October 28, 2020

County Probate Judges
State of Alabama

Re: *Voter Intimidation and Frivolous Voter Challenges*

To all County Probate Judges:

On behalf of the NAACP Legal Defense and Educational Fund, Inc., Giffords Law Center to Prevent Gun Violence, SPLC Action Fund, and the ACLU of Alabama, we urge you to ensure that all county election officials are prepared to respond to voter intimidation and frivolous voter challenges at polling places on Election Day. This guidance is especially critical in light of widespread media reports indicating organized efforts to intimidate and harass voters at the polls this fall.[1] We share your goal of conducting an orderly and safe election and appreciate the demands faced by your staff. We are available to provide any assistance you may request.

1. Election Officials Must Be Prepared to Identify and Respond to Voter Intimidation at Polling Places.

Voter intimidation is a serious crime under both federal law and Alabama law, and numerous state attorneys general have committed to prosecute anyone who engages in voter intimidation this year.[2] Election officials have an obligation to monitor and prevent intimidating conduct. As the

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[1] *See*, *e.g.*, Lee Roop, *Answering Trump, Alabama election boss spells out 'the way it works' at polls*, Al.com (Oct. 10, 2020), https://www.al.com/election/2020/10/answering-trump-alabama-election-boss-spells-out-the-way-it-works-at-polls.html; Rosalind S. Helderman et al., *Trump's suggestion of deploying law enforcement officials to monitor polls raises specter of voting intimidation*, Wash. Post (Aug. 21, 2020) https://www.washingtonpost.com/politics/trumps-suggestion-of-deploying-law-enforcement-officials-to-monitor-polls-raises-specter-of-intimidation/2020/08/21/4ff6407a-e3bb-11ea-8dd2-d07812bf00f7_story.html; *Local officials should prepare against Trump-inspired voter intimidation*, Washington Post (Oct. 5, 2020), https://www.washingtonpost.com/opinions/local-officials-should-prepare-against-trump-inspired-voter-intimidation/2020/10/05/867709ea-0454-11eb-b7ed-141dd88560ea_story.html; Brentin Mock, *How Voter Intimidation Could Get Uglier*, Bloomberg (Oct. 7, 2020) https://www.bloomberg.com/news/articles/2020-10-07/how-voter-intimidation-could-become-violent-in-2020.

[2] *See* Michael Wines, *After Trump's call for poll watchers, officials in three states pledge to prosecute any who try to intimidate voters*, N.Y. Times, https://www.nytimes.com/live/2020/10/06/us/trump-vs-biden#after-trumps-call-for-poll-watchers-officials-in-three-states-pledge-to-prosecute-any-who-try-to-intimidate-voters. Federal law provides, "Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for [federal office] . . . shall be fined under this title or imprisoned not more than one year, or both." 18 U.S.C. § 594. Alabama law provides, "It shall be unlawful for any person to obstruct, intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he or she may choose, or for the purpose of causing such other person to vote for, or not to vote for, any candidate for state or local office or any other

chief election official in each Alabama county, probate judges carry a significant responsibility to safeguard the integrity of this year's election. That responsibility includes ensuring that each polling location is fully prepared to identify and resolve any and all instances of voter intimidation. All clerks and inspectors should be trained and instructed to:

- identify voter intimidation, with attention to each of the aggravating factors listed below;
- immediately order any individuals or organizations engaging in intimidating conduct to desist and leave;
- rely on law enforcement only as a *last* resort; and
- carefully document and report any instances of potential voter intimidation.

a. Demonstrations Outside Polling Places Could Constitute Voter Intimidation.

Intimidating conduct is based on an objective assessment of the conduct's effect and does not require intent on the part of the individual engaging in the conduct to be unlawful.[3] For this reason, conduct that may appear to be routine political activity and that may even comply with Alabama's electioneering rules, such as demonstrations outside of the 30-foot no-solicitation zone,[4] may actually constitute unlawful voter intimidation. In fact, this zone will provide very little protection to voters this year, because lines may extend far beyond 30 feet as voters are instructed to maintain at least six feet of distance while waiting in line.[5] There are a number of aggravating factors that can make such demonstrations especially concerning and increase the risk of unlawful voter intimidation:

- Failure to wear masks or observe social distancing guidelines. If voters are forced to walk in close proximity to demonstrators, they may be forced to choose between their health and their right to vote.

