

Memorandum: Preparing for Potential Election Materials Seizures

October 2026

This memo provides an overview of legal rules, practical considerations, and best practices for local election officials and their attorneys to prepare for potential seizure of ballots or voting equipment on or after Election Day.

Important note

This memo is for information purposes only. It is not intended to be legal advice or to create an attorney-client relationship.

If you have questions about your particular circumstances, please contact [Public Rights Project](#) or consult your own legal counsel.

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1. Introduction

This memorandum discusses potential scenarios in which the federal government could seize or demand access to ballots in furtherance of an investigation of claimed violations of federal law. Because interference with the vote tabulation or certification process could delay results and undermine confidence in election outcomes, local election officials and county attorneys should begin preparing their responses to this potential interference now.

Attempts to seize ballots and other election materials have precedent. In January, the Federal Bureau of Investigation (FBI) personnel seized ballots from the 2020 election in Fulton County, Georgia.¹ The Department of Justice (DOJ) has also since sought election records in Arizona and Michigan, in addition to its ongoing requests for private, unredacted voter rolls from dozens of states.² President Trump has expressed regret over not seizing voting machines in 2020 and has stated that he considered national emergency declarations to justify election material seizures.³

Ultimately, the federal government could attempt to seek access to ballots and other voter information records via several legal avenues, even within jurisdictions that are not themselves targets of the federal government's investigations. But jurisdictions can assert strong responses to the federal government's requests. This memorandum provides background information on the federal government's efforts to access ballots nationwide, possible legal bases that the federal government might use to assert its authority to investigate a jurisdiction's election administration, and potential ballot seizure scenarios.

Note that this memorandum primarily focuses on the federal government's authority to demand access to ballots under relevant federal *criminal* law as opposed to civil law, because recent DOJ investigations have focused on violations of federal criminal law. In recognition of the federal government's focus on criminal violations, the most important step a jurisdiction can take to prepare is to establish a relationship now with local criminal counsel experienced in federal criminal matters in the district where the jurisdiction sits. This advice will be reiterated throughout this memo, due to its importance.

¹ See Kate Brumback, *FBI seizure of Georgia ballots reflects pursuit of Trump's 2020 election grievance*, Associated Press (Jan. 29, 2026),

<https://apnews.com/article/why-fbi-seize-georgia-ballots-fulton-county-87300edb3ea86961c69132e6a2dfd6e8>; Kate Brumback, *Justice Department can keep 2020 ballots seized from Fulton County in Georgia, judge rules*, Associated Press (May 6, 2026),

<https://apnews.com/article/trump-2020-election-fulton-county-fbi-ballots-1c425a1d1d04bf4ea2178c2a5443f2e9>.

² See Josh Kelety, *The Trump administration widens its probe of the 2020 election as it obtains records from Arizona*, Associated Press (Mar. 9, 2026),

<http://apnews.com/article/arizona-2020-election-trump-records-fbi-99a8146fdeed15c4d298aa16ff98c0b6>; Gary Grumbach and Raquel Coronell Uribe, *Justice Department demands Michigan county turn over 2024 ballots*, Associated Press (April 19, 2026),

<https://www.nbcnews.com/politics/elections/justice-department-demands-michigan-county-turn-2024-ballots-rcna340891>; Kaylie Martinez-Ochoa, Eileen O'Connor & Patrick Berry, *Tracker of Justice Department Requests for Voter Information*, Brennan Center For Justice (last updated Sep. 23, 2026),

<https://www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information> (showing that DOJ has requested private voter rolls from 48 states and sued 30 states).

³ See Alan Feuer and Ashley Ahn, *Trump Regrets Not Seizing Voting Machines After 2020 Election*, N.Y. Times (Jan. 11, 2026), <https://www.nytimes.com/2026/01/11/us/trump-voting-machines-2020-election.html>; Patrick Marley and Laura Meckler, *The new threat election officials fear: Trump's federal government*, The Washington Post (Sept. 13, 2026),

<https://www.washingtonpost.com/politics/2026/09/13/new-threat-election-officials-fear-trumps-federal-government/>.

As discussed further in this memorandum, PRP recommends that local election officials and their attorneys take these five steps *now*:

- **Retain local federal criminal counsel.** If you expect that the jurisdiction may be targeted and **criminal defense counsel who practices in the federal district court where the jurisdiction sits has not been retained**, make this the *first step*. Everything else in this memo assumes that counsel is in place who can advise the jurisdiction and respond quickly to federal investigative activity. Do not wait for a federal actor to take investigative action before reaching out to counsel.
- **Confirm who has custody of the jurisdiction's ballots.** Identify which local entity or entities hold ballots. Knowing which entity (or entities) hold ballots is crucial to crafting an appropriate response.
- **Identify point-persons at polling and central count locations who will be notified when an issue arises.** At minimum, designate at least one official per location. Ensure that this person is trained to speak to federal agents.
- **Train elections staff and poll workers on how to respond when an issue arises.** Ensure that elections staff understand that they do not have to answer questions and should refer everything to the designated point-person.
- **Determine whether the election can be certified if ballots are seized before certification.** Before Election Day, assess the consequences under applicable state law if ballots are seized before the election is certified, including whether and under what circumstances the election may still be certified. *If you need assistance completing this legal analysis, reach out to elections@publicrightsproject.org.*

2. Potential Legal Bases For Attempts To Access Election Materials

This section briefly summarizes the principal federal statutes that the federal government could rely upon in seeking access to election materials. Understanding these statutes can aid in evaluating the asserted bases for DOJ requests. It is important to note that DOJ often invokes a broad range of provisions, including several that would likely be inapplicable to a given demand for election materials, presumably in an effort to identify just one that a court will find persuasive.

As discussed further in this memo, the following authorities may ground requests for seizing ballots and other election materials:

- **Title III of the Civil Rights Act of 1960, 52 U.S.C. §§ 20701 and 20703.** Section 20701 requires retention of all records and papers relating to any application, registration, payment of poll tax, or other act requisite to voting.⁴ Section 20703 permits the Attorney General to demand those records, and requires the written demand to contain a statement of the basis and the purpose for it.⁵

⁴ 52 U.S.C. § 20701.

⁵ 52 U.S.C. § 20703.

- **General criminal investigative authority.** DOJ may assert that it has authority to access ballots because it is investigating federal crimes.⁶
- **List maintenance provisions** in the **National Voter Registration Act of 1993 (NVRA)**⁷ and the **Help America Vote Act (HAVA)**.⁸ The NVRA and HAVA both set out specific requirements for when and how voters can and should be removed from the voter rolls.

