ACLU

KNOW YOUR RIGHTS

Federal Agents at the Polls

Every eligible citizen has the right to cast a ballot freely, fairly, and accessibly — without fear of deception or intimidation.

Issue: Voting Rights

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The freedom to vote is the very foundation of our democracy. Voting is how we secure our civil rights and liberties and help shape our country, state, and town. Every eligible citizen has the right to cast a ballot freely, fairly, and accessibly — without fear of deception or intimidation. As President Trump and his administration's abuses of power continue, it is all the more important to plan ahead and learn about your rights when voting.

You have the right to vote free from intimidation

- Every eligible citizen has the right to cast a ballot freely, fairly, and accessibly – without fear of intimidation.
- It is illegal to intimidate voters and a federal crime for anyone — including federal, state, and local officials — to "intimidate, threaten, [or] coerce ... any other person for the purpose of interfering with the right of [that] other person to vote or to vote as he may choose." Voter intimidation is also prohibited under state law in most states.
- The deployment of U.S. Immigration and Customs Enforcement (ICE) or other federal officials, U.S. military, or federalized or state National Guard troops to interfere with elections and the right to vote is illegal.
- Additionally, federal law explicitly prohibits the presence of armed federal agents at the polls.

Examples of illegal voter intimidation could include:

- The deployment of federal immigration agents or federalized National Guard in or around polling places in targeted communities during early voting or on Election Day to try to suppress voting.
- Federal agents in official attire at polling places hovering near voters, questioning voters, asking about voter fraud, etc.
- U.S. Department of Justice federal observers at polling places acting beyond their scope of observer and engaging in

intimidating behaviors.
- Individuals wielding a weapon in an intimidating manner at polling places. Some states prohibit guns and weapons altogether in polling places, and almost every state prohibits guns at polling places located in schools.
- Aggressively questioning voters about their citizenship, criminal record, or other qualifications to vote.
- Falsely representing oneself as an elections official or federal, state, or local law enforcement official.
- Displaying false or misleading signs about voter fraud and related criminal penalties in or near polling locations, or sharing misleading information about the time, place, or manner of the election.
- Other forms of harassment, particularly harassment targeting non-English speakers and voters of color.
- Spreading false information about voter requirements.

What to do if there are reports of ICE, National Guard, or other federal agents in your community during early voting or Election Day

- Make your plan now, and consider voting by mail if there is sufficient time and you can under state law.
- Consider voting as early as possible during the early voting period, if available in your state.
- While a voter can be accompanied by family members regardless of whether those family members are citizens, in an abundance of caution, non-citizens may choose not to travel to polling places.
- Remember:
  - You have the right to vote free from intimidation.
  - You do not need to speak English to vote, in any state.
  - You do not need to pass a test to vote, in any state.
  - Some states do not require voters to present photo identification.
- Report intimidation to the Election Protection Hotline at 1-866-OUR-VOTE or 1-888-VE-Y-VOTA (en Español/English), 888-API-VOTE (Asian languages/English), 844-YALLA-US (Arabic/English).
- Report intimidation to your local election officials. Their offices will be open on Election Day.

What to do if you're stopped by local or federal law enforcement or National Guard troops while attempting to vote

Law enforcement encounters can be stressful and scary. During them, you should prioritize staying safe. Knowing your rights is important too. No matter what agency you're dealing with—whether federal or local; whether law enforcement or the military

—the Constitution constrains how government employees can treat you.

Learning about your rights can help you understand what's happening and allow you to take mental notes that you can use to help a lawyer challenge potential violations later on. The following information is designed to provide education on your rights. It serves civic, advocacy, and educational purposes and is not intended as, nor should be taken as, legal advice. If you need legal advice specific to your situation, please consult a qualified attorney.

- Always remain calm and never physically resist or obstruct law enforcement. Keep your hands visible.
- You may ask if you are free to leave at any point in your interaction. Say, "Am I free to go?" If the answer is "yes," you are free to walk away. If the answer is no, you have been stopped and must remain where you are until you have been told that you are free to go.
- You do not have to answer a government official's questions except if you are stopped for certain traffic, parking, or pedestrian offenses, when you must provide your name and address if asked. Outside these settings, if you don't want to answer a question, say, "I want to remain silent."
- Government officials cannot detain you without reasonable suspicion that you have or are committing a crime or immigration violation.
- Take mental notes about what's happening—including on what occurred before you were stopped, what the official says and does while you are stopped, and whether anyone is documenting what occurred—so you can tell a lawyer later.
- If an official asks to search you or your belongings, you have the right to say no, but do not obstruct access. The official may have lawful authority to conduct the search anyway. If the official begins conducting a search, say clearly: "I do not consent to a search."
- Remember you do not have to unlock your phone or give government officials your password without a warrant. For additional security, turn off biometric identification such as Face ID.

No matter what uniform they wear, federal agents are bound by the Constitution, including respecting our right to vote and our right to due process.

What to do if you've been arrested while attempting to vote

- If you are under arrest, you may exercise your right to remain silent and ask for a lawyer— no matter your citizenship or immigration status.
- If you want to invoke these rights, you should say "I want to remain silent" and "I want to speak with a lawyer" and then, refrain from answering any questions or signing any documents unless you have a lawyer present.
- You can ask for a phone call, but the government officials might refuse. Be aware that calls to people other than your attorney are monitored and often recorded.

What to do if you're asked about your immigration status

- Do not lie about your citizenship status, your name, or provide false documents. Unless required to, depending on your immigration status, do not provide any foreign identification documents.
- Generally, you have the right to remain silent and do not have to discuss your immigration or citizenship status (or anything else). It's important to note that if you invoke this right and/or do not have the proper papers, an immigration officer might detain you for longer to verify your citizenship status.
- If you are not a U.S. citizen, the law may require you to carry specific immigration documents for your specific immigration status and provide them when a government official requests your immigration papers.
- Carry with you evidence of having been in the U.S. for longer than two years, such as mail that you have received at your home address with a postmark or a signed lease as these may help reduce the risk of being put in a deportation process without the ability to argue your case.
- For more information about specific immigration statuses, and what documentation is required to be carried by a person with that status, you should consult an attorney.

Do you offer this information in other languages?

Yes! See below:
Español
(Arabic) العَرَبِيَّة
(Mandarin/Standard Chinese) 普通话
(Cantonese) 廣東話

I want to share this information on social media

If you want to share this information with others, we've created graphics outlining your rights that you can download and share on social media.
Preview all the Know Your Rights graphics here and download the graphics here.

More Resources



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National Security **Human Rights**

Know Your Rights in Encounters with Law Enforcement and Military Troops

The recent militarization of D.C. is a reminder of how quickly government power can expand. Our guide explains what to do if you're stopped by police or troops.

By: Michael Perloff, Allegra Harpootlian



Message Action

Immigrants' Rights

No Troops on Our Streets

President Trump has dangerously deployed...

Send Message

Message Action



Immigrants' Rights Free Speech

No Troops on Our Streets

President Trump has dangerously deployed thousands of troops into our communities in response to protests against dangerous ICE raids. We must take action.

Send Message

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