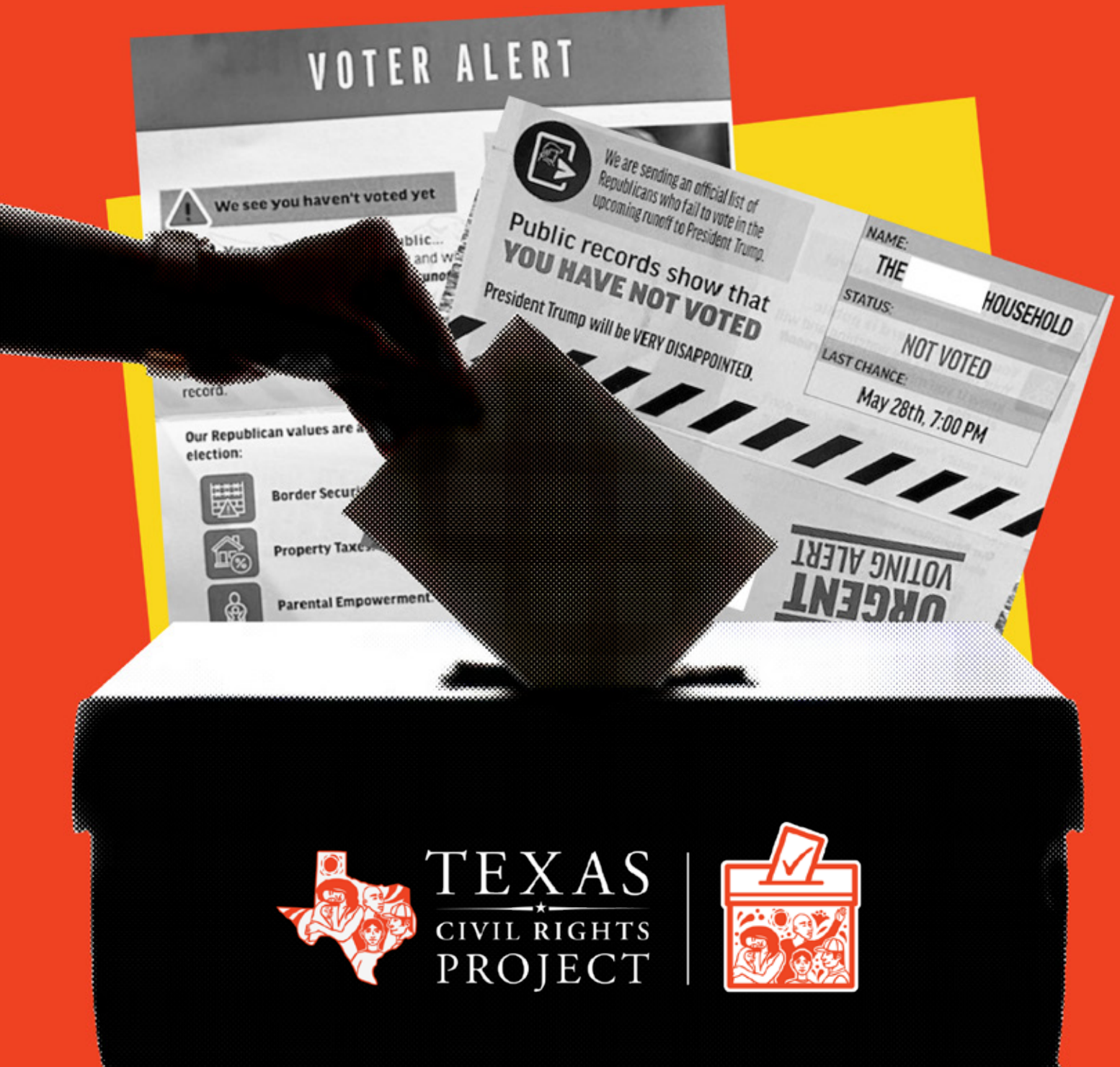
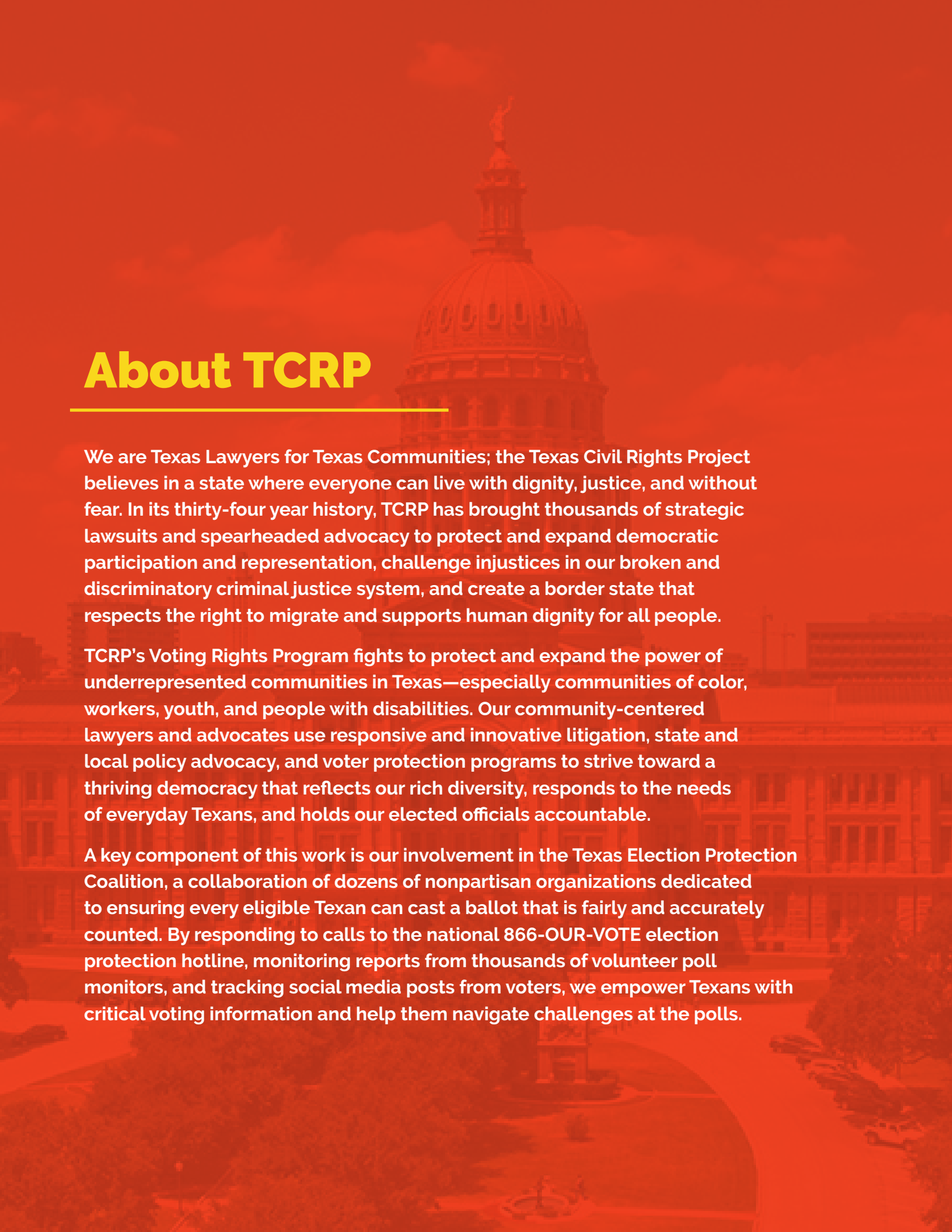


