

FIVE STEPS TO SAFER ELECTIONS

STEP 3: IN FOCUS

Agree: Agreeing on Rules of Engagement and Routine Security

INTRODUCTION

The institutions of law enforcement and election administration **share a reliance on established procedures and training to guide personnel through complex scenarios.** Creating an agreed set of routine security protocols and rules of engagement (ROE) is a natural way to structure the relationship, letting each institution

DEFINING THE ASSISTANCE NEEDED

As the authority charged with running the election appropriately, **the election office must take the initiative in defining assistance** requested from law enforcement. Scenarios to address will include:

1. General Rules of Engagement
2. Routine security support for election operations
 - Statutory duties such as transport of secure materials
 - Other routine security oversight
 - Physical security advice
3. Security Communications
4. Planning for incident response (Covered in the next document – “Step 4”)

We recommend focusing on general rules of engagement, routine security assistance, and security communications first. We address these topics in this document. In “Step 4 – Planning the Response to Security Incidents,” we will address incident response in depth.

1 MEET
Meet with counterparts and other stakeholders

2 SHARE
Share experiences, contact information, election details, and expectations

3 AGREE
Agree to work together regularly and define rules of engagement where voters are present

4 PLAN
Plan incident response, information sharing, and crisis communications

5 PRACTICE
Practice information sharing and response plans

IN FOCUS: STEP 3

Developing Rules of Engagement

Understanding the Law

Building familiarity with state law is a necessary first step, because nearly all election laws, particularly laws governing procedures and maintaining order, are state laws.

Discussion Prompts

- CSSE's [Reference Guides](#) provide models for discussing the legal framework in which law enforcement can help secure the election setting.
 - Order in polling places
 - Significant authority belongs to the election office and on-site poll workers.
 - Law enforcement should be generally supportive of the election authority.
- Election procedures, rooted in law, covering
 - In-person voting
 - Voting by mail, including procedures for processing, and observation
 - Voter registration
 - Latitude given to local offices to build out law with rules
- Public Safety
 - Authority belongs to law enforcement.
 - Election officials should be supportive of law enforcement efforts to ensure orderly conduct around polling places.

Consider Voter Concerns

A fair election demands that voters feel confident and secure, something law enforcement is inherently part of building. At the same time, a prominent law enforcement presence can be troubling to some voters. Discussion of that balance is a necessary basis for Rules of Engagement.

Discussion Prompts

- What concerns were raised in the Step 2 community meeting?
- Were any actions suggested at that meeting?
- Discuss expectations for law enforcement presence around voting spaces in the absence of a direct duty to respond.
 - Defining when it might be more appropriate:
 - To utilize plainclothes officers at a voting site.
 - To park patrol vehicles away from a voting site entrance.
 - Who makes the decision?
 - In the absence of a complaint or intelligence of a public safety concern, we suggest that the election office retain that authority.
 - They can best assess the potential effect of law enforcement on various election participants.

Discuss Investigations

A fair election may require investigation of credible allegations. Consider setting expectations for each agency if such allegations are made against election personnel.

Discussion Prompts

- Allegations against the election office
 - Boundaries set by normal due process
 - Extent of election agency authority and custody
 - Assignment of investigating authority (prosecutors, sheriff, police)
 - How law (including the Civil Rights Act of 1960, Section 301) may limit or prohibit taking custody of election materials or interfering with procedures, absent a court order.

Routine Security Assistance

Statutory and Customary Duties

By statute in some states, law enforcement escorts or even transports returning materials – ballots, flash drives and tally records. In other places, there is similar, non-statutory assistance. They may assist with parking/traffic flow on election night. Any existing cooperation is a good starting point for discussing additional security planning.

Discussion Prompts

- Even if not statutorily required, consider whether an escort for critical materials might improve security, as well as public perception of security.
- Feasibility may depend on the number of sites; focus can be on high volume movements – early voting returns or the transfer of materials from an election night collection point to the central office.
- Where law enforcement assists with transport, consider how to apply chain of custody documentation.

Consider Security Needs During Normal Operations

*A key distinction in approaching routine security support is how sites where voting is going on differ from other election sites. **In the absence of a security incident that makes visibility desirable, routine law enforcement posture should reflect the setting—with a lighter touch where voters are present.***

Discussion Prompts

- Locations and the scale of routine protective oversight requested
- Law enforcement watchfulness during normal patrols
- Voting sites, mail ballot drop boxes
- Routine patrol awareness or ongoing security presence
- Central sites (equipment warehouse, mail processing center or main office)
- Law enforcement capacity
- Private security
- Desired level of visibility
- Evening and weekend hours requiring extended security.
- External operations in need of routine security
- Ballot pick-up and transfer, from drop boxes, early voting sites or at the end of election day

Physical Security Advice

Election officials look at a room and think “Is it accessible for disabled voters? Does it have enough electrical outlets?” Law enforcement instead asks how many entrances must be watched and what exits are available in an emergency. Law enforcement may be able to offer advice on hardening election facilities and other improvements to the physical security environment.

Discussion Prompts

- Scheduling Walk-throughs at key facilities
- Main office, equipment warehouse or mail ballot processing center
- Facility hardening
- Limiting entrance paths at critical periods
- Sightlines of staff to see incoming visitors
- Spaces in need of security cameras
- Panic button installation for front counter
- Differentiating staff and observer entrances and parking

Security Communications

Routine Security Communications

The primary goals of routine security work are to deter anyone who might intend to interfere and to show voters that you will maintain an orderly environment for the election. To achieve these goals, it will be useful to publicize your security agreement. Consider how you might work together to announce security cooperation through both local news and social media.

Discussion Prompts

- Message
 - Law enforcement preparedness to address disturbances, ensure that voting can continue in an orderly way
 - Vigilance from both law enforcement and election personnel
 - Sensitivity to concerns from all parts of the community.
- Message Delivery
 - Agency or county communications staff should help create a plan, providing advice on a press conference vs. a press release, and best social media options.
 - Degree of cooperation
 - Quote from heads of each agency

NEXT STEPS

Agreeing on general rules of engagement and routine security cooperation is a significant accomplishment, and this simple step can prevent the escalation of minor arguments into major disturbances, and deter efforts to disrupt.

The next step we recommend is a follow-up meeting to create contingency plans for any incident that might occur. Also, consider whether additional meetings may be useful to manage the relationship and adapt to changing circumstances.