

# ELECTION PROTECTION **YOU HAVE THE RIGHT TO VOTE**

## Incidents of Deceptive Practices and Voter Intimidation in the 2006 Elections

*Below are excerpts from the Lawyers' Committee for Civil Rights Under Law's [Report on the 2006 Election Protection Legal Program to the Board of Directors and Trustees, Staff, and Pro Bono Partners.](#)*

*To read the full report, with state by state examples, please go to [www.866OurVote.org](http://www.866OurVote.org).*

Over the past five years, Election Protection has identified a number of disturbing trends that frustrate eligible voters as they attempt to cast a ballot. In 2006, Election Protection uncovered a similar menu of obstacles that lead to disenfranchisement.

Possibly most disturbing was the frequency of calls reporting either deceptive practices or voter intimidation. These types of entries account for 8% of all problems reported to Election Protection and came from 31 states. Election Protection received calls from voters in Virginia complaining of emails providing false and deceiving information about where to vote, calls from voters in Arizona reporting that armed gunmen were at heavily Latino precincts intimidating and mocking voters as they attempted to access the polling place, and calls from voters in Colorado who received phone calls providing deceptive information; additional examples are outlined below. It is critical that readers understand the context of many of these calls; a single call to the hotline often documents the problems of hundreds of voters.

The 866-OUR-VOTE Election Protection hotline assists voters across the country during early voting as well as on Election Day. Election Protection received more than 26,000 calls in October and November, including 17,964 on Election Day. As the largest nonpartisan hotline to provide direct assistance to voters, 866-OUR-VOTE utilizes live volunteers to respond to voter's questions and input data for follow-up and analysis. We are able to track problems at the national, state, and local level and by type of incident to look for patterns or persistent problems.

Election Protection's unparalleled data collection, the Election Incident Reporting System (EIRS), allows us to monitor, track, record and respond to problems across the country in real time. EIRS is the first database of its kind and includes the most comprehensive reporting of election irregularities in the country. Election Protection collected more than 8,000 reports that document the types of informational calls and problems we received through the hotline and also in the field.

## Examples of Deceptive Practices and Voter Intimidation

### Intimidation at the Polls

From Pennsylvania to Arizona, voters reported intimidating behavior outside of polling places, including improper behavior by campaign workers and publication of incorrect information about the voting process. Once inside the polling place, voters were again subjected to intimidating behavior such as racially-motivated challenges, electioneering, and a lack of privacy when casting a ballot.

- In Pima County, Arizona, the hotline received multiple reports of voters being videotaped as they went in to the polls, discouraging them from voting.
- At other polling places in Pima County, Arizona, armed men in brown or black shirts who were intimidating voters, saying they were there to prevent illegal immigrants from voting.
- Blatant electioneering happened inside a polling place in Prince George's County, Maryland. Flyers from the Steele campaign were on a poll worker's table and said that Ben Cardin, the opposing candidate, "promised to attack Jesus Christ and Christians" and would take away black people's freedom if elected; the flyer also had pictures of men kissing men as well as aborted babies.
- A Republican poll challenger in Ingham County, Michigan challenged every African American attempting to vote.
- At the Indianapolis Church of Christ in Wayne County, Michigan, challengers were preventing voters from waiting in approved areas prior to voting and were also intimidating the poll workers.
- Voters across Ohio said polling places did not have enough space between machines or did not have curtains around machines, leaving screens visible to others when voting. Others reported that when machines broke down or if voters were using provisional ballots, voters had to cast their ballot in the open on a table.
- Reports of electioneering inside polling places in Philadelphia, Pennsylvania included: candidates pointing out their preferred candidate's name on the ballot; campaign workers saying to vote for specific candidates, passing out literature, or hanging signs within the polling place; and poll workers passing out only Democratic ticket or Republican ticket sample ballots.

### Police Presence At Polling Places

The mere presence of law enforcement officers at a polling place can have an intimidating effect on many voters. Laws regarding police presence in and outside of polling locations vary from state to state. The reports below, however, demonstrate unnecessary and often intimidating examples of police presence at the polls.

- During the April 22, 2006 Orleans Parish elections in Louisiana, multiple police cruisers were parked outside of the largest polling location in the parish, where hundreds of Ninth Ward residents reported to vote. Over a dozen police officers were present at times throughout the day. Police were present at other polling locations in the parish, as well.
- In Shelby County, Tennessee a police officer asked an African American driver, who was bringing his mother to vote, for his license and registration in a polling place parking lot, even though he had not violated any traffic laws.

- Armed police officers were inside polling locations at two precincts in Clayton County, Georgia. When one voter asked a police officer why he was at the polls, the officer responded that he was there in case people got “rowdy.”
- In New Haven, Connecticut a police officer was stopping cars as they were parking at a polling location. Another voter at the Tinker School in Waterbury, Connecticut reported similar behavior.

