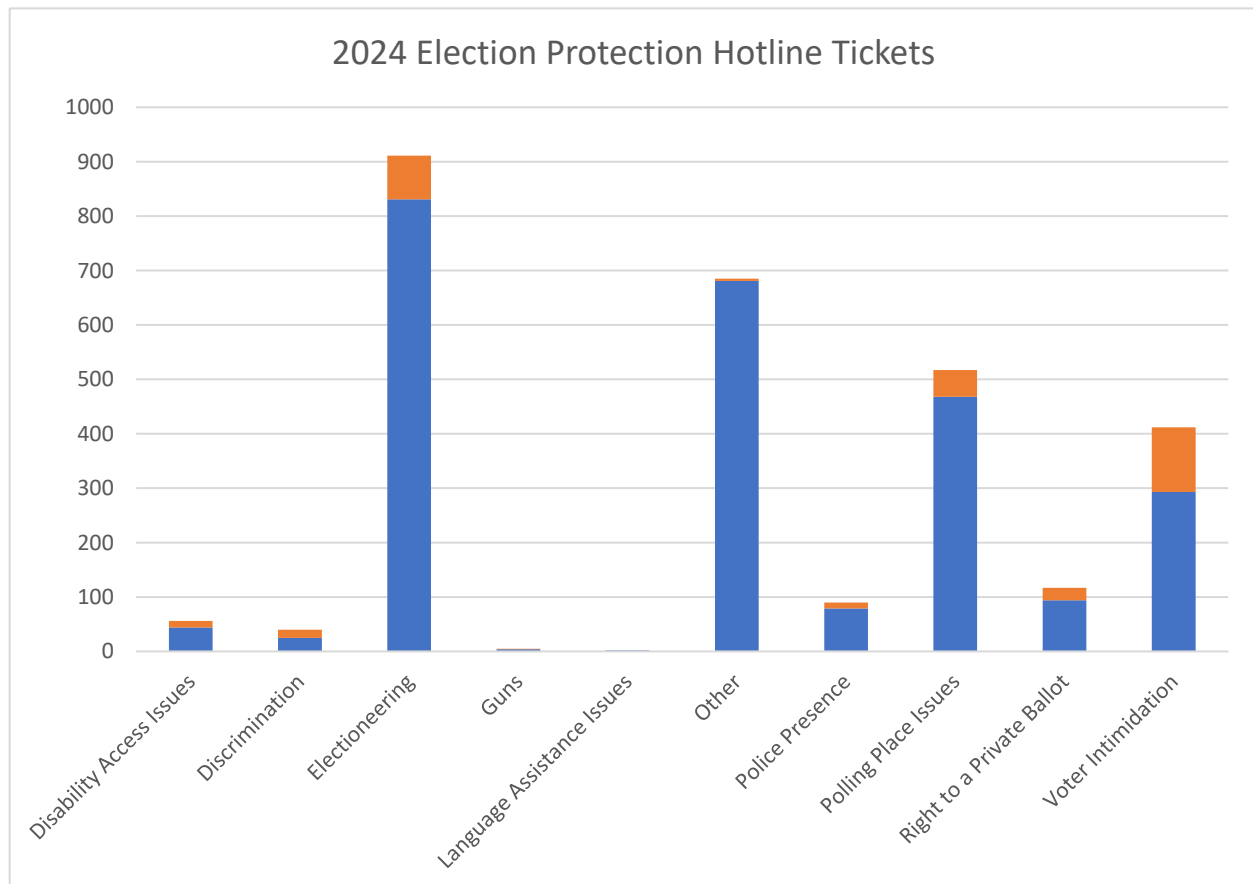
³⁶ *Supra* note 34.

³⁷ *Id.*

³⁸ *LULAC v. Public Interest Legal Foundation*, Protect Democracy (July 25, 2019), <https://protectdemocracy.org/work/lulac-v-public-interest-legal-foundation-case/>.

