


<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i></p> <p>November 5, 2024, General Election – Protecting California Voters from Election Interference and Voter Intimidation and Deception</p>	<p><i>No.</i></p> <p>2024-DLE-11</p>	<p><i>Contact for information:</i></p> <p>Stephen Woolery, Chief Division of Law Enforcement 916-210-6300</p>
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TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES

This bulletin discusses California laws that make it a crime to engage in election interference, voter intimidation, and voter deception. Such unlawful conduct may be carried out through communications, advertisements, or broadcasts such as social media posts; mailings, calls, and texts; and television, radio, or Internet broadcasts.¹ It serves as a reminder that there are relevant laws that you may utilize to ensure voters are protected from false, misleading, or deceptive information about where, when, and how to vote in the days leading up to Election Day on November 5, 2024. Law enforcement officers should be aware of these criminal statutes as they relate to the protection of voters in California.

These laws serve the vitally important purpose of deterring and punishing illegal behavior that threatens the right to vote and undermines public confidence in the integrity of the electoral process. The 2020 general election saw a dramatic increase in the spread of false and misleading claims about where, when, and how to vote. We expect this trend will continue as the November 2024 general election approaches, and law enforcement plays an important role in protecting the public from such misconduct.

In addition to the resources in this bulletin, law enforcement may also want to review recent guidance issued by the Secretary of State concerning voter intimidation.²

LAWS PROHIBITING INTENTIONALLY MISLEADING STATEMENTS ABOUT VOTER ELIGIBILITY AND THE TIME AND PLACE OF VOTING

It is a criminal offense to fraudulently advise any person that he or she is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered. (Elec. Code, § 18543, subd. (a).) A conspiracy to violate this provision is a felony. (*Id.*, subd. (b).)

Any person who, with actual knowledge and intent to deceive, distributes or causes to be distributed a communication to a voter that contains the following categories of false, incorrect, or misleading information, is guilty of a misdemeanor:

¹ There may be additional federal laws or local ordinances that also protect voters from election interference and voter intimidation or dissuasion that are not discussed in this bulletin.

² California Secretary of State, CC/ROV Memorandum # 24213, “Presidential Primary: Voter Intimidation; Prohibited Voter Challenges” (Sept. 27, 2024), pp. 1-3 <<https://elections.cdn.sos.ca.gov/ccrov/2024/september/24213ra.pdf>>.

- False or misleading information regarding the qualifications to vote or to register to vote;
- False or misleading information regarding the qualifications to apply for, receive, or return a vote-by-mail ballot;
- False or misleading information regarding the date of an election or the days, dates, or times voting may occur at a voting location; or
- The incorrect location of a voting center, office of an elections official, satellite office of an elections official where voting is permitted, or vote-by-mail ballot drop box or drop-off location.

(Elec. Code, § 18302, subd. (b).)

Below are some examples of presenting false information about the voting process or voter eligibility requirements:³

- Misinforming prospective voters that the ability to speak English is an eligibility requirement to vote;
- Misinforming voters that they need to present certain types of photo identification in order to vote; or
- Misinforming voters that there could be criminal consequences for voting (*e.g.*, that voting rolls will be used for debt collection purposes, or to undertake arrest warrant checks).

It is also a misdemeanor to knowingly mail or distribute literature to a voter that includes a designation of the voter's polling place other than the one designated for that voter in the most recent official precinct polling list. (*Id.*, subd. (a).)

Information about voting eligibility requirements is available on the Secretary of State's website at <https://www.sos.ca.gov/elections/voting-resources/voting-california/who-can-vote-california>.

Information about a voter's polling place, nearby vote centers, and/or authorized ballot drop-off locations is available on the Secretary of State's website at <https://www.sos.ca.gov/elections/polling-place>, and from county election officials.

Contact information for county election offices is available on the Secretary of State's website at <https://www.sos.ca.gov/elections/voting-resources/county-elections-offices>.

LAWS PROHIBITING VOTER INTIMIDATION AND DISSUASION

Voter intimidation encompasses conduct that is intended to compel a voter to not vote or vote against their preferences through activity that is reasonably calculated to instill fear.⁴ Voter intimidation is prohibited in any election; violation of this section of the Elections Code is a felony. (Elec. Code, § 18540.)

It is a felony to use tactics of coercion or intimidation to induce or compel a person to vote or refrain from voting, or to vote or refrain from voting for any particular person or measure, at any election. (Elec. Code, § 18540, subd. (a).) It is also a felony to use such tactics because a person voted or refrained from voting, or to

³ See Elec. Code, §§ 18302, 18543, subd. (a); see also, *e.g.*, California Secretary of State, CC/ROV Memorandum # 24213, *supra* note 2, at pp. 1-2.

⁴ U.S. Dep't of Justice, Federal Prosecution of Election Offenses, Eighth Edition (Dec. 2017), p. 52 (discussing 52 U.S.C. § 594). For more information about voter intimidation and dissuasion occurring at voting areas, such as drop boxes, polling places, and vote centers, see Information Bulletin 2024-DLE-04 (Feb. 28, 2024), <<https://oag.ca.gov/system/files/media/2024-dle-04.pdf>>.

vote or refrain from voting for any particular person or measure, at any election. (*Ibid.*)

It is also a felony to agree to vote in a certain way or induce others to vote in a certain way in exchange for money or something of value. (Elec. Code, §§ 18521, 18522.)

Below are some examples of illegal voter intimidation that law enforcement may be called upon to address in the time leading up to Election Day: ⁵

- Threatening to engage in criminal action against voters.
- Harassing or threatening behavior toward voters based on a person’s race, ethnicity, or gender identity.
- Aggressively questioning voters about their citizenship, criminal record, or other qualifications to vote.
- Offering to pay money to voters who agree to vote for a particular candidate or measure.
- Attempting to ascertain how voters voted on their ballot.

If you have further questions, please contact:

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⁵ See Elec. Code, §§ 18521, 18522, 18540; Civ. Code, §§ 51, subd. (b), 51.7, subd. (b); see also, e.g., California Secretary of State, CC/ROV Memorandum # 24213, *supra* note 2, at pp. 1-2.