CAMPAIGN LEGAL CENTER

# Protecting Nevadans From Voter Intimidation

This memo outlines the protections for voters against voter intimidation under both federal and Nevada law. **Voter intimidation is a felony and local election officials and law enforcement have a responsibility to protect Nevadans from voter intimidation of any kind.**

First, anyone who "intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote"[1] in a federal election commits a federal crime.

Second, Nevada has election laws that protect Nevadans from the use and threats of force, intimidation, coercion, or undue influence.[2] **An individual convicted of voter intimidation, is guilty of a category E felony,[3] which carries a minimum sentence of one year and a maximum sentence of four years.**[4]


CAMPAIGN LEGAL CENTER

LEARN MORE AT
campaignlegalcenter.org

CLC is a nonpartisan, nonprofit organization working to protect and strengthen the U.S. democratic process across all levels of government through litigation, policy analysis, and public education. CLC seeks a future in which the American political process is accessible to all citizens, resulting in representative, responsive, and accountable government. Consistent with that mission, we have worked with election officials across the nation to improve their administrative policies, protect the freedom to vote of citizens within their jurisdictions, and strengthen the democratic process.

[1] 18 U.S.C. § 594.

[2] Nev. Rev. Stat. § 293.710; Elections Procedures Manual, Nevada Secretary of State (2026) at Section 1, page 12, https://www.nvsos.gov/home/showpublisheddocument/17254/639105657872870000.

[3] Nev. Rev. Stat. § 293.710.

[4] Nev. Rev. Stat. § 193.130.

Nevada Attorney General Aaron Ford:

"Illegal voter intimidation is when folks try to use words, threats, or actions to influence voters. Electioneering is trying to campaign for a candidate while inside a polling place – that even includes wearing candidate-specific swag. Poll watchers are people independently observing the polls to make sure no one's trying to sway or intimidate your vote. **Voter intimidation and electioneering are illegal in Nevada and anyone using these tactics should think twice or face prosecution**. When you get your ballot turn it in with honesty and integrity."[5]

# I. Voter Intimidation is Illegal; Violators are Subject to Civil and Criminal Penalties

## A. FEDERAL LAW PROVIDES BROAD CRIMINAL PROTECTION AGAINST VOTER INTIMIDATION

Federal law provides that:

> Whoever **intimidates, threatens, coerces, or attempts 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 [federal] office… shall be fined under this title or imprisoned not more than one year, or both.[6]

Such protection extends to **attempts** to intimidate, threaten, or coerce voters and any intimidation, threats, or coercion with respect not only to voting but also voter registration and assisting voters to register and/or vote.[7] Thus, federal laws prohibit all persons from engaging in conduct that is intended to (regardless of its effect) intimidate voters.

**A person found guilty of violating the federal voter intimidation law could be sentenced to up to five years in prison in addition to criminal fines.**[8] People who intimidate or attempt to intimidate voters – or interfere with the right to vote – are also subject to civil liability.[9]

---

[5] NowThisImpact (@nowthisimpact), Twitter (Oct. 4, 2020, 8:03PM), https://twitter.com/nowthisnews/status/1312906094797369346; see also Aaron D. Ford (@AaronDFordNV), Twitter (Sept. 29, 2020 11:51 PM), https://twitter.com/AaronDFordNV/status/1311151750829678592.

[6] 18 U.S.C. § 594; *see also* 18 U.S.C. §§ 241, 242, 245(b)(1)(A), and 610 (other criminal provisions).

[7] *See* 52 U.S.C. § 20511.

[8] *Id.*; *see also* 52 U.S.C. § 10308(a).