Election Protection Report: Voter Intimidation





About TCRP

We are Texas Lawyers for Texas Communities; the Texas Civil Rights Project believes in a state where everyone can live with dignity, justice, and without fear. In its thirty-four year history, TCRP has brought thousands of strategic lawsuits and spearheaded advocacy to protect and expand democratic participation and representation, challenge injustices in our broken and discriminatory criminal justice system, and create a border state that respects the right to migrate and supports human dignity for all people.

TCRP's Voting Rights Program fights to protect and expand the power of underrepresented communities in Texas—especially communities of color, workers, youth, and people with disabilities. Our community-centered lawyers and advocates use responsive and innovative litigation, state and local policy advocacy, and voter protection programs to strive toward a thriving democracy that reflects our rich diversity, responds to the needs of everyday Texans, and holds our elected officials accountable.

A key component of this work is our involvement in the Texas Election Protection Coalition, a collaboration of dozens of nonpartisan organizations dedicated to ensuring every eligible Texan can cast a ballot that is fairly and accurately counted. By responding to calls to the national 866-OUR-VOTE election protection hotline, monitoring reports from thousands of volunteer poll monitors, and tracking social media posts from voters, we empower Texans with critical voting information and help them navigate challenges at the polls.

About the Authors

Carl Blair

Carl Blair is TCRP's Senior Election Protection Attorney and has helped lead statewide Election Protection campaigns in 2020, 2022, and 2024. Originally from Arlington, Texas, he holds a bachelor's degree in political science from UT Arlington, a law degree from Loyola New Orleans, and an LL.M. degree from the University of Houston Law Center. Prior to joining TCRP, he worked and volunteered on multiple political, environmental, and election protection campaigns and had his own solo legal practice in Houston.

Hana Muslic

In 2024, Hana Muslic was an Election Protection Legal Fellow at TCRP, where she worked to ensure that every eligible voter in Texas could cast a ballot that was fairly and accurately counted in the 2024 General Election. Hana graduated from DePaul University College of Law in 2024. Before going to law school, Hana was a newspaper reporter in the St. Louis Metro-East area. Raised in Lincoln, Nebraska, she received her undergraduate degree in journalism from the University of Nebraska-Lincoln in 2017.

Brady Miller

Brady Miller was a Voting Rights intern with TCRP in Spring 2025. Brady is a second year law student at The University of Texas at Austin School of Law where, among other things, he is on the Editorial Board of the Texas Journal on Civil Liberties and Civil Rights. Prior to law school, Brady worked in the Equitable Justice Division of the National Urban League. Born and raised in Texas, Brady graduated from UT with a BA in Government and Sociology in 2022.

Sarah Xiyi Chen, TCRP Senior Supervising Attorney, Veronikah Warms, TCRP Voting Rights Policy Attorney, and Jenna Royal, TCRP Senior Staff Attorney also contributed to this report.

Introduction

This report uses data from the national Election Protection hotline to examine trends in voter intimidation issues in voting, highlight key incidents, and offer recommendations for action.

The national Election Protection Hotline empowers voters to exercise their rights at the polls and serves as a critical resource for identifying barriers to voting. Voters can call 866-OUR-VOTE, administered nationally by the Lawyers' Committee for Civil Rights Under Law, with any questions they may have regarding voting. Volunteer poll monitors also call in voting issues they observe at the polls. Callers are connected with a hotline volunteer who assists the caller and generates a report about the issue. That report is then passed on to Election Protection attorneys at partner organizations and volunteers in the corresponding state. The Texas Civil Rights Project is one of these organizations, along with our partners at the Lawyers' Committee, the Legal Defense Fund ("LDF"), the ACLU of Texas, Common Cause Texas, the League of Women Voters of Texas, and many others.

Methodology

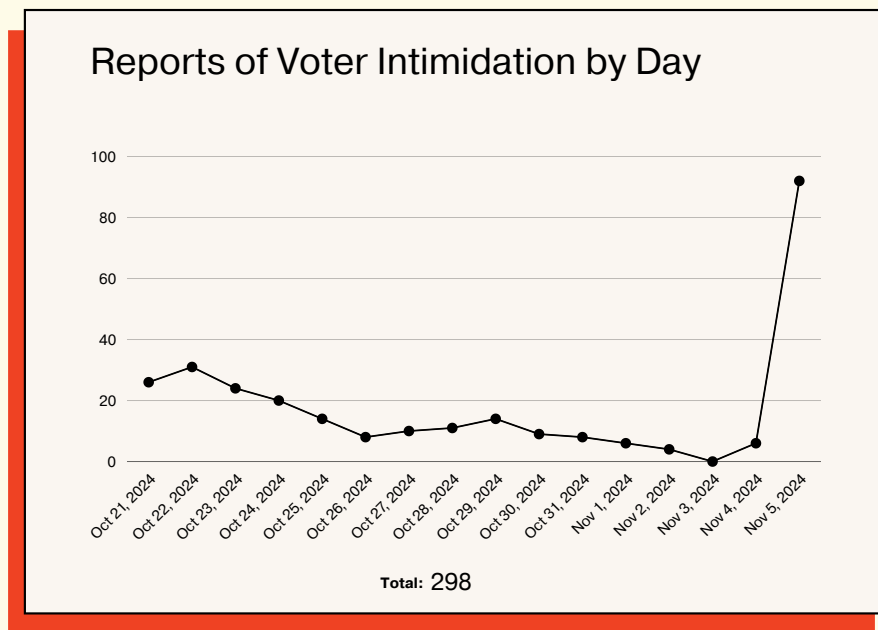
This report includes data from October 21-November 5, 2024, covering Election Day and the entire early voting period in Texas. During this time, there were 3,988 total calls to the hotline relating to voting in Texas, and volunteers resolved 543 tickets.

