

September 9, 2026

Apache County Board of Supervisors
PO Box 428
St. Johns, AZ 85936

Apache County Clerk of the Board Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Chair Shepherd and Apache County Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Apache County Board of Supervisors to uphold Apache County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

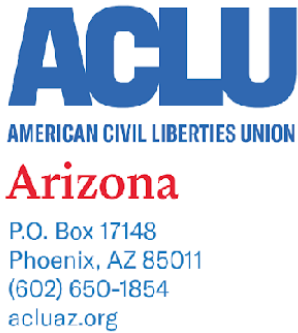
I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (See

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Reynolds v. Sims, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one's ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy "in [their] personal affairs" (see Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that "[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof" except that "Congress may at any time by Law make or alter such Regulations[.]" The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of "election integrity" or general public safety concerns changes the U.S. Constitution's plain text.

II. Federal Criminal Statutes Directly Prohibit Armed Federal Presence at the Polls

Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep "troops or armed men" at any place where a general or special election is held. The only exception is where such a form is necessary "to repel armed enemies of the United States" -- a narrow exception that does not extend to generalized "keeping the peace" at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer's discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

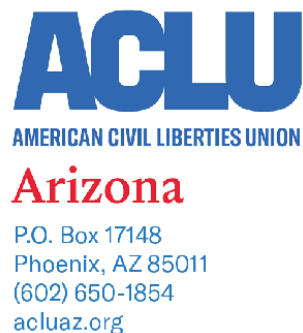
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.'"). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director



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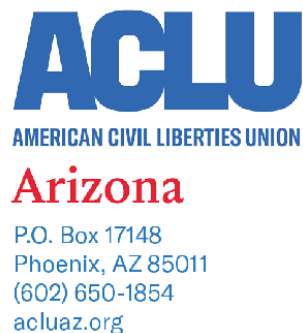
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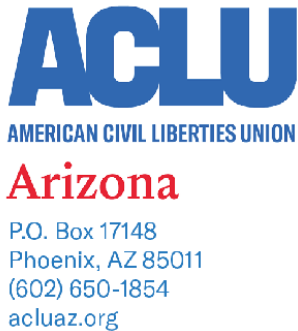
Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc:
Craig Tsosie
Apache Deputy Recorder

Darrell Hill
ACLU of Arizona Policy Director



September 9, 2026

Cochise County Board of Supervisors
1415 Melody Lane
Building G
Bisbee, AZ 85603

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- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep “troops or armed men” at any place where a general or special election is held. The only exception is where such a form is necessary “to repel armed enemies of the United States” -- a narrow exception that does not extend to generalized “keeping the peace” at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer’s discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

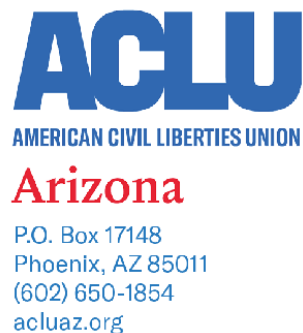
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.'"). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:

Chair Antenori, District 3
Vice Chair Crosby, District 1
Supervisor Gomez , District 2
Lara Loewenheim, Clerk of the Board



Arizona

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September 9, 2026

Cochise County Recorder
1415 Melody Lane
Building B
Bisbee, AZ 85603

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Cloud:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Cochise County Recorder to uphold Cochise County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and

¹ Walker, J. (2026, July 15). *Todd Blanche won't rule out ice, federal agents at polling places*. Axios. <https://www.axios.com/2026/07/15/todd-blanche-federal-agents-polling-places-voters-ice>

² UC San Diego. (n.d.). *Page 1 yankelovich center for Social Science Research*. The Yankelovich Center for Social Science Research.

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unimpaired manner is preservative of other basic civil and political rights,” (*See Reynolds v. Sims*, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one’s ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy “in [their] personal affairs” (*see* Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that “[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof” except that “Congress may at any time by Law make or alter such Regulations[.]” The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of “election integrity” or general public safety concerns changes the U.S. Constitution’s plain text.

II. Federal Criminal Statutes Directly Prohibit Armed Federal Presence at the Polls

Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep “troops or armed men” at any place where a general or special election is held. The only exception is where such a form is necessary “to repel armed enemies of the United States” -- a narrow exception that does not extend to generalized “keeping the peace” at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
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Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

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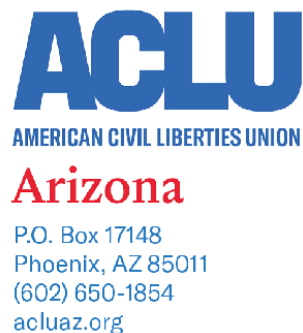
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The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:
Heather Lopez, Chief Deputy



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September 9, 2026

Coconino County Board of Supervisors
219 E. Cherry Ave.
Flagstaff, AZ 86001

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Chair Horstman and Coconino County Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Coconino County Board of Supervisors to uphold Coconino County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

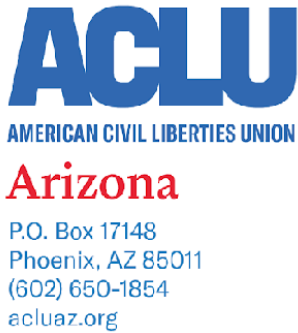
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The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (See

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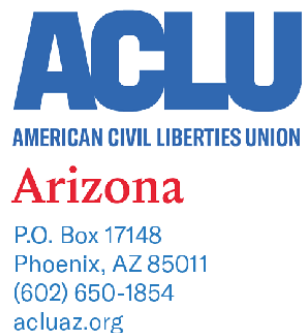
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Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:
Chair Patrice Horstman, District 1
Vice-Chair Jeronimo Vasquez, District 2
Supervisor Tammy Ontiveros, District 3
Supervisor Judy Begay, District 4
Supervisor Lena Fowler, District 5



Arizona

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September 9, 2026

Coconino County Recorder
110 E. Cherry Ave.
Flagstaff, AZ 86001

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Sonderegger:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Coconino County Recorder to uphold Coconino County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

