



## DECEPTIVE PRACTICES AND VOTER INTIMIDATION

Our Constitutional commitment to an open and inclusive democracy is undermined by lies and tricks aimed at preventing eligible citizens from casting a ballot. Unfortunately, voters in poor and minority communities have historically faced nefarious tactics creating obstacles to effective participation in the electoral process. Forty years after the passage of the Voting Rights Act, voters across the country continue to be targets of deceptive practices and intimidation. In the years since Bull Connor, those who wish to intimidate voters have turned to more sophisticated and nuanced devices to fraudulently prevent turnout in targeted communities. Those who perpetuate these tactics are trying to win elections through fraud instead of through the democratic process.

### What types of deceptive practices were reported during the 2006 election cycle?

- **Intimidating and deceiving Latino voters:** In Orange County, California, a congressional campaign sent 14,000 voters with Hispanic surnames a letter advising recipients that “if you’re an immigrant, voting in a federal election is a crime that can result in incarceration,” or deportation. Voters at a heavily Latino polling place in Tucson, Arizona were greeted by hostile gunmen providing false information about their right to vote.
- **Harassing Robo Calls:** Voters in New York, Virginia, Florida and New Mexico reported receiving harassing robo (automated) calls, sometimes in the middle of the night, claiming to be from one of the candidates running for office in the area. After further investigation, it became clear that the calls were coming from that candidate’s opponent.
- **Lying about party affiliation to confuse the electorate:** In Maryland, materials were distributed primarily in African American neighborhoods, falsely suggesting that Republican candidates were running as Democrats or were endorsed by Democratic leaders, causing widespread confusion.
- **Deliberately providing mis-information about registration status:** Registered voters in Virginia, Colorado, and New Mexico reported receiving phone calls in the days before the election claiming that their registrations were cancelled and that if they tried to vote they would be arrested.

- **Phone calls providing voters with false polling place information:** In states from New York to Arizona, voters received phone calls with false information about their polling places. Voters were told their polling places had been changed, when they had not, and were told to vote at often inconvenient locations that were not polling places.
- **Poll workers providing voters with false information:** Poll workers in precincts across the country wrongly informed voters that identification was required in order to vote. While some of these problems were the result of poor poll worker training, in multiple incidents poll workers explained that they were imposing this requirement on their own because it was the only way to keep non-citizens from voting.
- **Students wrongly dissuaded from voting:** As in past elections, students were dissuaded from voting at their college or university and were told they would be committing a felony or that their parents would lose a tax deduction. The constitution guarantees students an equal right to participate in an election where they go to school.

### What types of deceptive practices were reported during the 2004 presidential election cycle?

- **Fraudulently changing party-registrations and addresses.** Over 4,000 potential voters including students at the University of Florida, Florida State, and Florida A&M universities discovered their party registrations switched and their addresses changed. Changed addresses could have barred them from voting because they would have shown up at the wrong polling place.
- **Fliers advertising the wrong election date.** In Pittsburgh, fliers printed on county letterhead stated that “due to immense voter turnout expected on Tuesday,” the election had been extended: Republicans vote on November 2, and Democrats vote on November 3. Across the country, voters received similar flyers.
- **Bogus election regulation fliers.** In Milwaukee, Wisconsin, fliers purportedly from the “Milwaukee Black Voters League” were distributed in minority neighborhoods claiming “If you’ve already voted in any election this year, you can’t vote in the presidential election; If anybody in your family has ever been found guilty of anything, you can’t vote in the presidential election; If you violate any of these laws, you can get ten years in prison and your children will get taken away from you.”
- **Letters threatening arrests.** In Charleston County, South Carolina, some voters received a letter claiming to be from the NAACP, which falsely threatened voters with arrest if they went to the polls and had outstanding parking tickets and had not paid child support.
- **Fraudulent memos claiming that some registrations would be invalidated.** In Lake County, Ohio, a memo on a bogus Board of Elections letterhead was sent to county residents informing them that registrations obtained through Democratic Party and NAACP registration drives were invalid.

- **Phone calls and visitors with false information.** In the Cleveland area, some voters received phone calls incorrectly informing them that their polling place had changed; Some also had unknown visitors who illegally offered to deliver completed absentee ballots to the election office.

### What are some deceptive practices used in past elections?

- **Threats of imprisonment.** In 1998, state representative Son Knon’s office in South Carolina mailed over 3,000 brochures to black voters, which incorrectly informed that “SLED [State Law Enforcement Division] agents, FBI agents, people from the Justice Department and undercover agents will be in Dillon County working this election. . . . THIS ELECTION IS NOT WORTH GOING TO JAIL!!!!!!”
- **Door-to-door campaigning to “vote at home.”** In 1993, campaign workers visited homes in Latino neighborhoods of Philadelphia to convince voters to cast absentee ballots while misleading voters about the documents they were signing and the state’s absentee voting laws telling voters that they could vote at home as a “new way of voting.”
- **Postcards encouraging voters to discard absentee ballots.** In 1990, elderly voters in Texas, received postcards that urged them to “throw the mail ballot in the trash” and “walk proudly into the voting place . . . in honor of the many who fought and died for your right to walk into the polls,” even though those who have requested an absentee ballot in Texas could not vote in person without going through a complicated procedure to cancel the absentee ballot.

### How is voter intimidation an obstacle for minority voters?

- **Men in official attire asking voters for identification.** In 2003, men with clipboards bearing official-looking insignias and 300 cars with decals resembling those of federal agencies were dispatched in black neighborhoods in Philadelphia, to ask prospective voters for identification. In a post-election poll of 1000 African-American voters, seven percent had encountered such efforts.
- **Videotaping voters at polling places.** In 1998, Republican officials in North Carolina counties planned to videotape voters in some heavily Democratic precincts purportedly to prevent fraud.
- **FBI investigation of voters.** In 1994, purportedly linked to an investigation for church arsons in Alabama, the FBI questioned 1000 voters about possible fraud, asking many to submit handwriting samples. The resulting convictions were few, but the voter turnout was down.

### What solutions can be found in targeted legislation?

- **Deceptive conduct as an offense.** While deceptive practices are widespread and have been going on for decades, there is no effective legal structure for punishing the



perpetrators of these dirty tricks. Lawmakers may categorically proscribe deceptive practices, for instance, by imposing penalties of fine and imprisonment for knowingly deceiving any person regarding the qualifications or restrictions of voter or of the time and place an election will be held.

- **Providing effective solutions.** In addition to imposing penalties and fines for knowingly deceiving eligible voters, law makers should also institute a system for providing affected communities with correct information. This can be done through programs set up by the legislature and administered by state and local election officials.