[9] *See* 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"); 52 U.S.C § 10101(b) ("No person, whether acting under color of law or otherwise, shall intimidate, threaten,

## B. NEVADA LAW SIMILARLY PROHIBITS INTIMIDATION, THREATS, OR COERCION OF VOTERS

**Under Nevada law, intimidation of voters and other unlawful acts in connection with the election process is a felony.**[10] Specifically, individuals may not "use or threaten to use any force, intimidation, coercion, violence, restraint, or undue influence."[11]

Nevada also has a Voters' Bill of Rights, which provides, among other enumerated rights, that each voter has the right to:

- "vote without being intimidated, threatened or coerced."
- "have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military, or a citizen who is overseas."
- "have complaints about elections and election contests resolved fairly, accurately, and efficiently."[12]

## C. EXAMPLES OF UNLAWFUL CONDUCT

Nevada law specifically states that "[i]t is unlawful for any person, in connection with any election, petition or preregistration or registration of voters, whether acting himself or herself or through another person in his or her behalf, to:

a. Use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence;

b. Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

c. Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

d. Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his or her vote; or

---

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[.]"); *see also* 42 U.S.C. § 1985(3) (providing a private right of action where "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").

[10] Nev. Rev. Stat. § 293.710.

[11] *Id.*

[12] Nev. Rev. Stat. § 293.2546.

e. Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee;"[13] or to

f. Use improper influence to deprive a person of freedom of choice, including by emphasizing one's official position or role to remand actions or privileges that would not have otherwise been afforded; or

g. Create an intimidating presence inside or outside a polling place to discourage individuals from voting or influencing a voter to cast their vote for a specific candidate not of the voter's choice.[14]

**Examples of Intimidation**

- Verbal or physical confrontation of voters by persons dressed in official-looking uniforms;
- Physical intimidation, such as standing or hovering close to voters as they attempt to vote;
- Flyers threatening jail time or other punitive action against persons who vote;
- Direct confrontation or questioning of voters or asking voters for documentation when none is required;
- Vandalism of polling places;
- Use of police officers to threaten or intimidate voters;
- Threats made by an employer to the job, wages, or benefits of an employee if he or she does not vote in a particular manner; and
- Occupying the parking lot of a polling place in such a way that voters might be hindered from entering.[15]

# II. Election Officials Have a Duty to Prevent Intimidation and Electioneering In and Around the Polling Location, Including from Poll Observers

**Within 100 feet of the entrance to the voting area and within the voting location, Nevada law prohibits individuals, including election board individuals and poll observers, from**

[13] Nev. Rev. Stat. § 293.710; see also Elections Procedures Manual, *supra* note 2, at Section 1, page 9-10; *The Nevada Election Interference Law Handbook*, Brennan Center for Justice (June 25, 2026), https://www.brennancenter.org/our-work/research-reports/nevada-election-interference-law-handbook.

[14] Elections Procedures Manual, *supra* note 2, at Section 1, page 9-10.

[15] These examples are provided by the Brennan Center for Justice: Wendy Weiser and Vishal Agraharkar, *Ballot Security and Voter Suppression: What It Is and What the Law Says*, Brennan Center for Justice, 7-8 (2012), https://www.brennancenter.org/our-work/research-reports/ballot-security-and-voter-suppression.

**electioneering, soliciting votes, or speaking to a voter about their voting choices.[16] Violations of this statute are a gross misdemeanor.[17]**

> Electioneering "means campaigning for or against a candidate, ballot question or political party," by posting signs, distributing literature, using loudspeakers to broadcast information, by buying, selling, wearing or displaying insigne, or soliciting signatures for a petition.[18]

Inside a polling place, individuals cannot "**remain in… any polling place so as to interfere with the conduct of the election**" or ask another person whom they intend to vote for.[19] Interfering with the conduct of an election within the polling place in such a manner is a category E felony.[20] Despite these limitations, voters who are **physically disabled and/or unable to read or write English** are **"entitled to assistance from a consenting person of his or her own choice**" in filling out their ballot.[21]

If an election official observes voter intimidation, the official must take immediate action to move the individual away from the voter and ask the person to stop the behavior.[22] If the person refuses, the official should contact the county election office.[23] Further, if anyone becomes loud, aggressive, threatening, or disruptive, election officials should call 911, identify themselves as an election worker, and request assistance.[24]