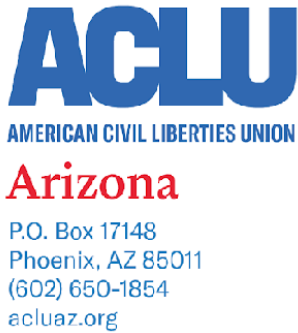
I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (See

¹ Walker, J. (2026, July 15). *Todd Blanche won't rule out ice, federal agents at polling places*. Axios. <https://www.axios.com/2026/07/15/todd-blanche-federal-agents-polling-places-voters-ice>

² UC San Diego. (n.d.). *Page 1 yankelovich center for Social Science Research*. The Yankelovich Center for Social Science Research.

https://yankelovichcenter.ucsd.edu/public-engagement/CTTE-Report-2025-2026_2.17.pdf



Reynolds v. Sims, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one's ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy "in [their] personal affairs" (see Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that "[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof" except that "Congress may at any time by Law make or alter such Regulations[.]" The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of "election integrity" or general public safety concerns changes the U.S. Constitution's plain text.

II. Federal Criminal Statutes Directly Prohibit Armed Federal Presence at the Polls

Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep "troops or armed men" at any place where a general or special election is held. The only exception is where such a form is necessary "to repel armed enemies of the United States" -- a narrow exception that does not extend to generalized "keeping the peace" at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer's discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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Arizona

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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

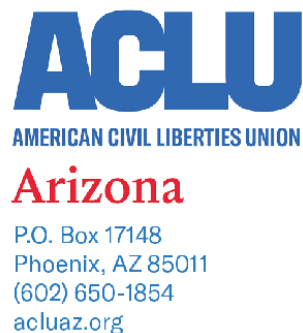
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.'). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



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Policy Strategist

s/ Darrell Hill
Policy Director



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September 9, 2026

Gila County Board of Supervisors
1400 E. Ash St.
Globe, AZ 85501

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Chair Humphrey and Gila County Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Gila County Board of Supervisors to uphold Gila County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

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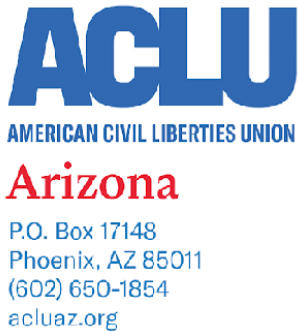
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Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

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Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

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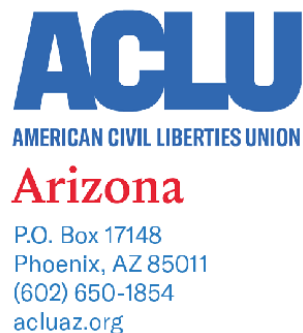
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Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:
Chair Humphrey, District 2
Vice Chair Christensen, District 1
Supervisor Cline, District 3



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September 9, 2026

Gila County Recorder
1400 E. Ash St.
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Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Mannigel-Smith:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Gila County Recorder to uphold Gila County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

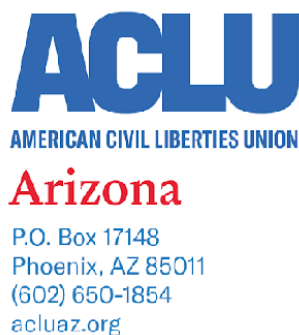
I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (*See*

¹ Walker, J. (2026, July 15). *Todd Blanche won't rule out ice, federal agents at polling places*. Axios. <https://www.axios.com/2026/07/15/todd-blanche-federal-agents-polling-places-voters-ice>

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Reynolds v. Sims, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one's ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy "in [their] personal affairs" (see Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that "[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof" except that "Congress may at any time by Law make or alter such Regulations[.]" The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of "election integrity" or general public safety concerns changes the U.S. Constitution's plain text.

II. Federal Criminal Statutes Directly Prohibit Armed Federal Presence at the Polls

Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep "troops or armed men" at any place where a general or special election is held. The only exception is where such a form is necessary "to repel armed enemies of the United States" -- a narrow exception that does not extend to generalized "keeping the peace" at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer's discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

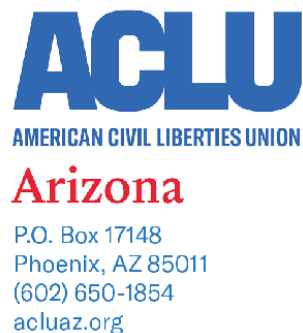
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.'). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:

Stephanie Johnson, Gila County Chief Deputy Recorder



Arizona

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September 9, 2026

Graham County Recorder
PO Box 747,
Safford, AZ 85546

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Merriman:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Graham County Recorder to uphold Graham County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

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Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

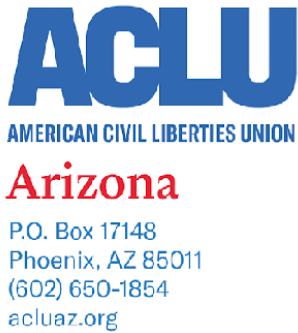
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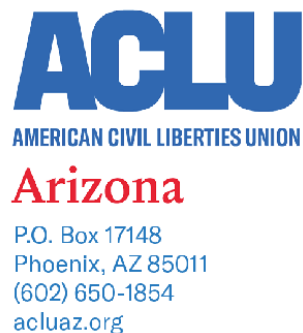
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Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director



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September 9, 2026

Greenlee County Board of Supervisors
253 5th Street
Clifton, AZ 85533

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Chair Gomez and Greenlee County Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Greenlee County Board of Supervisors to uphold Greenlee County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

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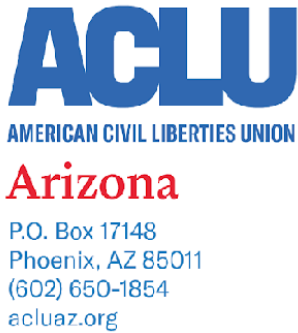
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- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep "troops or armed men" at any place where a general or special election is held. The only exception is where such a form is necessary "to repel armed enemies of the United States" -- a narrow exception that does not extend to generalized "keeping the peace" at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer's discharge of duties.
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Arizona

