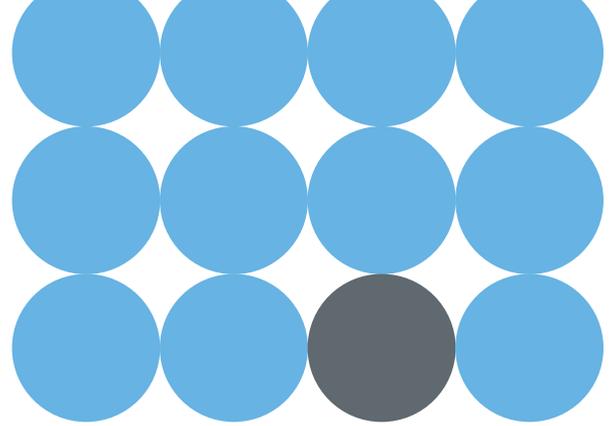


Social Justice Brief

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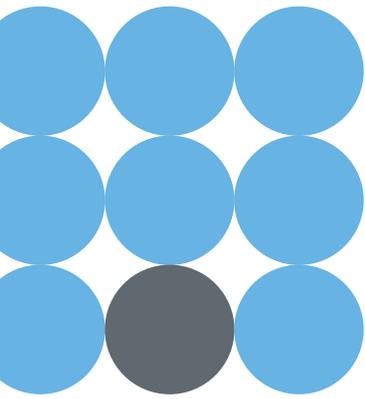
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Voter Intimidation: A Tool in the Far-Right's 2024 Strategic Plan

The primary mission of the social work profession is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty.





Voter Intimidation: A Tool in the Far-Right's 2024 Strategic Plan

As with racial gerrymandering, voter intimidation as a tool for disenfranchisement is not new. Like gerrymandering, voter intimidation can be traced directly back to the end of Reconstruction, which ushered in the Jim Crow era. The Compromise of 1877 was an off-the-record deal between southern Democrats and representatives for the Republican presidential candidate (Rutherford Hayes) to settle the disputed 1876 presidential election. The southerners threw their support behind Hayes and, in return, Hayes withdrew federal troops from South Carolina and Louisiana—effectively ending Reconstruction in those states and the rest of the South. The end of Reconstruction immediately resulted in southern legislatures passing a series of laws requiring the separation of whites from “persons of color,” soon known as the “Jim Crow laws.”

The sole purpose of Jim Crow laws was to ensure that the 15th Amendment—which guaranteed formerly enslaved people the right to vote—would for all intents and purposes become unenforceable. These repressive laws, coupled with widespread racial gerrymandering and voter intimidation to suppress the Black vote, assured the continuation of white supremacist rule. Jim Crow laws lasted for nearly another 100 years.

Though the Voting Rights Act of 1965 specifically outlawed voter intimidation, its passage has not prevented the far-right conservative factions from reviving this practice as a tried-and-true method for gaining and maintaining electoral power. It is clear that—given the high stakes that the 2024 presidential election presents—these factions will not hesitate in utilizing voting intimidation tactics.

Voter Intimidation Defined

Having discussed the historical context of voter intimidation as a tool for depriving communities of color the power to determine who will represent their interests, it is useful to briefly define what voter intimidation is as an applied voter suppression technique.

A good working definition of voter intimidation is that it is “any action that intimidates voters and scares them away from, or has the potential to scare them away from, exercising their constitutional right to vote.” However, it would be a mistake to limit the definition of voter intimidation to a standardized definition. In practice, voter intimidation is far more complex and can range from actual or implied violence to subtle coercions that make targeted people hesitant about voting.

For instance, voter intimidation may be in the form of someone or a group of people purposely and visibly positioning themselves inside or outside polling places. The overt intent of the act is to send a threat or convey extreme discomfort to discourage certain people from casting their vote. We should be reminded that voter intimidation is a form of voter suppression. This is because voter intimidation involves actions or strategies that are intended to coerce people to vote against their own value or interests—and ultimately discourage them from voting altogether.

