

FIVE STEPS TO SAFER ELECTIONS

STEPS 1 AND 2: IN FOCUS

Meet & Share: Building a Partnership Between Election Officials and Law Enforcement

INTRODUCTION

Election offices require a secure environment so voters have the confidence to vote and workers can carry out assigned tasks. In the current atmosphere, law enforcement assistance may be needed to keep voters and workers safe. **Cooperation is essential.**

Election officials and law enforcement officers have distinct operating protocols, each of which center on the same mandate: following the laws as they are provided. Meeting will help each institution understand the other and learn how to work together.

In addition, because **different communities have different perspectives on law enforcement**, it may be useful to convene meetings with local community stakeholders to discuss the goals of cooperation and the boundaries.

CONVENING LAW ENFORCEMENT AND ELECTION OFFICIALS

The starting point is a meeting between members of the election office and the relevant law enforcement agency in the jurisdiction – typically the sheriff's office. Collaboration could also include other local and state election offices and other layers of law enforcement including state police, county sheriff, city police, prosecutors and emergency management agencies.

The **primary goals of the initial meeting** are:

1. Sharing the history of election worker and voter intimidation to establish the need for cooperation
2. Understanding each other's operating environment
3. Sharing details of election administration (calendar, locations, etc.)
4. Sharing contact information of liaisons and key staff
5. Setting expectations and boundaries
6. Mapping a path forward
7. Acknowledging that community stakeholder groups may need to be kept informed

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□ Share the History to Establish the Need for Cooperation

While the topic of intimidation of election officials and voters has become mainstream news, providing examples will help build a common understanding on why security measures are necessary.

Discussion Prompts

- The Appendix to this guide offers some notable examples with links.
- The FBI has [compiled](#) 1,000 instances of threats and intimidating behavior, with more than 100 meeting the threshold for criminal investigation.
- Citing incidents that occurred locally or nearby will be especially compelling.

□ Discuss the Distinct Operating Environments

Successful cooperation requires mutual understanding of the other's operating environment. In a portion of the initial meeting, each agency should describe their operations and explain aspects of their work that outsiders may not recognize.

Discussion Prompts

Consider these aspects of the law enforcement setting:

- Law enforcement encounters threatening behavior regularly, so threats provoking fear in election officials may seem less unusual to them
- Law enforcement may be required to investigate credible allegations of criminality by observers, voters, campaigns, poll workers or even someone in the election office.
 - Such authority in an election setting may be limited by state law.

Consider these aspects of the election setting:

- Election officials are governed by rules and procedures that implement election law and facilitate the orderly, transparent conduct of the election. These rules may also restrict who may handle election materials or be present in voting locations, including law enforcement.
- Election officials hold primary enforcement authority on election matters, requiring significant deference.
- Election officials work under the eyes of potentially antagonistic observers, who nonetheless have a strong claim to the right to monitor and scrutinize.
- Election officials must serve a broad range of voters with varying perspectives on law enforcement, who all have the right to feel secure as they vote.

Consider the budgetary impact of security planning and discuss how to cooperate to meet that need.

Share Election Details and Contacts

Election offices should provide some important core details.

Prepare Key Information

- Election events and dates
 - Candidate filing
 - Hearings where candidates might be removed from the ballot
 - Logic & accuracy testing and public demonstrations of the voting system
 - Mail ballots go out (and expected first returns, voter verification)
 - Early Voting period
 - Voting equipment shipping out
 - Election Day (Including Election Night and all continuing tabulation)
 - Key post-election dates
- Site addresses (with photos if available)
 - Equipment warehouse / mail processing site
 - Training sites
 - Ballot drop boxes or sites
 - Early voting and election day polling places
- Names of leads at each site
 - Supervisors for central facilities
 - Lead poll worker at polling places
 - If unavailable, direct law enforcement to ask for the person in that role.
 - Where poll workers govern each site as a group, explain that.

Designate Liaisons

Establishing preferred lines of communication will be helpful as the relationship matures and in the event of an incident.

Considerations

- Communications need not occur at the agency head level.
- Liaisons should have decision-making authority within the chain of command.
- Give each liaison some responsibilities to sustain momentum.

Set Expectations and Boundaries

A shared understanding of potential threats and of operating protocols of agencies involved should foster broad agreement on how law enforcement and election offices will work together. This meeting should help define that broad agreement.

Discussion Prompts

- In what settings is the election office seeking increased security support?
- How much routine assistance does law enforcement have the capacity to provide?
- Are there boundaries or restrictions on law enforcement activity during routine election operations (such as entry into polling places, parking patrol vehicles in prominent positions) that are helpful to ensure the comfort and support of voters, participating communities, and stakeholder groups?

Mapping the Path Forward

Steps 1 and 2 of the Five Steps to Safer Elections plan have been accomplished when you've held the initial Meeting, Shared information, and developed a broad, common vision for what must be done.

