

Pennsylvania: Protections Against Intimidation of Voters and Election Workers

This resource details state and federal laws protecting against the intimidation of voters and election workers and the disruption of the voting process.

Voters in Pennsylvania have the right to vote free from intimidation under federal and state law.¹ The federal protections that apply to all states are explained [here](#). The following actions are specifically prohibited by Pennsylvania law:

- Using or threatening to use force or violence to compel any person to vote or refrain from voting, to vote or refrain from voting for a particular candidate or question, or to register or refrain from registering to vote.²
- Interfering with the ability of any elector to vote through duress, coercion, force, or fraud.³
- Blocking or attempting to block the entrance or exit of any polling place.⁴

In addition, the Pennsylvania Department of State specifies that intimidation includes “disseminating false or misleading election information, including information on voting eligibility, polling place procedures, polling place hours, or voting methods.”⁵

The below addresses the laws that serve as guardrails against specific threats of intimidation.

Voter Challenges

Although Pennsylvania permits any qualified voter, election official, overseer, or poll watcher to challenge another voter’s eligibility,⁶ state law also provides for some guardrails:

- Challenges must be in good faith and may only be brought regarding a voter’s identity or residency.⁷ Thus, challenges based at all on race, national origin, appearance, surname,

¹ See, e.g., 18 U.S.C. §§ 594, 241; 52 U.S.C. § 10101(b); 25 Pa. Stat. §§ 3547(a)–(b), 3527, 3528.

² 25 Pa. Stat. § 3547(a); see also 25 Pa. Stat. §§ 3527, 3528.

³ 25 Pa. Stat. § 3547(b).

⁴ 25 Pa. Stat. § 3527.

⁵ Pennsylvania Department of State, Guidance Concerning Poll Watchers and Authorized Representatives, October 5, 2022, <https://www.vote.pa.gov/Your-Rights/Pages/Poll-Watchers.aspx>.

⁶ 25 Pa. Stat. §§ 1329(a), 3050(d).

⁷ Pennsylvania Department of State, Guidance on Rules in Effect at the Polling Place on Election Day, October 2016, 4–5, <https://www.dos.pa.gov/votingelections/otherserviceevents/documents/dos%20guidance%20on%20rules%20in%20effect%20at%20the%20polling%20place%20on%20election%20day%2010-16.pdf>.

language, religion, or some other characteristic unrelated to the qualifications to vote are not permitted.⁸

- Challenges must be directed to the judge of elections, who shall determine if the challenge is based on actual evidence and if there is a good-faith basis to believe the challenged person is not qualified to vote.⁹ In determining the qualifications of electors, the judge of elections must “impartially and faithfully perform [his or her] duties,” as required by the oath taken before each election.¹⁰
- Judges of elections are prohibited from allowing “routine or frivolous challenges that are not supported by a stated good faith basis and evidence that a person is or may not be eligible.”¹¹
- A voter may not be refused a regular ballot unless the election officials of the precinct are satisfied that the challenger has properly proven the voter’s ineligibility with sufficient evidence.¹²

The National Voter Registration Act (NVRA) provides additional safeguards to protect voters from mass challenges before an election:

- The NVRA expressly recognizes that National Change of Address information is not sufficient on its own to serve as the basis for canceling a voter’s registration.¹³
- The NVRA prohibits the systematic removal of voters from the rolls within 90 days of a federal election.¹⁴

Intimidation of Poll Workers and Election Officials

In addition to federal protections against the intimidation of election workers, it is a crime in Pennsylvania to prevent or attempt to prevent any election official from holding the election, interfere with the execution of their duties, or use or threaten any violence against an election official.¹⁵ It is illegal for any person, including an election official, to refuse to permit any election official, clerk, or machine inspector to perform their duties or to threaten violence against any such person.¹⁶

Voter Intimidation by Poll Workers

The Brennan Center and All Voting is Local published a detailed resource on the rules and constraints for Pennsylvania poll workers [here](#).