Other examples of voter intimidation involve strangers, with no official voting monitoring credentials, visibly stationing themselves at voting drop boxes, and videotaping prospective voters as they approach a voting place, in a threatening way. Perhaps the most deeply unsettling intimidation tactic is when individuals—again with no official voting monitoring credentials—take pictures of voters’ license plates as they near a voting place.

Robocalls

Deceptive political robocalls (or sending flyers or mailers) that spread false information or cause confusion among voters can be considered a form of voter intimidation. For instance, during Texas’s Super Tuesday primary in March 2020, robocalls falsely informed voters that they could vote “tomorrow.” Similarly, in 2004, flyers distributed in Franklin County, Ohio, falsely instructed Republicans to vote on Tuesday and Democrats on Wednesday due to elevated levels of voter registration. Such methods can mislead voters and potentially discourage them from participating in elections.

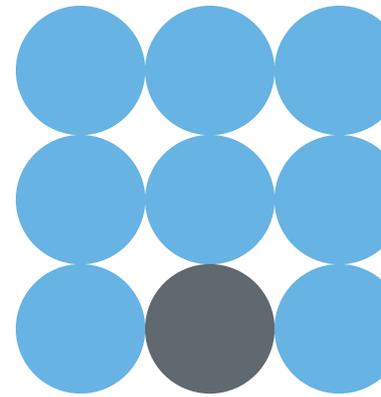
A more recent occurrence in New Hampshire helps to underscore the power of AI-driven robocalling. AI-generated robocalls were used to imitate the voice of President Biden. The “Biden” robocall so closely resembled the president’s voice that it easily fooled those who received the call. The message in the call falsely suggested that if the recipient of the call voted in the New Hampshire primary, they would not be able to vote in the November election.

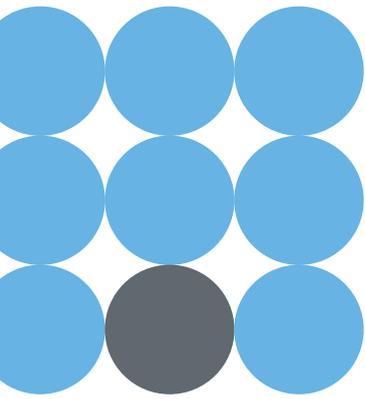
The danger of such robocalls, as a threat to fair elections, was recognized by Congress and the Federal Communications Commission (FCC). Both were alarmed that the dishonest robocalls were so easily introduced into an otherwise legitimate election process. In response to their alarm, on February 2024 the FCC outlawed robocalls that contain voices generated by artificial intelligence.

While the FCC’s actions should be applauded, there should be healthy skepticism that the FCC rule will end dishonest AI-generated robocalls—especially those that are produced by foreign actors who want to interfere in American elections.

Intimidation of Voting Poll Workers and Election Officials

Recently, the U.S. Department of Justice (DOJ) briefed election officials and workers about the availability of federal grants through the 2002 Help America Vote Act and the American Rescue Plan to increase physical security at election locations. The precautions stem from the unprecedented intimidation of election officials and workers during the 2020 presidential election—driven by the erroneous belief of Trump supporters that the election was being stolen.





The election denier factions among conservative groups are apparently playing a significant role in implementing a plan to intimidate the country's voters. For instance, an election denier organization called the Conservative Partnership Institute seeks to coordinate a nationwide effort to staff election offices, recruit poll watchers and poll workers, and build teams of local citizens to challenge voter rolls, question postal workers, be "ever-present" in local election offices, and inundate election officials with document requests.

Incidents of harassment and physical attacks on local election workers themselves have had a role in causing deep fears and apprehension among election worker staff. For example, in Pennsylvania, approximately 50 senior-level county election officials have resigned since the 2020 election. Similarly, in Nevada, 10 (out of 17) top election officials resigned, retired, or declined to seek re-election since the 2020 vote. Nationally, one in five election workers told the Brennan Center for Justice that they planned to quit before the 2024 presidential election, citing stress and political attacks as driving factors. The need to protect poll workers and election officials needs to be an ongoing effort. As referenced previously, the Voting Rights Act of 1965 provides for penalties to protect against voter intimidation.