## A. POLL OBSERVERS

Nevada law allows members of the general public to observe the conduct of voting at a polling place. **Observers are required to wear a name tag and are generally required to stay within a confined observation space that "must not be located in an area that would allow an observer to infringe on the privacy and confidentiality of the ballot of the voter."[25]**

> **A poll observer CANNOT**:
>
> **1 | Talk to voters within the polling place;**[26]

[16] Nev. Rev. Stat. § 293.740.
[17] *Id.*
[18] *Id.*
[19] Nev. Rev. Stat. § 293.730.
[20] *Id.*
[21] Nev. Rev. Stat. § 293.296.
[22] Elections Procedures Manual, *supra* note 2, at Section 1, page 10.
[23] *Id.*
[24] *Id.*
[25] Nev. Admin. Code 293.245
[26] Nev. Admin. Code 293.245.

2 | **Use a mobile telephone or computer within the polling place,**[27] **including photographing or recording the conduct of the polling place;**[28]

3 | Advocate for or against a candidate, political party or ballot question;[29]

4 | Argue for or against or challenge any decisions of county or city election personnel;[30] or

5 | Interfere with the conduct of voting.[31]

**Poll observers must sign an acknowledgement before observing in which they agree to the above, and can be removed from the polling place by the county or city clerk for any violations.**[32] **They also cannot engage in electioneering or any other voter intimidation behaviors prohibited by Nevada and federal law.**

## B. ORAL CHALLENGES

Any person applying to vote in person may be challenged orally at the voting location by a **registered voter of the same precinct** on several specific grounds: that the voter (1) does not belong to the political party designated either on the roster or on their application, (2) does not reside at the address listed on the roster, (3) previously voted in the same election, or (4) is not who they say they are.[33]

If a voter is challenged, the election board officer must provide the challenged voter with a form to sign under penalty of perjury to rebut the grounds for the challenge.[34] For instance, if the challenge is based on an allegation that the challenged person does not belong to the political party designated on the roster, the challenged voter must affirm under penalty of perjury that they do belong to that political party.[35]

The challenger must submit a written statement signed **under penalty of perjury** in the form prescribed by the Secretary of State stating the challenge is based on the challenger's personal knowledge.[36] Therefore, frivolous challenges are illegal, can be prosecuted in court, and cannot be used to intimidate voters.

---

[27] *Id.*

[28] Nev. Rev. Stat. § 293.274.

[29] Nev. Admin. Code 293.245.

[30] *Id.*

[31] *Id.*

[32] Nev. Admin. Code 293.245

[33] Nev. Rev. Stat. § 293.303(1)(a); Affirmation of Challenger EL-B04-25, available at https://www.nvsos.gov/home/showpublisheddocument/19593/639166123980070000.

[34] Nev. Rev. Stat. § 293.303(2).

[35] Nev. Rev. Stat. § 293.303(2)(a).

[36] Nev. Rev. Stat. § 293.303(1)(a).

# III. Firearms and Open Carry

Nevada does not have laws specifically prohibiting firearms from polling places. However, **Nevada law *does* prohibit possession of firearms and other dangerous weapons on school property, which are often the location of polling places**.[37]

Nevada prohibits any person from carrying or possessing a firearm on the property of the Nevada System of Higher Education (state university and college system), a private or public school or child care facility, or while in a vehicle owned by a private or public school or child care facility.[38] Nevada also prohibits concealed firearms permittees from carrying a concealed firearm while on the premises of a public building located on the property of a public school, a child care facility, or the property of the Nevada System of Higher Education, without specific written permission.[39]

For polling places that aren't located at schools, it is important to remember that even if firearms are allowed, the use or handling of a firearm can be illegal if the behavior intimidates or threatens voters or otherwise interferes in the conduct of the election.