Regardless of whether the jurisdiction is a target of the investigation, DOJ may demand access to the jurisdiction's ballots to conduct an investigation.

The legal bases summarized here will be further explained in Section 3. However, in general, it is important to keep in mind that any attempt by the federal government to gain access to ballots or other election equipment is likely to interfere with the chain of custody for those materials. Chain of custody provisions serve as the primary mechanism states use to ensure that the ballots being counted, recounted, audited, or litigated over have not been tampered with and are in fact the same ballots that were actually cast. We strongly recommend that all jurisdictions review relevant state law chain of custody requirements in order to incorporate those requirements into any defense and response strategy.⁹

3. Potential Scenarios and Responses to Attempts To Gain Access To Election Materials

The following scenarios are not meant to represent the only ways in which the federal government could attempt to seize election materials, but are meant to provide examples based on recent activity.

3.1. Scenario 1: DOJ Letter Demanding Access to Election Materials

Given DOJ's recent pattern of sending jurisdictions letters requesting voter rolls, election records, or ballots prior to instituting any formal criminal process against a jurisdiction, DOJ may send the jurisdiction a letter demanding access to the jurisdiction's election materials.

⁶ While it's unclear which specific statutes that DOJ may rely on, in general, 28 U.S.C. § 533 grants the Attorney General the authority to appoint officials to detect and prosecute crimes against the United States. 28 U.S.C. § 533. The Office of Legal Counsel has consistently interpreted this provision as authorizing the DOJ to investigate all federal criminal violations unless a particular statute specifically assigns exclusive investigative responsibility to another agency. Dep't of Lab. Jurisdiction to Investigate Certain Crim. Matters, 10 U.S. Op. Off. Legal Counsel 130 (1986).

⁷ 52 U.S.C §§ 20503-11.

⁸ 52 U.S.C. §§ 20901-21145.

⁹ PRP can provide legal research for particular jurisdictions upon request.

3.1.1. Background: DOJ's recent pattern of sending pre-investigation letter requests

3.1.1.1. Wayne County, MI: DOJ Requests 2024 Ballots for Voter Fraud and Non-Citizen Voting Investigation

On April 14, 2026, Harmeet K. Dhillon, the Assistant Attorney General who runs DOJ's Civil Rights Division under the Trump Administration, sent a letter to the Wayne County clerk requesting all of Wayne County's ballots, ballot receipts, and ballot envelopes from the 2024 federal election, pursuant to 52 U.S.C. 20701.¹⁰ DOJ claimed that it needed the ballots to "investigate and prosecute individuals who may have registered to vote or voted" in violation of 52 U.S.C. §§ 10307 (criminalizing fraudulent voting or voting more than once, among other provisions) and 20511 (committing fraud in registering to vote or voting), as well as 18 U.S.C. §§ 611 (prohibiting noncitizen voting) and 1015 (falsely claiming to be a citizen for purposes of voting).¹¹ The letter cited two categories of evidence supporting its demand: (1) three convictions of people who falsely registered to vote or voted (only one of the cases involved actual fraudulent voting);¹² and (2) a failed lawsuit brought by a voter against Wayne County and the City of Detroit for election fraud violations.¹³

On April 17, 2026, the Michigan Secretary of State responded to DOJ's letter.¹⁴ The Secretary made several strong arguments—discussed in more detail below—refuting DOJ's stated bases to request ballots for the purpose claimed in its original letter.¹⁵ In addition, on April 27, 2026, the Wayne County Clerk responded to DOJ's original letter with her own.¹⁶ In that letter, the Clerk stated that, because Michigan has a decentralized election administration model, her office did not possess the requested ballots, and that DOJ must request 2024 election ballots from each individual township or city within Wayne County.¹⁷

¹⁰ Letter from Harmeet K. Dhillon, Assistant Attorney General, U.S. Department of Justice to Cathy M. Garrett, County Clerk, Wayne County, Michigan (April 14, 2026).

¹¹ *Id.* at 1.

¹² *Id.* at 1-2. Those convictions were for the following violations: Nancy Juanita Williams forged signatures and obtained and submitted absentee ballots for 26 legally incapacitated people under her care; Carless Clark signed and returned her grandson's absentee ballot; and Paul Parana pleaded guilty to forging his daughter's signature on an absentee voter ballot in the November 2020 election.

¹³ *Id.* Those alleged violations included that the jurisdictions processed and counted ballots from voters whose names failed to appear in the Qualified Voter File; that the jurisdictions directed election workers not to verify signatures on absentee ballots; that ballots received later in the counting process were only attributed to Democratic candidates; that the jurisdictions instructed election workers to process ballots that appeared after the election deadline and report that they were received before the deadline; and that the jurisdictions used false information to process. See Complaint, *Constantino v. Detroit, et al.*, Case No. 20-014780-AW, Doc. 1 (Nov. 8, 2020).

¹⁴ Letter from Dana Nessel, Michigan Attorney General to Harmeet K. Dhillon, Assistant Attorney General, U.S. Department of Justice (April 17, 2026). The letter argues that: (1) the Attorney General does not state a proper "purpose" for the demand since looking for "speculative evidence of election fraud" is not a proper purpose; (2) the Attorney General's demand "fails to set forth a factual basis sufficient to satisfy the requirements of Title III, much less suggest any substantive issue in [the 2024] election[.]" and (3) the requested ballots are not in the scope of Title III, nor are they in the custody of Wayne County. *Id.* at 5-7.

¹⁵ See *id.*

¹⁶ Letter from Cathy M. Garrett, County Clerk, Wayne County, Michigan to Harmeet K. Dhillon, Assistant Attorney General, U.S. Department of Justice to (April 27, 2026).

¹⁷ See *id.*

As of today, there have been no reports of DOJ sending any additional letters to cities or townships in Wayne County, and no formal investigation has been launched.

Notably, the Wayne County example reiterates the importance of carefully reviewing any letter received from DOJ. **If DOJ's demand for ballots is addressed to an entity that is not the legal custodian of ballots, say so first.**¹⁸

3.1.1.2. DOJ Sends Pre-Litigation Letters Instructing Officials Not to Destroy Election Records

The Department of Justice has sent letters to election officials in over two dozen states, demanding that they preserve records from the 2024 election.¹⁹ The Justice Department sent letters to 29 states and the District of Columbia instructing election officials not to destroy the records.²⁰ Those states are ones in which the Trump administration has sued in a bid to gain access to voter registration information (including addresses, dates of birth, driver's license numbers and partial Social Security numbers).²¹

Additionally, in Fulton County (which will be discussed in more detail in Section 3.3), DOJ sought a search warrant to search the Fulton County Elections Center to seize 2020 election ballots that were being held because of an existing litigation hold.²² It is possible that the DOJ could take similar investigative action (such as a future subpoena or search warrant) in the states or jurisdictions that received these letters.