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proposition at any election. Any person who violates this section shall be guilty, upon conviction, of a Class A misdemeanor." Ala. Code § 17-17-33.

[3] *See* Ben Cady & Tom Glazer, *Voters Strike Back: Litigating Against Modern Voter Intimidation*, 39 N.Y.U. Rev. L. & Soc. Change 173, 204 (2015) (explaining that "Section 11(b) [of the Voting Rights Act] does not require a plaintiff to make any showing with regard to the defendant's intent.").

[4] Under Alabama law, "Except as electors are admitted to vote and persons to assist them as . . . provided [by Alabama law], and except for the judge of probate, the sheriff, or his or her deputy, the precinct election officials, and watchers, no person shall be permitted within 30 feet of the door of the building of the polling place." Ala. Code § 17-9-50. Under Alabama law, "watchers" permitted within 30 feet of the polling place are *only* those individuals "appoint[ed] in writing" by each candidate for office and who have been "sworn faithfully to observe the rule of law prescribed for the conduct of elections." Ala. Code. § 11-46-35.

[5] The CDC has urged election officials to "[e]ncourage voters to stay at least 6 feet apart." *See Considerations for Election Polling Locations and Voters*, Centers for Disease Control and Prevention, https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html. Only 25 voters would be able to stand in line within the 150-foot no-solicitation zone if they are each spaced 6 feet apart.

- Open association with hate groups, including demonstrators waving Confederate flags.[6]
- Physically blocking voters from accessing a polling place, or impeding traffic flow.
- Carrying or brandishing firearms or other weapons.[7]
- Direct confrontation with prospective voters or others,[8] the use of raised voices or insulting, offensive, or threatening language, or other intimidating conduct including photographing voters, copying license plates, and aggressive exit polling.
- Wearing uniforms or attire that suggests demonstrators are engaging in official functions.[9] This is a significant threat today, because many hate groups have begun wearing standardized attire, law enforcement or security uniforms, and even paramilitary uniforms.[10]

This year, there have already been reports of demonstrations that might constitute unlawful voter intimidation. For example, in Fairfax County, Virginia, a group of demonstrators disrupted voting (causing election officials to move voters inside), as they waved campaign flags, chanted, yelled, and honked horns as voters entered an early voting site, at one point reportedly forming a line that voters had to walk around in order to access their polling place.[11] Similarly, in Chatham County, North Carolina, demonstrators outside of a polling place displayed flags supporting groups including the Confederacy and the League of the South (designated a violent hate group by the Southern Poverty Law Center), and reportedly yelled slurs at voters as they attempted to access their polling place.[12] There were reports of intimidation in Alabama in the 2016 general election,[13]

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[6] The Southern Poverty Law Center has identified 16 hate groups that were active in Alabama in 2019. *See Groups in Alabama*, Southern Poverty Law Center, https://www.splcenter.org/states/alabama.

[7] Alabama law allows for the concealed carry of firearms only by individuals licensed to do so. However, absent a valid concealed handgun license, Alabama law prohibits the carrying of a handgun on premises that are *not owned or under the control of the possessor*. Ala. Code § 13A-11-52. Moreover, many polling places are located in public schools. Alabama law prohibits "carry[ing] or possess[ing] a deadly weapon on the premises of a public school[,]" and doing so constitutes a Class C Felony. Ala. Code § 13A-11-72(c)–(d).

[8] This may include election officials, individuals engaging in lawful electioneering, non-partisan election observers, poll watchers, or others.

[9] *See DNC v. RNC*, 671 F. Supp. 2d 575, 580 (D. N.J. 2009) (prohibiting polling place election activities by individuals wearing attire that "creates the appearance that the individuals are performing official or government functions, including . . . wearing public or private law enforcement or security uniforms, using arm bands, or carrying or displaying guns or badges").

[10] *See, e.g.*, Tasneem Raja, *Decoding the Language of Extremist Clothing*, Topic (Oct. 2017), https://www.topic.com/decoding-the-language-of-extremist-clothing.