Discussion Prompts

- When and how often should the agencies meet, either as a group in smaller staff meetings?
- The companion documents "Step 3 – Agreeing on Rules of Engagement and Routine Assistance" and "Step 4 – Planning the Response to Security Incidents" suggest one way to coordinate.
 - Consider whether they suggest an appropriate agenda for two additional meetings, or how your joint work should proceed.

☐ **Meet with Community Organizations**

The primary goal of meeting with community organizations is to ensure that a security plan that you deem important for your staff and voters doesn't decrease trust among any sectors of the voting public.

Discussion Prompts

- Who should convene the meeting?
- Share history to create a shared understanding of the need for security planning.
- Elicit concerns of attendees.
- Talk about boundaries discussed in initial meetings with law enforcement.

APPENDIX – THREATENING INCIDENTS

Faces in crosshairs: death threat website

The website "Enemies of the People" targeted officials in swing states and others who publicly said the election was fair. The site, attributed to the Iranian Government by the US intelligence community, called for their assassination, posting their faces in crosshairs along with home addresses.

Link: https://www.washingtonpost.com/national-security/iran-election-fraud-violence/2020/12/22/4a28e9ba-44a8-11eb-a277-49a6d1f9dff1_story.html

Death threats by phone and email

A GOP city election commissioner received multiple death threats, personally and to his family, some targeting his religion, after he defended the integrity of the local election results.

Link: <https://nypost.com/2020/11/08/philadelphia-vote-counting-staff-getting-death-threats-official-says/>

County staffer followed

A county staffer who was transporting phones unrelated to any voting equipment was followed for 10 miles by someone live-streaming the incident on Twitter and claiming that the real cargo was election computers. The staffer ultimately called 911 and remained in-vehicle at a county facility till police arrived.

Link: <https://www.11alive.com/article/news/politics/elections/gwinnett-county-election-worker-followed/85-d5556699-200d-49ee-8ce0-5e8d793aa510>

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.

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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.

FIVE STEPS TO SAFER ELECTIONS

STEP 4: IN FOCUS

Plan: Planning the Response to Security Incidents

INTRODUCTION

Increased cooperation, routine security measures, and public communications about law enforcement engagement are significant deterrents to disruptive or threatening activity. Still, such activity may occur. Here we provide an agenda for a meeting that would plan out the response to incidents, organized around the following topics:

1. Context of Disruption
2. Disruption and Emergency Response
3. Responding to Threats and Intimidation
4. Protective Services
5. Crisis Communications
6. Preventive Activity
7. Investigation

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IN FOCUS: STEP 4

Discuss the Context of the Disruption

A primary distinction is between election sites where voters are present and where they are not. Discuss how responses should differ in these settings.

Discussion Prompts

- Ending or de-escalating so voting/work can continue
- Moving the dispute out of the public space
- Election workers as arbiters of election procedure
- Existing election "continuity of operations" plans

Plan Out Emergency Response to Disruption

Disruption and disputes that may escalate to disruption may prompt a law enforcement response. Discuss how that response should proceed.

Discussion Prompts

- Authority of election office/election workers on site
 - Who should responding officers look to?
 - Authority of the election office over on-site election personnel
 - Poll worker security training - who to call? when to call?
- Different types of disruption
 - Escalating arguments with observers; or between partisan poll workers
 - Intimidation of workers or voters
 - Intentional disruption
 - Violent non-election incident nearby
- Where disruption takes place?
 - Voting sites, central office/work sites or ballot drop boxes
- Sources of complaint - election personnel vs. observer/voter
 - Some groups are suggesting observers call 911 with election complaints.

Plan a Response to Threats and Intimidation

Threatening activity – ugly calls and emails – affects election personnel and can disrupt the election. Discuss how to respond to threatening activity.

Discussion Prompts

- Reporting
 - How election staff can create useful records of threats
 - Create an incident report form?
 - Direct or violent language as a threshold
 - Is recording a call an option? (One-party consent laws; or a pre-taped message – “This call may be recorded for ... reasons.”)
- Responses
 - Improved protective services
 - Law enforcement contact
 - Investigative
 - Deterrent value

Plan for Protective Interventions

To do their jobs, election personnel need to know their safety is being looked after. Discuss what actions can be taken to support election personnel at times of disruption.

Discussion Prompts

- Law enforcement security for election personnel
 - Parking escorts
 - Presence at or patrol of residences
- Law enforcement security recommendations for threatened personnel
- Temporary security provided by the election office
 - Home camera installation for those threatened
 - Temporary housing/hotel stay
 - Staff 'buddy system' and/or after-hours policies
 - Other recommendations?

IN FOCUS: STEP 4

Discuss Crisis Communications

Discuss how law enforcement and the election office will work together to let voters and election personnel know election spaces are being secured in the wake of an incident.