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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

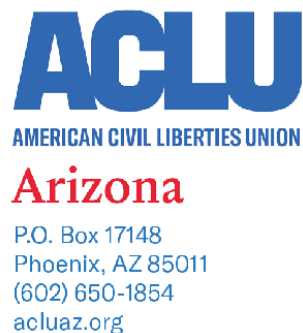
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.'). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:
Chair David Gomez
Vice Chair Ron S. Campbell
Supervisor William Wearne



Arizona

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September 9, 2026

Greenlee County Recorder
253 5th St
Clifton, AZ 85533

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Miller:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Greenlee County Recorder to uphold Greenlee County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

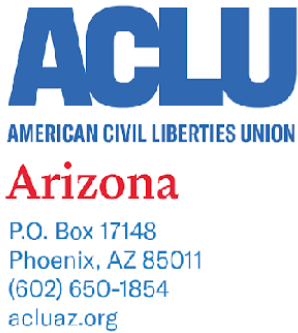
I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (See

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² UC San Diego. (n.d.). *Page 1 yankelovich center for Social Science Research*. The Yankelovich Center for Social Science Research.

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Reynolds v. Sims, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one's ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy "in [their] personal affairs" (see Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that "[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof" except that "Congress may at any time by Law make or alter such Regulations[.]" The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of "election integrity" or general public safety concerns changes the U.S. Constitution's plain text.

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Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

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Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

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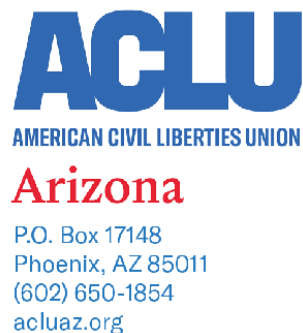
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Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director



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September 9, 2026

La Paz Board of Supervisors
1108 Joshua Avenue
Parker, Arizona 85344

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Chair Minor and La Paz Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the La Paz Board of Supervisors to uphold La Paz County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

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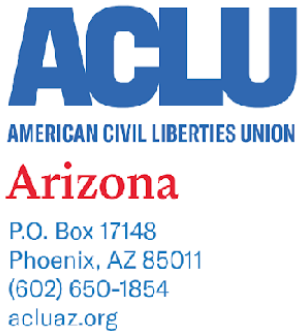
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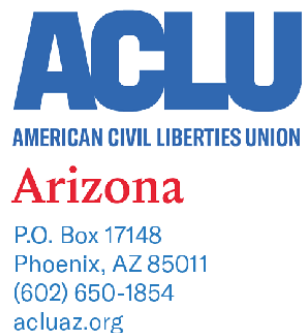
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Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:
Chair Duce Minor, District 2
Vice Chair Irwin, District 3
Supervisors Plunket, District 1



Arizona

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September 9, 2026

La Paz County Recorder
1112 Joshua Avenue #201
Parker, AZ 85344

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Garcia:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the La Paz County Recorder to uphold La Paz County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

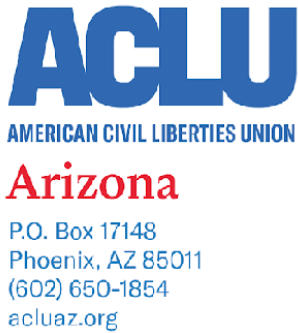
I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (See

¹ Walker, J. (2026, July 15). *Todd Blanche won't rule out ice, federal agents at polling places*. Axios. <https://www.axios.com/2026/07/15/todd-blanche-federal-agents-polling-places-voters-ice>

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https://yankelovichcenter.ucsd.edu/public-engagement/CTTE-Report-2025-2026_2.17.pdf



Reynolds v. Sims, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one's ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy "in [their] personal affairs" (see Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that "[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof" except that "Congress may at any time by Law make or alter such Regulations[.]" The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of "election integrity" or general public safety concerns changes the U.S. Constitution's plain text.

II. Federal Criminal Statutes Directly Prohibit Armed Federal Presence at the Polls

Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep "troops or armed men" at any place where a general or special election is held. The only exception is where such a form is necessary "to repel armed enemies of the United States" -- a narrow exception that does not extend to generalized "keeping the peace" at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer's discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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Arizona

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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

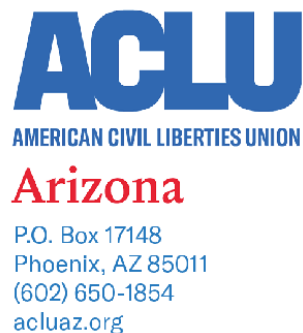
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.")). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



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Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

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The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:

Matthew Aguilar, Chief Deputy and Voter Registration Coordinator



Arizona

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September 9, 2026

Maricopa County Board of Supervisors
301 West Jefferson Street
Phoenix, Arizona 85003

Maricopa County Clerk of the Board Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Chair Brophy McGee and Maricopa Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Maricopa Board of Supervisors to uphold Maricopa County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

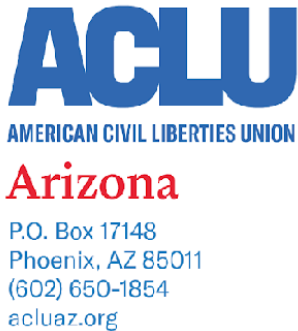
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The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (See

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Reynolds v. Sims, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one's ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

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Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

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Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

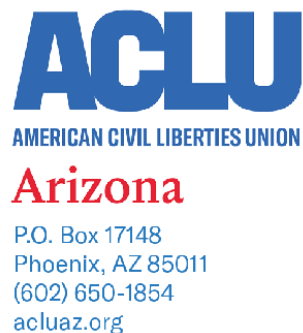
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B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



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Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

CC:
Chair Brophy McGee, District 3
Vice Chair Lesko, District 4
Supervisor Stewat, District 1
Supervisor Galvin, District 2
Supervisor Gallardo, District 5

Darrell Hill
ACLU-AZ Policy Director



Arizona

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September 9, 2026

Maricopa County Recorder
301 West Jefferson Street, Second Floor,
Suite 200 Phoenix, AZ 85003

Via Email Only

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Voting Period

Dear Recorder Heap:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Maricopa County Recorder to uphold Maricopa County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

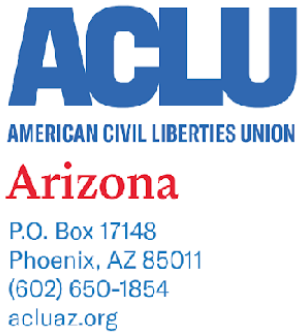
I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (See

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Reynolds v. Sims, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one's ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy "in [their] personal affairs" (see Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that "[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof" except that "Congress may at any time by Law make or alter such Regulations[.]" The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of "election integrity" or general public safety concerns changes the U.S. Constitution's plain text.