3.1.2. Relevant Authorities

DOJ could claim it has authority to access ballots under 52 U.S.C. §§ 20701 and 20703, just as it did in its recent demand letter to Wayne County, Michigan and the voter roll litigation pre-investigation letters. 52 U.S.C. § 20701 requires election officers to preserve election records for federal elections for 22 months after a federal election, and imposes a penalty for a failure to comply.²³ 52 U.S.C. § 20703 establishes that the Attorney General may request the documents that are required to be preserved under 52 U.S.C. § 20701.²⁴

In tandem, DOJ may claim that it has authority to demand election records that are preserved pursuant to 52 U.S.C. 20703, because it is investigating violations of federal criminal law, particularly related to voter registration and fraudulent voting. For example, in the Wayne County letter, DOJ claimed that it was demanding preserved election records to “investigate and

¹⁸ See e.g. *id.*

¹⁹ Josh Kelety, Alanna Durkin Richer and Gary Fields, *Justice Department directs states to hold on to 2024 election records as it seeks their voter data*, Associated Press (Sept. 17, 2026), <https://www.ap.org/news-highlights/elections/2026/justice-department-directs-states-to-hold-on-to-2024-election-records-as-it-seeks-their-voter-data/>.

²⁰ *Id.*

²¹ *Id.*

²² See Complaint, *U.S. v. Alexander*, No. 1:25-cv-07084-TWT (N.D. Ga. 2026) at ¶ 20 (“In the November 14 Letter, the Fulton Board replied that ‘the physical ballots, stubs, and absentee ballot envelopes for the 2020 General Election remain in the Fulton County Superior Court Clerk’s possession and under seal in accordance with O.C.G.A. § 21-2-500.’”).

²³ 52 U.S.C. § 20701.

²⁴ 52 U.S.C. § 20703 (providing that the Attorney General can request all records and papers relating to any application, registration, payment of poll tax, or other act requisite to voting).

prosecute individuals who may have registered to vote or voted” in violation of 52 U.S.C. §§ 10307 (criminalizing fraudulent voting or voting more than once, among other provisions) and 20511 (committing fraud in registering to vote or voting), as well as 18 U.S.C. §§ 611 (prohibiting noncitizen voting) and 1015 (falsely claiming to be a citizen for purposes of voting).²⁵

Finally, DOJ may demand access to election materials to investigate compliance with the NVRA and the HAVA’s voter registration requirements. The NVRA prohibits systematic removals of registrants within 90 days of an election; mandates voter list maintenance be non-discriminatory; and limits the reasons for a voter’s removal from a voting list.²⁶ HAVA requires states to develop a “single, uniform, official, centralized, interactive computerized statewide voter registration list[;]” requires states to coordinate voter records with other state agencies and permits voters to be removed from rolls after not voting in two consecutive federal elections.²⁷ It is possible that DOJ could assert authority to demand access to ballots under HAVA and NVRA list maintenance provisions, though DOJ’s reliance on this theory would be a longshot. DOJ could demand access to ballots to investigate whether voters who should have been removed from the rolls were able to cast their ballots anyway, and that evidence could support a claim that election officials failed to properly maintain voter registration lists.²⁸ This possibility warrants consideration because many early letters sent to jurisdictions requesting their voter rolls demanded those documents under the guise of enforcing compliance with HAVA and the NVRA.²⁹

3.1.3. Response Considerations

Several different responses have been raised in response to informal demands from DOJ for election records.

3.1.3.1. Challenges to DOJ’s stated basis and purpose.

When DOJ requests election records pursuant to § 20701, it must explain—in a written demand—a “statement of the basis and purpose” for its request for inspection of the records in question.³⁰ Election officials have challenged DOJ’s “stated basis and purpose” in its demand letters. For example, when the DOJ sent a demand letter to the Wayne County, Michigan Clerk, the Michigan Secretary of State responded with a letter arguing, among other things that, the Attorney General did not state a proper “purpose” for the demand since looking for “speculative evidence of election fraud” is not a proper purpose and that the Attorney General’s demand “fails

²⁵ 52 U.S.C. 10307(c) prohibits the knowing or willful giving of false information to establish eligibility to register to vote or the conspiring with another person to encourage false registration or illegal voting. 52 U.S.C. 10307(c). 52 U.S.C. 10307(e) criminalizes voting more than once. 52 U.S.C. 10307(e). 18 U.S.C. § 611 criminalizes voting by noncitizens. 18 U.S.C. § 611. 18 U.S.C. § 1015 generally criminalizes falsely claiming to be a citizen in any matter relating to naturalization, citizenship, or voting and subsection (f) specifically criminalizes claiming to be a citizen for purposes of registering to vote or voting in any federal, state, or local election. 18 U.S.C. § 1015; *id.* at § 1015(e).

²⁶ 52 U.S.C. 20507(a-d), (f).

²⁷ 52 U.S.C. § 21083.

²⁸ However, this claim is far-fetched.

²⁹ See e.g., Deidre Henderson (@deidrehenderson), Threads (Sept. 9, 2026), <https://www.threads.com/share/BBh8j9H8tr/> (posting screenshot of letter from DOJ citing the Civil Rights Act of 1960, the NVRA, and HAVA).

³⁰ 52 U.S.C. § 20703.

to set forth a factual basis sufficient to satisfy the requirements of Title III, much less suggest any substantive issue in [the 2024] election.”³¹

If a dispute over DOJ’s stated basis and purpose reaches litigation, DOJ may assert that it is requesting election materials in order to determine whether violations of federal law have occurred, just as it did in the early 1960s in *Kennedy v. Lynd*.³² The current DOJ has relied heavily on the holdings from that case³³ to support its arguments in voter roll litigation cases, where states that received demand letters for voter information and did not voluntarily share the information were sued by the Department of Justice.³⁴

District courts in the Ninth Circuit have been open to evaluating the sufficiency of DOJ’s stated basis and purpose for its request for voter roll records,³⁵ which suggests that courts could take the same approach in the context of a demand for ballots. However, before even reaching the sufficiency of DOJ’s stated basis and purpose, the district court would need to consider the threshold issue regarding the justiciability of the basis and purpose of a demand. In its numerous cases requesting voter rolls, DOJ has relied on *Lynd* to say that the basis and purpose are not justiciable.³⁶ By contrast, a Michigan district court recently relied on *Lynd* to say that it may not review DOJ’s statement.³⁷

Because a district court may hold that the stated “basis and purpose” of a DOJ investigation is subject to judicial review,³⁸ carefully evaluate any relevant correspondence from DOJ to identify the specific, articulated purpose *and* basis for any ballot requests. District courts typically evaluate the “basis” and “purpose” separately.³⁹

³¹ Letter from Dana Nessel, Michigan Attorney General to Harmeet K. Dhillon, Assistant Attorney General, U.S. Department of Justice (April 17, 2026) at 5-6.