[11] *See, e.g.,* Nick Corasaniti & Stephanie Saul, *Trump Supporters Disrupt Early Voting in Virginia*, Fairfax Times (Sept. 21, 2020), http://www.fairfaxtimes.com/articles/trump-supporters-disrupt-early-voting-in-virginia/article_be07dda0-fc55-11ea-b8ab-4b39670e4fe8.html; Drew Wilder, *Dems Accuse Trump Supporters of Voter Intimidation in Fairfax County* (Sept. 21, 2020), https://www.nbcwashington.com/news/local/dems-accuse-trump-supporters-of-voter-intimidation-in-fairfax-county/2424398/.

[12] *See Letter Calling for Emergency Action Regarding Voter Intimidation* (Feb. 24, 2020), https://www.naacpldf.org/wp-content/uploads/2-24-20-Coalition-Letter-to-SBOE-re-Voter-Intimidation-in-Chatham-County.pdf.

[13] *See* Press Release, Lawyers Committee for Civil Rights Under Law, National Election Protection Hotline Receives Calls from Alabama Voters Reporting Voter Intimidation and Mass Voter Confusion Tactics at the

and election officials must be prepared for voter intimidation to occur this year with even greater intensity and severity.

b. Ensure Law Enforcement Does Not Engage in Electioneering or Intimidating Practices.

As early voting has demonstrated across other states, there exists a risk that activities of law enforcement officers may intimidate some voters and there is a need for special care and caution to avoid this occurrence. For example, during early voting in Florida last week, a Miami police officer in full uniform, including a badge and gun, entered an early voting site while wearing a mask containing the logo for a political candidate, along with profanity.[14] This type is the type of conduct that federal and Alabama state voter intimidation laws are intended to prevent.[15] In Alabama, it is a Class C felony for any official, including a law enforcement agent, to "attempt[] to use his or her official authority or position for the purpose of influencing the vote or political action of any person." Ala. Stat. § 17-17-2.[16] Further, while Sheriffs and their specially-designated deputies are permitted to be present at polling locations on election day, this responsibility is for the purpose of ensuring "that every elector who desires to vote may do so without interference or interruption."[17] It is a Class C felony for any Sherriff or deputy to "wilfully or corruptly"[18] abdicate this duty and any officer to be convicted of such conduct may have "the office of such sheriff . . . vacated."[19]

The risk of intimidation from election officials and law enforcement agents may be mitigated through adequate protocol. We urge you to ensure that any law enforcement personnel present at polling places do not engage in acts of voter intimidation or electioneering, and to make officers aware of the prohibitions on the unlawful use of their authority to influence or intimidate voters. In addition, clerks and inspectors should be trained to call additional law enforcement personnel only when absolutely necessary and as a last resort. This will ensure that voters are not exposed to unnecessary, and potentially unlawful, interactions with law enforcement.

Polls Statewide (Dec. 12, 2017), https://lawyerscommittee.org/national-election-protection-hotline-receives-calls-alabama-voters-reporting-voter-intimidation-mass-voter-confusion-tactics-polls-statewide/.

[14] *See, e.g.*, Sophie Lewis, *Miami officer facing discipline for wearing Trump 2020 face mask at early voting site*, CBS News (Oct. 21, 2020), https://www.cbsnews.com/news/miami-officer-trump-2020-mask-voting-site-2020-10-21/.

[15] *See Democratic Nat'l Comm. v. Republican Nat'l Comm.*, 671 F. Supp. 2d 575, 580 (D. N.J. 2009) ("*DNC v. RNC*") (presence of law enforcement or individuals carrying or displaying guns or badges at polling places can constitute voter intimidation).

[16] *See also* Ala. Code § 17-17-4 ("Any person who attempts to use his or her official authority or position for the purpose of influencing the vote or political action of any person shall be guilty, upon conviction, of a Class C felony").

[17] Ala. Code § 17-9-1.

[18] *Id.*; *see also id.* § 17-17-2 ("Any sheriff or deputy who wilfully or corruptly fails to perform any duty imposed by Section 17-9-1 shall be guilty, upon conviction, of a Class C felony, and, upon conviction, the office of such sheriff is thereby vacated.")

[19] *Id.* § 17-17-2.