II. Federal Criminal Statutes Directly Prohibit Armed Federal Presence at the Polls

Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep "troops or armed men" at any place where a general or special election is held. The only exception is where such a form is necessary "to repel armed enemies of the United States" -- a narrow exception that does not extend to generalized "keeping the peace" at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer's discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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Arizona

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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

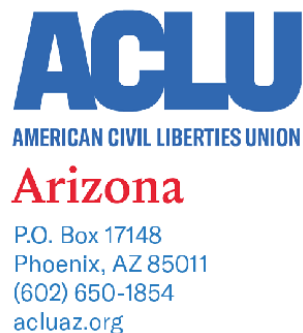
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.")). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

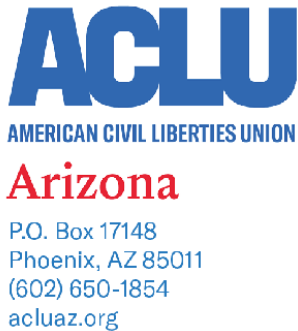
The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc:
Jeff Mason, Chief Deputy Recorder



September 9, 2026

Mohave Board of Supervisors
700 W. Beale Street
Kingman, AZ 86401

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Chair Lingenfelter and Mohave Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Mohave Board of Supervisors to uphold Mohave voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

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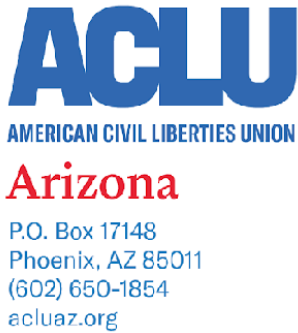
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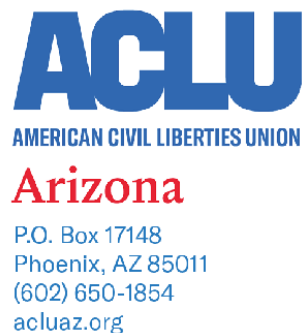
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September 9, 2026

Mohave County Recorder
P.O. Box 7000
Kingman, Arizona 86402

Via Email Only

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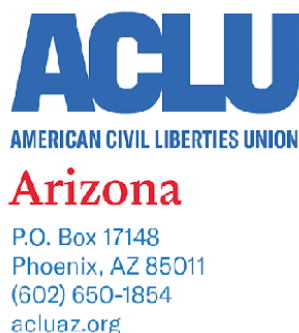
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- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep "troops or armed men" at any place where a general or special election is held. The only exception is where such a form is necessary "to repel armed enemies of the United States" -- a narrow exception that does not extend to generalized "keeping the peace" at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer's discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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Arizona

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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

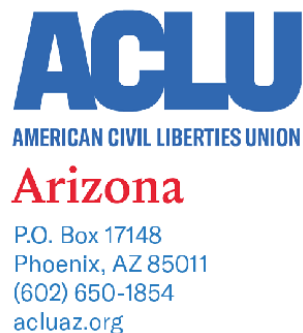
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.'). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director



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September 9, 2026

Navajo County Board of Supervisors
P.O. Box 668,
Holbrook, Arizona 86025

Navajo County Clerk of the Board Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Chair Seymore and Navajo County Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Navajo County Board of Supervisors to uphold Navajo County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

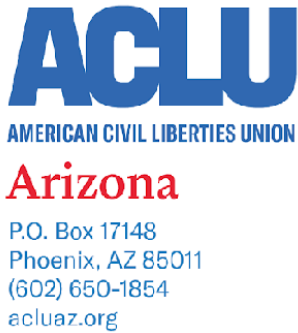
I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (See

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https://yankelovichcenter.ucsd.edu/public-engagement/CTTE-Report-2025-2026_2.17.pdf



Reynolds v. Sims, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one's ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy "in [their] personal affairs" (see Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that "[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof" except that "Congress may at any time by Law make or alter such Regulations[.]" The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of "election integrity" or general public safety concerns changes the U.S. Constitution's plain text.

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Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

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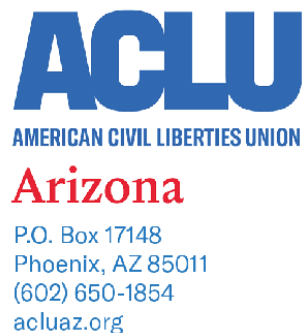
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Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:

Chair Seymore, District 4
Vice Chair Whitesinger, District 5
Supervisor Benally, District 1
Supervisor Peshlakai, District 2
Supervisor Whiting, District 3



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September 9, 2026

Navajo County Recorder
P.O. Box 668
Holbrook, AZ 86025

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Marshall:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Navajo County Recorder to uphold Navajo County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

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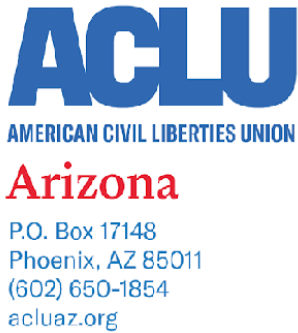
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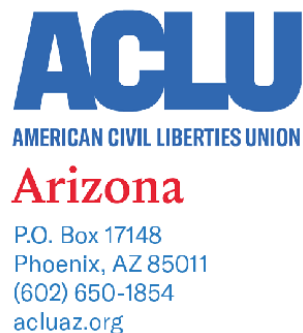
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B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:

Jose Lerma, Chief Deputy Recorder

Darrell Hill, ACLU-AZ Policy Director



AMERICAN CIVIL LIBERTIES UNION

Arizona

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September 9, 2026

Pima County Board of Supervisors
33 N. Stone Ave
11 Floor
Tucson, Arizona 85701

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Chair Allen and Pima Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Pima County Board of Supervisors to uphold Pima County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and

¹ Walker, J. (2026, July 15). *Todd Blanche won't rule out ice, federal agents at polling places*. Axios. <https://www.axios.com/2026/07/15/todd-blanche-federal-agents-polling-places-voters-ice>

² UC San Diego. (n.d.). *Page 1 yankelovich center for Social Science Research*. The Yankelovich Center for Social Science Research.

https://yankelovichcenter.ucsd.edu/public-engagement/CTTE-Report-2025-2026_2.17.pdf



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unimpaired manner is preservative of other basic civil and political rights,” (*See Reynolds v. Sims*, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one’s ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy “in [their] personal affairs” (*see* Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that “[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof” except that “Congress may at any time by Law make or alter such Regulations[.]” The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of “election integrity” or general public safety concerns changes the U.S. Constitution’s plain text.

II. Federal Criminal Statutes Directly Prohibit Armed Federal Presence at the Polls

Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep “troops or armed men” at any place where a general or special election is held. The only exception is where such a form is necessary “to repel armed enemies of the United States” -- a narrow exception that does not extend to generalized “keeping the peace” at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer’s discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

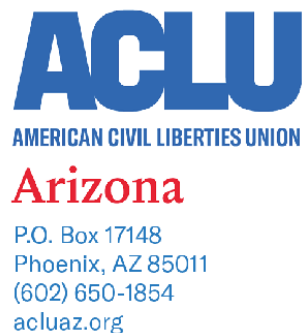
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.")). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

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Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



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place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

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The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director



Arizona

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September 9, 2026

Pima County Recorder
P.O. Box 3145
Tucson, AZ 85702

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Cázares-Kelly:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Pima County Recorder to uphold Pima County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

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Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

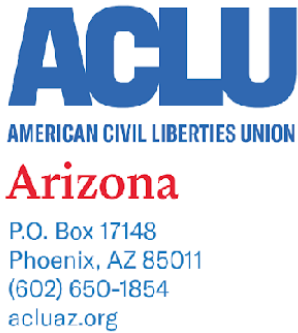
I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (*See*

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Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

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Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

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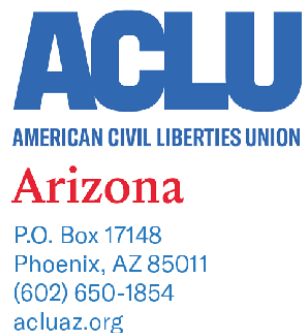
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Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director



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September 9, 2026

Pinal County Board of Supervisors
P.O. Box 827
Florence, AZ 85132

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Chair McClure and Pinal County Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Pinal County Board of Supervisors to uphold Pinal County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

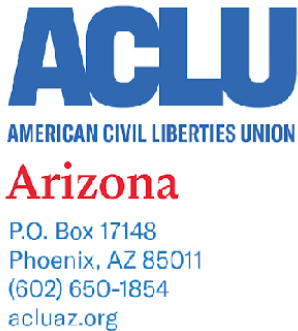
I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," (See

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Reynolds v. Sims, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one's ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy "in [their] personal affairs" (see Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that "[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof" except that "Congress may at any time by Law make or alter such Regulations[.]" The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of "election integrity" or general public safety concerns changes the U.S. Constitution's plain text.

II. Federal Criminal Statutes Directly Prohibit Armed Federal Presence at the Polls

Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep "troops or armed men" at any place where a general or special election is held. The only exception is where such a form is necessary "to repel armed enemies of the United States" -- a narrow exception that does not extend to generalized "keeping the peace" at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer's discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

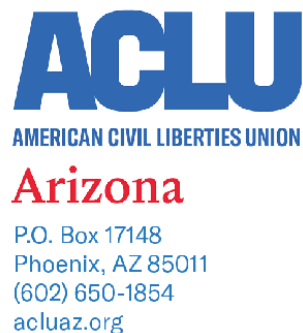
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.")). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:
Chair McClure, District 4
Vice Chair Serdy, District 5
Supervisor Vitiello, District 1
Supervisor Goodman, District 2
Supervisor Miller, District 3



Arizona

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September 9, 2026

Pinal County Recorder
31 N Pinal Street
Florence, AZ 85132

Via Email Only

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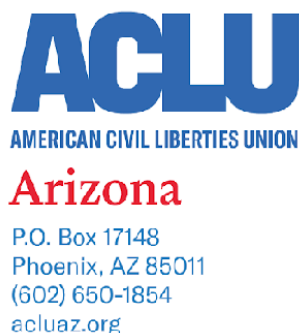
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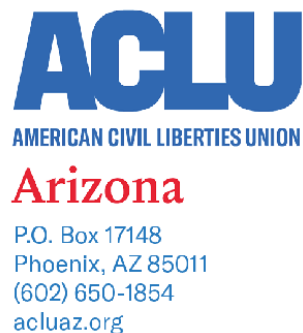
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Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:

Cyndi Martinez, Deputy County Recorder



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September 9, 2026

Santa Cruz Board of Supervisors
2150 N. Congress Drive #120
Nogales, AZ 85621

Via Email Only

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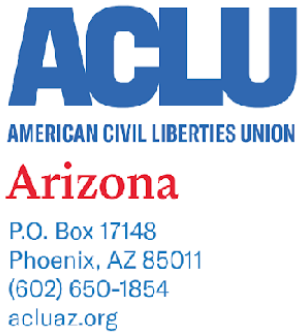
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- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep "troops or armed men" at any place where a general or special election is held. The only exception is where such a form is necessary "to repel armed enemies of the United States" -- a narrow exception that does not extend to generalized "keeping the peace" at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer's discharge of duties.
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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