³² *Kennedy v. Lynd*, 306 F.2d 222 (5th Cir. 1962).

³³ *Lynd*, 306 F.2d, 222, 225-26 (5th Cir. 1962) (“There is no place for any other procedural device or maneuver—either before or during any hearing of the application—to ascertain the factual support for, or the sufficiency of, the Attorney General’s ‘statement of the basis and the purpose therefor’ as set forth in the written demand.”)

³⁴ See Kaylie Martinez-Ochoa, Eileen O’Connor & Patrick Berry, *Tracker of Justice Department Requests for Voter Information*, Brennan Center For Justice (last updated Aug. 24, 2026),

<https://www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information>.

³⁵ See e.g. *United States v. Benson*, 819 F.Supp.3d 753, 767 (W.D. Mich. Feb. 10, 2026) (“[T]he CRA does not allow courts to evaluate the substance of DOJ’s purported basis and purpose.”) (citing *Lynd*, 306 F.2d at 226); *United States v. Oregon*, 828 F.Supp.3d 1092, 1103 (D. Or. Feb. 5, 2026) (“There is no current or binding authority for the proposition that Title III precludes the Court from evaluating the sufficiency of Plaintiff’s allegations regarding Defendants’ alleged failure to comply with Title III, including whether—applying Rule 12(b)(6) standards—a valid Title III demand was made in the first place.”); *United States v. Weber*, 816 F. Supp. 3d 1168, 1182-83 (C.D. Cal. 2026) (analyzing the sufficiency of DOJ’s stated basis and purpose).

³⁶ See e.g. Complaint, *United States v. Hobbs*, No. 3:25-cv-06078 (W.D. Wash.) (relying on *Kennedy v. Lynd*, 306 F.2d 222, 226 (5th Cir. 1962) and *In re Gordon*, 218 F. Supp. 826, 826-27 (S.D. Miss. 1963) (arguing that the reviewing court does not adjudicate “the factual foundation for, or the sufficiency of, the Attorney General’s ‘statement of the basis and the purpose’ contained in the written demand” or “the scope of the order to produce”).

³⁷ *United States v. Benson*, 819 F.Supp.3d 753, 767 (W.D. Mich. Feb. 10, 2026) (“[T]he CRA does not allow courts to evaluate the substance of DOJ’s purported basis and purpose.”) (citing *Lynd*, 306 F.2d at 226).

³⁸ See e.g., *United States v. Oregon*, 828 F.Supp.3d 1092, 1103 (D. Or. Feb. 5, 2026). The issue of whether “basis and purpose” is reviewable is still subject to further development, as the Sixth Circuit in *Benson* recently declined to address reviewability—solely stating that DOJ failed to state a basis and purpose.

³⁹ See *United States v. Weber*, 816 F. Supp. 3d 1168, 1184 (C.D. Cal. 2026) (“The purpose of a records request is the rationale for the request—in the present case compliance with the NVRA. The basis is the reasoning provided by DOJ regarding the evidence behind its investigation of a particular state and specific, articulable facts pointing to the violation of federal law.”).

3.1.3.2. There is no requirement for voluntary compliance with informal, voluntary requests for information.

Separately, it is important to note that without a grand jury subpoena or search warrant, compliance with voluntary requests for ballots or other election materials is not required. A demand letter, at most, may qualify as an inspection demand under 52 U.S.C. 20701, which does not compel compliance.⁴⁰

3.2. Scenario 2: DOJ Demands Election Materials Using a Subpoena

The federal government (specifically the DOJ and the FBI) have also demanded access to election materials via subpoena.

3.2.1. Background: Grand Jury Subpoena to Arizona Senate for 2020 Election Records from Maricopa County, AZ

On March 6, 2026, the FBI issued a Federal Grand Jury Subpoena to Arizona Senate President Warren Petersen.⁴¹ That subpoena demanded that Mr. Petersen appear before a federal grand jury to produce certain documents related to the 2021 Arizona Senate Audit of Maricopa County Election Department's electronic systems that had been conducted by a company called Cyber Ninjas after the 2020 federal election.⁴² The subpoena requested a number of documents, including images of ballots.⁴³

3.2.2. Relevant Authorities

28 U.S.C. § 515(a) grants DOJ officers and special attorneys authority to conduct grand jury proceedings when directed by the Attorney General.⁴⁴ A grand jury depends on the prosecutor to obtain evidence for it.⁴⁵ Prosecutors primarily rely on the grand jury's subpoena power to secure evidence for grand jury proceedings, along with other means.⁴⁶ A prosecutor working with a grand jury can obtain blank subpoenas from the court clerk and fill them in with the names of witnesses who they wish to summon to testify and/or descriptions of evidence that is to be

⁴⁰ If the jurisdiction refuses to produce records in response to a written demand, DOJ may seek civil court intervention, and the jurisdiction would be a defendant.

⁴¹ Subpoena for Witness Arizona Senate President Warren Petersen (Mar. 5, 2026).

⁴² *Id.*; Jen Fifield, *Election Records Handed Over to the FBI in Maricopa County, Arizona, Could Be Fatally Flawed, Experts Say*, ProPublica (Mar. 12, 2026), <https://www.propublica.org/article/maricopa-county-arizona-election-records-fbi>.

⁴³ See Subpoena for Witness Arizona Senate President Warren Petersen (Mar. 5, 2026).

⁴⁴ 28 U.S.C. 515(a).

⁴⁵ *Prosecutor's role*, 1 Fed. Grand Jury § 9:2 (2d ed.).

⁴⁶ *Id.*

produced to a grand jury, pursuant to the substantive requirements in Fed. R. Crim. P 17(a).⁴⁷ Prosecutors do not have to obtain a grand jury's approval before issuing subpoenas.⁴⁸

3.2.3. Response Considerations

If DOJ issues a subpoena to the jurisdiction's election workers, the jurisdiction should coordinate closely with its retained criminal defense counsel and PRP to determine the best response strategy, both legally and operationally. Response options include moving to quash the subpoenas, or moving to narrow the scope of the subpoenas. PRP recommends consulting with criminal defense counsel before responding.