⁸ Pennsylvania Department of State, “Guidance Concerning Poll Watchers and Authorized Representatives,” October 5, 2022, <https://www.vote.pa.gov/Your-Rights/Pages/Poll-Watchers.aspx>.

⁹ Pennsylvania Department of State, “Guidance Concerning Poll Watchers and Authorized Representatives,” 2022.

¹⁰ 25 Pa. Stat. § 2677.

¹¹ Pennsylvania Department of State, “Guidance Concerning Poll Watchers and Authorized Representatives,” 2022.

¹² Pennsylvania Department of State, “Guidance Concerning Poll Watchers and Authorized Representatives,” 2022.

¹³ 52 U.S.C. § 20507(c)(1)(B).

¹⁴ 52 U.S.C. § 20507(c)(2)(A).

¹⁵ 25 Pa. Stat. § 3527.

¹⁶ 25 P.S. Elections & Electoral Districts § 3508.

Intimidation by Poll Watchers

In addition to Pennsylvania’s intimidation laws detailed above, state law places limits on who may serve as poll watchers and what they may and may not do:

- Watchers must be a qualified registered elector of the county in which they are appointed to serve.¹⁷
- Each candidate may appoint two poll watchers per electoral district in which he or she is on the ballot, and each political party that has nominated candidates on the ballot may appoint three poll watchers for each district in which those candidates will appear on the ballot.¹⁸
- Watchers can keep a list of voters and make good-faith challenges against any voter’s identity or residency. When no voters are present at a polling place, watchers can also inspect the voting checklist and the list of voters maintained by the county board; however, they may only do so under the supervision of a poll worker.¹⁹
- Watchers may not engage in certain activities, including speaking directly to or threatening voters, asking voters for documentation, or blocking a polling place entrance.²⁰
- Watchers must show their certificate from the county board of elections stating their name and the name of the candidate or party they represent upon request.²¹

Judges of elections must remove watchers who are engaging in prohibited activities.²²

State and Local Law Enforcement

Although on-duty law enforcement officers are generally prohibited from being within 100 feet of a polling place, they may be called upon by election officials or any three qualified electors of an election district to handle disturbances and maintain order.²³

Guns at Polling Places

Pennsylvania law prohibits carrying weapons, including guns, in a number of places that are commonly used as polling places and drop box locations, such as schools and courthouses.²⁴

Even at locations where firearms are not expressly prohibited, firearm carry may constitute unlawful intimidation. Such conduct may consist of carrying a visible firearm near a polling

¹⁷ 25 Pa. Stat. § 2687(b).

¹⁸ 25 Pa. Stat. § 2687(a).

¹⁹ 25 Pa. Stat. § 2687(b).

²⁰ Pennsylvania Department of State, “Guidance Concerning Poll Watchers and Authorized Representatives,” 2022.

²¹ Pennsylvania Department of State, “Guidance Concerning Poll Watchers and Authorized Representatives,” 2022.

²² Pennsylvania Department of State, “Guidance Concerning Poll Watchers and Authorized Representatives,” 2022.

²³ 25 Pa. Stat. § 3047.

²⁴ 18 Pa. Stat. and Cons. Stat. §§ 912, 913.

location or at a drop box or vote-counting site, displaying a concealed firearm during a discussion or argument with a voter or election worker, or approaching a voter or election worker while displaying a firearm.

Door-to-Door Intimidation

Pennsylvania law and federal law prohibit canvassing efforts that are used to intimidate voters.²⁵ Any voter who receives a visit from a privately organized canvassing group does not have to answer any questions and should report any incidents of intimidation to their local officials. Additionally, it is a misdemeanor in Pennsylvania to impersonate a public official.²⁶

²⁵ 18 U.S.C. §§ 594, 241; 25 Pa. Stat. §§ 3547(a)–(b).

²⁶ 18 Pa. Stat. § 4912.