### Voters Improperly Asked for Photo ID and/or Proof of Citizenship

Voters and poll workers alike are often confused or uninformed about what identification, if any, is required to vote in a particular jurisdiction. The numerous attempts in states across the country to impose these requirements have further complicated the process and, in many instances, voters were improperly asked for identification or were asked to present additional identification from voters in violation of state law.

- On November 6, the hotline received a report that 20 polling places in Tucson, Arizona would be targeted on Election Day by groups seeking to challenge voters based on citizenship status.
- Voters in both San Francisco and Los Angeles, California were asked for identification when not required. One poll worker explained that he was checking ID contrary to California law because he wanted to be sure no “foreign nationals” voted.
- In Jefferson County, Indiana, an African-American voter was the only person asked for photo ID and was improperly told her U.S. passport was not sufficient identification.

### Deceptive Flyers

As in 2004, Election Protection received reports of deceptive flyers that inaccurately stated information about elections, candidates, and the voting process.

- Election Protection received over 30 calls from voters in Prince George’s County, Maryland who had received a flyer claiming to be a “Democratic Sample Ballot” with boxes checked for Robert Ehrlich and Michael Steele without identifying them as Republicans. Their names were followed by a long list of Democratic candidates.
- In Dallas, Texas, voters received intimidating flyers in their mailboxes advising them that police officers would be at voting locations to prevent voter fraud.

### Misleading and/or Harassing Phone Calls

Voters in several states reported receiving phone calls with misleading information about where and how to vote or harassing calls that falsely implied a certain candidate was calling.

- Voters in Arlington, Accomack, Augusta, and Northampton counties in Virginia received phone calls on November 6 saying voters would be arrested if they attempted to vote on Election Day. Some of the phone calls also told voters that their polling locations had been moved, although none of the locations had changed.
- In Manatee County, Florida, voters reported robo-calls in the middle of the night that seemed to be from congressional candidate Christine Jennings but said paid for by the RNC at the end of the call.
- Harassing phone calls were made to voters in Chemung County, New York, claiming to be with congressional candidate Eric Massa, but were identified at the end of the call as coming from the Republican Party.

## Intimidating and Improper Behavior By Poll Workers

Across the country, a shortage of poll workers coupled with new technology, inadequate resources, and limited training creates a challenging environment for the civic minded volunteers who help run polling places on Election Day. In some cases, however, poll workers engage in intimidating and improper behavior and, as noted below, occasionally ignore federal and state law in favor of their own interpretations.

- A poll worker at a senior center in Allegheny County, Pennsylvania yelled at a Spanish-speaking voter, said it was his job to stop her from voting, and pulled her ballot from the machine.
- In Los Angeles, California, a poll worker harassed voters who allegedly took too long to vote, although there were no lines to warrant the hurry. He also questioned an elderly man about whether he knew who he was going to vote for; when the voter replied that he did not, the poll worker said that the voter “might as well leave,” and the voter left without voting. The same poll worker began closing down the polling place an hour early.
- Poll workers in Bastrop County, Texas were demanding that some voters point to where they lived on a map (that did not include street names) before they were able to vote, discouraging many people from voting, particularly elderly voters.
- A voter at St. Mark’s Lutheran Church in Jefferson County, Indiana was refused a provisional ballot. After finally relenting and retrieving a stack of provisional ballots, the poll worker told the voter he could “sit down and fill out the entire stack of paper but it would be a waste of time” because the poll worker was going to throw it away. The voter left without voting.

In several locations, voters were forced to declare their party affiliation before voting, preventing them from casting a ballot privately.

- Poll workers in Montgomery County, Ohio would not let people vote unless they declared their party affiliation. One voter was not allowed to declare that she was an independent and another voter could not cast a ballot until she declared her party affiliation.
- A voter in Allegheny County, Pennsylvania was told he is only allowed to vote in presidential elections because he is an independent.

Election Protection also received reports of poll workers who engaged in inappropriate electioneering inside polling places.

- In Walker County, Georgia, a poll worker told a voter to “Do this for Bush.”
- A poll worker at Priest River City Hall in Bonner County, Idaho told every voter to “Vote Republican.”
- In Hudson County, New Jersey, a poll worker came into the booth while a voter was casting a ballot and encouraged him to vote row “B” for the Democratic candidates.

Students, a common target for deception and intimidation, were also singled out.

- In La Plata County, Colorado, the county clerk, who was running for re-election, told college students it was a felony to vote and that if they voted, their parents would lose their tax deduction.
- Students in Hennepin County, Minnesota reported that poll workers changed the requirements for registering to vote throughout Election Day and also required additional identification from some students, contrary to the state’s Election Day registration laws.