3.3. Scenario 3: DOJ Seizes Election Materials Using a Search Warrant

DOJ could apply for a search warrant to seize ballots and election materials.

3.3.1. Background: Fulton County, GA Ballot Seizure

In January 2026, DOJ executed a search warrant in Fulton County, Georgia to seize ballots from the 2020 election.⁴⁹ The warrant, issued by a magistrate judge, authorized FBI agents to seize all physical ballots from the 2020 election in Fulton County, all ballot images, and Fulton County's 2020 voter rolls.⁵⁰ The warrant claimed to establish probable cause for violations of two federal statutes: 52 U.S.C. §§ 20701 and 20511.⁵¹ The affidavits submitted to the magistrate judge to obtain the warrant alleged that there were irregularities in handling digital scans of paper ballots, discrepancies between the number of ballots that were hand-counted and the number of ballots in each batch tally, and absentee ballots that had never been creased or folded.⁵²

On February 17, 2026, the Fulton County Clerk, on behalf of the Fulton County Board of Registration and Elections ("Fulton County") filed an amended motion for return of property, pursuant to Federal Rule of Criminal Procedure 41(g).⁵³ In the amended motion, Fulton County asked the court to order the federal government to: (1) return all original seized ballots; (2) return any copies of the seized ballots; and (3) verify precisely what was taken and copied via detailed chain-of-custody documentation.⁵⁴

⁴⁷ *Id.*; Charles Doyle, Cong. Rsch. Serv., RS20214, *Federal Grand Juries: The Law in a Nutshell* 2 (2015), https://www.congress.gov/crs_external_products/RS/PDF/RS20214/RS20214.11.pdf ("Although subpoenas may be issued and served at the request of the panel itself, the attorney for the government ordinarily 'fills in the blanks' on a grand jury subpoena and arranges the case to be presented to the grand jury."); Fed. R. Crim. P. 17(a).

⁴⁸ *Prosecutor's role*, 1 Fed. Grand Jury § 9:2 (2d ed.); see, e.g., *United States v. (Under Seal)*, 819 F.2d 1139 (4th Cir. 1987).

⁴⁹ Kate Brumback, *Search warrant FBI served at elections office near Atlanta seeks records tied to the 2020 elections*, Associated Press (Jan. 28, 2026), <http://apnews.com/article/fbi-georgia-elections-office-fulton-county-28e736037521b17197760d2394f0ab43>.

⁵⁰ Anna Bower, *Fulton County's Battle for Ballots: A Primer*, Lawfare (Mar. 25, 2026), <https://www.lawfaremedia.org/article/fulton-county-s-battle-for-ballots-a-primer>.

⁵¹ *Id.*

⁵² Application and Affidavit for Search Warrant, *In the Matter of the Search of the premises located at 5600 Campbellton Rd., Fairburn, Georgia 30213*, No. 1:26-mi-00012-JPB at 7 (Jan. 28, 2026).

⁵³ On February 5, 2026, Fulton County filed the original emergency motion for the return of property.

⁵⁴ ECF No. 30, *Pitts v. United States*, No. 1:26-cv-00809 (N.D. Ga.) (filed Feb. 17, 2026).

On May 6, 2026, the District Court for the Northern District of Georgia issued a decision, denying a motion by Fulton County local election officials to return the ballots seized by the FBI. While the District Court found some aspects of the underlying warrant application “troubling,” it ultimately determined that the federal government’s seizure of ballots did not constitute a “callous disregard” of constitutional rights.⁵⁵

3.3.2. Relevant Authorities

As discussed earlier in this memorandum, 52 U.S.C. § 20701, enacted as part of the Civil Rights Act of 1960, requires election officers to preserve all voter registration records, and records of any “other act requisite to voting,” for twenty-two months after any federal election.⁵⁶ A willful violation of that law is punishable by up to a year in prison.⁵⁷ 52 U.S.C. § 20511, enacted as part of the National Voter Registration Act of 1993, criminalizes (1) threats and coercion in the voting process, (2) fraud in the voter registration process, and (3) tabulating ballots known to be fraudulent.⁵⁸ It carries a maximum five-year prison term.⁵⁹

3.3.3. Response Considerations

If the jurisdiction is likely to be targeted with a search warrant for election materials, but does not have **local criminal counsel with federal criminal experience in the district where the jurisdiction sits**, the **first step** you should take in preparing your response to a potential search warrant is **building a relationship with criminal defense counsel**.

Potential risk factors for the jurisdiction being targeted include heightened attention from the federal government. Consider whether the jurisdiction has recently received DOJ demand letters on election-related issues, state or local level FOIA requests for voter information or other election-related information, and whether there has been litigation challenging results or other issues in past elections.⁶⁰ Consider whether the jurisdiction has a more than insignificant possibility of switching parties as a result of valid voting tallies.

If the jurisdiction’s ballots or election materials are seized via a search warrant, the jurisdiction could file a Rule 41(g) Motion for the Return of Property, as Fulton County did in its ballot seizure case.⁶¹ However, we emphasize that the Fulton County 41(g) Motion was unsuccessful, and that this type of motion may be a long shot. Consult with criminal defense counsel to confirm the viability and worth of filing this type of motion in the jurisdiction. Further background on the motion is included here for consideration, but the appropriateness of the motion for the jurisdiction should be determined by criminal defense counsel.

A 41(g) motion for the return of property may be filed by any person “aggrieved by an unlawful search and seizure or by the deprivation of property.”⁶² The party requesting property be

⁵⁵ *Id.* at 35.

⁵⁶ 52 U.S.C. 20701.

⁵⁷ *Id.*

⁵⁸ 52 U.S.C. 20511.

⁵⁹ *Id.*

⁶⁰ Prior demand letters or lawsuits regarding “election integrity” issues could also be an indicator of potential targeting.

⁶¹ Anna Bower, *Fulton County’s Battle for Ballots: A Primer*, Lawfare (Mar. 25, 2026), <https://www.lawfaremedia.org/article/fulton-county-s-battle-for-ballots--a-primer>.