2. Election Boards Must Enforce Rules Concerning Poll Watchers and Voter Challenges.

Given a highly charged politicized environment and the stated intentions of various political groups to mount organized campaigns of poll watching and voter challenges, Alabama voters may be subjected to widespread and frivolous voter challenges this year. We urge you to ensure that election boards are trained to (a) enforce rules governing poll watchers; and (b) identify and respond to frivolous voter challenges. We make the following recommendations based on the Brennan Center's extensive research on ballot-security operations in general and voter challenges in particular.[20]

a. Election Boards Must Be Trained on the Rules Governing Poll Watchers.

We urge you to provide guidance to election boards addressing, at a minimum, the following rules governing poll watchers:

- Each political party may only have one poll watcher at a time in each polling room.[21]
- Poll watchers must "be appointed in writing" by a party[22] and the names of poll watchers "shall be submitted in writing . . . to the polling place inspector."[23] Persons not appointed by a political party will not be permitted inside the polling place.[24]
- Poll watchers "shall be sworn to faithfully observe the rule of law prescribed for the conduct of elections," which include all laws related to voter intimidation.[25]
- Poll watchers must not "disturb" or otherwise "attempt to influence voters."[26]
- Poll watchers may not "campaign, or display or wear any campaign material or buttons while inside any polling place."[27]

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[20] *See, e.g.*, Wendy Weiser & Adam Gitlin, *Dangers of "Ballot Security" Operations: Preventing Intimidation, Discrimination, and Disruption*, Aug. 31, 2016, https://www.brennancenter.org/sites/default/files/analysis/Briefing_Memo_Ballot_Security_Voter_Intimidation.pdf; Wendy Weiser & Vishal Agraharkar, *Ballot Security and Voter Suppression: What It Is and What the Law Says*, Aug. 29, 2012, http://www.brennancenter.org/sites/default/files/legacy/Democracy/Ballot_Security_Voter_Suppression.pdf; Nicolas Riley, *Voter Challengers*, Aug. 30, 2012, http://www.brennancenter.org/sites/default/files/legacy/publications/Voter_Challengers.pdf.

[21] Ala. Code §§ 17-8-7(a); 17-13-11.

[22] *Id.* § 17-13-11.

[23] *See also Secretary of State John H. Merrill Shares Guidance on Poll Watchers*, Press Release, Oct. 9, 2020, https://www.sos.alabama.gov/newsroom/secretary-state-john-h-merrill-shares-guidance-poll-watchers

[24] *Id.*

[25] *Id.* § 17-8-7(c).

[26] Ala. Code §17-8-7(d).

[27] *Id.*

- Poll watchers must wear PPE and respect social distancing practices. [28]

You should direct election boards to immediately eject poll watchers if they are not in total compliance with each of these requirements. Moreover, even if poll watchers are in compliance with these requirements, if their presence or conduct is causing any delay or otherwise disrupting the voting process, they should be directed to leave.

b. Election Boards Must be Vigilant in Identifying and Responding to Frivolous Voter Challenges.

Frivolous voter challenges are a crime under Alabama law.[29] Because frivolous challenges can be discriminatory and a form of voter intimidation, they also violate a wide range of additional federal and state laws.[30] For these reasons, election boards must be equipped to identify and respond to frivolous challenges. Accordingly, we urge you to train all election boards on (i) how to identify frivolous challenges and (ii) how to respond to frivolous challenges, as described below.

How to identify frivolous challenges:

- A challenge must be based upon actual evidence that a person is or may be ineligible, not upon mere suspicion or discriminatory stereotypes.
- Evidence of a past conviction, except for certain disqualifying crimes involving moral turpitude, is a per se insufficient reason to challenge a voter and constitutes a frivolous challenge.[31]

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[28] Order of the State Health Officer Suspending Certain Public Gatherings Due to Risk Of Infection By COVID-19, amended Aug. 27, 2020, https://governor.alabama.gov/assets/2020/08/Safer-at-Home-Order-Final-8.27.20.pdf ("[E]ach person shall wear a mask or other facial covering that covers his or her nostrils and mouth at all times when within six feet of a person from another household in any of the following places: an indoor space open to the general public . . . ."). Although this mask requirement is subject to an exception for "[a]ny person who is voting[,]" poll watchers do not fall under this exception — and even voters are "strongly encouraged" to wear masks.

[29] Ala. Code § 17-17-43.