Resolved tickets. This report relies on data from "resolved tickets." When a voter calls the hotline with a question that requires assistance from a trained Election Protection attorney, the hotline volunteer generates a ticket. The Election Protection attorney then thoroughly reviews the ticket, reaches out to the voter who called in with the issue for additional details if needed, notifies the relevant county or state officials about the reported issue, and works to identify and implement solutions. Once the Election Protection attorney has completed all of those steps, the ticket is marked resolved, and the efforts to address the ticket are documented.

Self-reported data. Since data from the tickets is only generated if voters or poll monitors self-report access issues, it is important not to rely only on the findings in this report and recognize that our hotline data undercounts the full scope of voter intimidation problems in Texas. Similarly, due to the self-reported nature of the data in this report, voter intimidation issues in populous, urban counties where the hotline is more easily advertised may be overrepresented compared to issues in smaller, rural communities.

Summary of Findings

In the 2024 General Election, the hotline answered 3,988 total calls from Texas. Of those calls, 543 required direct action to resolve the caller's issue. Reports of voter intimidation accounted for 298 of these resolved reports. Hotline reports revealed recurring patterns of voter intimidation in locales across Texas. The most common types of intimidation called into the hotline were electioneering, in-person hostile confrontations, and poll worker misconduct. Each of these categories are described in more detail below. In addition, this report addresses the rapidly emerging threat of misinformation/disinformation/malinformation (MDM), which generated 36 calls, of which 10 had to be resolved by volunteers or staff attorneys.



The chart above shows the number of reports of voter intimidation, not including MDM, the 866-OUR-VOTE hotline received daily in Texas between the start of Early Voting on October 21, 2024 and Election on November 5, 2024. By far the biggest number of reports was the 92 reports that came in on Election Day, while the next four biggest days were the first four days of Early Voting from October 21st to October 24th with 26, 31, 24, and 20 reports respectively. The only day without a report of voter intimidation was Saturday November 3rd, which was the day after Early Voting ended and a day on which all polls were closed. All told, the 866-OUR-VOTE hotline received an average of over 18 reports of voter intimidation per day. So while there were spikes in the number of reports of voter intimidation on traditionally heavy turnout days like Election Day and the first few days of Early Voting, there was also a clear ongoing pattern of voter intimidation throughout the entire voting period.

The counties with the highest number of reported voter intimidation issues during the 2024 election were Montgomery County (27 reports), Harris County (26 reports), and Dallas County (23 reports).

Federal and State Law Overview

Voter intimidation encompasses actions that seek to deter or influence voters through threats, coercion, or harassment. While that definition encompasses forms of intimidation that do not occur at a polling place such as intimidating actions relating to voter registration or door-knocking¹, this report focuses on laws protecting in-person voting at polling places and misinformation/disinformation/malinformation (MDM), due to the incidents reported to the hotline that violate those laws.

Federal Law

Section 11(b) of the Voting Rights Act (VRA) provides that no person shall “intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce” any person for voting, attempting to vote, or urging or aiding someone in the voting process². Section 11(b) prohibits voter intimidation by both the public and the government, and it protects voters as well as people aiding voters such as poll workers.³ The statute does not require having any race-based motive, or specific intent to intimidate someone, in order to be found liable. Courts generally recognize that both the Attorney General and members of the public may bring lawsuits to enforce Section 11(b) to stop voter intimidation.⁴

Enacted in response to intimidation of Black voters in the Jim Crow South and expanding upon the protections of the Civil Rights Act of 1957, Section 11(b) has been infrequently litigated, but remains one of the shining achievements—along with the rest of the VRA—of the Civil Rights Movement. Examples of modern Section 11(b) cases include:

- A 1982 case brought against the Republican National Committee that

1. One example of intimidating door-knocking was reported in Travis County and investigated by TCRP in 2022. See David Martin Davies, Texas Civil Rights Project reports multiple instances of harassment and intimidation at the polls, Texas Public Radio (November 4, 2022), <https://www.tpr.org/government-politics/2022-11-04/texas-civil-rights-project-reports-multiple-instances-of-harassment-and-intimidation-at-the-polls>.

2. 52 U.S.C. § 10307(b).

3. Voting Rights Fact Sheet, Department of Justice (2024), <https://www.justice.gov/crt/media/1366636/dl>.

4. See Ellen D. Katz, Curbing Private Enforcement of the Voting Rights Act, Mich. L. Rev. (October 2024), <https://michiganlawreview.org/curbing-private-enforcement-of-the-voting-rights-act-thoughts-on-recent-developments/>.

5. See Democratic Nat'l Comm. v. Republican Nat'l Comm., No. CV 81-03876, 2016 WL 6584915 (D.N.J. Nov. 5, 2016) (denying extension of consent decree); see also DNC v. RNC Consent Decree, Brennan Center for Justice (Nov. 5, 2016), <https://www.brennancenter.org/our-work/court-cases/dnc-v-rnc-consent-decree>.

resulted in a 35-year consent decree allowing a federal court to review Republican groups' proposed "ballot security" programs, including any potentially discriminatory attempts to remove voters from the rolls.⁵

- An ongoing case against defendants who sent 85,000 robocalls full of falsehoods and threats relating to mail voting to Black voters.⁶
- A temporary restraining order in a case brought by the Beaumont NAACP, and litigated by the Lawyers' Committee,⁷ in 2022 against poll workers in Beaumont, Texas requiring them not to engage in potentially discriminatory behavior when checking in voters at the polls.

The **Ku Klux Klan (KKK) Act**, also known as the **Enforcement Act of 1871**, also prohibits a wide range of public and government activities that intimidate voters. The KKK Act was enacted during Reconstruction to provide more tools to stop members of the KKK from terrorizing Black citizens. As summarized by our partners at Protect Democracy, the KKK Act comprises six distinct sections:

- Section 1. (now codified at 42 U.S.C. § 1983) Possibly the single most important statutory provision in modern American civil rights law, this section allowed individuals to sue in federal court when state and local officials violate federal law.
- Section 2. (now codified at 42 U.S.C. § 1985(3)) This section banned a host of private conspiracies in which the Klan engaged— such as insurrection, witness intimidation, and political intimidation— that interfered with newly emancipated Americans' civil rights.
- Sections 3-4. These sections gave the president the power to call on the Army, Navy, and militia against any local rebellions and suspend habeas corpus.
- Section 5. This section allowed federal judges to keep Klan conspirators off juries.
- Section 6. (now codified at 42 U.S.C. § 1986) This section required everyone— public servants and private citizens alike— that knew about an illegal conspiracy to interfere with civil rights banned by Section 2 of the Act to take actions to prevent and minimize the effects of the illegal conspiracy, and made them liable in court for a negligent or intentional failure not to.⁸

Unlike Section 111 of the VRA, the KKK Act permits individuals to bring claims for monetary damages against violators. Though its various provisions were enforced by the U.S. Attorney General frequently through the Reconstruction

6. See Nat'l Coal. on Black Civic Participation v. Wohl, 512 F. Supp. 3d 500, 509 (S.D.N.Y. 2021) see also National Coalition on Black Civic Participation vs. Wohl, Lawyers' Committee for Civil Rights, <https://www.lawyerscommittee.org/national-coalition-on-black-civic-participation-vs-wohl/> (last accessed Feb. 3, 2025).

