



Voter Intimidation Violates Federal Law

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Voter intimidation, which is illegal under federal law, poses a clear and present danger to democracy. When some voters are afraid to cast their ballots, an election cannot be considered free or fair. Yet, there is a significant threat of voter intimidation this election cycle.

Already, campaigns and political parties have signaled their intent to engage in voter intimidation. A senior advisor to the Trump Campaign [told](#) a state party that “traditionally, it’s always been Republicans suppressing votes,” and it’s time to “start playing offense” by having “a much bigger . . . more aggressive . . . better-funded [ballot security] program.” That comment was alarming because this is the first presidential election in nearly forty years where the Republican National Committee is [no longer bound](#) by a consent decree that was based on a finding that their earlier “ballot security” efforts—including aggressive poll watching—violated federal law. As a result, prominent RNC members are [bragging](#) that they now have “unrestricted authority to weigh in on ballot security operations,” and they intend to spend millions of dollars on that effort.

Individuals and organizations have also begun intimidating voters or threatening to engage in activities that might. Last month, for example, residents of [Michigan](#), [Pennsylvania](#), and New York received robocalls falsely warning that anyone who votes by mail could have their information used to check for outstanding warrants and unpaid debt, and would be added to a “mandatory vaccination” list by the CDC. Similarly, the President of True The Vote [said](#) that the organization is planning to “get some [Navy] Seals” into polling places in the “inner city” and in predominantly Native American precincts. And, of course, there’s a possibility that the [armed militias](#) that led protests against COVID-19 lockdowns in places like Michigan could show up at polling places on election day.

All of these are potentially examples of illegal voter intimidation. This country has a long history of voter intimidation, from the Klan violently attacking Blacks and pro-reconstruction Republicans who attempted to vote, to local sheriffs arresting participants in voter registration drives during the Jim Crow-era, to modern examples of members of a campaign following voters and recording their license plates. Thankfully, we also have strong laws making voter intimidation illegal.

Voter Intimidation, or Attempted Voter Intimidation, Violates Federal Law

Any attempt to intimidate voters violates at least three different federal laws: Section 2 of the Ku Klux Klan Act of 1871 (42 U.S.C. § 1985(3)), Section 131(b) of the Civil Rights Act of 1957 (52 U.S.C. 10101(b)), and Section 11(b) of the Voting Rights Act of 1965 (52 U.S.C. § 10307(b)).

Section 2 of the Klan Act, now codified in relevant part at **42 U.S.C. § 1985(3) clauses 3 and 4**, prohibits conspiracies of “two or more persons” 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” for federal office, or “to injure any citizen in person or property on account of such support or advocacy.”

Section 131(b) of the Civil Rights Act of 1957, now codified at **52 U.S.C. § 10101(b)**, states “[n]o 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” for any candidate for federal office.

Similarly, **Section 11(b) of the Voting Rights Act of 1965**, now codified at **52 U.S.C. § 10307(b)**, states that “[n]o 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.”

All three of these statutes prohibit voter intimidation. **None of them require a threat of force or physical violence.** And importantly, all three of them apply *no matter who the perpetrator is*: whether a private individual, candidate, campaign, political party, state official, federal official, or law enforcement officer.¹ **Regardless of the perpetrator, intimidating voters is illegal.** They all also protect a broader scope of activity than only casting a ballot, such as registering to vote and advocating for a candidate.

All of these laws are civil, and generally can be enforced by private individuals and state Attorneys General, as well as by the U.S. Department of Justice.²

Intimidating Voters Violates Federal Law Regardless Of Racial Animus

Although voter intimidation is often a tool of voter suppression designed to suppress the votes of people of color, **the laws themselves do not require any showing of racial animus or discrimination based on any protected class.** In other words, voter intimidation is illegal, regardless of whether it is targeted against voters of a particular race, or the racial animus of the perpetrator.

¹ State or federal law enforcement or the military interfering with an election would violate other laws as well. See Protect Democracy’s legal guidance on [law enforcement at the polls](#) and the [Insurrection Act](#).

² There is some dispute as to whether there is a private cause of action under Section 131(b).

Voter Intimidation Is A Federal Crime

In addition to the above civil laws, a federal criminal statute, **18 U.S.C. § 594**, also prohibits voter intimidation in connection with a federal election. The punishment is a fine or up to a year in prison, or both.

In addition to these federal laws, numerous states have their own state laws prohibiting voter intimidation as well.

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[Protect Democracy](#) is a nonpartisan, nonprofit organization dedicated to fighting attacks, from at home and abroad, on our right to free, fair, and fully informed self-government.