[30] Voter challenges that constitute voter intimidation violate federal and Alabama laws, including 18 U.S.C. § 594, Section 11(b) of Voting Rights Act of 1965, the KKK Act, and Ala. Code § 17-17-33. Discriminatory challenges are illegal for additional reasons. The Fourteenth and Fifteenth Amendments to the U.S. Constitution protect the right to vote from discrimination at the hands of state officials, and when state officials give effect to discriminatory challenges mounted by non-state actors, they may violate a voter's right to equal protection of the law, regardless of whether they themselves have a discriminatory purpose. *Cf. Batson v. Kentucky*, 476 U.S. 79 (1986). The Civil Rights Act of 1871, 18 U.S.C. § 242, 42 U.S.C. § 1983, and the Voting Rights Act of 1965, 52 U.S.C. §§ 10301, 10303, 10503, prohibit state officials from discriminating against voters based on race, ethnicity or other related characteristics. If two or more individuals agree to challenge voters on the basis of these characteristics—or for any frivolous reason—they violate the civil rights conspiracy laws. 18 U.S.C. § 241; 42 U.S.C. § 1985(3); *see United States v. Lanier*, 520 U.S. 259, 264 (1997).

[31] The Alabama Constitution and statutory law "provide[] that Alabama citizens shall lose the right to vote when convicted of a crime *only* if the conviction was for a felony involving moral turpitude." Ala. Code § 17-3-30.1(b)(1)(a) (emphasis added). Thus, a conviction alone—not of a crime involving moral turpitude—is an insufficient basis to challenge a voter. Alabama law further provides for the restoration of voting rights to persons convicted of non-disqualifying crimes of moral turpitude once they have completed all terms of their sentence and have applied for a Certificate of Eligibility to Register to Vote (CERV). Disqualifying crimes are

- Challenges, including those based upon citizenship, may never be based upon race, national origin, appearance, surname, language, or religion. The racial or ethnic composition of a district or polling place may never form any part of a decision to mount challenges in that district or polling place.[32]
- A challenge is frivolous and discriminatory if it is based in whole or in part on evidence gathered from mailings targeted at individuals living in precincts where the majority of voters are members of racial or ethnic minorities,[33] voter challenge lists that over-represent members of racial or ethnic minorities,[34] or factors closely related to a voters' race, ethnicity, or national origin.
- Challenges cannot be based solely on: (i) returned mail; or (ii) data discrepancies between the voter registration database and other state, federal, or third-party lists.[35] Accordingly, information such as eviction notices or a list of homes subject to foreclosure proceedings are not sufficient bases for a challenge.

How to respond to frivolous challenges:

- Frivolous challenges cannot serve as a basis to require a voter to cast a provisional ballot. Any frivolous challenge must be rejected by the election board.
- Any individual, including any poll watcher, who makes a frivolous challenge must immediately be ejected from the polling place.
- County election officials must maintain and analyze records of challenges to detect challenges that violate the federal or state civil rights or election laws.
- County election officials and election boards should cooperate with state and federal law enforcement in investigating any individual who engages in frivolous challenges.

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only those listed in Ala. Code § 15-22-36.1(g). Thus, under Alabama law a person with a non-disqualifying conviction for a crime involving moral turpitude and who has properly applied for CERV is eligible to vote and would not be subject to challenge.

[32] *See id.* at 580.

[33] *See DNC v. RNC,* 671 F. Supp. 2d 575, 579 (D.N.J. 2009); *United States v. Long Cty., Georgia*, No. CV 206-040, 2006 WL 8458526, at *2 (S.D. Ga. Feb. 10, 2006) (consent decree requiring defendants to provide to each person who wishes to challenge the right to vote of any elector and to each person who wishes to challenge the qualifications of any elector on the list of registered voters a notice that states: "A challenger must have a legitimate non-discriminatory basis to challenge a voter. Challenges filed on the basis of race, color, or membership in a language-minority group are not legitimate bases for attacking a voter's eligibility.").

[34] *See DNC v. RNC*, 671 F. Supp. 2d at 582.

[35] These criteria are unreliable indicators of voter ineligibility and, if used as the sole basis for a challenge, could lead to disenfranchisement of eligible voters. Moreover, upholding a challenge based on unreliable data may run afoul of the Voting Rights Act's prohibition against "deny[ing] the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election." 52 U.S.C. § 10101(a)(2)(B). *See generally Washington Ass'n of Churches v. Reed,* 492 F. Supp. 2d 1264 (W.D. Wash. 2006); *Friedman v. Snipes*, 345 F. Supp. 2d 1356 (S.D. Fla. 2004); *Condon v. Reno*, 913 F. Supp. 946 (D.S.C. 1995).