It is now necessary for states to enhance enforceable laws specific to protecting voters and election workers. The Brennan Center for Justice has developed a resource that highlights the laws and policies in the states of Arizona, Florida, Georgia, Michigan, Nevada, New Hampshire, North Carolina, Pennsylvania, Texas, and Wisconsin as they

relate to intimidation of poll workers and officials. This resource is helpful for voting rights coalitions and organizations with a voting rights advocacy program (such as the National Association of Social Workers [NASW]) in tracking how states respond to this threat.

Intersection of Gun Violence and Voter Intimidation

In a time when gun ownership and the culture of guns is at its highest, the intersection of implied or real threats of gun violence and voter intimidation should not be minimized. The Giffords Law Center to Prevent Gun Violence raised this concern. Giffords Law Center's position is that "gun violence [is] at epidemic levels in the United States, [and] the presence of armed individuals angered by false claims about voter fraud creates real health and safety risks. The presence of guns makes it more likely that heated confrontations will turn deadly. With 46 states allowing private citizens to challenge a voter's eligibility, guns at the polls are a tinder box near an open flame."

In fact, gun rights extremists have already used the tactic of open carry firearms displays as intimidation at protests, including voting rights related events. Voting officials, planning for voting protection procedures, must develop strategies for preventing and intercepting individuals openly carrying firearms within the perimeters of polling places that prohibit firearms. Please note the following: There is no federal law specifically prohibiting the presence of firearms at polling sites. Instead, regulation is left to the states:

- » Only a few explicitly prohibit both openly carried and concealed guns at the polls. These states include Arizona, California,

Florida, Georgia, Louisiana, Texas, and Virginia.

- »□ There are several states that only prohibit concealed carry at polls. These states include Mississippi, Missouri, Nebraska, and South Carolina.
- »□ In Washington, the Governor signed a bill banning openly carried guns at election facilities.
- »□ Colorado recently passed the Vote Without Fear Act, which bans open carry within 100 feet of a ballot drop box, polling site, or vote counting facility.

Targeting Communities of Color

As has been mentioned, voter intimidation has existed throughout American history, and it has almost always been directed at people of color. In fact, there are similarities between the voter intimidation practices found in the south at the end of Reconstruction and those seen today. Once such similarity is how some have openly embraced racial oppression and intimidation to achieve absolute power.

Though Black people have been most widely subjected to voter intimidation, other communities of color (namely Native American and Latino communities) have been discouraged from voting due to incidents of—in a historical context—violent acts of voter intimidation. As stated by an impacted member of the Native American community,

“One thing few Americans understand is that American Indians and Native Alaskans were the last group in the United States to get citizenship and to get the vote. Even after the civil war and the Reconstruction (13th, 14th, and 15th) amendments there was a supreme court decision that said indigenous people could never become US citizens, and some

laws used to disenfranchise them were still in place in 1975.

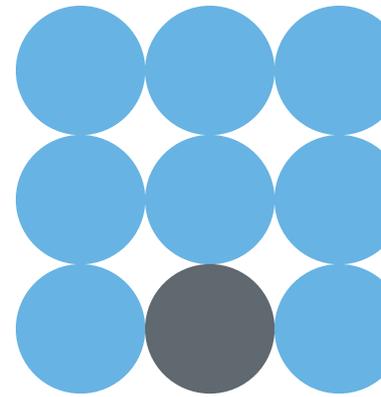
In fact, first-generation violations used to deny—not just dilute voting rights—were in place for much longer for Native Americans than any other group. It’s impossible to understand contemporary voter suppression in Indian Country without understanding this historical context.”

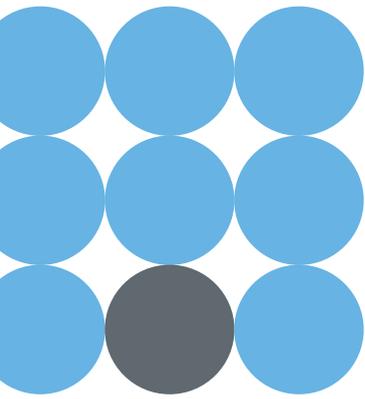
Over the years, American Indians faced barriers to voting such as poll taxes, literacy tests, and intimidation. Many Native Americans who live on tribal lands do not have a formal address, which is often required for state-issued identification.

