

A Quick Reference Guide for Election Officials

What election officials can do now to prepare for the risk of external interference by federal actors

In recent years, America's election officials have faced unprecedented pressure from individuals attempting to influence election administration through mass [challenges](#) to voter eligibility, surging public records [requests](#), and outright harassment and [intimidation](#). As the 2026 midterm elections draw near, election officials are now confronting a new question: *What role, if any, does the federal government have in overseeing elections?*

The law is clear: State and local election offices are responsible for administering American elections, and the federal government's role is a narrow, supporting one. Indeed, the law specifies that federal actors cannot use their official authority to interfere with federal elections: [18 U.S.C. § 595](#) makes it a crime for "a person employed in any administrative position by the United States, or by any department or agency thereof," to use their "official authority for the purpose of interfering with, or affecting" a federal election.

This guide is designed to help election officials prepare for and respond to possible scenarios involving interference by federal actors. Keep in mind, each state's laws governing elections, privacy, and public records vary, and guidance may need to be calibrated accordingly.

These interference scenarios may include, but are not limited to, the following:

SCENARIO 1

The president claims authority to control election infrastructure or procedures through an Executive Order.

President Trump has already issued two executive orders that attempt to impose new national standards regarding elections. Both orders have been challenged in court, and the first has largely been blocked by federal courts on the grounds that the Constitution delegates authority over election administration to the states and Congress—not the president.

SCENARIO 2

The DOJ demands voters' confidential personal data from state voter files.

In recent months, the DOJ has sought nearly every state's full unredacted voter rolls, including confidential data such as social security numbers and driver's license numbers. Federal courts have consistently held that the DOJ lacks blanket authority to obtain this information.

SCENARIO 3

Military personnel or federal law enforcement agents are deployed to conduct checkpoints around polling locations.

The Trump administration has deployed the National Guard to American cities in recent months and has not ruled out stationing ICE or other federal agents around polling locations in November. Such a deployment could be challenged under federal laws that prohibit stationing troops at election sites or the unlawful intimidation of voters.

SCENARIO 4

Federal law enforcement agents attempt to seize ballots and/or election equipment during an active election.

In early 2026, the FBI seized ballots from the 2020 election in Fulton County, Georgia and has since sought records from other jurisdictions. Similar federal law enforcement demands for access to election materials in November could threaten state-mandated chain-of-custody requirements or unlawfully disrupt election administration.

SCENARIO 5

Federal officials urge citizen groups to patrol ballot drop boxes and polling places in order to prevent so-called "illegal" voting.

In previous election cycles, narratives concerning election fraud have led unsanctioned "poll-watchers" to engage in illegal voter intimidation and harassment at the ballot box.

What Election Officials Can Do to Prepare for these Scenarios

Before Election Season

CONSULT WITH COUNSEL

- As soon as practicable, and in advance of any external interference, meet with counsel for your jurisdiction to discuss the potential for external interference and plan an emergency legal response.
- Train election staff and volunteers on how to respond to subpoenas, warrants, efforts to seize property, and the presence of armed persons.
- Coordinate with custodians of any off-site storage locations where retained election records are held on communication protocols and how to respond to any subpoenas or warrants to seize materials.
- Draft legal motions for emergency relief in court to maintain the integrity of the election and chain of custody, including emergency injunctions to prevent intimidation, or for neutral temporary custody of sensitive election materials, such as custody with a special master.

EDUCATE AND COORDINATE WITH PARTNERS

- Identify state-level officials for inclusion in communication and response plans, as well as contacts in local law enforcement and your jurisdiction's legal department.
- Determine who in your office may accept service of process or a subpoena.
- Use tabletop exercises to refine responses and identify clear roles and responsibilities for local law enforcement and staff.
- Reassure local partners, community stakeholders, and other agencies that you are engaged in preparations. Urge community groups to remain peaceful in exercising their civil rights.
- Establish protocols for identifying and correcting election misinformation, and ensure voters receive accurate, timely information.

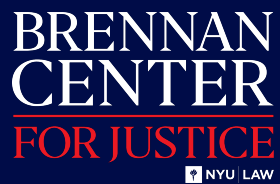
STRENGTHEN SYSTEM RESILIENCY

- Clarify staff members' roles and responsibilities ahead of and during the election.
- Communicate internal procedures for staff concerning record retention, data privacy, legal compliance, communications, and physical/cyber security.
- Limit internal and external access to sensitive physical and electronic materials.
- Determine whether your voting system produces images or other backup records of ballots, and if so, understand where those files are stored.
- Consider posting signage regarding any weapons prohibitions in your jurisdiction at in-person voting locations, especially those with adjacent ballot drop boxes and drop-off locations.
- Develop continuity of operations plans with your state's election chief (if possible) and other local jurisdictions in the event voting equipment is seized or destroyed.

During Election Season

RECORD AND DOCUMENT ANY EXTERNAL INTERFERENCE

- Immediately contact your office's legal team before taking responsive action. Ensure that staff and volunteers know they should not obstruct the execution of a lawful warrant.
- Request a lawful order if federal officers attempt any seizure of ballots, voting machines, or election records. Ask the officer which agency they represent and ask to see ID—which you may record or photograph. Scrutinize the order carefully. Refer any questions asked by officers to your legal team.
- Observe and document everything, including communications with federal officials and the location and behavior of any federal presence or external groups near polling sites. Video record service of any subpoena or warrant.
- If possible, take photos of tamper-evident seals and other security measures on ballot boxes and equipment before they are seized in order to compare and evaluate chain-of-custody compliance when items are returned.
- With the help of counsel, file any necessary legal papers to ensure the physical security of election materials and polling locations.



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