IV. 2024 GENERAL ELECTION

This covert and pernicious intimidating conduct continued into the 2024 General Election. During this election cycle, the Election Protection hotline received 64,384 calls from voters and Election Protection volunteers. Calls are categorized according to various issue areas; the following chart displays a breakdown of the 2,522 calls received in 2024 that were tagged as “In-Person Voting, General Questions or Info Requests | In Person Intimidation, Intimidation & Electioneering | Not on rolls/in database, Voter ID & Registration Problems | Poll worker misconduct.” Because this ticket code encompasses a variety of distinct issues, CLC analyzed and retagged each ticket under a unique issue identifier to better assess the current landscape of what voters find to be intimidating conduct during the voting process. The unique identifiers/issues we used were: (1) disability access issues; (2) discrimination; (3) electioneering; (4) guns at polling places; (5) language assistance issues; (6) police presence at the polls; (7) general polling place issues; (8) voter or ballot privacy issues; and (9) voter intimidation. The remaining tickets reviewed were categorized as “other,” which included general questions or complaints that did not fall into any of the aforementioned subcategories. Because some tickets related to multiple issues, CLC tagged those tickets under a primary and secondary issue. The primary issue for each call is reflected in the blue columns in the graph below, while the orange segments represent calls with additional or secondary issues.



V. TAKEAWAYS

Voters report a wide variety of conduct as intimidating. Although some types of conduct reported as intimidating by hotline callers has been found by courts to constitute voter intimidation in specific circumstances, much of the conduct reported likely cannot form the basis for a successful voter intimidation claim without further evidence or fact development. However, even if certain reported conduct cannot sustain a voter intimidation claim in court, analyzing what conduct voters may find intimidating can elucidate potential policies that can help ensure that voters feel more secure and confident when exercising their right to vote. The conclusions and recommendations below address some of these policies, based on analysis of the complaints received by the Election Protection hotline.

Intimidating Conduct Remains an Issue at Polling Places

Voter intimidation-related reports (calls categorized under “voter intimidation,” “guns,” or “police presence”) accounted for approximately 20% of the calls made to the Election Protection hotline in 2024 and occurred in states across the country.³⁹ Voters repeatedly reported feeling intimidated by openly carried weapons and the presence of uniformed officers at the polls—19% of reports in this subcategory came from voters intimidated by some sort of police or other armed security presence. Sometimes the police officers were just standing by the polling places, while at other times they engaged in more active behavior such as openly discussing who should win the election or making disparaging comments about who should be voting. Other activity that voters reported as intimidating included:

- individuals recording them voting or dropping off their ballots;
- being monitored, watched, or observed by people in intimidating vehicles or attire (such as individuals wearing camouflage or fatigues or driving trucks with a skeleton and inflammatory signs);
- being yelled or screamed at aggressively or harassed during the voting process;
- being pressured to vote a certain way including by poll workers;
- being intentionally served mis- or disinformation regarding voting information (dates, times, locations, etc.); and
- discriminatory signs or comments.

Sometimes the harassment, yelling, or electioneering was so intense that voters felt too uncomfortable to enter the polling place and decided to try voting at another time. Sadly, many voters experienced intimidation from family members, friends, or employers.

Some intimidating activity seemed organized or coordinated. For instance, multiple bomb threats were called in to Georgia, Arizona, and Pennsylvania polling places on Election Day.⁴⁰

³⁹ During the 2024 General Election Cycle, voter intimidation calls came from Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

⁴⁰ Hansi Lo Wang, et al., *Bomb threats disrupted what was otherwise relatively smooth voting on Election Day*, NPR (Nov. 6, 2024), <https://www.npr.org/2024/11/06/nx-s1-5181834/election-day-voting-bomb-threats>.

Multiple voters also reported signs from ballot security groups in Spanish with a message to the effect of “if you are not a citizen and vote, you will be deported.”⁴¹ Many North Carolina voters received texts or calls falsely telling them their polling place had changed. A few voters reported receiving both a call and a house visit from a conservative group claiming there was an issue with their ballots, despite the fact that the online ballot tracking system indicated that there was no issue and their ballots had been accepted. Lastly, numerous voters received text messages or saw ads falsely articulating that who they vote for is public knowledge, so friends and family would know if they did the right thing or “stood with Trump;” many of these texts came from the Republican Party and affiliated groups.