⁶² Fed. R. Crim. P. 41(g).

returned does not need to have an ownership interest in the property.⁶³ There are certain jurisdictional elements required for a court to consider such a motion. District courts must exercise “caution and restraint” before exercising jurisdiction over motions for the return of property in equity.⁶⁴ “To prevent the district courts from exercising their equitable jurisdiction too liberally, the circuit courts have enumerated certain factors that must be considered before a district court can reach the merits of a preindictment Rule 41(e) motion.”⁶⁵ Those factors are: (1) whether “the government displayed a callous disregard for the constitutional rights of the movant”; (2) whether “the movant has an individual interest in and need for the property he wants returned”; (3) whether “the movant would be irreparably injured by denying return of the property”; and (4) whether “the movant has an adequate remedy at law for the redress of his grievance.”⁶⁶ If the “balance of equities tilts in favor of reaching the merits” of the motion, the district court should exercise its equitable jurisdiction to entertain the motion.⁶⁷

Finally, note the procedural effect of filing a 41(g) motion: if the motion is filed before the initiation of any criminal proceeding, the court treats the motion as a civil action seeking equitable relief.⁶⁸ The district court must “receive evidence” on any factual issue necessary to decide a motion to return property.⁶⁹ When a district court receives evidence outside of the pleadings, the government’s opposition motion is converted into a motion for summary judgment, consistent with the Federal Rules of Civil Procedure.⁷⁰

3.4. Scenario 4: The Federal Government Attempts to Build a Case for Access to Election Materials by Interviewing Local Election Officials

PRP is aware of at least one instance where the FBI interviewed election workers who were present during the 2020 election to collect evidence that it could eventually bring to a grand jury. Should the federal government take this approach to its investigation in the jurisdiction, the jurisdiction should work closely with retained criminal defense counsel and PRP to discuss strategy regarding voluntary interviews of staff, and potential preparation of witnesses for such interviews.

⁶³ *United States v. Comprehensive Drug Testing, Inc.*, 621 F.3d 1162, 1173 (9th Cir. 2010).

⁶⁴ *Ramsden v. United States*, 2 F.3d 322, 324 (9th Cir. 1993).

⁶⁵ *Id.* at 324–25.

⁶⁶ *United States v. Kama*, 394 F.3d 1236, 1238 (9th Cir. 2005) (quoting *Ramsden*, 2 F.3d at 326).

⁶⁷ *Id.* at 1238 (quotations omitted) (quoting *Ramsden*, 2 F.3d at 326).

⁶⁸ *United States v. Ritchie*, 342 F.3d 903, 906 (9th Cir. 2003). Note that Rule 41(g) was previously codified at Rule 41(e). Rule 41(e) was amended for stylistic purposes only in 2002. See *United States v. Kaczynski*, 416 F.3d 971, 973 n. 3 (2005).

⁶⁹ *United States v. Gladding*, 775 F.3d 1149, 1152 (9th Cir. 2014).

⁷⁰ *United States v. Ibrahim*, 522 F.3d 1003, 1007 (9th Cir. 2008).

4. Operational Response Considerations

This section provides a list of actions to consider taking at each phase of a potential search. Officers or agents could execute investigative action at an election location (including contractor locations), home, other place of employment—whatever is authorized by the warrant or wherever DOJ has determined is best for their pre-investigation strategy.

4.1. Advance Considerations

Election administrators and counsel should take the following steps in advance of any potential search to ensure all actors are prepared:

- ☐ **Consult with retained criminal defense counsel** regarding responding to any informal outreach from DOJ during this period. Absent specific guidance from retained criminal defense counsel, election officials should decline to have any conversations on any matter with federal officials without the presence of counsel.
- ☐ **Identify the potential risk level for investigation and ballot seizure.** (See Section 3.3.3 above for relevant considerations.)
- ☐ **Identify key information relating to a potential search.**
 - **Identify the election office locations that law enforcement could visit.** Polling locations (and other election-related locations) in high-conflict (or highly contested) districts could be more likely to be targeted.
 - **Identify the point person principally responsible for communicating with the relevant county attorney (or other attorney responsible for advising election personnel), criminal defense attorney, and outside civil attorney responsible for any court challenges.**
 - **Identify and train a small group of point-persons to communicate with the law enforcement involved in the search.** Consider assigning one senior election official and one junior election official for each location. Identify how key election leads will be deployed across locations of interest. Prior to any search, train all point persons on how to engage with law enforcement.
 - **Establish clear lines of communication.** Consider establishing a virtual joint information center (via virtual video call) where relevant department heads can react and plan in real time. Ensure that everyone has direct contact information for relevant parties.
 - **Identify any other local elected officials or staff who may need to be notified of the potential impending search and seizure.** Pre-identify and notify other key actors in the jurisdiction about the possibility of a search warrant. These actors include (but are not limited to) the mayor's office, local law enforcement, building operations staff, the Chair of the Election Board or County Commission, and the

Department of Public Works. City and county officials should consider whether there are any other officials or staff who should be notified. The chief election official should also have a plan in place to notify a pre-identified county official of an impending search warrant. Ensure that emergency notification personnel - aka 911 operators - are familiar with relevant election related addresses to manage calls from citizens who witness law enforcement operations.

- **Consider meeting with information technology (“IT”) officials** to gain a clear understanding of data and technology questions implicated by a potential seizure.
- **Identify the person at each election office location who will take notes on the search warrant execution.** These notes will include detailing everything that law enforcement says, everything said back to law enforcement, and everything that is seized or taken. This can be an additional individual or one of the previously mentioned point persons.⁷¹
- ☐ **Take inventory of the items at all locations of interest.** This inventory will enable better tracking of items taken in the event of a seizure so the jurisdiction can best manage after the fact. Identify personnel at relevant locations who will ask law enforcement to provide a *detailed* inventory of anything seized.
- ☐ **Assess compliance with existing document preservation processes.** Ensure the processes comply with state and federal law preservation requirements, and ensure everyone is following the existing process. Consider which key election records are already included in the back-up protocol.
- ☐ **Share important context about the search with elections staff before it occurs.** Share the following guidance with elections staff:
 - **Direct any and all questions to the designated point-person onsite.** Staff are not required to and should not answer any questions asked by any officer. All questions should be directed to the designated point-person onsite, and staff should be comfortable affirmatively referring officers or agents to the designated point-person. In addition, in response to any inquiry from an officer or agent, elections staff should never guess or lie.
 - **Stay calm and professional.** It is important to remain calm and be cooperative with agents executing the search warrant. Saying or doing something that they might interpret as impeding them could lead to allegations of obstruction of justice or criminal charges.
 - **Follow the plan.** Staff are not expected to take on new responsibilities or do something different to respond to the search. There are experienced attorneys supporting every step of the way.
- ☐ **Ensure that any first potential point of contact is trained to engage with law**

⁷¹ See Appendix A for a sample Election Incident Form that can potentially be used to take notes on this type of incident. Some states may already have a standard form to record the election incidents. Be aware that this form may become an "open record" or subject to future FOIA requests.

enforcement.

