

Sheriff's Office Policy on Federal Law Enforcement at Polling Places

This is a working draft. The statutory references are the ones I'm confident about, but anything marked **[verify]** should be checked against current Maryland law and State Board of Elections guidance before adoption.

1. Policy statement

The Frederick County Sheriff's Office (FCSO) will protect every eligible voter's access to the polls and will not allow any agency, local or federal, to obstruct or intimidate voters or election workers. Deputies will act within their lawful authority and will document anything beyond it. They will not create confrontations with federal agents.

2. Preparation before early voting (Oct. 22-29) and Election Day (Nov. 3)

- **Written protocol and briefing.** Give every deputy assigned to or near a polling site a one-page version of this policy. Brief supervisors on who makes any call to escalate.
- **Designated command contact.** Name one supervisor per shift who handles all federal-agent encounters, so deputies don't make legal judgments alone.
- **Legal on call.** Arrange for an assistant state's attorney and/or county attorney to be reachable by phone during all voting hours.
- **Contact list.** Keep numbers current for:
 - the local board of elections director
 - the State Board of Elections
 - the Attorney General's office, including its election-day hotline
 - the State's Attorney
 - the U.S. Attorney's Office
 - the FBI field office's election crimes coordinator
 - the Governor's office and the Maryland National Guard (state)
- **Ask federal agencies for advance notice.** Send a letter to the local federal field offices stating that the FCSO expects advance coordination of any planned activity near polling places.
- **Site familiarity.** Know each site's layout, the electioneering boundary, and where the chief judge will be.

3. On-scene protocol

Step 1: Notify, don't confront. A deputy who sees federal agents, or National Guard personnel in any status, at or near a polling place notifies the designated FCSO supervisor and the chief election judge right away. The deputy stays visible and keeps entrances and queues clear.

Step 2: Establish the facts. The FCSO supervisor identifies the agents, asks for their supervisor, and asks three questions:

- What is your purpose here?
- What is your legal authority?
- Are you armed, and for what reason?

Sort the situation into one of these categories:

Situation

Response

Agent is voting or accompanying a family member	No action. Treat like any voter.
Agent is on unrelated official business, such as a nearby investigation	Request they move away from the site and queue, and document it.
Agents are stationed at or near the entrance or queue, questioning voters, or displaying force	Treat as potential intimidation. Go to Step 4 immediately.
Armed personnel deployed to the site	Go to Step 4 immediately and flag a potential 18 U.S.C. § 592 issue.

Step 3: Work through the chief election judge. Election judges control the polling place. The judge, not the deputy, decides whether voting is being disrupted and makes requests for assistance. Deputies support the judge's lawful orders and keep the voting area open and orderly.

Step 4: Protect and de-escalate.

- Keep voters moving and entrances unblocked.
- Offer to escort voters who feel unsafe.

- Remind voters, calmly, that they may vote and that no one at the site is checking immigration status. Only election judges verify eligibility.
- Never physically engage armed federal agents. If there is imminent violence, respond as you would to any threat to life, then escalate.

Step 5: Escalate while the event is happening. The supervisor calls counsel, the local election director, the State Board of Elections, and the Attorney General's office. If agents are disrupting voting, the AG can seek emergency injunctive relief. Federal and state prosecutors should also be notified.

1. Evidence preservation

- Record contacts with body cameras where permitted. Protect ballot secrecy by never recording voters inside the voting area or capturing how anyone votes.
- Write down names, badge numbers, agency, vehicle plates, times, and exact statements.
- Take witness names and contact information from voters and election workers, with their consent.
- Preserve dispatch logs, radio traffic, CAD records, and camera footage, and issue a litigation-hold notice to the relevant staff.
- Complete an incident report before the end of the shift.

2. Arrest and expulsion: the legal guardrails

The sheriff should not promise to arrest or expel federal agents automatically, and should not stand aside either. The reasons:

- **Supremacy Clause immunity.** Federal officers are generally shielded from state prosecution for acts that are authorized by federal law and "necessary and proper" to their duties (*In re Neagle*). Whether a given act falls outside that shield is a legal question that should be answered by counsel and a prosecutor.
- **Federal law already restricts them.** 18 U.S.C. § 592 bars federal officers from bringing or keeping troops or armed men at a polling place absent a narrow exception for repelling armed enemies. § 593 addresses interference by armed forces, and § 594 prohibits intimidating voters. 52 U.S.C. § 10307(b) also prohibits

intimidation. An armed deployment at a polling site therefore warrants immediate legal review and a request that the agents leave.

- **State law.** Maryland Election Law prohibits voter intimidation and interference, and the AG can seek an injunction. **[verify]** the exact citations and any state rules on law enforcement presence at polling places.
- **National Guard.** Maryland Guard members answer to the Governor. Out-of-state or federalized Guard units raise different legal questions, so route any such presence directly to counsel and the Governor's office.

If there is a clear, imminent crime and counsel concurs, the supervisor can consult the State's Attorney about lawful action. Absent that, the default is documentation, protection of voters, and escalation to people who can obtain court orders.

3. Public communication

- Publish a short statement before early voting: the Sheriff's Office will keep polling places safe, will not interfere with voting, and will document any improper conduct.
- Direct voters to the Election Protection hotline (866-OUR-VOTE) and the Attorney General's election complaint line.
- During an incident, release only verified facts and avoid characterizing the agents' motives.

4. After-action

Within a week of each voting period, review all incidents, hand reports to the AG and State's Attorney, and update the protocol.

5. One-line script for deputies

"I'm [name] with the Sheriff's Office. I need to know who you are, who your supervisor is, and your purpose here. Please keep the entrance and the line clear while we sort this out."

Recommended position

Protect voters, keep the polls open, document everything, and pursue violations through the courts rather than through street-level confrontation. This keeps the sheriff on firm legal ground and focused on the voter's right to cast a ballot.