Some specific instances of voter intimidation that occurred included:

- In Pennsylvania, “a man carrying a gun and ammo belt dressed in a quasi uniform shirt was placed in front of the only entrance to the polling place. This man (who claimed he was a ‘Pennsylvania Constable’ and a (non-uniformed) woman asked this voter and his wife and two voting-aged children whether they were Republicans.”
- In Virginia, “[o]ne man in black Escalade SUV erratically drove through small parking lot of polling place at not less than 35 mph two times including jumping the curb. He approached electioneers, knocked over Dem signs and put out Trump signs. Returned a second time and drove up to the coned area blocking cars from the polling place and called electioneers ‘pussys’ and made a threatening gun gesture with his hand while saying ‘I know what you did.’”
- In Utah, one woman called regarding her son’s first voting experience stating he “just called her saying there are armed men circling the polling site, he is scared, wants to vote, but doesn’t think it’s worth getting shot.”
- In Virginia, another student reported multiple threats of losing his scholarship money if he registered and voted in the state he attended university.

Some of this intimidating activity can be rectified by poll workers or election administrators who have the authority to maintain order at the polling place. While election workers can call for assistance from law enforcement to manage unruly electioneers, observers, or loiterers, they should remember that police presence at the polls itself can be intimidating to voters. For that reason, election workers should only call on law enforcement in cases of emergency or risk of imminent physical harm. Instead, state and local election officials should utilize existing de-escalation resources and organize de-escalation trainings for poll workers.⁴² That said, at times, police presence will sometimes be necessary at polling places—especially given the increase in threats of violence and harassment directed at poll workers and election administrators themselves. Unless law enforcement officers are actively responding to an

41 Some states require signs with a similar message, but the message is to be posted in both English and Spanish. See David A. Lieb, *Noncitizen voting is extremely rare, yet Republicans are making it a major election concern*, PBS News (Sept. 2, 2024), <https://www.pbs.org/newshour/politics/noncitizen-voting-is-extremely-rare-yet-republicans-are-making-it-a-major-election-concern#:~:text=In%20Georgia%2C%20Raffensperger%20last%20week,suspected%20violations%20of%20election%20laws.>

42 In 2024, CLC, in collaboration with All Voting is Local Wisconsin, helped sponsor a de-escalation by the Southeastern Dispute Resolution Center for Wisconsin’s Municipal Clerks. Additionally, CLC helped connect other state election protection coalitions with a series of de-escalation trainings organized by State Voices, Common Cause, Vision Change Win, and Bridging Divides Initiative. De-escalation resources are listed at the end of this report.

emergent threat or other emergency, officers present at the polls should dress in plainclothes rather than in uniforms.

Overall, to thwart and deter voter intimidation, state prosecutors and Attorneys General should bring actions against intimidators under state and federal voter intimidation laws and policy makers should create civil enforcement mechanisms against voter intimidation.⁴³ Voting rights advocates should continue enforcing federal voter intimidation laws against bad actors.⁴⁴

Voters Prefer an Electioneering Perimeter

Approximately 36% of the Election Protection hotline tickets were complaints from voters relating to electioneering activity, both legal and illegal. Voters generally expressed discomfort with campaign paraphernalia both outside and inside the polling place and with campaign volunteers engaging in solicitation on the way into the polling place or near a dropbox—even if those electioneering are as far as 100 feet away—and voters feel frustrated when poll workers do not enforce electioneering bans. For instance, one voter reported a man outside of a dropbox who was:

“waiving Trump flags and banners, yelling at people and waving his arms intimidatingly. He has a sign something like ‘I don’t care if you are offended.’”

Another voter reported feeling intimidated by a fellow voter “behind him in line [] wearing his candidates’ clothing.”

On the other hand, many voters are unaware that electioneering laws prohibit wearing campaign or candidate paraphernalia inside a polling place and become agitated when asked to remove said items by poll workers. For example,

“voters with trump shirts/hats etc. refused to remove and [were] harassing the poll workers and started shouting about their constitutional rights.”

In a few egregious circumstances, voters reported intimidation by candidates soliciting votes outside of polling places; it is unclear whether the candidates were unaware of or simply disregarded the electioneering bans, and if election officials were unable or unwilling to enforce those bans.

