

## GUIDANCE ON VOTER INTIMIDATION AND DISCRIMINATORY CONDUCT

Any activity that threatens, harasses, or intimidates voters outside the polling place, inside the polling place, at secure ballot receptacles, at mailboxes, or at county election offices is illegal. This includes any activity intended to, or having the effect of, interfering with any voter's right to vote. Voters should report instances of voter intimidation to their county board of elections and district attorney. Voters should also report them to the Department of State at 1-877-VOTESPA (1-877-868-3772).

### FEDERAL & STATE LAWS

- Election officials and poll workers are prohibited under federal law from discriminating against voters based on race, ethnicity, national origin, language, disability or religion, or from allowing any discriminatory conduct by private actors to affect voters. These protections are detailed in the United States Constitution, the Voting Rights Act, and the Americans with Disabilities Act.
- Election officials and private citizens are prohibited from conspiring with others to deprive a voter of their right to vote.
- Under state law, it is illegal for any person or corporation to directly or indirectly practice intimidation or coercion to induce or compel a person to vote or refrain from voting for a particular candidate or on a particular political issue through:
  - use of force;
  - violence;
  - restraint;
  - infliction of injury, damage, harm, or loss; or
  - threatened infliction of injury, damage, harm, or loss.
- Under state law, it is illegal for a person or corporation to use abduction, duress, coercion, or any other forcible or fraudulent means to impede, prevent or otherwise interfere with a person's right to vote.
- Election officials, including poll workers, cannot knowingly refuse the vote of a registered voter.

### PENALTIES FOR VOTER INTIMIDATION AND DISCRIMINATORY CONDUCT

- Individuals who deprive or attempt to deprive any person of their right to vote or conspire to do so can be fined up to \$5,000 and face up to five years in prison. (52 U.S.C. § 10308)
- Individuals who intimidate voters can be fined up to \$5,000 and face up to two years in prison. (25 P.S. § 3547)
- Any discriminating and intimidating criminal conduct may implicate other Federal and State laws that may come with additional criminal penalties.

## EXAMPLES OF VOTER INTIMIDATION AND DISCRIMINATORY CONDUCT (non-exhaustive list):

- Aggressive or threatening behavior inside or outside the polling place.
- Blocking or interfering with access to:
  - the entrance or exit to the polling place;
  - accessible accommodations for voters with disabilities;
  - voter sign-in tables or voting booths/voting machines;
  - secure ballot receptacles provided by the County; or
  - Mailboxes provided by the US Postal Service (USPS).
- Direct confrontation or questioning of voters, including asking voters for documentation or proof of eligibility when none is required.
- Disrupting voting lines inside or outside of the polling place, at a secure ballot receptacle provided by the County, or USPS mailboxes.
- Disseminating false or misleading election information, including information on voting eligibility, polling place procedures, polling place hours, or voting methods.
- Election workers treating a voter differently in any way based on race, ethnicity, national origin, language, disability, or religion.
- Aggressive or threatening brandishing of weapons.
- Photographing or videotaping voters to intimidate them.
- Posting signs in the polling place, at a secure ballot receptacle, or at a USPS mailbox to intimidate voters or drive support for a candidate.
- Routine and frivolous challenges to voter's eligibility by election workers or private citizens that are made without a stated good faith basis.
- Questioning voters about citizenship, criminal record, or political choices.
- Using raised voices, screaming, yelling, or shouting; use of insulting, offensive, or threatening language; chanting taunts; or threatening songs inside the polling place.
- Vandalism of polling places, polling place equipment/materials, secure ballot receptacles, or mailboxes.
- Verbal or physical confrontation of voters by persons dressed in official-looking uniforms.
- Falsely representing oneself as an election official or law enforcement authority.
- Violence or using the threat of violence to interfere with a person's right to vote.
- Interfering with or violating a voter's right to a secret ballot at any point in the process.

## REPORTING VOTER INTIMIDATION AND DISCRIMINATORY CONDUCT

- Individuals who witness voter intimidation or who are victims of voter intimidation should report the incident to their County Board of Elections and District Attorney.



- Each County Board of Elections is required to investigate alleged violations and report them to the District Attorney, who has the authority to prosecute violations.
- The Office of Attorney General also has concurrent authority to investigate and prosecute voter intimidation and violations of the Election Code.