7. See Beaumont Chapter of the NAACP v. Jefferson County, CV 22-00488-MJT (E.D. Tex. Nov. 7, 2022), Dkt. 14; see also Texas Jefferson County Voter Intimidation Challenge, Democracy Docket, <https://www.democracydocket.com/cases/texas-jefferson-county-voter-intimidation-challenge/> (last accessed Feb. 3, 2025).

8. Cameron Kistler, The Ku Klux Klan Act of 1871, explained, Protect Democracy (December 5, 2023) <https://protectdemocracy.org/work/klan-act-explained/>; see also Enforcement Act, 1871, U.S. Senate, https://www.senate.gov/artandhistory/history/resources/pdf/EnforcementAct_Apr1871.pdf (last accessed Feb. 3, 2025).

Era, after 1880, the KKK Act was rarely invoked in voter intimidation cases until recently.⁹ For example, participants in the 2017 “Unite the Right” rally in Charlottesville, Virginia and the January 6, 2021 attacks on the U.S. Capitol were sued under the Act.¹⁰ TCRP also successfully used Section 2 of the Act (42 U.S.C. § 1985(3)) to obtain a jury verdict against the leader of the “Trump Train” that intimidated people on a Biden-Harris campaign bus on I-35 in 2020, as well as a settlement with the City of San Marcos and its police department in a suit brought for failure to come to those individuals’ aid under Section 6 of the Act (42 U.S.C. § 1986).¹¹

A range of other federal laws, such as criminal laws prosecuted by the Department of Justice, also cover aspects of voter intimidation, including regulating MDM about elections.¹² The federal government’s Cybersecurity and Infrastructure Security Agency defines MDM as the following:

“Misinformation is false, but not created or shared with the intention of causing harm. Disinformation is deliberately created to mislead, harm, or manipulate a person, social group, organization, or country. Malinformation is based on fact but used out of context to mislead, harm, or manipulate.”¹³

State law

Texas state law prohibits certain intimidating conduct, such as:

- Coercing or attempting to coerce a voter into voting or not voting for a particular candidate or issue¹⁴
- Harming or threatening a voter for voting for or against a particular candidate or issue¹⁵
- Indicating to a voter in a polling place that they should vote for or against a particular candidate or issue¹⁶
- Loitering or electioneering within 100 feet of a polling place¹⁷
- Using a device to record video or sound within 100 feet of a polling place¹⁸

9. Id.

10. Id.

11. Federal Jury Finds Ringleader of 2020 “Trump Train” Attack on Biden-Harris Campaign Bus Liable under Ku Klux Klan Act, Texas Civil Rights Project (2024), <https://www.txcivilrights.org/post/federal-jury-finds-ringleader-of-2020-trump-train-attack-on-biden-harris-campaign-bus-liable-under> (last accessed Feb. 3, 2025).

12. False, Misleading, or Intimidating Speech About Elections, Georgetown Law Institute for Constitutional Advocacy and Protection, <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2024/08/Fact-Sheet-False-Misleading-and-Intimidating-Election-Information.pdf> (last accessed Feb. 3, 2025).

13. Mis-, Dis-, and Malinformation Planning and Incident Response Guide for Election Officials, at 1 (2024), https://www.cisa.gov/sites/default/files/publications/mdm-incident-response-guide_508.pdf

14. Tex. Pen. Code § 36.03(a)(2).

15. Tex. Elec. Code § 276.001.

- Using a sound amplification device for electioneering purposes within 1,000 feet of a polling place¹⁹
- Possessing a firearm at a polling place²⁰

Presiding judges at a polling place are bound to “preserve order” within the 100 feet surrounding a polling place,²¹ and have the ability to remove people within the polling place whom the presiding judge deems to have violated the laws outlined above.²²

MDM is also specifically regulated at the state level. In 2019, the state of Texas became a national leader in the field of combatting AI-generated MDM in the electoral process by prohibiting the publishing and distribution of “deepfake” videos seeking to injure a candidate or influence an election within 30 days of that election.²³

16. Tex. Elec. Code § 61.008.

17. Tex. Elec. Code § 61.003.

18. Tex. Elec. Code § 61.014.

19. Tex. Elec. Code § 61.004.

20. Tex. Pen. Code § 46.03(a)(2).

21. Tex. Elec. Code Ann. § 32.075(a).

22. Tex. Elec. Code Ann. § 32.075(g); see also Election Advisory No. 2024-09, Texas Secretary of State (April 19, 2024), <https://www.sos.state.tx.us/elections/laws/advisory2024-09.shtml>.

23. Tex. Elec. Code § 255.004.

Examples of Voter Intimidation Issues in Texas During the 2024 Election

Through the 298 reports of voter intimidation collected by the 866-OUR-VOTE hotline, patterns emerged that pointed to persistent challenges within the voting system, particularly in areas serving marginalized communities.

Montgomery County's 27 voter intimidation incidents marked it as a significant area of concern. Notably, we received multiple reports from both the East Montgomery County Fair Association Building in New Caney and the South County Community Center in Spring. These cases involved a variety of different types of intimidation, described below, in violation of federal and state laws.

Unlawful Electioneering

The most frequently reported issue during the election was a combination of intimidation and electioneering, which accounted for 277 of the 298 intimidation cases. Electioneering, as defined by Texas Election Code § 61.003, includes any act of advocating for or against a candidate, political party, or measure on the ballot within 100 feet of a polling place. This includes displaying partisan insignia, distributing campaign materials, or engaging in verbal advocacy. Based on caller reports, these incidents often involved organized groups and individuals actively deterring voters through harassment, overt and often hostile partisanship, or misinformation campaigns.

In **Montgomery County**, a voter at the East Montgomery County Fair Association Building in New Caney reported that multiple people approached voters while they stood in line telling people to vote for President Donald Trump. When one of them came up to the caller, she turned away as she had her three year old child with her. The caller did not engage with the man verbally, but reported that he made her take the flyer he was holding before leaving her alone. She also said that she felt she had to take the flyer because otherwise people would know who she was voting for. The caller said the situation was especially

intimidating because her child was there with her. She stated that she considered not voting, but that she did end up staying in line and casting her ballot.

