

Cada Voto Cuenta

Project Description

LJP's *Cada Voto Cuenta* works to address the barrage of recently enacted voting restrictions and concerns about adequate enforcement of existing state and federal voting rights protections for Spanish-speaking Latina/o communities across the Northeastern and Southeastern United States and beyond. Our work is strategic, focusing on voter protection through the creation of local affiliate bilingual Spanish-speaking LJP *Cada Voto Cuenta* Legal Committees, each training 30 bilingual *pro bono* mobile legal volunteers. We are beginning with 180+ *Cada Voto Cuenta* volunteers monitoring the 2016 November elections in five (5) target states: NY, PA, NC, GA, and FLA (Central and South FLA). We plan to expand the program to states nationwide.

A centerpiece of our LJP *Cada Voto Cuenta* program, and what makes it unique, is that we aim to fill the Spanish-language gap in the voter tech market and provide a nonpartisan, bilingual mobile app focused on Latina/o and Spanish language voter protection.

FAQs

Have your own question about the Cada Voto Cuenta Voter Protection Project? E-mail us at cadavotocuenta@latinojustice.org.

1) What does the *Cada Voto Cuenta Voter Protection App*

The App allows users to record interviews or potential discriminatory incidents or encounters at or outside polling places while monitoring elections for problems, irregularities and discriminations during elections and to alert other ***Cada Voto Cuenta Voter Protection*** app users to other nearby potentially discriminatory incidents or encounters at polling places, and to submit videos and incident reports automatically to LatinoJustice PRLDEF (LJP). Individuals who believe that they have witnessed a civil or voting rights violation can complete an incident report and send it to LJP for review, along with their contact information, for follow-up.

2) Does the App have any other features?

Cada Voto Cuenta Voter Protection App contains LJP Know Your Rights publications, including a basic overview of state and federal voting rights and election laws, and rules about poll monitoring in your state, giving app users a basic library of LJP *Cada Voto Cuenta Voter Protection* materials in their pocket. Individuals can also opt to receive LJP *Cada Voto Cuenta* news and action alerts.

3) Is *Cada Voto Cuenta Voter Protection App* available in multiple languages?

The App is currently available in English and Spanish.

4) Who developed and/or paid for the *Cada Voto Cuenta Voter Protection App*?

LJP and Quadrant 2 developed the App.

5) Is the *Cada Voto Cuenta Voter Protection App* free?

Users can download the App at no cost. The goal of ***Cada Voto Cuenta Voter Protection App*** is to help ensure that everyone can exercise their First Amendment rights by recording discriminatory misconduct by poll workers, election officials and other government officials who are required to conduct and administer free, fair, uniform and nondiscriminatory elections, and to comply with state and federal voting rights laws. LJP believes that in order to reach that goal the App must be available to everyone, without a fee.

6) Can this app be used in classrooms, polling places and other settings?

Cada Voto Cuenta Voter Protection App is primarily meant to be used to document potential discriminatory conduct or impacts at polling places by poll workers and elections officials, but may apply to encounters with other government officials.

As with any recording device, there may be legal restrictions on its use in other situations. The Application is only intended for use in the states of Florida, Georgia, and New York.

(i) Solicitation

(a) UNDER FLORIDA STATE LAW, IT IS ILLEGAL TO "SOLICIT VOTERS" INSIDE A POLLING PLACE OR WITHIN 100 FEET OF THE ENTRANCE TO ANY POLLING PLACE OR EARLY VOTING SITE. "SOLICITATION" INCLUDES SEEKING OR ATTEMPTING TO SEEK ANY VOTE, FACT, OPINION, OR CONTRIBUTION; DISTRIBUTING OR ATTEMPTING TO DISTRIBUTE ANY POLITICAL OR CAMPAIGN MATERIAL, LEAFLET, OR HANDOUT; AND DOES NOT INCLUDE CONDUCTING EXIT POLLS;

(b) UNDER GEORGIA STATE LAW, IT IS ILLEGAL TO SOLICIT VOTES OR CONDUCT ANY EXIT OR PUBLIC OPINION POLL IN ANY POLLING PLACE, WITHIN 150 FEET OF THE POLLING PLACE, OR WITHIN 25 FEET OF ANY VOTER STANDING IN LINE TO VOTE AT ANY POLLING PLACE; and

(c) UNDER NEW YORK STATE LAW, IT IS ILLEGAL TO ELECTIONEER WITHIN A POLLING PLACE, OR IN ANY PUBLIC STREET, WITHIN A 100 FOOT RADIUS OF A POLLING PLACE.