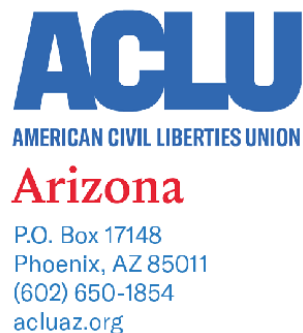
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.")). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:
Chair Fanning, District 3
Supervisor Davis, District 1
Supervisor Molera, District 2



Arizona

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September 9, 2026

Santa Cruz County Recorder
2150 N. Congress Drive
Suite 101
Nogales, AZ 85621

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Moreno:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Santa Cruz County Recorder to uphold Santa Cruz County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and

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unimpaired manner is preservative of other basic civil and political rights,” (*See Reynolds v. Sims*, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one’s ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy “in [their] personal affairs” (*see* Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that “[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof” except that “Congress may at any time by Law make or alter such Regulations[.]” The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of “election integrity” or general public safety concerns changes the U.S. Constitution’s plain text.

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Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

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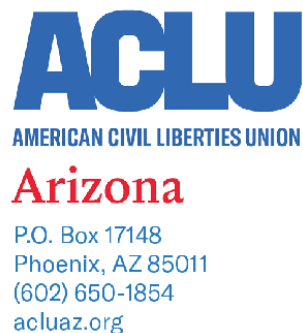
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Respectfully,
s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:

Yolanda Kory, Chief Deputy Recorder



Arizona

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September 9, 2026

Arizona Secretary of State
1700 West Washington Street, Floor 7
Phoenix, AZ 85007

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Secretary Fontes:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Secretary of State to uphold Arizona voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

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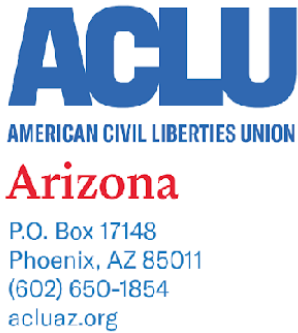
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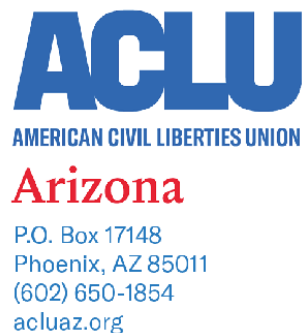
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Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

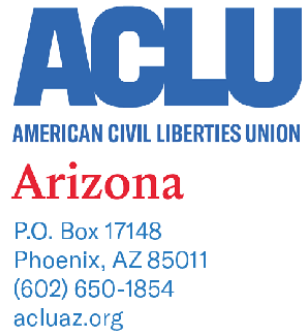
s/ Darrell Hill
Policy Director

CC:

Keeley Varvel
Assistant Secretary of State

Gregory Ensell
Deputy Assistant Secretary of State

Darrell Hill
Policy Director, ACLU of Arizona



September 9, 2026

Yavapai County Recorder
Yavapai County Administrative Services
1015 Fair Street (2nd Floor)
Prescott, AZ 86305

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Burchill:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Yavapai County Recorder to uphold Yavapai County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and

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² UC San Diego. (n.d.). *Page 1 yankelovich center for Social Science Research*. The Yankelovich Center for Social Science Research.

https://yankelovichcenter.ucsd.edu/public-engagement/CTTE-Report-2025-2026_2.17.pdf



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unimpaired manner is preservative of other basic civil and political rights,” (*See Reynolds v. Sims*, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one’s ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy “in [their] personal affairs” (*see* Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that “[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof” except that “Congress may at any time by Law make or alter such Regulations[.]” The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of “election integrity” or general public safety concerns changes the U.S. Constitution’s plain text.

II. Federal Criminal Statutes Directly Prohibit Armed Federal Presence at the Polls

Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep “troops or armed men” at any place where a general or special election is held. The only exception is where such a form is necessary “to repel armed enemies of the United States” -- a narrow exception that does not extend to generalized “keeping the peace” at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer’s discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

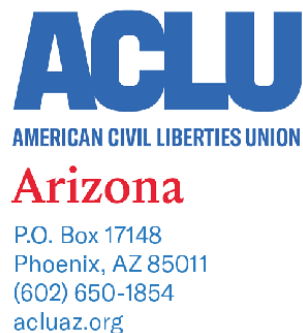
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.")). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



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V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

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The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

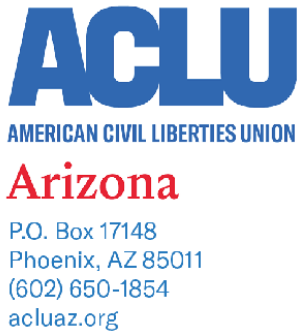
Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:
Karen McCracken, Chief Deputy Recorder

Darrell Hill, ACLU-AZ Policy Director



September 9, 2026

Yuma County Board of Supervisors
County Administration Building,
197 S. Main Street,
Yuma, Arizona 85364

Yuma County Clerk of the Board Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election
Voting Period

Dear Chair Porchas and Yuma County Board Members:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Yuma County Board of Supervisors to uphold Yuma County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

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I. The Constitutional Foundation

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unimpaired manner is preservative of other basic civil and political rights,” (*See Reynolds v. Sims*, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one’s ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

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Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

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Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

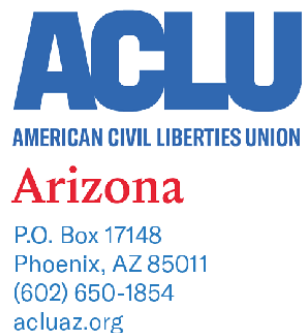
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B. Disproportionate Impact and Equal Protection

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Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

cc:
Chair Porchas, District 1
Vice Chair Lines, District 2
Supervisor Simmons, District 3
Supervisor Reyes, District 4
Supervisor Pancrazi, District 5



Arizona

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September 9, 2026

Yuma County Recorder
Recorders Office
298 S. Main Street
Yuma, Arizona 85364

Via Email Only

Re: Federal Agents at Polling Locations in Arizona During the 2026 General Election Voting Period

Dear Recorder Lara:

The American Civil Liberties Union of Arizona (ACLU of Arizona) urges the Yuma County Recorder to uphold Yuma County voter's right to vote free from intimidation, threat, or coercion as outlined in state and federal laws, and constitutional protections. We are concerned about the Trump Administration's increased use of immigration rhetoric¹ around election-related "monitoring", particularly in the refusal to rule out federal enforcement at or near early voting locations, Election Day voting locations, and ballot drop boxes. Because it has never been categorically ruled out, and because the administration has floated the idea repeatedly, counties should not treat this as a remote or hypothetical concern. Preparation and clear policy now will prevent a crisis later. Multiple federal laws prohibit the deployment of troops or other armed federal agents to polling places before or on Election Day.