- Draft and circulate a default statement that communicates the following: “I have no authority to share information with you, but let me get you to the right person/people.”⁷²
 - Make sure this person understands that they don’t have authority to assent or consent to anything on behalf of the jurisdiction (even if an officer is present in their home).
- ☐ **Assess the state’s election certification laws and determine what minimum necessary materials and equipment would be necessary to ensure certification.** This assessment will aid the jurisdiction in determining what backup election materials or equipment could be procured in advance of a potential seizure. ***If you need assistance completing this legal analysis, reach out to elections@publicrightsproject.org.***
- If ballots or other materials are seized prior to the certification of the election, this would likely make the election difficult to certify. If ballots or other materials are seized after certification, such a seizure would impact the chain of custody, post-election testing, and recounts.
- ☐ **Review the state’s chain of custody provisions,** and assess the path of every critical piece of information (ballots, voter registration records, memory cards/sticks for ballot scanners, etc.), to evaluate how the chain of custody would be affected by a seizure. **Create a detailed description of the step-by-step chain of custody process.** ***If you need assistance completing this legal analysis, reach out to elections@publicrightsproject.org.***
- Prior to Election Day and any potential seizure, review the chain of custody requirements for ballots under state law.
 - Consider working with retained criminal defense counsel to draft an affidavit detailing the chain of custody procedures in the jurisdiction.
 - Regardless of any potential seizure’s timing, jurisdictions should be prepared to immediately file litigation and seek the return of any seized materials. The jurisdiction should work with retained criminal defense counsel on this litigation strategy.

4.2. Steps to Take If Law Enforcement Arrives with a Grand Jury Subpoena

- ☐ **Default to asking for a lawyer.** Staff who are interviewed can and must tell agents or officers that they want their lawyer—a statement like “I have a lawyer and they will call you” is appropriate.
- ☐ **Be careful of “ruses.”** Officers and agents may attempt to coerce staff to talk, making statements such as, “if you don’t talk now, I have to leave this grand jury subpoena.”

⁷² See Appendix B for sample response messaging.

However, grand jury subpoenas should not be scary, and the scenario won't change whether you talk immediately to officers or not. The key words are "talk to my lawyer."

- ☐ Ensure staff know that they are **not obligated** to engage with law enforcement.

4.3. Steps to Take If Law Enforcement Arrives With A Search Warrant⁷³

- ☐ **If an attorney is not present, ask law enforcement to wait until the attorney arrives.⁷⁴**
Ideally, the individual interacting with law enforcement will be an attorney. While law enforcement is not required to wait for the attorney to arrive, there is no harm in asking. If the attorney is available or law enforcement is willing to wait for the attorney, the attorney should be the point of contact for all interactions with law enforcement. If not, only the pre-assigned point of contact should interact with law enforcement.
- ☐ **The attorney should handle interactions with law enforcement, while the election official takes notes on all interactions and items seized, as outlined below.** If the attorney is not present, the election official should handle initial interactions with law enforcement and another individual should be available to take notes.
- ☐ **Ask for a copy of the search warrant and review it to determine if it is correct and legal.⁷⁵** An attorney should conduct this review if at all possible. Law enforcement is required to provide a copy of the warrant.⁷⁶
 - Check for obvious errors on the warrant (things like wrong address, the date of execution is outside of the date range authorized by the warrant, the materials are not at this location, not signed by a judge). Note any errors for raising in future litigation. Do not confront agents on site about any errors.
- ☐ **Immediately contact the prosecutor who is leading law enforcement's investigation.**
This step should be taken by an attorney, and regardless of whether the requirements for the warrant are met. In federal cases, the name and phone number of the supervising prosecutor (most often an Assistant U. S. Attorney) is usually on the warrant. If the information is not on the warrant, ask the agent on site for the name and phone number of the prosecutor. On this call, the attorney should:
 - Ask the prosecutor to **identify the target** of the investigation.
 - **Raise any issues** regarding (1) privilege, (2) scope of the warrant, (3) illegal or improper search, (4) any other issues affecting the search and (5) chain of custody.

⁷³ **If the FBI or federal law enforcement go to the wrong location when executing the search warrant, there is no affirmative duty to assist federal law enforcement officers with finding the right location.** Election officials may want to alert federal law enforcement that they are not in the right place, but there is also no affirmative obligation to do so. Indeed, even if election officials alert the federal law enforcement officials that the materials for which they are searching are not physically located in the place where they are searching, the officials may, as a practical matter, not stop searching for the documents in the wrong location. That said, given that they are likely to find out where the relevant records are located, you might want to alert federal law enforcement officials that the county is the proper custodian of records without providing specific details.

⁷⁴ See Appendix B for sample response messaging.

⁷⁵ Even if there are errors, you may not be able to stop law enforcement from conducting the search.

⁷⁶ Fed. R. Crim. P. 41(d).

- ☐ **Answer the door.** If law enforcement arrives at the door of the elections office, do NOT try to stop the officials from entering. Trying to block or hinder law enforcement from executing a search could open exposure to criminal liability or injury.
- ☐ **Follow the plan set out by the team when the search begins.** Remember the protocols and instructions set out prior. Be calm and courteous. Refer questions to the point-person.

4.4. Steps to Take During a Search and Seizure

The overarching goal is to get through the search with as little harm done as possible. Avoid unforced errors, like revealing nonessential information to law enforcement, that could be used against individuals or the jurisdiction down the line.

- ☐ **Do not interfere with the ongoing search.** Again, interference with an agent conducting a search warrant could result in charges of obstruction of justice.⁷⁷
- ☐ **Make a list of all items that law enforcement seizes.** Although agents are required to make an inventory of the seized property, that inventory may be incomplete or inaccurate. Track the specific items seized and the time they were taken.
- ☐ **To the extent possible, record the questions that law enforcement asks, which rooms they enter, whether they reference any particular employees or individuals, and how staff respond to officers' questions.** These details can provide insight as you prepare next steps, including if you choose to litigate later.
- ☐ **Remain cordial and professional.** Although the search will feel invasive, the goal is to get through the search with as little harm done as possible. Do not film law enforcement, try to limit access, or otherwise create the appearance of obstruction. Again, limit interactions with law enforcement to a select few individuals who are pre-identified as the points of contact.

