

Protecting Virginians From Voter Intimidation

This memo outlines the protections for voters against voter intimidation under both federal and Virginia law. **Voter intimidation is a felony and local election officials and law enforcement have a responsibility to protect Virginians 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, Virginia has election laws that protect Virginians from the use or attempts to use intimidation, threats, or coercion to deter or prevent others from voting.² **An individual convicted of voter intimidation is guilty of a Class 1 misdemeanor,³ which carries a punishment of up to one year in jail and a fine of up to \$2,500,⁴ and can also face civil penalties.⁵**



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¹ 18 U.S.C. § 594.

² Va. Code Ann. §§ 24.2-607, -1005(A).

³ *Id.*

⁴ Va. Code Ann. § 18.2-11(a).

⁵ Va. Code Ann. § 24.2-1005(B).

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

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

Under Virginia law, intimidation of voters is a misdemeanor and carries potential civil liability.¹⁰ Specifically, it is unlawful for any person to “hinder, intimidate, or interfere with any qualified voter so as to prevent the voter from casting a secret ballot.”¹¹ In addition, any individual who “intimidates, threatens, or coerces, or attempts to intimidate, threaten, or

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, 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 Va. Code Ann. § 24.2-1005.

¹¹ Va. Code Ann. § 24.2-607.

coerce, any other person in giving his vote or ballot or who intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce a voter to deter or prevent him from voting” is guilty of a misdemeanor and subject to civil liability.¹²

C. EXAMPLES OF UNLAWFUL CONDUCT

Virginia law specifically states that it is unlawful for any authorized representative permitted in the polling place, any voter, or any other person in the room to:

- a. “hinder or delay a qualified voter;
- b. give, tender, or exhibit any ballot, ticket, or other campaign or referendum material to any person;
- c. solicit or in any manner attempt to influence any person in casting his vote;
- d. hinder or delay any officer of election;
- e. be in a position to see the marked ballot of any other voter; or
- f. otherwise impede the orderly conduct of the election”¹³

Examples of Intimidation

Though there are many different kinds of voter intimidation, common examples of intimidation include:

- 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.¹⁴

¹² Va. Code Ann. § 24.2-1005.

¹³ Va. Code Ann. § 24.2-604(C).

¹⁴ 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>.

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

Virginia law permits election officers to designate a law-enforcement officer to preserve order both inside and outside of the polling place.¹⁵ Within 40 feet of any entrance of any polling place, individuals are prohibited from loitering or congregating; giving or exhibiting any ballot, ticket, or other campaign material or in any manner attempting to influence a voter; or hindering or delaying a qualified voter in entering or leaving a polling place.¹⁶ **Election officers shall post sufficient notices in the area within 40 feet of any entrance to the polling place that state “Prohibited Area.”**¹⁷

Inside a polling place, individuals cannot “fail[] to permit, or refuse[] to permit, a qualified voter to vote”,¹⁸ or directly or indirectly advise or assist any voter as to how he shall cast his ballot.¹⁹ Interfering with the conduct of an election within the polling place in such a manner is a Class 1 misdemeanor.²⁰ If a person is hindering, intimidating, or interfering with any qualified voter so as to prevent the voter from casting a ballot, **election officers may order the person to cease such action.**²¹ If the person does not cease, **election officers may order the arrest of the person and the person may be jailed for up to twenty-four hours.**²² Any person engaging in such behavior is guilty of a Class 1 misdemeanor.²³

Election officers are also expected to **monitor and restrict use of electronic devices** inside polling places if that use hinders or delays the voting process or if the device is being used to influence, intimidate, or solicit another individual’s vote.²⁴

A. POLL OBSERVERS

Virginia election officers must permit one—and may permit no more than three—“authorized representative(s)” from each political party or independent candidate to remain in the polling place

¹⁵ Va. Code Ann. § 24.2-606.

¹⁶ Va. Code Ann. § 24.2-604.

¹⁷ *Id.*

¹⁸ Va. Code Ann. § 24.2-1005.2.

¹⁹ Va. Code Ann. § 24.2-1006.

²⁰ Va. Code Ann. § 24.2-1005.2, -1006.

²¹ Va. Code Ann. § 24.2-607.

²² *Id.*

²³ *Id.*

²⁴ Virginia Department of Elections, Handbook, Chapter 3, 3.3.4.3, <https://www.elections.virginia.gov/media/grebhandbook/2026-updates/GREB-3-FINAL.pdf>.

while the election is conducted.²⁵ Each representative must present to election officers a written statement designating him as such that is signed by the chairman of his party.²⁶ **These representatives must not interfere with the orderly process of the election,²⁷ nor may they take pictures inside the polling place²⁸ or provide assistance to any voter.²⁹**

Inside a polling place, a poll observer CANNOT:

- 1 |** Provide assistance to any voter;³⁰
- 2 |** Photograph or record the conduct of the polling place;³¹
- 3 |** Advocate for or against a candidate, political party or ballot question;³²
- 4 |** Give or exhibit any ballot or campaign material to any person;³³
- 5 |** Be in a position to see the marked ballot of any voter;³⁴ or
- 6 |** Otherwise impede the orderly conduct of the election.³⁵

Poll observers must present to election officers a statement designating them to be a representative of a party or candidate, and can be removed from the polling place by the county or city clerk for any violations.³⁶ They also cannot engage in campaigning or any other voter intimidation behaviors prohibited by Virginia and federal law.