Discussion Prompts

- Joint appearances/joint releases of information?
- Who (what group?) will be involved in planning and drafting?
- Tempering message to the threat environment
- Overly stern message could create anxiety instead of reassurance

Discuss Post-Incident Preventive Measures

If threats or disruptions occur, this creates a heightened security environment. Discuss the posture of the election office and law enforcement should change to provide more protection to election sites and procedures.

Discussion Prompts

- What changes to election office physical security protocols should be made?
 - Entry controls
 - Staff Briefing
 - See Something/Say Something and other security messages
 - Reassurance, including mention of temporary security measures from the section above.
 - Active shooter or other training.
- What changes to law enforcement posture should take place?
 - Threat thresholds that prompt more visible deployment.
 - Patrol frequency
 - Other responses
- What threat thresholds might prompt more significant changes to election procedures?
 - Changes to or reduction of sites to allow for tighter security for personnel
 - Seeking restraining orders against disruptive observers or others engaged in disorderly behavior, replacement of disruptive election workers

IN FOCUS: STEP 4

Plan Out Investigation Trajectory

Discuss how law enforcement and the election office will work together to let voters and election personnel know election spaces are being secured in the wake of an incident.

Discussion Prompts

- Role of prosecutors in establishing, guiding investigations
- Investigating threatening or disruptive activity
 - Designating a lead investigator
 - Frequency/nature of communications between agencies
- Law enforcement communicating information about election worker behavior that election staff is unaware of
- Cooperating on investigations of illegal election activity by observers, workers or voters
 - Election staff insight into election information and procedures
- The possibility of credible allegations against the election office or its staff

NEXT STEPS

Once you've developed a consensus plan for routine security, incident response and communications, we recommend practicing your plan. One way to do that is by using the tabletop exercise module we provide in "Step 5 – Putting Security Plans into Practice."

FIVE STEPS TO SAFER ELECTIONS

STEP 5: IN FOCUS

Practice: Applying the Security Plan in Realistic Scenarios

INTRODUCTION

A plan is only as good as your ability to put it into practice. Law enforcement agencies will be familiar, and election offices increasingly so, with **the Tabletop Exercise (TTX), a method for putting participants into a security scenario** to test aspects of the plan, reinforce understanding and strengthen adherence to its principles and components.

This section will provide an Election Security "TTX in a Box," presenting scenarios and paths through them, as well as providing pointers on creating and facilitating the TTX with your security partners.

Some agencies may even consider **a real-world simulation, in which some participants may not be aware it is merely a training exercise**. While some in the election community have successfully used such drills, the risks of misapprehension by unwitting participants are significant. If local election security partners are interested in such a drill, we recommend developing it with careful attention to such risks.

Finally, we suggest **regular meetings with security partners**, first to plan out the practice session, and then at agreed intervals to discuss the changing threat environment.

TTX IN A BOX: TABLETOP EXERCISE PLANNING

Exercise Purpose

Identifying strengths and gaps in existing security plans protecting against intimidation, physical threats and disruption; resolving issues and filling gaps with best practices and new ideas from participants; exploring techniques to prevent incidents, de-escalate and eliminate threats and end disruption.

Objectives

1. Discuss preparedness to identify emerging threats and respond appropriately.
2. Test stages of event response.
3. Increase understanding of and adherence to Rules of Engagement and preventive, emergency and protective responses to threats and disruptions.
4. Practice internal and public communications around election security.
5. Refine response rules and response plans.
6. Improve partnership and mutual understanding between agencies.

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FIVE STEPS TO SAFER ELECTIONS

IN FOCUS: STEP 5

MODULE 1: SCENARIO

October 1

Election staff receive threatening calls and emails at the office which seem close to the line – comments such as they will “get what they deserve” or “should be careful, because people know things.” A man in the office parking lot is seen writing down license plates. One staffer believes he was followed home, but couldn't provide information on the car or driver.

October 10

A caller tells a staffer she's “the only good-looking one of the election cheaters,” and saying she should quit or something might happen because she's so cute. Caller ID showed the call coming from (102) 371-3742. Using Google, election staff find a name, but they're not sure how accurate the info may be.

October 16

An email from dragon224@gmail.com has a message alleging that early voting is rigged, and patriots will be doing something to stop it.

October 22 (Morning)

On the first day of early voting, a group of 20 protesters at one site, chanting “No cheating... or no peace” demands that early voting and mail voting be stopped, and all voters required to vote on election day. A counterprotest forms with about 30 people. Each protest includes people video-taping other protesters, election personnel, voters, and law enforcement.

October 22 (Early Afternoon)

Early in the afternoon, three protesters, one using a cell phone camera, enter the voting site and, still filming, approach a voter marking her ballot to tell her the tabulating machines are rigged.

