

A State Legislator's Guide to Election Threats

The Strategy Behind the Threats

For the first time in modern American history, the vast resources of the federal government are being turned against our elections. The Administration is engaging in a three-part election interference strategy: **Deceive** the American people, **Disrupt** our elections, and **Deny** the results of free, fair, and secure elections.

DECEIVE

Supercharge conspiracies and false claims from inside the federal government itself.

DISRUPT

Deploy federal power, the threat of violence, and rule changes against voters, officials, and organizations.

DENY

If preferred candidates lose, work to overturn or refuse to accept the result.

This guide provides an overview of seven potential threats to the election and what state legislators can do to help ensure the Administration's election interference strategy fails and that all Americans are able to vote and have their vote counted.

Countering Deception: A Note on Comms

The Administration has made election denialism official federal policy, using investigative and enforcement powers to manufacture the appearance of fraud, dismantling the agencies that protect elections from real threats, and flooding the public with disinformation designed to erode confidence in the 2026 midterms. Their goal is to create false narratives to **deceive** the American people and create pretext to **disrupt** and **deny**.

Because each of the seven threats outlined below involve the Administration's spreading of lies to manufacture pretext for its interference, how we counter disinformation is paramount. We must work with trusted messengers to prebunk lies where Americans get their information and inoculate voters to bolster trust in our elections. Crucially, we must not do the administration's work in amplifying threats and disinformation.

REMEMBER

Timing matters: Online election disinformation peaks in the 10 days before Election Day, so have your messaging ready ahead of time.

In response to the Administration's lies, keep these communication principles in mind:

Communication Principles around Election Threats

DON'T

- ✗ Make threats seem more widespread, accepted, or inevitable than they are. Never repeat threats with no concrete steps to navigate them.
- ✗ Dismiss the impact of threats — intimidation doesn't need to be carried out to be felt.
- ✗ Directly repeat disinformation, even when debunking claims.

DO

- ✓ Plan and prepare now for rapid-response. Coordinate with local election protection partners to ensure everyone is sharing consistent, accurate messaging.
- ✓ Always verify something is true before taking action.
- ✓ Acknowledge feelings of anxiety and unequivocally condemn voter intimidation. Pivot to agency: encourage people to get engaged and join a local group for collective action. Provide concrete options for voters to get registered, make a plan early, and vote.
- ✓ Emphasize state and local control over election administration as fundamental to our system of government. Frame threats as Washington trying to override local authority and autonomy.
- ✓ Name the Administration's motivation and misplaced priorities: (e.g., the President is obsessed with his stale voter fraud lies instead of lowering your costs).
- ✓ Prioritize speaking to local audiences first — make sure directly impacted community members have accurate information and are able to access resources they need. Help prepare and amplify local voices if the story gains national attention.

Priority Threats

- 1 Threats and/or violence, intimidation, and disinformation around elections
- 2 Attempts to "nationalize" elections, including an Emergency EO
- 3 Seizure of ballots, voting machines, or other elections records
- 4 Criminal prosecutions or investigations of elections officials
- 5 Threats to the count and the canvass
- 6 Mass challenges to certain kinds of ballots, including via the SAVE Act pretext
- 7 Threats to certification

Highest Risk Window for Threats

ELECTION THREAT	VOTING PERIOD	COUNTING	CERTIFICATION
Threats and intimidation around voting			
Attempts to “nationalize” elections			
Seizure of ballots, voting machines, or other elections records			
Criminal prosecutions or investigations of elections officials			
Threats to the count and the canvass			
Mass challenges to certain kinds of ballots			
Threats to certification			

1 ► Threats & Intimidation Around Voting

THE SITUATION

Armed agents, threats against voters or officials, and coordinated false claims are deployed to make participation feel unsafe, so that people decide on their own not to show up, without anyone ever being formally turned away.

Key facts

- Federal law [protects voters](#) against intimidating threats, not just acts. [State laws](#) also protect election officials and staff from harassment and intimidation. See [state specific resources](#) for AZ, CA, FL, GA, MI, NV, NH, NY, NC, OH, PA, TX, VA, WI.
- While there are special protections around polling places, voter intimidation is illegal no matter where it occurs (including online).
- Sending armed federal agents or military troops to polling places is [illegal under federal law](#), specifically § 18 U.S.C. § 592.
- More likely to see general ICE surges in communities and rumors of ICE at the polls in competitive districts than direct deployment to voting sites.