Poll observers, like everyone else, may not hinder, intimidate, or interfere with any qualified voter in order to prevent that voter from casting a ballot.³⁷ They may be asked to desist or arrested for doing so, and engaging in this prohibited activity constitutes a Class 1 misdemeanor.³⁸

B. CHALLENGES

A person's voter registration may be challenged only by three qualified voters who file a petition with the circuit court of the county or city where the voter is registered.³⁹ This challenge cannot be made

²⁵ Va. Code Ann. § 24.2-604.4(A).

²⁶ Va. Code Ann. § 24.2-604.4(B).

²⁷ Va. Code Ann. § 24.2-604.4(C).

²⁸ Va. Code Ann. § 24.2-604.4(D).

²⁹ Va. Code Ann. § 24.2-604.4(E).

³⁰ Va. Code Ann. § 24.2-604.4(E).

³¹ Va. Code Ann. § 24.2-604.4(D).

³² Va. Code Ann. § 24.2-604(C).

³³ Va. Code Ann. § 24.2-604(C).

³⁴ Va. Code Ann. § 24.2-604(C).

³⁵ Va. Code Ann. § 24.2-604(C).

³⁶ Va. Code Ann. §§ 24.2-604.4(B), Va. Code Ann. § 24.2-604(G).

³⁷ Va. Code Ann. § 24.2-607.

³⁸ *Id.*

³⁹ Va. Code Ann. § 24.2-431(A).

solely on the basis of removal of residence from the precinct.⁴⁰ Petitioners must give fifteen days' notice unless a court says otherwise, and the court must then promptly determine the right of the person to register.⁴¹

III. Firearms and Open Carry

Under Virginia law, it is unlawful to knowingly carry on or about one's person any firearm within 100 feet of any building used as a polling place.⁴² In addition, election officers must post a notice of prohibited firearm possession within 100 feet of the entrance of a polling place.⁴³

Virginia law also prohibits possession of firearms, stun weapons, or other weapons at schools, which often serve as polling places.⁴⁴ Violation of this provision constitutes a Class 1 misdemeanor.⁴⁵

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.⁴⁶ 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.⁴⁷

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.⁴⁸ This prohibition, of course, does not apply to members of the U.S. military who are at the polls to vote.⁴⁹

Virginia law does not prohibit the presence of police officers or law enforcement, in uniform or out of uniform, at polling locations. However, the same laws prohibiting voter intimidation and

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Va. Code Ann. § 24.2-604(A).

⁴³ Va. Code Ann. § 24.2-604(B).

⁴⁴ Va. Code Ann. § 18.2-308.1.

⁴⁵ *Id.*

⁴⁶ 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>.

⁴⁷ 18 U.S.C. § 592.

⁴⁸ 18 U.S.C. § 592; 18 U.S.C. § 593.

⁴⁹ 18 U.S.C. § 593.

electioneering, discussed in the above Sections, apply equally to police officers and law enforcement agents.⁵⁰

V. Whom to Contact for Enforcement

Violations of Virginia's voter protection laws can be reported to the Virginia Department of Elections. Voters can call the elections division at 800-552-9745, email the information to info@elections.virginia.gov, or can fill out a Complaint Form, have it notarized, and send it to the address below.⁵¹

Virginia Department of Elections Contact Information	
Mailing address: Deputy Commissioner Virginia Department of Elections Washington Building, First Floor, 1100 Bank Street Richmond, VA 23219	Phone: 800-552-9745 Email: info@elections.virginia.gov

The complaint must set forth the alleged violation and should include the name and contact information of the complainant as well as information about the polling place and a description of the complaint.⁵² Any relevant documents or other evidence that support the complaint should be listed and attached to the complaint as well.⁵³

The Virginia Attorney General launched a Voter Protection Section to address issues including “discriminatory redistricting, poll site changes, voter intimidation, improper registration cancellations, language access, and barriers facing voters with disabilities, students, and military voters.”⁵⁴

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.

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⁵⁰ Morales-Doyle, et al., *supra* note 46.

⁵¹ Virginia Dep't of Elections, Voter Complaints, <https://www.elections.virginia.gov/voter-complaints/>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Attorney General of Virginia, News Releases (Oct. 13, 2026), <https://www.oag.state.va.us/media-center/news-releases/3138-attorney-general-jay-jones-announces-voter-protection-section>.