Both state and federal law is clear. It is illegal to deploy federal troops or armed federal law enforcement to any polling place. State governments have the primary responsibility to administer elections and enforce election law. Traditionally, the federal role has been limited in two areas: (1) Enforcing the protections of the Voting Rights Act to ensure that every eligible citizen has the right to vote, and (2) after an election has concluded, prosecuting federal election crimes. Further, counties have an affirmative statutory obligation to ensure elections are conducted free from intimidation, coercion, and fear; allowing or facilitating federal law enforcement presence at voting sites risks violating both federal and state law.

Elections are administered by state and local authorities, not by federal law enforcement. Introducing federal agents into polling places disrupts established roles and responsibilities, and undermines public trust in the neutrality of the election process. In a study from UC San Diego, more participants in every racial and ethnic group responded that it would make them less rather than more confident to see the presence of ICE officers at polling locations.² Election administration must remain visibly and functionally independent of law enforcement presence.

I. The Constitutional Foundation

The right to vote is a fundamental right under the U.S. Constitution. The Supreme Court has long recognized that "the right to exercise the franchise in a free and

¹ Walker, J. (2026, July 15). *Todd Blanche won't rule out ice, federal agents at polling places*. Axios. <https://www.axios.com/2026/07/15/todd-blanche-federal-agents-polling-places-voters-ice>

² UC San Diego. (n.d.). *Page 1 yankelovich center for Social Science Research*. The Yankelovich Center for Social Science Research.

https://yankelovichcenter.ucsd.edu/public-engagement/CTTE-Report-2025-2026_2.17.pdf



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unimpaired manner is preservative of other basic civil and political rights,” (*See Reynolds v. Sims*, 377 U.S. 533, 562 (1964)), and that this right, along with the right to have one’s ballot counted (*United States v. Mosley* 238 U.S. 383 (1915)), is entitled to the highest level of protection. The Fifth and Fourteenth Amendments guarantee equal protection and due process in the administration of elections, and the First Amendment protects political participation, including voting and voter assistance, from undue government interference and chilling effects.

The Fourth Amendment is also directly implicated whenever armed federal agents conduct stops, questioning, or searches near a polling place. Further, Article 2, Section 8 of the Arizona Constitution provides the right to privacy “in [their] personal affairs” (*see* Ariz. Const. Art. 2 Sec. 8), thus extending the right to privacy even further than the Fourth Amendment. Absent individualized probable cause or reasonable suspicion, such activity is constitutionally suspect. This matters acutely in the immigration-enforcement context: an arrest requires probable cause that a person is a removable non-citizen, and even a search requires reasonable suspicion of the same. A person standing in line to vote carries a stronger argument that they are a citizen, which undercuts any generalized justification for federal agents to question or detain voters near the polls.

Finally, structural constitutional principles reinforce that election administration is a state and local function. The Elections Clause of Article I, Section 4 of the U.S. Constitution provides that “[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof” except that “Congress may at any time by Law make or alter such Regulations[.]” The President has no authority under the Elections Clause, no emergency power, and no foreign-policy or commander-in-chief authority that permits control over elections. The President cannot make or change election law, and no invocation of “election integrity” or general public safety concerns changes the U.S. Constitution’s plain text.

II. Federal Criminal Statutes Directly Prohibit Armed Federal Presence at the Polls

Congress has enacted a specific and long-standing statutory scheme that directly foreclosed the deployment of armed federal personnel to polling places. These statutes are unambiguous:

- 18 U.S.C. § 592 makes it a crime for any federal civil or military officer to order, bring, or keep “troops or armed men” at any place where a general or special election is held. The only exception is where such a form is necessary “to repel armed enemies of the United States” -- a narrow exception that does not extend to generalized “keeping the peace” at the polls. A violation is punishable by up to five years in prison. Because §592 is a direct and specific statutory prohibition, any other law-enforcement or immigration-enforcement authority the federal government might invoke to justify an armed presence at election locations must be read as constrained by it.
- 18 U.S.C § 593 makes it a crime for an officer or member of the Armed Forces to prevent or attempt to prevent, by force, threat, intimidation, advice, or otherwise, any qualified voter from exercising the right of suffrage, or to interfere in any manner with an election officer’s discharge of duties.
- 18 U.S.C. § 594 prohibits intimidation, threats, or coercion that interferes with the right to vote in connection with federal elections.



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- 18 U.S.C § 595 makes it a crime for a federal employee to use their official authority to interfere with a federal election, and 18 U.S.C. § 598 prohibits the use of congressional appropriations to interfere with, restrain, or coerce an individual's exercise of the right to vote.
- 18 U.S.C § 609 prohibits military interference with elections, including coercion of members of the armed forces regarding their vote.
- 18 U.S.C. § 245(b)(1)(A) prohibits anyone, whether or not acting under the color of law, from using or threatening physical force to intimidate or interfere with a person voting, qualifying to vote, or serving as a poll worker.
- 52 U.S.C. § 20511(b) separately makes it a federal crime to intimidate or coerce individuals in registering or voting, and protecting against deprivation of a fair and impartial election.

Read together, these statutes reflect a deliberate and decades-old congressional judgement that armed federal presence has no place at polling locations, regardless of the label -- law enforcement, immigration enforcement, "election security" -- placed on the operation.