Impact of Voter Intimidation on Election Outcomes

Voter intimidation is designed to be highly impactful. There is ample evidence that the 2020 and 2022 elections were affected by and made vulnerable to misinformation and disinformation on social media, through intimidation of election officials and election interference. Experts have sounded the alarm that these threats will more likely reemerge during the 2024 national elections. If government officials and the voting rights community do not immediately counteract these tactics, we will be robbed of our ability to participate in the democratic process. Failure to do so, will mean that voting participation and election outcomes will be severely compromised in 2024.

The impact of voter intimidation patterns and practices has to be viewed in conjunction with existing illegal and unethical tactics such as racial gerrymandering and the range of voter suppression schemes. That said, their collective negative impact has been and continues to





be immeasurable, not only to the nation as a whole, but to vulnerable and marginalized Americans in particular.

Broadly speaking, voter intimidation can have significant consequences on election outcomes, especially when voter protections are lacking. Key areas of impact include:

- » **Reduced Voter Turnout:** Intimidation tactics, such as threatening or harassing voters, can deter people from going to the polls.
- » **Disenfranchisement:** Intimidation can disproportionately affect vulnerable populations, including minorities, low-income individuals, and marginalized communities. When these groups face intimidation, they may be less likely to cast their votes, resulting in their voices being silenced and their rights denied.
- » **Skewed Election Results:** If intimidation tactics are successful in suppressing the vote in specific areas or among specific demographics, it can distort the overall election results. Candidates or parties that benefit from voter suppression may gain an unfair advantage.
- » **Undermining Democracy:** Voter intimidation undermines the principles of democracy. When citizens are afraid to exercise their right to vote freely and without fear, it diminishes trust in the electoral process and weakens democratic institutions.

Voter Intimidation as a Threat to Democracy
It is useful to further discuss how voter intimidation plays a role in weakening democracy. We have to remember that our democracy is under threat when citizens cannot vote and express their will without fear of harassment, violence, or prosecution. It is no secret that the goal of purveyors of voter intimidation is to make otherwise eligible

voters become so afraid, they will not vote—even when their vote could benefit them, their families, and their community. It is understood that, when successful, voter intimidation will erode democracy and allow for long-term domination of election outcomes by a powerful minority—in other words, end democracy in the United States.

Perhaps surprisingly, there appears to be far less opposition to autocratic rule among Americans to an autocratic government than in the past. This is deeply concerning. As an article in [Time magazine](#) points out:

“Americans aren’t hiding their retreat toward autocracy. In October, the Public Religion Research Institute published damning [polling](#) that indicated roughly four-in-10 Americans thought the country was so far afield from normal that it was time for a leader who would break the rules to fix the system. Among Republicans, the number almost reached half. The same think tank also found a surge in support for resorting to [political violence](#); in March 2021, pollsters found 15% of Americans agreed that violence was merited, a number that rose to 23% this year. Among Republicans, that number reaches 33%.”

This gradual—but measurable—shift in Americans’ perception of autocracy has the potential to create an atmosphere that finds voter intimidation to be an acceptable practice in order to hold on to power.

Strategies and Laws to End Voter Intimidation

Given the threat to democracy, states (and the federal government) should fight against voter intimidation—as well as racial

gerrymandering—through key policies. These policies should include limits on the activities of partisan poll watchers and banning guns in polling places.

Because voter intimidation is so deeply rooted in American history, combating it has been challenging at all levels of government. The most effective way to combat voting intimidation is with voter protection laws and policies at the federal and state level. In fact, 11 federal civil and criminal statutes are available for taking actions against incidents of possible voter intimidation. Federal and state governments are well aware of the legal and statutory resources available to protect voting rights. The Biden Administration has made firm commitments to prevent and end voting intimidation and related efforts to deny equal access to voting. Numerous federal and state laws and policies guard against voter intimidation, election worker intimidation, and disruption of the voting process. These laws are flexible enough to account for the new sources and targets of threats that have emerged in recent years.