Across the country, electioneering perimeters range from 10 feet from the polling place in Pennsylvania⁴⁵ to 600 feet from the polling place in Louisiana⁴⁶ with the average perimeter spanning 100 feet.⁴⁷ Given that voters feel very uncomfortable with electioneering close to polling places, states with electioneering perimeters under 100 feet should increase their

⁴³ For example, both Virginia and New York have state voter intimidation laws modeled off of Section 11(b) of the VRA. See Va. Code Ann. §§ 24.2-1005(B), 24.2-1005.1(C); N.Y. Elec. Law § 17-212.

⁴⁴ See *infra* Part III.

⁴⁵ 25 Pa. Stat. § 3060.

⁴⁶ La. Stat. Ann. § 18:1462.

⁴⁷ *Electioneering Prohibitions Near Polling Places*, National Conference of State Legislatures (Sept. 4, 2025), <https://www.ncsl.org/elections-and-campaigns/electioneering-prohibitions>.

perimeter.⁴⁸ Such changes are likely to be especially beneficial for states with particularly close perimeters such as Pennsylvania (10 feet), Missouri (25 feet), Alabama (30 feet), Virginia (40 feet), Rhode Island (50 feet), and North Carolina (25-50 feet); 31% of all electioneering-related calls in 2024 came from these six states, and 9% of these tickets came from Pennsylvania alone.

Poll Workers Need Better Training on Election Law

Roughly 22% of calls to the Election Protection hotline in 2024 were related to election administration problems (tickets categorized as “polling place issues,” “disability access issues,” or “language assistance issues”). Upon closer review, many of these complaints occurred due to inadequate knowledge, improper understanding, or total disregard of election laws or procedures by poll workers. These issues were fairly deleterious and included:

- poll workers telling voters standing in line during open poll hours that they would not be able to vote;
- failing to provide eligible voters a provisional ballot or same-day registration;
- incorrectly telling voters they had to vote at a different polling location or were not registered;
- inconsistently applying verification procedures like signature matching;
- failing to enforce limitations on observers or poll watchers, resulting in improper and uncomfortable interactions between voters and observers;
- requiring voters to provide unnecessary identification or disclose their party affiliation or other irrelevant personal identifying information;
- making inappropriate comments or generally being rude, hostile, or aggressive towards voters;
- and asking who voters were voting for and suggesting who voters should vote for.

Inadequate knowledge or improper understanding of election law also affected voters with disabilities or whose first language was not English. For example, many voters were yelled at for properly receiving assistance because of their disability or lack of English proficiency and were aggressively questioned whether they credibly had a disability or were an eligible voter by election workers or administrators.

Because election officials hold immense power and authority, false or incorrect assertions or indications by them that an eligible voter is not qualified or is unable to vote or has broken a rule can be intimidating to voters and can result in eligible voters not exercising their freedom to vote. Additionally, rude, aggressive, or hostile behavior or pressure to share information by election officials, who have the ability—both real and perceived—to control whether a person can vote or not, can feel coercive, threatening, or intimidating to voters.

Importantly, election officials and poll workers can be subject to prosecution or civil liability under state and federal voter intimidation statutes for behavior that threatens, harasses, or

⁴⁸ Those states include: Alabama, Arizona, Connecticut, District of Columbia, Delaware, Indiana, Missouri, New Hampshire, North Carolina, Pennsylvania, Rhode Island, and Virginia.

intimidates voters at the polling place. Local election jurisdictions with multiple or repeated reports of problematic behavior by election workers need to be reminded of the relevant state and federal laws governing election procedures and the rights of voters, as well as the consequences for failing to comply with election law. State-level election authorities should remind jurisdictions of their obligations under the law and institute or revise training for poll workers to address these issues.

Some complaints relating to general election administration cannot be remedied by better training of election law and consisted of complaints about things like machines not working or long lines at the polling places. To address these issues, states should have a repository of back-up machines, extend early voting, or add additional polling locations in population dense neighborhoods.