In **Dallas County**, several voters at the Martin Luther King, Jr. Community Center polling location described the presence of individuals wearing partisan insignia and engaging in legally prohibited behavior within the restricted 100-foot no-electioneering zone, including holding campaign signs, placing campaign signs, handing out written campaign materials, and talking to voters just outside the entrance to the polling place about items that were appearing on the ballot.

In **Palo Pinto County**, an Election Protection poll monitor observing the polling location at the Palo Pinto County Annex in Mineral Wells reported the presence of a vehicle with effigies of President Joe Biden and Vice President Kamala Harris bound and gagged on its roof in the parking lot of the polling location. A TCRP staff attorney contacted the county who sent someone to remove the vehicle from the parking lot.



All told, the hotline received reports of unlawful electioneering from polling locations located in Bexar, Bowie, Brazoria, Cameron, Collin, Dallas, Ellis, Galveston, Harlingen, Harris, Hidalgo, Lampasas, McClennan, Montgomery, Palo Pinto, Red River, Rockwall, Smith, Tarrant, Travis, Van Zandt, and Waller Counties.

Unlawful electioneering can have a chilling effect on voter participation, with some individuals leaving without casting their ballots due to fear and intimidation, so it is absolutely crucial for poll workers, election officials, and counties to take incidents like these seriously.

Hostile Confrontations

In-person intimidation by direct confrontations or behavior was the second most common issue, with 88 reports revealing a range of hostile encounters.

For example, at Texas A&M International University in **Webb County**, callers reported a large police presence at the campus polling place in the late afternoon. Volunteers with MOVE Texas, a nonprofit empowering underrepresented youth through voter engagement, reported police stopping organizers who were legally answering nonpartisan questions and handing out water and pizza to voters waiting in hours-long lines. Officers questioned the MOVE volunteers' purpose and prohibited them from handing out water and pizza. This tactic intimidated the organizers enough that they left the polling place in fear, and also intimidated the mostly student voters, who are more likely to be first-time voters. For several hours, several police vehicles and up to a dozen officers were stationed near the polling place, at one point questioning every person approaching the line to ask them what their purpose was. Despite TCRP's outreach to the county's elections office, campus administration, and campus police department, the police presence did not lessen.



In **Bexar County**, a caller reported that a line of voters at McCreless Library in San Antonio were frightened by an argument between two people in line. When the caller tried to de-escalate the situation by asking others in line to remain calm, other voters began threatening the caller with a physical fight, including threatening the caller's life. When the caller asked a poll worker to call security, the poll worker said there was no security. The caller also asked the poll worker to call 911, which they refused to do, so the caller called 911 themselves. Because Texas law prohibits use of a cell phone within 100 feet of voting stations, the election judge then threatened the caller with a warrant for their arrest. Though the caller was able to vote, and police eventually arrived, the caller felt unsafe and did not understand why they had been threatened by the election judge.

SPOTLIGHTED INCIDENT

In **Montgomery County**, on Election Day, the hotline received multiple reports of intimidation happening at the South County Community Center in Spring.

A group of men supporting President Trump and holding Trump flags approached a group of women supporting Vice President Harris and began to verbally insult and berate them. In an attempt to de-escalate the situation, a veteran who happened to be on site placed himself between the Trump supporters and the Harris supporters.

Members of this same group shouted homophobic slurs at a person holding a rainbow flag after which they began to loudly play a homophobic song on their stereo system.

A voter holding a Harris sign was approached by some members of this same group who blocked his sign from being visible and repeatedly verbally insulted him.

The same group of men also began to record voters as the voters passed by them.

Despite both the election judge and local law enforcement being informed of this situation, one voter reported that they overheard police tell the men that they were free to stay in the same area where these incidents had taken place, yet the voter heard nothing from the police telling the men to stop intimidating or harassing voters.



Poll Worker Misconduct

Poll worker misconduct also emerged as a significant concern, with 41 reports of poll workers improperly enforcing voting regulations or turning away eligible votes. Encouragingly, county election administrators and election judges are generally prompt in addressing reports of such misconduct, but greater awareness of issues is still needed to prevent a chilling effect on voters.

In one **Montgomery County** instance, an African-American voter reported that a white poll worker at the South County Community Center in Spring told her “I feel a trigger coming on” when he was checking her in to vote. The voter asked him to repeat his statement, and the poll worker refused to respond and would not make eye contact with her. A separate poll worker attempted to cover for him by saying that he was just excited for the election. An attorney from Common Cause TX reported the incident to the Montgomery County Elections Administrator's office and requested that the poll worker be informed that his statement could be viewed as intimidating and to not make any similar statements going forward, which the County agreed to do.

In **Collin County**, a poll monitor recruited and trained by the ACLU of Texas reported an incident at the Murphy Community Center polling location in Murphy where a mother and daughter were intimidated by poll workers. The daughter sought to provide legally allowed assistance to her mother, who had recently obtained her citizenship and who has a limited English proficiency. As the daughter attempted to interpret the ballot for her mother, several poll workers began yelling at her about the lawful assistance she was providing to her mother. Eventually both mother and daughter were allowed to cast their ballots and leave the polling location without further incident. An attorney at LDF contacted the Collin County Elections Administrator's office to report this incident, and was told that their office would reach out to the polling location's election judge to ensure that such an incident did not happen again.

A similar incident, which is described here in such a way as to best protect the privacy of the caller, had a much worse outcome and involved a particularly egregious instance of poll worker misconduct and intimidation by law enforcement. The caller was chosen by other voters as their lawful voter assistant under Section 208 of the Voting Rights Act and Sections 64.031 and 64.0321 of the Texas Election Code. When the caller sought to provide such assistance, a poll worker grabbed the caller and told them to stop, alleging, without proof, that the caller was in fact voting on the person's behalf, instead of providing assistance. The situation escalated, with people shouting at the caller and the other two voters, and poll workers calling law enforcement to the scene after attempting to prevent the voters from depositing their completed ballots in

the ballot box. Poll workers blocked the caller's entry to her car, and law enforcement officers detained the caller and the voters the caller assisted for hours. The caller was then threatened with criminal prosecution despite the problems here seeming to arise out of the unlawful actions of poll workers.

These instances of poll worker misconduct may arise from insufficient training or resources, malicious intent, MDM, hypervigilance of voting crimes in light of Texas's repressive criminal liability for poll workers,²⁴ or any number of reasons. Whatever the reasons, intimidating treatment of voters by poll workers resulted in fewer ballots cast.

An encouraging example of poll workers being proactive on this issue occurred in **Williamson County** where a voter at the Liberty Hill ISD Gym Annex polling location in Liberty Hill noticed partisan campaign materials inside the polling location. The voter informed an election worker, and the worker immediately discarded the offending material. Even an action as simple as this can help make voters feel safer and more secure when they are voting.