# IV. Law Enforcement at Polling Locations

**The President does not have authority to order law enforcement to patrol polling places.**[40] Sheriff's deputies and police officers are commanded at the local level, and a federal statute makes it a felony for any federal official to send "armed men" to the vicinity of polling places.[41]

Federal law prohibits U.S. military presence at the polls and members of the U.S. military from interfering with any qualified voter's right to vote.[42] This prohibition, of course, does not apply to members of the U.S. military who are at the polls to vote.[43]

The same laws prohibiting voter intimidation and electioneering, discussed in the above Sections, apply equally to police officers and law enforcement agents.[44]

---

[37] Nev. Rev. Stat. § 202.265.

[38] *Id.*

[39] Nev. Rev. Stat. § 202.3673.

[40] Sean Morales-Doyle, et al., *Voters Should Not Be Intimidated*, Brennan Center for Justice (Oct. 7, 2020), https://www.brennancenter.org/our-work/research-reports/voters-should-not-be-intimidated; Sean Morales-Doyle, *Federal and State Election Laws Ban Federal Forces from Polling Places*, Brennan Center for Justice (Feb. 10, 2026), https://www.brennancenter.org/our-work/research-reports/federal-and-state-election-laws-ban-federal-forces-polling-places.

[41] 18 U.S.C. § 592.

[42] 18 U.S.C. § 592; 18 U.S.C. § 593.

[43] 18 U.S.C. § 593.

[44] Morales-Doyle, et al., *supra* note 40.

# V. Whom to Contact for Enforcement

Voter intimidation under Florida law also includes knowingly using false information to challenge a person's right to vote, induce or attempt to induce a person to refrain from voting, or induce or attempt to induce a person from acting as an election official.[45] For example, a text message falsely instructing voters to vote the day after an election to avoid long lines could be prosecuted as voter intimidation.[46]

| **Nevada Secretary of State Contact Information** | |
|---|---|
| **Mailing address**:<br>101 North Carson St. Suite 3<br>Carson City, NV 89701-3714 | **Fax**: 775-486-5718<br>**Email**: sosmail@sos.nv.gov |

The complaint must set forth the alleged violation and should include the name and contact information (if known) of the individual, candidate, campaign, or group that is the subject of the complaint.[47] The complaint must also include a clear and concise statement of facts sufficient to establish that the alleged violation occurred.[48] Any relevant documents or other evidence that support the complaint should be listed and attached to the complaint as well.[49]

**The Nevada Attorney General "is ready to prosecute anyone attempting voter intimidation in Nevada"** and will be working with the state's Election Integrity Task Force (a state and federal joint task force composed of law enforcement bodies and the secretary of state's office) to respond to any election law violations. [50]

| **Nevada Attorney General Contact Information** | |
|---|---|
| **Online Complaints**:<br>http://ag.nv.gov/Complaints/File_Complaint/ | **Phone**: 775-684-1100<br>**Twitter**: @AaronDFordNV |

[45] Fla. Stat. § 104.0615.

[46] *See, e.g.,* Dominick Tao, *Students Receive Misleading Information on Election Day*, ABC News (Nov. 4, 2008), http://abcnews.go.com/Politics/Vote2008/story?id=6182271&page=1.

[47] *Election Integrity Violation Report*, Nevada Secretary of State, https://www.nvsos.gov/sos/home/showpublisheddocument/4281/638113631420500000.

[48] *Id.*

[49] *Id.*

[50] Riley Snyder, *Ford threatens prosecution for voter intimidation after Trump's debate comments; no major changes planned for poll-watching*, The Nevada Independent (Oct. 1, 2020), https://thenevadaindependent.com/article/ford-threatens-prosecution-for-voter-intimidation-after-trumps-debate-comments-no-major-changes-planned-for-poll-watching; *Election Investigations*, Nevada Secretary of State, https://www.nvsos.gov/elections/election-information/election-investigations.

Voters may also seek advice on how to report intimidation by contacting the national, nonpartisan Election Protection coalition. The main number**, 866-OUR-VOTE**, is administered by the Lawyers' Committee for Civil Rights Under Law. The coalition also has lines available for Spanish-speaking (888)-VE-Y-VOTA, Arabic-speaking (844)-YALLA-US, and Asian-language- speaking (888)-API-VOTE voters.

Updated: October 2026