October 22 (Late Afternoon)

After the group filming inside is arrested, protesters outside become angry. The larger counter-protest group approaches the protest. People argue in clusters, pointing fingers.

MODULE 1: DISCUSSION QUESTIONS

Intelligence and Information Sharing

- Do election personnel know where to report incidents and what information is needed?
- Who is compiling information on such incidents? Do they know names of key election personnel?
- What type of threat/harassment information is actionable? Can non-actionable information be held to establish a pattern of harassing behavior?
- What methods of investigation might help identify those making threatening/harassing calls or emails?

Preventive Security

- At what point does harassing behavior justify a visit from law enforcement?
- Who should staff call? What information is necessary to share with police?
- Do law enforcement know all election locations and have name and contact information for election workers?
- What public communications may stifle the appetite for escalation of those involved in harassment?
- What level of threat justifies a change in the physical presence of law enforcement at various election facilities?

Emergency Response

- How do you assess the threat level of a crowd?
- How do you set the balance between sensibilities of voters, for whom heavy law enforcement presence may be alarming, vs. the need to deter disruptive activity?
- What actions (or requests) would prompt law enforcement entry into a polling place? Or activity inside?
- Are law enforcement familiar (through a Pocket Guide?) with election law, the rights of formal observers and observer actions that are prohibited? And how 1st amendment rights may affect protest space at election sites? Do they know Rules of Engagement specific to election settings?
- What de-escalation methods can be helpful, both in interpersonal disputes (as within the polling place) and between groups and crowds (as outside)?

Intelligence and Information Sharing

- What advice or support should election personnel be given as threat levels rise?
- What specific protection might be given to specific targets?
- What general measures of protection can be taken to 'harden' the office and other facilities?
- What public communications can help deter additional disruptive activity? What can be said to reassure voters that they will be safe casting their ballots?

MODULE 2: SCENARIO

November 4

Election watchers are expecting a very close contest, with anger building. Elections and law enforcement meet for a final briefing and to consider security arrangements.

November 8 (Election Day)

Only minor disturbances happen during election day. At the end of election night, the two candidates for governor are separated by about 1,000 votes out of 1 million cast. There are 30,000 mail ballots that could still come in, and they would be counted if they're postmarked by election day and arrive within one week. However, almost all will arrive on Wednesday or Thursday.

November 9

Large groups of protesters and counterprotesters throng around the county building, which is the main office of the election agency. The situation is boisterous but not threatening. At the end of the day, after most have left, the election office announces updated results, which, combined with results from other counties, show the candidate who had led is now 1,000 votes behind.

November 10

Tensions are rising in the counting room, with observers sometimes crossing 6-foot marks established to give workers personal space and a sense of security. An observer begins shouting at a bipartisan pair of election workers opening ballots, and moves to the table where they're working.

Outside, amid ongoing squabbles between clusters of people, a small armed group appears. The protest group starts to move towards the doors of the facility, with some people trying to push past barricades.

MODULE 2: DISCUSSION QUESTIONS

- What changes to the physical security of buildings can be made as threat levels rise?
- In particular, what changes at a central office or central counting space that may draw larger crowds and offer a 'higher value target'?
- How will you address the balance between the right of peaceful protest and efforts to deter escalation?
- How does the value of law enforcement visibility change in the post-election setting?
- Does your existing plan offer flexibility, including options to prevent, deter, de-escalate and/or overcome violent actors and those who might incite crowds?
- In the event of a breach of the building, do you have a plan for securing ballots, cartridges, tally devices and other crucial materials.
- Can the counting space be completely secured in the event of unauthorized entry into the building?
- What communications may help deter additional incidents as counting and other post-election processes continue?
- What new strategies will you adopt to ensure election workers continue to feel safe in returning to work?

FACILITATING A TTX

Roles of Attendees

First, you'll want one or more **facilitators** to provide situation updates and moderate the discussion. The facilitator is usually someone closely involved with planning the TTX. **Players** can be grouped in teams and given particular roles - election worker, election observer, election administrator, law enforcement commander, dispatcher, patrol officer, etc. In some TTX's, one or more **evaluators** watch in order to take notes, compare player behavior to expectations and the security plan and prompt post-event discussion about performance and potential changes to procedure or policy.

Exercise Timeline

You'll want to create a timeline, including:

- Welcome & Briefing on the Election Security Setting
- Module 1 Activity
- Guided Discussion of Module 1
- Module 2 Activity
- Guided Discussion of Module 2
- Closing Comments

A longer discussion of how to host a TTX is available from the Cybersecurity and Infrastructure Security Agency (CISA) at [Elections Cyber Tabletop Exercise Package - January 2020 \(cisa.gov\)](https://www.cisa.gov/elections-cyber-tabletop-exercise-package-january-2020); see the section of General Information and the Appendices.