(ii) Recording

(a) UNDER FLORIDA STATE LAW, IT IS ILLEGAL TO PHOTOGRAPH A POLLING ROOM OR EARLY VOTING AREA;

(b) UNDER GEORGIA STATE LAW, IT IS ILLEGAL TO USE ANY RECORDING DEVICE (INCLUDING PHOTO, VIDEO, OR CELLULAR) IN A POLLING PLACE WHILE VOTING IS TAKING PLACE; and

(c) UNDER NEW YORK STATE LAW, IT IS ILLEGAL TO MAKE A RECORD OF ANYTHING OCCURRING WITHIN A VOTING BOOTH.

(iii) Consent to Record

(a) UNDER FLORIDA STATE LAW, ALL MEMBERS OF AN IN-PERSON CONFIDENTIAL COMMUNICATION MUST GIVE PERMISSION TO BE RECORDED, UNLESS THE COMMUNICATION IS MADE AT A PUBLIC MEETING OR THE PARTIES HAVE NO REASONABLE EXPECTATION OF PRIVACY IN THE CONVERSATION;

(b) UNDER GEORGIA STATE LAW, IT IS LEGAL TO RECORD AN ORAL CONVERSATION WHERE EITHER: (i) ONE PERSON IS A PARTY TO THE CONVERSATION OR (ii) AT LEAST ONE PERSON HAS CONSENTED TO THE RECORDING; and

(c) UNDER NEW YORK STATE LAW, IT IS ILLEGAL TO RECORD A CONVERSATION WITHOUT THE CONSENT OF AT LEAST ONE PARTY TO THE CONVERSATION, UNLESS THE PARTIES TO THE CONVERSATION HAVE NO REASONABLE EXPECTATION OF PRIVACY IN THE CONVERSATION.

However, filming 100 feet outside a polling place or voting area in a public place is not prohibited, and filming public officials and police officers and other law enforcement interacting with the public outside the polling place in the course of their duties is legal, as officers have no reasonable expectation of privacy when they interact with the public.

While video recording is prohibited in some limited situations, users who witness misconduct by a government or election official or a civil rights violation can opt to use the report function to submit incident forms to LatinoJustice PRLDEF.

7) Will LJP attorneys review all of the footage and incident reports?

LJP attorneys will review videos if the corresponding incident report indicates that a serious civil or voting rights violation has occurred.

8) Can LJP share the incident reports with the public?

The incident report forms that users fill out are confidential and privileged communications akin to legal intake forms. LJP may share and publicize general facts documented in the reports, absent identifying information, in order to expose misconduct or discriminatory impacts of the actions of elections officials to further LJP's mission in protecting the voting rights of Latinx/a/o voters and their communities.

Videos sent to LJP are not privileged. LJP may share videos with community organizations or the general public to help call attention to potential discriminatory conducts or effects of the choices made by elections officials in order to advance voting rights protections.

9. How will LJP use the information it receives?

LJP will review incident reports and the accompanying videos to determine whether to provide legal assistance to users. LJP may also publicize incidents of election official misconduct or discrimination and share videos and other information with community organizations or the public.

10. How long will the LJP keep information we receive through the *Cada Voto Cuenta Voter Protection App*?

LJP may delete the information you send at any time; LJP may also delete the information you send after three years.

11. Can users contact LJP after they submit a report to confirm that LJP received it or to ask LJP to represent them in a lawsuit?

Individuals can contact us at cadavotocuenta@latinojustice.org to find out the status of a report. Individuals can also call LJP's legal intake line to discuss an incident.

12. Can immigrants, including those who lack authorization to be in the U.S., use *Cada Voto Cuenta Voter Protection App*?

Yes. Everyone has the same rights when interacting or observing elections as a volunteer, even if confronted by law enforcement, regardless of immigration status. However, users should be aware that law enforcement encounters that result in arrest can result in authorities checking that person's immigration status, which could lead to deportation.

13. Will users retain a copy of the video on their phone?

Cada Voto Cuenta Voter Protection App stores videos on a user's smartphone, and sends a duplicate video to LJP.

14. Is *Cada Voto Cuenta Voter Protection App* available in other states?

You can select from three states currently available on the *Cada Voto Cuenta Voter Protection App*: ***New York, Florida and Georgia***. There are plans to provide for national availability of the App as well, in the future.

Officially, ***Cada Voto Cuenta Voter Protection App is intended for use by people in New York, Florida and Georgia. You will be prompted to agree that you are using the App for the purpose of volunteer nonpartisan voter protection and election monitoring in these states only.***

It is important to note that the educational Know Your Rights materials in the App, including (and especially) those about state election laws, interacting with and video recording elections officials and/or law enforcement are tailored to **New York, Florida and Georgia state laws**. Other states may have different state laws that affect your rights, including your right to film near polling places, elections officials or police. Do not rely on the Know Your Rights educational materials outside of these states. You can contact LJP to see if they have relevant Know Your Rights educational materials for your state.