



Voter Protection Program

VOTER INTIMIDATION TOOLKIT: RESOURCES ON VOTER INTIMIDATION AND FEDERAL ELECTION INTERFERENCE FALL 2020

I. Voter Intimidation

Generally

- Brennan Center for Justice at New York University School of Law (Brennan Center), “Voters Should Not Be Intimidated,” Oct. 7, 2020, *available at* <https://www.brennancenter.org/our-work/research-reports/voters-should-not-be-intimidated>.
- Brennan Center, “Dangers of ‘Ballot Security’ Operations: Preventing Intimidation, Discrimination, and Disruption,” 2016, *available at* https://www.brennancenter.org/sites/default/files/analysis/Briefing_Memo_Ballot_Security_Voter_Intimidation.pdf.
- Campaign Legal Center, “What To Do if You Encounter Voter Intimidation,” Sept., 30, 2020, *available at* <https://campaignlegal.org/update/what-do-if-you-encounter-voter-intimidation>.
- Institute for Constitutional Advocacy and Protection at Georgetown Law School (ICAP), “Fact Sheet: Protecting Against Voter Intimidation,” 2020, *available at* <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2020/10/Voter-Intimidation-Fact-Sheet.pdf>.
- Stanford-MIT Healthy Elections Project, “Defining Voter Intimidation: Six Battleground States,” Oct. 8, 2020, *available at* https://healthyelections.org/sites/default/files/2020-10/Voter_Intimidation.pdf.

Law Enforcement Planning

- Crime and Justice Institute, “Preparing for the 2020 Election,” Oct. 2020, *available at* <https://www.cjinstitute.org/assets/sites/2/2020/10/Elections-Public-Safety-Framework-Oct-2020-FULL-VERSION.pdf>.

Armed Intimidation

- Everytown for Gun Safety, “Preventing and Responding to Illegal Armed Voter Intimidation and Election Interference,” Oct. 6, 2020, *available at* <https://everytownlaw.org/report/election-protection/>.
- Giffords Law Center, “Preventing Armed Voter Intimidation: A State-by-State Analysis,” Sept. 25, 2020, *available at* <https://giffords.org/lawcenter/report/preventing-armed-voter-intimidation-a-state-by-state-analysis/>.

Militias

- ICAP has produced [fact sheets](#) for 50 states about militias and paramilitary activity near polling places.
- ICAP, “Addressing the Rise of Unlawful Paramilitaries,” 2020, *available at* <https://www.law.georgetown.edu/icap/our-work/addressing-the-rise-of-unlawful-private-paramilitaries/>.
- ICAP, “Prohibiting Private Armies at Public Rallies: A Catalog of Relevant State Constitutional and Statutory Provisions,” Sept. 2020, *available at* <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2018/04/Prohibiting-Private-Armies-at-Public-Rallies.pdf>.
- ICAP, “Protests and Public Safety: A Guide for Cities and Citizens,” Sept. 2020, *available at* <https://constitutionalprotestguide.org/#overview>.
- ICAP successfully litigated against unlawful paramilitary activity in Charlottesville, Virginia, in the case *City of Charlottesville v. Pennsylvania Light Foot Militia*. Case filings available at <https://www.law.georgetown.edu/icap/our-work/addressing-the-rise-of-unlawful-private-paramilitaries/city-of-charlottesville-v-pennsylvania-light-foot-militia/>.

II. The Federal Government’s Role in Elections

- Protect Democracy, “Potential Challenges to a President’s Attempt to Deploy Law Enforcement to the Polls on or Around Election Day,” Aug. 2020, *available at* <https://protectdemocracy.org/resource-library/document/law-enforcement-at-the-polls-on-election-day/>.

- U.S. Attorney General Guidance on Election Year Sensitivities:
 - Michael Mukasey, Attorney General, U.S. Dep't of Justice, "Memorandum for all Department Employees, Election Year Sensitivities," Mar. 5, 2008, *available at* <https://www.justice.gov/sites/default/files/ag/legacy/2009/02/10/ag-030508.pdf>.
 - Eric Holder, Attorney General, U.S. Dep't of Justice, "Memorandum for all Department Employees, Election Year Sensitivities," Mar. 9, 2012, *available at* <https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/ag-memo-election-year-sensitivities.pdf>.
 - Loretta Lynch, Attorney General, U.S. Dep't of Justice, "Memorandum for all Department Employees, Election Year Sensitivities," Apr. 11, 2016, *available at* <https://assets.documentcloud.org/documents/4439553/Election-Year-Sensitivities-2016.pdf>.
 - William Barr, Attorney General, U.S. Dep't of Justice, "Memorandum for all Department of Justice Employees, Election Year Sensitivities," May 15, 2020, *available at* <https://www.documentcloud.org/documents/7221422-Barr-memo-Election-Year-Sensitivities.html>.
- U.S. Dep't of Just., *Federal Prosecution of Elections Offenses, Eighth Edition*, Dec. 2017, Richard C. Pilger ed., *available at* <https://www.justice.gov/criminal/file/1029066/download>.
- FBI, "Election Crimes and Security," *available at* <https://www.fbi.gov/scams-and-safety/common-scams-and-crimes/election-crimes-and-security>.
- *See also* Brennan Center, "Voters Should Not Be Intimidated," *supra*.