States United DEMOCRACY CENTER

Law Enforcement Fact Sheet: Federal Agents at the Polls

Oct. 14, 2026

This resource provides a brief overview of the law applicable to law enforcement presence at polling locations, along with practical steps state and local law enforcement leaders can take in advance of and during any operation by federal agents at or near polling sites. It does not constitute legal advice nor create an attorney-client relationship.

What laws are applicable to federal agents when they are present at or near polling locations?

The Constitution's Elections Clause gives states the authority to regulate the "Times, Places and Manner of holding elections." U.S. const. art. I § 4. Many states have used this authority to enact voter and election protection laws. These laws fall into two primary categories: (1) voter intimidation or interference laws, and (2) limitations on who may be present at polling places. These laws generally apply to everyone at a polling site, including federal officials.

- Voter Intimidation Laws: All states have laws that prohibit voter intimidation or interference,[1] which typically includes activities such as coercing or threatening voters to cast or not cast a ballot. While these statutes typically apply to wide variety of people, some states also have more specific statutes prohibiting intimidation by election officials, poll observers, or law enforcement.
- Limitations on Polling-Place Presence: Many states restrict access to a polling place's interior or a designated exclusion zone outside a polling location. These laws may limit access to the interior to particular categories of people (e.g., election workers, voters, legally authorized observers) or place a blanket prohibition on unauthorized entry. Similarly, these laws may restrict who may enter a defined zone outside the polling place, typically 50 or 100 feet from the polling location, and may restrict activities within this area, such as displaying signs, handing out campaign literature, or soliciting votes. State laws may also place limits on state or local law enforcement presence inside or near polling places, except under certain defined conditions.

Federal law also places restrictions on federal agents when they are present at or near polling sites.

- Armed Presence: 18 U.S.C. § 592 is a criminal law prohibiting any "person in the civil, military, or naval service of the United States" to order, bring, keep, or have under their authority armed federal officers or military personnel "at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States."
- Voter Intimidation: Like state laws on voter intimidation, various federal criminal and civil laws prohibit voter intimidation and apply broadly, to all individuals, including federal officials. *See* 18 U.S.C. § 594; 18 U.S.C. § 245; 52 U.S.C. § 10307(b); 52 U.S.C. § 20511(1).

In our federal system, state and local officials may bring criminal charges against any person who violates state law, including federal agents. Federal law enforcement officers, like other "employee[s] of the United States do[] not secure a general immunity from state law while acting in the course of [their] employment." *Johnson v. Maryland*, 254 U.S. 51, 56 (1920). If charged with a state law violation, federal agents can raise a defense that they are immune from state prosecution, known as Supremacy Clause immunity. To do so successfully, they must establish that: (1) they were doing something authorized by federal law, and (2) their actions in executing their duties were "no more than was necessary and proper." *In re Neagle*, 135 U.S. 1, 75 (1890). Courts generally allow prosecutions to go forward when there is dispute about whether a federal agent's actions were "necessary and proper" and allow the dispute to be resolved by the jury.

[1] Inst. For Const. Advoc. & Prot. ("ICAP"), Geo. Univ. L. Ctr., *Fact Sheet: Protecting Against Voter Intimidation*, https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2024/08/Voter-Intimidation-Fact-Sheet.pdf.

How can state and local law enforcement prepare for the possibility of federal agents at polling locations?

There are a number of practical steps state and local law enforcement agencies can take to prepare for the possibility that federal agents conduct an operation at or near a polling site. In advance of the election, state and local law enforcement should seek to:

- Coordinate with local election officials and the local prosecutor's office to ensure that there is shared understanding of what constitutes voter or poll worker intimidation and provide guidance to election workers, poll observers, community organizations, and advocates on what actions justify calling the police.
- Establish a clear and prearranged communication channel between election officials and local law enforcement so that both groups can quickly and efficiently contact each other and share information as needed.
- Ensure that robust relationships are in place with local federal law enforcement leaders, including ICE, and communicate plans in advance about poll security, state and local laws that apply in polling locations, and deconflicting operations to prevent inadvertent voter intimidation or encroachment on areas of limited access.
- Develop a plan for responding to complaints or reports of law enforcement or military presence at polling locations. The plan should ideally include not only an operational plan to respond to the scene, but also a communications plan with other law enforcement, election officials, the state attorney general and/or local prosecutor's office(s), and the public.
- Communicate your plans in advance to the public to the extent possible. Public communication in advance will help reduce the likelihood that individuals are discouraged from voting by rumors or incorrect information and reassure the public that state and local officials are protecting voting rights.

If federal agents do engage in law enforcement activities at or near a polling location in a manner that may violate the law, state and local law enforcement should seek to collect information about the potential violation and mitigate harm. Officers can do so by:

- In a calm, neutral, and professional manner, approaching federal agents and asking them to stop or modify the violative conduct, including by moving locations, while making them aware of the requirements of state or local law that their actions may infringe upon, such as an exclusionary zone.
- Seeking information about the agency the officers are from (if they are not wearing badges or insignia), ask to speak to the person in charge, request the purpose of the federal agents' presence or mission, the necessity for their presence at or near a polling location, and whether there are alternate locations, or less intrusive or disruptive options, where they could achieve their mission.
- Interviewing election or poll workers, observers, and voters to assess whether they felt intimidated or if normal election activities were otherwise disrupted, or whether election officials consented to the federal agents' presence for a particular purpose.
- Gathering other relevant facts, such as whether there was an emergency or threat justifying a law enforcement presence, or whether the agents were executing an administrative or judicial warrant.
- State and local officials should, however, avoid taking actions that could constitute interference with federal operations by using dialogue and persuasion rather than attempting to compel federal agents' compliance in other ways.[2]

Officers should carefully document the facts gathered during their investigation, including, if possible, body-worn camera recordings of their interactions with federal agents, election officials, voters, and other witnesses on the scene, as well as of the scene itself. State and local law enforcement agencies should coordinate with state and local prosecutors' offices to determine what, if any, actions should be taken based on the investigation. States and localities may also rely on the evidence collected to seek emergency relief through civil litigation.

[2] Dialogue between law enforcement agents from local and federal agencies can be effective. In May 2026, for example, nine ICE agents arrived and surrounded a vehicle that had been stopped by local law enforcement in the parking lot of a polling site. Shortly thereafter, the county sheriff came to the scene and instructed the ICE officers to vacate the polling location, and the ICE agents did so. *See* Michael Karlis, *ICE Conducts Enforcement Action at San Antonio Voting Location, Witnesses Say*, SAN ANTONIO CURRENT (May 20, 2026), https://www.sacurrent.com/news/san-antonio-news/ice-conducts-enforcement-action-at-san-antonio-voting-location-witnesses-say/.