4.5. Steps to Take After a Search and Seizure

After a search takes place, you will need (1) a communications plan, given the need to keep voters informed and the likelihood that this will garner national attention, and (2) a legal strategy, in case any issues arise during or after the search. Work with your retained criminal defense counsel to build your post search/seizure legal strategy.

Communications considerations

- ☐ **Activate and prepare spokespeople.** *The number of individuals who will speak with the press should be limited to help ensure message consistency and build public trust. Spokespeople should be prepared for an influx of media inquiries from both local and national news coverage.*

⁷⁷ 18 U.S.C. § 1501.

- ☐ **Coordinate messaging with other validators** (elected officials, local media and/or influencers, advocacy organizations, business leaders, clergy) to clarify facts and combat disinformation.
- ☐ **Ensure that spokespeople are aligned on talking points.** PRP has established sample messaging for your use:
 - *The election was secure and accurate. [the jurisdiction] ran a secure, accurate election in [year]. Our processes were transparent, our results were certified, and multiple reviews found no evidence of fraud or irregularities. We stand behind the integrity of that election and the work of election officials who administered it.*
 - *These claims have not been substantiated. There is no credible evidence supporting them.*
 - *We will cooperate with lawful requests while defending voters. If federal investigators have lawful requests for records, we will cooperate as required by law. But we will not allow baseless conspiracy theories to undermine public confidence in our elections or intimidate election workers who are doing their jobs. Voters deserve better than this political theater.*
- ☐ **Create template written communications** to be finalized as updates become appropriate, including press releases and social media releases.

Legal considerations

- ☐ **If permitted under your state laws, allow voters to cure ballots.** Some voters may be able to “cure” seized and uncounted ballots by submitting a new ballot according to processes outlined in state law. Review your state’s law to determine whether this process exists and ensure that elected officials, advocacy organizations, business leaders, political parties, and other election validators are aware of this possibility. ***If you need assistance conducting this legal analysis, reach out to PRP at elections@publicrightsproject.org.***
- ☐ **Assess your ability to certify the election with the remaining election materials, records, and equipment.**

Get support

If you have questions or concerns about ballot seizures in your jurisdiction, please contact [Public Rights Project](#) or consult your own legal counsel.

Appendix A - Sample Election Incident Report Form

Election Incident Report Form

DATE, TIME, AND REPORTER

DATE: _____ NUMBER OF PAGES ATTACHED: _____ (Write "0" if none)

REPORTER FULL NAME: _____

REPORTER ROLE/TITLE: _____

NAME OF POLLING PLACE OR EARLY VOTING LOCATION: _____

ADDRESS: _____

APPROXIMATE INCIDENT START TIME: _____ APPROX. END TIME: _____

(If start time is unknown, put "Unknown"; if incident did not end, put "None").

LIST PEOPLE INVOLVED

List every person who participated in, was affected by, or may have information about the incident. Use an attachment if more space is needed.

NAME (if unknown, use "John Doe 1," "Jane Doe 2," etc.)	ROLE (e.g., Election Judge, Witness, Challenger, etc.)	CONTACT INFO (phone number or or email address, if available; <i>do not</i> include voter data)

DESCRIBE THE INCIDENT

Describe the incident using specific, observable facts. Attach additional pages as needed; number each page and record the total number attached at the top of the form.

Describe the events in chronological order, including:

- **Who, what, when, and where:** Identify everyone involved or affected, the date and times, and the specific location or locations (for example, at the voter-registration table, ballot next to the tabulator, or within 100 feet of the polling place to the south of the entrance).
- **What was said or done:** Quote exact words when reasonably remembered. Describe any touching, blocking, following, threats, pressure, directions, or other interference, including how it occurred. State how many times the conduct occurred, if repeated.
- **Connections or communications:** Record observable facts such as people arriving together, communicating before or during the incident, sharing transportation, being related, representing the same organization, or referring to another person's instructions.
- **Effect on voting and operations:** State how many voters may have been affected and how (for example, the length of any delay, whether anyone left without voting, or whether a voter or election official was injured or otherwise affected).
- **Election-official response:** State how many officials responded or were consulted, what duties they were pulled away from and for how long.
- **Materials or equipment:** Describe whether an unauthorized person touched, moved, viewed, or accessed ballots, poll books, voter information, voting equipment, or other election materials.
- **Resolution:** Describe all actions taken, including additional warnings, instructions, requests to leave, involuntary removal from the polling place, or other responses.

Avoid legal or conclusory statements such as "they committed fraud," "the workers conspired," or "the voter was intimidated." Instead, describe the facts supporting the concern.

Example of a good, detailed report:

At approximately 10:15 a.m., a person wearing a blue campaign shirt stood about two feet from the entrance to the check-in table and told three voters, 'If you vote for them, we will know.' The person repeated the statement twice after the precinct judge instructed the person to move outside the restricted area. One voter left the line without checking in. Two poll workers spent approximately 12 minutes addressing the conduct and were unavailable for check-in duties. The precinct head pollworker called the county election office at 10:31 a.m. and summarized the incident for [name/title].

DESCRIBE THE INCIDENT

ESCALATED COMMUNICATION

Log the times, people, and means of communication with election officials outside the polling place.

TIME	NAMES OF PEOPLE INVOLVED	METHOD AND SUMMARY OF COMMUNICATION (e.g., by phone, in person, by text)

CERTIFICATION

I certify under penalty of perjury that the contents of this report are true and correct to the best of my personal knowledge.

Reporter signature: _____

Printed name/title: _____

REVIEW

Precinct head pollworker or supervisor:

Signature: _____

Printed name/title: _____

Appendix B - Sample Response Messaging

If federal agents approach you at an election site or county office, seek admission to your place of work, or ask you to disclose information, please follow these guidelines and read to them the statement in the blue box below. Always remember to refer back to this code of conduct:

- Stay calm & professional
- Do not obstruct or interfere
- Be courteous and non-confrontational

STEP 1: If federal agents arrive to search county property, or disclose information, any person who is not the designated point person should calmly direct all questions from federal agents to the designated point person, and **contact the designated point person immediately**. Anyone who is not the designated point person should read the following script to the agents:

"I do not have authority to share information with you. However, my instructions require me to contact [designated point person], who has been designated to speak with you."

STEP 2: The designated point person should be the only person interacting with agents. Next, this person should read the following script to the agents:

"My instructions require me to get a copy of any paperwork that you have related to your appearance here, as well as your full credentials, including name, agency, and badge number."

I will share this information with my point of contact at the County Administrator's Office who will quickly consult with attorneys to comply with your request as soon as possible."