

FACTSHEET: VOTER CHALLENGES AT THE POLLS

The Rising Threat of Voter Challenges at the Polls

In the midst of a heated Presidential election, some candidates have begun calling for their supporters to sign up as observers on Election Day to help prevent what they call the potential rigging of the election through perceived voter fraud. In fact, election observers (or poll watchers) are permissible by many state laws, in which private individuals can challenge the right of other citizens to vote – often merely on the basis of the challenger’s “reasonable belief” that the voter is ineligible. While poll watching is intended as part of the checks and balances of the American election system, improper challenges can and do intimidate voters.

Poll Watching vs. Voter Intimidation

While poll watching and voter challenges are typically allowed under state law, voter intimidation is illegal. Poll watchers cannot target groups of voters for confrontation or harassment, “test” for voter competency, hover over voters or violate their right to a private ballot, block lines, or threaten or engage in violence. Know the policies for election observers in your state: <http://www.ncsl.org/research/elections-and-campaigns/policies-for-election-observers.aspx>.

Targeting of Minority Voters

As new pockets of **Asian Americans** emerge in new communities across the country, challenges are increasing against Asian Americans who are being stereotyped as “foreigners” and somehow “un-American” simply for how they look or how they sound.

- A private citizen in Washington State attempted to challenge the right to vote of more than 1,000 people with names that he believed “have no basis in the English language” and “appear to be from outside the United States” while eliminating from his challenge voters with names “that clearly sounded American-born, like John Smith, or Powell.”
- Ohio passed a state law (ultimately found unconstitutional) allowing poll workers to challenge a voter by inquiring whether the voter was a naturalized citizen, and if so, requiring documentary proof of naturalization, creating the unlawful potential for disenfranchising eligible citizens for “not looking quite American.”
- About a third of the population of Bayou La Batre, Alabama is Asian American. In a concerted effort to intimidate supporters of an Asian American candidate for City Council, supporters of a white incumbent challenged only Asian American voters at the polls, including complaints that the voters were not U.S. citizens or city residents, or that they had felony convictions.

Often, **voters with disabilities** become the target of voter challenges based on stereotypes that they are less intelligent or do not understand the election. Also, there is the unfounded fear that they will need assistance at the polls by assistants who could “steal” their votes.

- In November 2014, voters with developmental disabilities from a group residence in Maine were blocked from voting by a town employee, who refused to allow their personal care attendants to assist them in casting their ballots and then declared they could not vote when the town employee attempted to assist and could not understand them. As the voters left, the town employee asked loudly of their staff, “Are you bringing more of these people?”
 - Challenges like the occurrence in Maine go back to the November 2004 election in which *The New York Times* reported that political party officials in Ohio trained thousands of recruits to challenge suspected “ineligible voters.” Among other challenges, the recruits were “taught how to challenge mentally disabled voters who are assisted by anyone other than their legal guardians.”

Prevent Voter Intimidation at the Polls

Any indication of voter challenge schemes that improperly target minority voters should be reported immediately to:

- US Department of Justice: (202) 307-2767 or toll-free (800) 253-3931
- Election Protection
 - 866-OUR-VOTE (English)
 - 888-VE-Y-VOTA (Spanish/English)
 - 888-API-VOTE (English, Chinese, Korean, Vietnamese, Tagalog, Hindi, Urdu, and Bengali)