Advocacy may be necessary to ensure voters are able to vote in secret

Almost 5% of reports made to the Election Protection hotline in 2024 were related to issues involving a voter's right to cast a private ballot. These complaints mostly involved polling places lacking secret compartments for voters to vote, requiring them to vote in the open where others could see their choices, or instances where poll workers actually followed voters into the booths and attempted or succeeded in watching the voters make their election choices. Voters found this lack of privacy intimidating. For example, in Alabama:

"Caller indicated that she had just voted and that there was no voter protection whatsoever - nothing to separate them from one another, just a cafeteria where people sat across from them or next to them and they could see everything and she was very uncomfortable - she also said there were large groups of people standing around and it felt like voter intimidation for her."

"Open tables, no privacy dividers; and voters coming in wearing candidate clothing. Today at lunchtime/12:00. Voted differently than she wanted to because of the lack of privacy."

Almost all state constitutions contain clauses establishing a right to a secret ballot,⁴⁹ and this right can be privately enforceable. For example, in *George v. Mun. Election Comm'n of City of Charleston*, a political party sought to nullify the results of an election for a municipal body because voters did not vote in private voting booths nor was there any mechanism to protect the secrecy of the ballot before it was deposited.⁵⁰ The Supreme Court of South Carolina agreed.⁵¹ In a more recent case in Georgia, a district court implied that evidence of "poll workers[]" or members[] of the public [] attempt . . . to either observe [voter's] voting selections or go through the multi-step process of associating their voting selections with specific ballot images or cast vote records" could implicate a voter's right to a secret ballot.⁵²

49 Specifically: Alaska, Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Mexico, Nevada, New York, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, West Virginia, and Wyoming. The six remaining states have statutory provisions referencing secrecy in voting. See *The Secret Ballot at Risk*, <https://secretballotatrisk.org/>.

50 335 S.C. 182, 185 (1999).

51 *Id.*

52 *Curling v. Raffensperger*, 702 F. Supp. 3d 1303, 1377 (N.D. Ga. 2023).

Hotline reports regarding issues with a right to a private ballot came from across the country.⁵³ State level authorities should investigate jurisdictions where these complaints arose, remind poll workers and election administrators of their constitutional or statutory duty to provide voters privacy when voting and again, institute trainings in problematic jurisdictions.

VI. CONCLUSION

All voters should be able to confidently and securely cast their ballots free from intimidation. While voter intimidation may take different forms than during Reconstruction or the Civil Rights Era, it remains an ongoing issue for voters in modern elections that state election authorities and policymakers should work to address. CLC and our partners will continue to combat voter intimidation and protect access to the ballot box for voters.

⁵³ Specifically: Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

VII. APPENDIX – DEESCALATION RESOURCES

Below is a list of de-escalation resources published by various partners that can be used by election and poll workers, volunteers, and advocacy groups.

States United:

- [De-Escalation: A Toolkit for Election Officials - \(statesuniteddemocracy.org\)](https://statesuniteddemocracy.org/)

CISA:

- [De-Escalation: How You Can Help Defuse Potentially Violent Situations \(cisa.gov\)](https://cisa.gov/)
- [Election Security - Physical Security of Voting Locations and Election Facilities \(cisa.gov\)](https://cisa.gov/)
- [Non-Confrontational Techniques for Election Workers](https://cisa.gov/)

Bridging Divides Initiative:

- [De-Escalation Guidance for Poll Workers.pdf \(princeton.edu\)](https://bridgingdivides.org/)

Committee for Safe Elections:

- [Five Steps in Focus - Committee for Safe and Secure Elections \(safeelections.org\)](https://safeelections.org/)
- [Resources - Committee for Safe and Secure Elections \(safeelections.org\)](https://safeelections.org/)

Elections Group:

- [Election Security in a Time of Disturbance - Elections Group](https://electionsgroup.org/)
- [Election Observer Resources - Elections Group](https://electionsgroup.org/)

Election Assistance Commission:

- [V3 Personal Security for Election Officials \(eac.gov\)](https://eac.gov/)

Over Zero Toolkit on Political Violence:

- [Building a Resiliency Network: Toolkit \(overzero.ghost.io\)](https://overzero.ghost.io/)