III. Voter Intimidation Is Broadly Defined and Does Not Require Violence or Detention

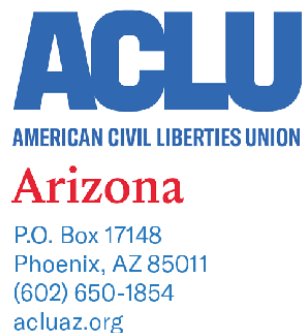
Federal courts have made clear that voter intimidation is not limited to overt threats or physical force. Courts have recognized that intimidation includes subtler actions that inspire fear of harm (*Virginia v. Black*, 538 U.S. 343 (2003)), privacy violations, or surveillance (*League of Women Voters of Arizona v. Lions of Liberty LLC, et al.* (2023)). This standard turns on whether the conduct would put a reasonable person in fear in connection with their election-related activity, no specific intent is required for a civil violation. These protections extend both to voters themselves and to individuals who urge, organize, or assist others in voting. Courts have also recognized that generalized invocations of "election integrity," without evidentiary support, cannot justify burdens on the right to vote, and that fear, deterrence, and chilling effects are themselves harmful (see *Andersen v. Celebrezze*, 460 U.S. at 789-93 "constitutional challenges to specific provisions of a State's election laws, therefore, cannot be resolved by a 'litmus-paper test'... There is 'no substitute for the hard judgements that must be made... It is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.")). Intimidation, notably, does not require direct questioning or detention to be actionable.

A. Statutory Anti-Intimidation Protections

Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)) broadly prohibits any person, acting under color of law or otherwise, from intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding another person to vote. This protection applies through the entire voting process, including surveillance or monitoring of voters, targeting voters based on race or national origin, and harassment or conduct that invades voter privacy. Additional federal protections against intimidation and conspiracies to interfere appear in the Civil Rights Act of 1968 (§ 13(b)), the Klan Act (42 U.S.C. §1985(3)), and 52 U.S.C. § 10101(b) and §20511(b).

B. Disproportionate Impact and Equal Protection

Even facially neutral practices can raise serious constitutional problems if they disproportionately burden identifiable groups and predictably deter participation. Naturalized citizens, mixed-status families, and voters of color are populations for whom a visible federal law enforcement presence carries a uniquely chilling effect. Where such deterrence is foreseeable and unevenly distributed across communities, serious Equal Protection concerns arise, and any burden of this kind must be supported by evidence and narrowly tailored, a standard that sweeping, precautionary federal deployment cannot meet.



IV. Military and National Guard Deployment Is Tightly Restricted

Federalizing the National Guard for domestic deployment is tightly regulated, and courts continue to scrutinize efforts to federalize or deploy the Guard without proper statutory basis or state consent. In *Trump v. Illinois*, decided December 23, 2025 by a 6-3 vote, the Supreme Court held that the President lacked authority under 10 U.S.C. §12406(3) to federalize National Guard forces in Illinois, California, and Oregon to protect federal property and personnel from protests against ICE activity. Five justices went further, holding that the Posse Comitatus Act bars use of active-duty forces absent express statutory exception, and that the administration’s own position (that “protecting” federal personnel and property is not “executing the laws”) cuts against it either way: if protective functions are not law execution, then neither the Posse Comitatus Act’s execution-of-law framework nor §12406(3) own “execute the laws” language can authorize deployment for those functions in the first place. Invocation of the Insurrection Act carries a high bar before the military may perform any domestic law-enforcement function; mere claims of disorder or “election integrity” concerns do not come close to meeting that threshold. The Court’s reasoning in *Trump v. Illinois* creates significantly new obstacles here too, both operative provisions like the Insurrection Act likewise condition deployment on enabling execution of the laws, so the same tension in the administration’s position would apply. Separately, 52 U.S.C. § 10102 is a civil statute that prohibits the use of federal military personnel “in any manner” to interfere with the freedom of any election in any state. This provision, together with the criminal prohibitions discussed in Section II, reflects a consistent, decades-old policy of keeping armed forces and federal law enforcement out of the electoral process entirely.

V. State Law Reinforces These Protections

Arizona law provides state-level protection against voter intimidation, alongside the federal statute and constitutional protections. A.R.S. § 16-1013 makes it unlawful to use force, violence, restraint, or intimidation, directly or indirectly, to induce or compel a person to vote or refrain from voting, or to interfere with the free exercise of the franchise; a violation is a class 1 misdemeanor. A.R.S. § 16-1006 similarly prohibits using force, threats, menaces, bribery, or corrupt means to influence, deter, or defraud an elector, and make such conduct a class 5 felony.

State law also strictly limits who may be present within polling-place buffer zones, also called the seventy-five-foot zone. A.R.S. § 16-515 provides that no person may remain within the seventy-five-foot limit while the polls are open, except for the purpose of voting, election officials, one authorized representative of each political party on the ballot, and lawfully appointed challengers; no electioneering may occur within that limit, and a violation is a class 2 misdemeanor. Federal law enforcement officers are not listed, and their presence inside the seventy-five-foot zone may itself violate this statute and undermine its uniform enforcement. As a general matter, law enforcement officers, uniformed or plain-clothed, should not be stationed within the buffer zone, or in polling

place parking lots; any law enforcement presence should be limited strictly to resolving a specific emergency, act of violence, or credible threat of violence that has already occurred.

VI. Conclusion

The right to vote is a fundamental constitutional right, and the right to vote free from intimidation is inseparable from it. Protecting voters from intimidation, by any actor -- including federal law enforcement --, is a core responsibility of local election officials. Any policy or practice that chills participation, whether intentional or not, must be rejected.

The Board and county election officials already have the legal authority, and the affirmative duty, to keep polling locations free from federal law enforcement intimidation. We urge you to act on that authority now, before Election Day, rather than after a problem arises. We welcome the opportunity to discuss these issues further.

Respectfully,

s/ Katelynn Contreras, MPAP
Policy Strategist

s/ Darrell Hill
Policy Director

Cc'd:

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