John Lewis Voting Rights Advancement Act and Freedom to Vote Act

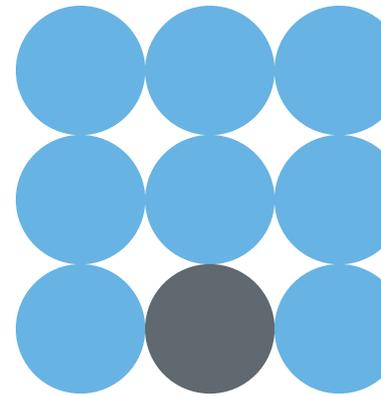
Until recently, the Voting Rights Act of 1965 was a strong instrument for monitoring and, if necessary, sanctioning—using Section 5, the act’s strongest enforcement tool. However, in 2013, the Supreme Court struck down Section 5, ruling that it was no longer necessary. That decision seriously diluted DOJ’s ability to compel compliance with anti-voter intimidation provisions in the Voting Rights Act—as well as other essential provisions.

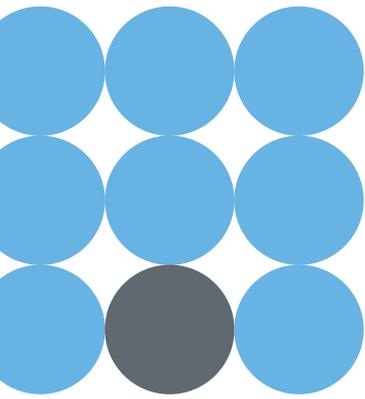
It is this major gap in the ability to protect voting rights that prompted a Democratic

Congress to introduce the John Lewis Voting Rights Advancement Act (VRAA). In essence, VRAA is intended to restore the key provisions of that were stripped out of the Voting Rights Act after the Supreme Court’s 2013 decision. In addition to VRAA, the House Democrats introduced the Freedom to Vote Act, designed to set national standards to expand and enhance protection for access to the ballot. The legislation additionally seeks to prevent partisan interference in election administration, prohibits partisan gerrymandering for congressional districts, and addresses problematic issues with campaign finance. This bill was reintroduced in 2023 as S.1 and H.R. 11.

States Emerging as a Critical Voter Protection Firewall

The states are essential to developing a comprehensive approach to monitoring, preventing, and applying sanctions for acts of voter intimidation. It should be remembered that—according to the Constitution—the states have the authority to regulate federal elections. Therefore, there is logic to states creating laws and policies that are designed to protect voting rights. An increasing number of states are doing just that by passing their own State Voting Rights Acts (VRAs), to prevent and guard against discriminatory voting practices and policies. Given that the federal Voting Rights Act has been weakened, states can fill the voting protection gap left by the Supreme Court’s 2013 ruling. Thus far, California (2002), Washington (2018), Oregon (2019), Virginia (2021), New York (2022), and Connecticut (2023)—have enacted VRAs. Other states such as Maryland and New Jersey are in the process of enacting their VRAs.





Voter Rights Coalitions

Voting rights coalitions—which grew out of the Civil Rights Movement—represent the effectiveness of nongovernmental collaborations in shaping public policy. Relatedly, voting rights coalitions currently (and in the past) are critical resources for raising awareness about the resurgence of widespread voter intimidation. Examples of individual voting rights organizations that are also partners in national voting rights coalitions are the Lawyers’ Committee for Civil Rights Under Law, NAACP, the American Civil Liberties Union, National Action Network, and the Legal Defense Fund. Each of these organizations—and many others including NASW—are members of the Leadership Conference for Civil and Human Rights’ Voting Rights Taskforce. The Leadership Conference’s voting rights coalition has a history—that began in the 1960s—of success in fighting voter intimidation.