Misinformation, Disinformation, and Malinformation (MDM)

MDM campaigns were a particularly insidious form of voter suppression during the 2024 election cycle. These efforts often involved spreading false or misleading information targeted at vulnerable communities, aiming to sow confusion and discourage participation.²⁵

For example, in **Harris County**, a coordinated effort spread false claims that IDs with non-English names would be rejected at polling locations, disproportionately impacting non-English-speaking voters. This led to widespread confusion and deterred some individuals from casting their ballots.

One incident that received both statewide²⁶ and national attention²⁷ during the 2024 Primary highlighted the intersection of intimidation and MDM is particularly relevant to this report. The hotline received reports from voters in **Guadalupe, Tarrant, and Wise Counties** stating that they had received intimidating mailers from a group calling themselves "America First Conservatives Election Department."²⁸

24. See Cassandra Jaramillo and Joshua Kaplan, These Texans were trying to help run elections. Then Ken Paxton's office launched criminal investigations, Texas Tribune (Nov. 3, 2022), <https://www.texastribune.org/2022/11/03/texas-election-workers-voter-fraud-paxton-midterms/>.

25. One example of MDM targeted at voter registration which occurred outside the scope of the Election Protection hotline was an August 18, 2024 social media post by a Fox News host alleging that nonprofit organizations were illegally registering undocumented immigrants outside of a Texas Department of Public Safety office. See Berenice Garcia, A Fox News host's debunked election conspiracy appears to have prompted a state investigation, Texas Tribune (August 26, 2024), <https://www.texastribune.org/2024/08/26/texas-voter-registration-election-ken-paxton-investigation/>.

26. Melissa Cruz, Flyer warns Texas voters: 'Don't make us report you to President Trump!', Austin American Statesman (May 30, 2024), <https://www.statesman.com/story/news/politics/elections/state/2024/05/30/donald-trump-flyer-reddit-texas-republican-gop-primary-voters-election-mailer-warns/73839846007/>.

27. Daniel Villareal, Trump supporters are now sending threatening letters to get people to vote for him, MSN (May 23, 2024), <https://www.msn.com/en-us/news/politics/trump-supporters-are-now-sending-threatening-letters-to-get-people-to-vote-for-him/ar-BB1mV1XP>.

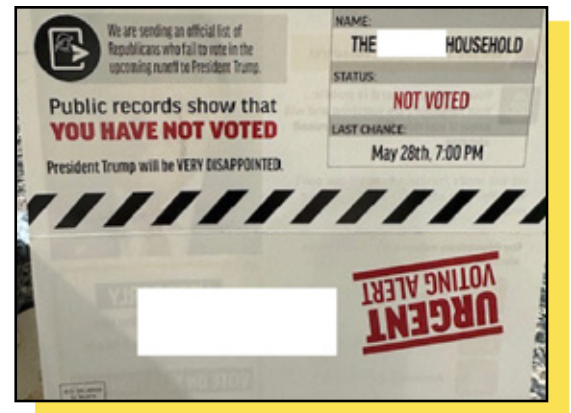
Alongside the voters' names and addresses, the mailers contained the following lines of text:

- “We see you haven’t voted yet.”
- “We are sending an official list of Republicans who have not voted in the upcoming runoff to President Trump.”
- “Your voting record is public. Your neighbors are watching and will know if you miss the critical runoff election.”
- “We will notify President Trump if you don’t vote. You can’t afford to have that on your record.”
- “Notice: We will contact you after the election to make sure you voted!”

In response to these reports, TCRP attempted to ascertain the source of these mailers, but found that they were being sent by an untraceable entity. TCRP then filed a complaint with the Department of Justice's Civil Rights Division stating in part that “sending these letters from an untraceable entity adds to the intimidating nature of these mailings, and, we believe that all of the facts taken together lead to the conclusion that the mailings violate federal laws relating to voter intimidation and interference with civil rights.”²⁹

In September of 2024, TCRP staff submitted a public comment to the Federal Communications Commission highlighting the danger of MDM in the electoral process.³⁰ As noted in that comment, artificial intelligence technologies have amplified MDM, enabling false narratives to be created and disseminated at an unprecedented scale.

For communities in Texas that are already vulnerable to systemic barriers, the rapid spread of MDM, aided by rapid advances in artificial intelligence, compounds existing inequities, thereby further undermining trust in our public and electoral institutions and suppressing voter turnout.



28. Because these reports were made during the 2024 Primary Election on March 5, 2024, they are not included in the MDM figures reported above from the General Election.

29. Complaint Number 453079-QCS

30. Carl Blair, Victoria Gonzalez, and Amy Abbott., Re: Notice of Proposed Rulemaking; "Disclosure and Transparency of Artificial Intelligence-Generated Content in Political Advertisements" (FCC Proceeding 24-211) (September 18, 2024), <https://www.fcc.gov/ecfs/document/10918004893667/1>.

Policy Recommendations

TCRP, along with its partners, has been steadfast in the fight against voter intimidation across Texas, ensuring local governments know they have an obligation under state law to curb voter intimidation,³¹ that the public knows when and where such intimidation is occurring, and fighting for voters in the Texas Legislature and the courts.³²

To address the systemic barriers and recurring voter intimidation issues highlighted in this report, we propose the following measures to strengthen Texas's electoral process and ensure a safe, accessible voting experience for all Texans.

Strengthening Election Laws

Texas should expand enforcement mechanisms for the 100-foot no-electioneering zones outlined in Texas Election Code § 61.003. This includes providing clear signage at all polling locations and equipping election officials with tools to monitor compliance in real time.

In the current 89th Texas Legislative session, one bill regarding the intimidation of election officials has been filed in the Texas Senate. [SB 891](#) has several provisions designed to better protect election officials, which includes election judges and clerks and their families from harassment and intimidation, relating to:

- Intimidating or harassing election officials, including election judges and clerks, or their family members
- Interfering with, hindering, or preventing an election official from performing their election related duties
- Intentionally and physically obstructing an election official access to or from a location where they are performing their election related duties
- Conspiracy to commit any of the preceding offenses
- Disseminating the personal information, or “doxing”, of an election

31. See, e.g., Ashley Harris, John Paredes, and James Slattery, Advisory on Voter Intimidation Laws (October 21, 2022), www.aclutx.org/sites/default/files/advisory_on_voter_intimidation.pdf (accessed Feb. 3, 2025).