- To the extent a challenged voter casts a provisional ballot, that ballot must be counted unless the local canvassing board is satisfied that the challenger has proven the voter's ineligibility on proper grounds and by affirmative, clear, and convincing evidence.

We have included a one-page guide for poll workers at the end of this letter, which we ask that you disseminate to election boards along with the guidance in this letter. We ask that you respond in writing by October 30, 2020 to inform us of the steps you will take to address the issues in this letter and whether we can provide any support or assistance to you.

Sincerely,

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NAACP Legal Defense and Educational Fund, Inc. ("LDF")

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that prohibit voter discrimination, intimidation, and suppression and increase access to the electoral process.

Giffords Law Center to Prevent Gun Violence

For over 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence.

SPLC Action Fund

The SPLC Action Fund is dedicated to fighting for racial justice alongside impacted communities in pursuit of equity and opportunity for all. We work primarily in the Deep South where we have offices in Alabama, Georgia, Florida, Louisiana, Mississippi, and Washington, D.C.

American Civil Liberties Union of Alabama

Since April 1965, the American Civil Liberties Union of Alabama has worked in the courts, legislatures, and communities to defend the individual rights and personal freedoms guaranteed to us by the Constitution and Bill of Rights. The ACLU of Alabama focuses on the critical civil rights and civil liberties issues facing Alabamians including voting rights, criminal legal reform, and abortion access. Our goal is to center the voices of those directly impacted by these issues in our state.

AT A GLANCE: Rules on Voter Intimidation, Poll Watchers, and Voter Challenges

Voter intimidation is unlawful and a *serious crime* under federal and Alabama state law. Demonstrations outside of polling places can constitute voter intimidation, especially if they include any of these aggravating factors:

- Unwanted close contact that could risk of exposure to COVID-19.
- Open association with hate groups (*including* Confederate flags).
- Physically blocking voters' access to the poll site (including by car parade).
- Brandishing firearms or other weapons.
- Raised voices, insulting, offensive, or threatening language, or other intimidating conduct including photographing voters, copying license plates, and aggressive exit polling.
- Uniforms or attire suggesting an official function or association with paramilitary/militia groups.

Demonstrations can constitute unlawful voter intimidation even if they are located outside of Alabama's 30-foot "no-solicitation" zone.

As a Poll Worker, it is your obligation to order anyone engaging in voter intimidation to desist and leave.

Only involve law enforcement if demonstrations outside of polling places could become violent or if demonstrators engaging in intimidation refuse your order to leave.

Poll watchers are subject to extensive regulations that must be followed carefully:

- Each political party may only have one poll watcher at a time in each polling room.
- Each election board will receive a list of poll watchers approved for its polling place from the election official and is not permitted to admit any poll watchers that are not on such list.
- Poll watchers must not disturb voters, obstruct the orderly conduct of the election, or attempt to influence voters.
- Poll watchers cannot campaign, display or wear any campaign material or buttons while inside any polling place.
- Poll watchers must wear PPE and respect social distancing practices.

As a Poll Worker, it is your obligation to eject any poll watcher not in total compliance with the law.

Voter challenges must be based upon actual evidence that a person is or may be ineligible, not upon mere suspicion or discriminatory stereotypes. Examples of frivolous challenges include the following:

- Challenges based solely on evidence of a past conviction, except for *only* certain disqualifying crimes involving moral turpitude, such a murder or felony sexual offense.
- Challenges based on race, national origin, appearance, surname, language, or religion; racial or ethnic composition of a district or polling place.
- Challenges based on voter challenge lists that over-represent members of racial or ethnic minorities or factors closely related to a voters' race, ethnicity, or national origin.
- Challenges based solely on returned mail or data discrepancies between the voter registration database and other state, federal, or third-party lists (including eviction or foreclosure notices)

As a Poll Worker, it is your obligation to reject any frivolous challenge, allow any voter subject to a frivolous challenge to vote a regular ballot, and immediately eject any individual (including a poll watcher) who makes a frivolous challenge.