National Nongovernmental Organizations with State Affiliates

As the number of states with VRAs increase, there is a potential for a corresponding increase in the importance of the role of national organizations with state affiliates (chapters) in supporting state governments’ efforts to curtail voter intimidation and other illegal voting suppression conduct. There are many such national nongovernmental organizations—including NASW—that are members of major voting rights coalition. These organizations are important advocacy and mobilization resources both to the states and to the national coalition effort.

Conclusion

It is eye opening when we reflect upon the fact that—one way or another—voter intimidation has been a part of the American political culture for over 160 years. For those many years, the practice has been a mainstay for denying proportionate political power within communities of color. After the passage of the Voting Rights Act (VRA) of 1965, there was a hope that voter intimidation would disappear. However, hopes were dashed when in 2013 the Supreme Court “gutted” the VRA, and in subsequent years voter intimidation tactics regained a degree of prominence.

A saving grace is that civil and voting right advocates—along with their allies in Congress—immediately recognized the reemergence of this threat and joined together to counteract the threat. While vigilance and coalition building has had some success in raising public concern, that effort may not be sufficient in protecting the votes of many Americans. This is because the opposition—which is unhesitant about expanding voter intimidation—is well-funded, well-organized, and fully committed to winning the 2024 presidential election.

For that reason, the voting rights community, including NASW, must remain vigilant, organized, mobilized and active in fighting for voter protection. Given that the 2024 election is important on a historical level, we must respond accordingly to forces that attempt to impede free access to the ballot.

Resources

In its effort to protect Americans from voter intimidation, the Advancement Project—a national voting rights organization—created and disseminated the following resource:

What Should You Do If You Have Experienced Voter Intimidation?

1. It's ILLEGAL! First things first, it's important to know that voter intimidation is a federal crime.
2. Do not be intimidated if your vote is challenged
3. Alert the municipal Clerk or Election Officials at polling locations
4. Call Election Protection at 866-OUR-VOTE
5. Document the conduct
6. Don't confront the intimidator

If you believe your voting rights—or the rights of a specific group of people—were violated, speak to a [civil rights lawyer](#) in your area.

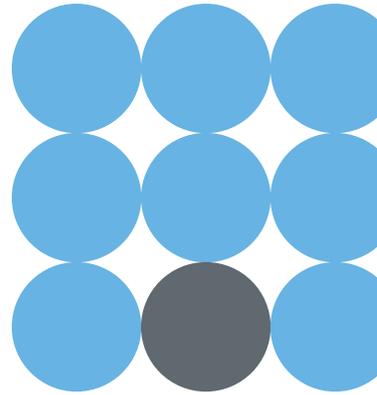
Other Voter Protection Resources

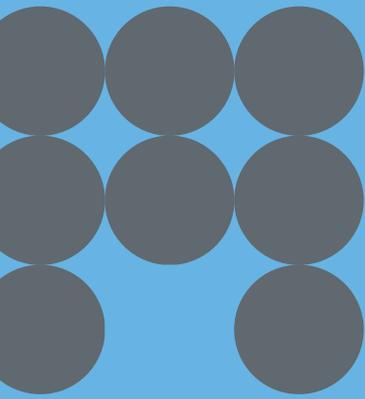
Brennan Center for Justice

[Intimidation of State and Local Officeholders, Voter Intimidation and Election Worker Intimidation Resource Guide](#)

Southern Poverty Law Center

[Overcoming the Unprecedented: Voters in Deep South battled voter suppression, intimidation and a virus in 2020.](#)





NASW Resources

NASW » [SocialWorkers.org](https://www.socialworkers.org)

NASW Foundation » [NASWFoundation.org](https://www.naswfoundation.org)

NASW Press » [NASWPress.org](https://www.naswpress.org)

NASW Assurance Services, Inc. » [NASWAssurance.org](https://www.naswassurance.org)

Find A Social Worker » [HelpStartsHere.org](https://www.helpstartsHere.org)

Social Work Blog » [SocialWorkBlog.org](https://www.socialworkblog.org)

NASW Research and Data » [SocialWorkers.org/News](https://www.socialworkers.org/news)

Social Work Advocacy » [SocialWorkers.org/Advocacy](https://www.socialworkers.org/advocacy)

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