32. David Martin Davies, Texas Civil Rights Project reports multiple instances of harassment and intimidation at the polls, Texas Public Radio (Nov. 4, 2022), <https://www.tpr.org/government-politics/2022-11-04/texas-civil-rights-project-reports-multiple-instances-of-harassment-and-intimidation-at-the-polls>.

official or a family member if it poses and imminent and serious threat to the official or their family member's safety and the person who disseminates the information knows or should know of such a threat

- Explicitly exempting current election officials' home addresses, home phone numbers, emergency contact information, Social Security numbers, and whether they have family from Public Information Act requests.

There are also two bills of particular note that have been filed in the Texas House this legislative session that seek to directly address the harms posed by MDM. [HB 401](#) would build on Texas' first-in-the-nation anti-deepfake law by prohibiting the creation and distribution of deepfake videos that seek to injure a candidate or influence the outcome of an election at any point in time, instead of limiting that prohibition to within 30 days of an election as the current statute does.

A closely related bill, [HB 556](#) would go a step farther by prohibiting the creation and distribution of any "artificially generated media" that seeks to injure a candidate or influence the outcome of an election within 30 days of an election. Deepfakes are a subset of artificially generated media; and the term artificially generated media means any type of video, image, audio recording, or text that is created or modified using artificial intelligence technology.³³

Other states, like Washington, have also moved towards prohibiting or regulating similar deceptive campaign practices and artificially generated media.³⁴ The rapidly evolving nature of both MDM and artificial intelligence necessitates a constantly evolving regulatory and legislative framework with clear enforcement mechanisms.

Additional federal legislation, such as the proposed S.1840 - Deceptive Practices and Voter Intimidation Prevention Act of 2021, would also create clearer definitions of voter intimidation, including spreading MDM, and allow individuals to sue to enforce the law.³⁵

Regulating Police Presence at Polling Locations

Law enforcement's role at polling sites should be carefully regulated to minimize voter intimidation. Cities and counties should establish clear and transparent guidelines dictating when and how officers may be present at polling places while voting is taking place with a focus on de-escalation and voter protection.

An example of this took place in **Tarrant County** in the city of Arlington where the Arlington Police Department made the decision to not have police officers

33. Synthetic Media & Deepfakes, Center for News, Technology, and Innovation <https://innovating.news/article/synthetic-media-deepfakes/> (Oct. 11, 2024). The terms "synthetic media" and "artificially generated media" are frequently used interchangeably.

34. Washington State Legislature, Chapter 29A.84 RCW: Crimes and penalties, <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.84> (last accessed Feb. 4, 2025).

35. S.1840 - Deceptive Practices and Voter Intimidation Prevention Act of 2021. 117th Congress (2021-2022), <https://www.congress.gov/bill/117th-congress/senate-bill/1840> (last accessed Feb. 4, 2025).

stationed directly on-site at polling locations, instead opting for the use of a central command center to monitor polling locations during early voting and on Election Day. In explaining the Department's decision, Arlington PD Sgt. Alex Rosado noted that the Department was "cognizant that our appearance could be a type of voter intimidation, and we don't want to do that."³⁶

A recent study suggests that police presence at a polling place depresses Black voter turnout by as much as 32%.³⁷ This highlights the necessity for police and sheriff's departments across Texas to be aware of both voters' rights at the polls and the impact law enforcement presence at polling locations may have on voters, and take concrete steps to try and lessen that impact. Law enforcement should seek an approach that strikes a balance between ensuring that voters can exercise their voting rights, including the right to vote free from intimidation, while ensuring swift and proportional responses to legitimate threats.

Resources for Law Enforcement Regarding Police Presence at the Polls

- [Law Enforcement Guidance for Election Day](#)
- [Public Safety & Elections: A Guide for Law Enforcement](#)
- [Texas Secretary of State: Law Enforcement Guide](#)

Improving Poll Worker Training, Recruitment, & Retention

Better-trained poll workers result in better-run elections.³⁸ Mandating comprehensive, scenario-based training programs for poll workers would help address many procedural inconsistencies. These programs should emphasize voters' rights, the enforcement role of poll workers, as well as cultural sensitivity, equipping workers to handle issues like voter intimidation and barriers to accessibility. In the meantime, community organizations can conduct outreach to voters and poll workers about voter intimidation, including know-your-rights training.

Supporting recruitment efforts for poll workers is also crucial. In 2020, the Harris County Election Administrator's Office won a Clearinghouse Award from the U.S. Election Assistance Commission recognizing its work in recruiting high school students to serve as poll workers. The Commission specifically cited Harris County's focus on recruiting bilingual students and students with technological know-how.³⁹

Related to improved poll worker training and recruitment is improving poll worker retention by providing more resources to counties, repealing

36. James Hartley, Don't see cops at Arlington polling places? 'That's by design' to avoid voter intimidation, PD says, Fort Worth Report (Nov. 5, 2024), <https://fortworthreport.org/2024/11/05/dont-see-cops-at-arlington-polling-places-thats-by-design-to-avoid-voter-intimidation-pd-says-2/>.
37. David Niven, Policing Polling Places in the United States: The Negative Effect of Police Presence on African American Turnout in an Alabama Election, *Democracy and Security* (2021): 1-14, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4148928.
38. Poll Worker Training, National Conference of State Legislatures (updated Dec. 4, 2023), <https://www.ncsl.org/elections-and-campaigns/poll-worker-training>.

legislation criminalizing or otherwise targeting poll workers, and encouraging a culture of respect and appreciation for poll workers.

Educational Campaigns

Launching widespread, multilingual voter education campaigns would empower voters to identify and report intimidation. Collaborating with community-based organizations, Texas can develop accessible resources such as voter rights guides, hotline information, and instructional videos. The Texas Secretary of State, responsible for voter education across the state, was appropriated just \$5 million in FY 2024 for voter education efforts.⁴⁰ That money was specifically limited to educational efforts regarding voter identification requirements. Texas should expand voter education appropriations and direct the Secretary of State's office such that those funds are used equitably and result in meaningful public education.

Earlier this legislative session, TCRP submitted written testimony to the Senate Finance Committee calling for an increased voter education budget, a diversification of the topics addressed by such voter education efforts, and assuring that all voter education materials created by the Secretary of State be made available in at least all of the languages the VRA requires for localities in Texas.⁴¹

An example of such an educational campaign could be a collaboration between voting rights organizations, community leaders, and election officials to create a series of multimedia resources that detail the entire voting process from registering to vote through the election certification process, with a particular emphasis on the use of voting machines and the ballot counting process. Such a collaboration could not only help increase public confidence in the election process but also foster better working relationships between communities and their election officials.



As of the date of the publication of this report, the Informational Pamphlets page on the Sec. of State's VoteTexas.gov website is blank.

39. Harris County Elections Administrator (TX) 2020 Clearinghouse Award Winner, U.S. Election Assistance Commission (Mar. 11, 2022), <https://www.eac.gov/election-officials/harris-county-elections-administrator-tx-2020-clearinghouse-award-winner>.

40. GENERAL APPROPRIATIONS ACT FOR THE 2024-25 BIENNIUM, Legislative Budget Board (2023), https://www.lbb.texas.gov/Documents/GAA/GeneralAppropriations_Act_2024_2025.pdf.

41. See Voting Rights Act Amendments of 2006, Determinations Under Section 203: A Notice by the Census Bureau, Federal Register (Dec. 8, 2021), <https://www.federalregister.gov/documents/2021/12/08/2021-26547/voting-rights-act-amendments-of-2006-determinations-under-section-203>

Community Partnerships

Partnering with local advocacy groups and grassroots organizations amplifies pro-voter messaging and builds trust within underserved communities by empowering them with information about their voting rights, including the right to vote free from intimidation. This could also include providing transportation to polling places and voter education on the entire voting process from registering to vote through how elections are certified. Fostering such collaborations ensures that outreach efforts resonate with those who face the greatest barriers to voting. Voting is a habit.⁴² As state and local governments do more work to include underserved communities in that habit, it will become less and less likely for voters to feel pressured not to vote by way of intimidation.

Promoting widespread collaboration between community organizations, educational leaders, election officials, faith leaders, and other local officials to establish educational campaigns and voter protection efforts centered on addressing issues, like voter intimidation, that disproportionately impact voters who are members of historically underserved or marginalized communities, could help prevent incidents like those at Texas A&M International University in 2024.

Expanding Language Accessibility

Increasing funding for multilingual voter education campaigns is critical for combatting targeted misinformation and ensuring voters who may require assistance are properly informed of their rights. In 2020, Harris County implemented its “Multi-Lingual Virtual Poll Worker System” (MVP), which aids the facilitation of communications between poll workers and voters who do not share a common language by providing a method to obtain a real-time video call with an interpreter.⁴³ Similarly, the Los Angeles County Registrar’s Office has successfully implemented a multilingual voting toolkit, reaching over 5 million voters with materials in 13 languages.⁴⁴ In Georgia, Gwinnett County, which is only required to provide ballots in English and Spanish under Section 203 of the VRA, proactively offered ballots for the first time in Korean, Mandarin, and Vietnamese this past November; while Athens-Clarke County offered ballots in Spanish and DeKalb County offered non-English translations of election materials for the first time last November despite neither county being legally required to do so.⁴⁵

While initiatives such as these would likely be most effective if conducted at a state or county wide level, voting rights organizations can help fill the current gap by working to provide voter education materials and assistance in multiple languages whenever possible. For instance, TCRP provides Spanish,

42. Alan S. Gerber, Donald P. Green and Ron Shachar, Voting May be Habit Forming: Evidence from a Randomized Field Experiment, *American Journal of Political Science* 47:3 (July 2003), <https://www.jstor.org/stable/3186114>.

43. Matt Harab, Harris County Unveils New Polling Technology For Non-English Speakers, *Houston Public Media* (Feb. 14, 2020), <https://www.houstonpublicmedia.org/articles/news/harris-county/2020/02/14/360756/harris-county-unveils-new-polling-technology/>.

Tagalog, and Vietnamese translations of important voter education materials produced in-house to the voting public while continuing to look for ways to provide translations of these materials in other languages as well.⁴⁶

Media Engagement

Leveraging media outlets and social platforms to share impactful case studies and disseminate voter rights information is crucial for building public awareness. Highlighting success stories, such as hotline interventions that resolved voter intimidation cases in Harris County, could inspire confidence in reporting mechanisms and provide voters with a deeper understanding of the numerous safeguards that are already in place to ensure the safety of our elections.

The media also plays a unique and indispensable role in responding to, and reporting on, the spread of election-related MDM. And in recognition of that role, our partners at the Brennan Center suggest three concrete steps that news outlets and journalists can take to more accurately and responsibly report on election-related issues:

- Cultivate authoritative sources on elections, including election officials, so that when sensational stories take hold, they can quickly verify or rebut information circulating in their communities.
- Publish pre-election stories on any confusing or new topics — the idea of 'pre-bunking' or getting ahead of potential targets of disinformation, for example. That should include providing voters with accurate context and perspective related to commonplace glitches or delays.
- Make an extra effort to reach new voters and new citizens, who may be less familiar with American elections.⁴⁷

44. Multilingual Services Program, Los Angeles County Registrar-Recorder/County Clerk, <https://www.lavote.gov/home/voting-elections/voter-education/multilingual-services-program/multilingual-services-program> (last accessed Feb. 4, 2025).

45. Emily Wu Pearson, Georgia voters have more language access with multilingual ballots in this year's election, WABE (Nov. 1, 2024), <https://www.wabe.org/georgia-voters-will-have-multilingual-ballots-and-election-materials-in-some-counties/>.

46. Election Protection One-Pagers, Texas Civil Rights Project, <https://www.txcivilrights.org/tcrp-voting-rights> (last accessed Feb. 4, 2025).

47. 3 Lessons on Misinformation in the Midterms Spread on Social Media, Brennan Center for Justice (Jan. 5, 2023), <https://www.brennancenter.org/our-work/research-reports/3-lessons-misinformation-midterms-spread-social-media>

Additional Resources for Journalists and Media Outlets for Reporting on MDM

- [Preventing the Spread of Misinformation and Disinformation](#)
- [A Journalist's Guide to Navigating Disinformation on Social Media](#)
- [Tactics of Disinformation](#)
- [The 'Sift' Strategy: A Four-Step Method for Spotting Misinformation](#)

Additional Resources on Voter Intimidation

- [Is Voter Intimidation Illegal? What Should I Do If I Experience It?](#)
- [Texas Poll Workers: Rules and Constraints](#)
- [Federal Laws Protecting Against Intimidation of Voters and Election Workers](#)
- [Texas: Protections Against Intimidation of Voters and Election Workers](#)
- [Section 11\(b\) of the VRA Protects Voters From Intimidation](#)
- [Voting Rights Fact Sheet](#)
- [What Texas voters should know about voter intimidation](#)
- [Fact Sheet: Protecting Against Voter Intimidation](#)

Conclusion

Federal and state law provide broad protections against voter intimidation, yet as this report shows, voters in Texas still suffered from electioneering, hostile physical confrontations, poll worker misconduct, and targeted MDM in the 2024 General Election.

This election demonstrated the urgent need for additional steps to protect voter rights and ensure confidence in Texas's electoral process. By adopting the recommendations in this report, legislators, election officials, and community leaders can work together to ensure that every Texan has the opportunity to vote without fear or intimidation. Continued vigilance and advocacy are essential for a more inclusive democracy.



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