Prepared response

- Legal advocacy organizations are ready to go to court to stop armed agents at the polls and, if incidents occur, to seek orders extending polling hours so voting access isn't disrupted.
- Many election officials have established clear lines of communication with state officials and local law enforcement, who are prepared to act immediately so voting continues uninterrupted.
- Civic engagement organizations are also training volunteers on what to do if they encounter federal agents, such as documenting and reporting agents' activity while avoiding confrontation. Voters should report suspicious behavior to the election protection hotline, 866-OUR-VOTE, where volunteer lawyers can help determine whether it may be illegal and warrant court intervention or other action.

Where State Legislators Have Uniquely High Leverage

- If serious or repeat federal intimidation occurs, issue an early, specific statement condemning any attempt at voter intimidation, paired with concrete actionable information: Know Your Rights resources, range of available voting options, ID rules, and the national voter-protection hotline.
- Contact your county clerks and local law enforcement now to confirm they have a plan and clear lines of communication for reports of armed individuals or federal agents near polling sites.

- Encourage your state attorney general and local prosecutors to publicly commit to enforcing voter intimidation laws, as district attorneys in several states have already done.
- Ensure your team has a rapid-response plan in place and is connected with your state (c)(3) election protection table. Be prepared to be a conduit for accurate de-escalatory information between voter protection teams on the ground and your constituents.

Suggested messaging framing

- **Express confidence that there is a way for everyone to vote safely.** Express confidence in election officials' preparation and training to coordinate with local law enforcement to keep voters safe and polls open. Remind voters that there are a range of options for voting and encourage everyone to make a plan early that feels safe for them.
- **Don't do their work for them.** Well-intentioned efforts to denounce isolated incidents or deployments could amplify the threat and chill voters across the country. Condemn voter intimidation in general and reassure all voters that it is safe to go to the polls.
- **Channel defiance, collective power, joy, and community solidarity.** Encourage *voting together*. The administration is trying to block voters from voting because they know voters are powerful. Make the community response and action the main story.

2 ▸ "Nationalizing" Elections via Emergency Authority

THE SITUATION

The administration invokes emergency authority or issues a new executive order to assert federal control over election administration, override state authority, or justify deploying federal personnel near voting locations, despite having no constitutional role in running elections.

Key facts

- There is no such thing as presidential emergency powers over elections. A national emergency declaration unlocks specific statutory powers, but none reach voter registration, ballots, polling places, counting, or certification.
- Election rules are set by Congress and the states, not the president ([Explainer](#)). Emphasize the importance of local election administration and the hard work of members of your local community as election officials and poll workers.
- Federal election dates are set by statute ([2 U.S.C. § 7](#); [3 U.S.C. § 1](#)), and only Congress can change them.
- Elections are run by states and thousands of local officials, and the president has no power to fire them.

- No federal election has ever been postponed, not during the Civil War, the 1918 flu pandemic, WWII, or COVID.

Prepared response

- Legal advocacy organizations are well positioned to respond. Courts have already pushed back, striking down many provisions of [EO 14248](#) and blocking National Guard deployment in *Trump v. Illinois*.
- Pro-democracy civil society has developed an action plan to guide its response: prebunk the emergency authority before it's invoked while avoiding amplifying the threat, and pivot to broad dissemination of pro-voter messaging through comms and, if necessary, mass peaceful mobilizations.

Where State Legislators Have Uniquely High Leverage

- Be prepared to swiftly challenge the false narrative used to justify the "fake emergency." Visibly and vocally stand with local election officials. Urge others to do the same.
- If the Administration floats the possibility of a declaration of emergency in your state or community, coordinate with your state's governor, secretary of state, attorney general, state election board, and other state officials. When possible collectively reinforce that states run elections and that the president has zero emergency powers over elections.
- Ask your local law enforcement to confirm they will follow state law and court orders, not unlawful federal directives. Be a conduit with state legal officials to ensure that local law enforcement has the information and resources necessary to protect local election control and administration.

Suggested messaging framing

- **Don't raise this threat proactively.** Respond only when asked, and don't speculate on what the administration might do next.
- **Name the intent, not their pretext.** Resist the temptation to simply list facts; when we fight feelings with facts, we lose. Don't repeat claims used to justify a declaration, since repetition makes them more believable ([illusory truth effect](#)). Instead, name the motivation: manufacturing a pretext to reject the 2026 results before votes are even counted.
- **Puncture the "emergency."** Never say "emergency" on its own. Say "fake emergency," "so-called emergency," or "act of desperation," and emphasize that this is a desperate tactic motivated by fear of a fair election.
- **Keep it simple.** Avoid legal jargon and use language all Americans can understand and repeat, like "States run elections. An emergency declaration can't override the Constitution or the laws Congress passed. It can't decide whether you vote."

- **End with the power of voters.** Never leave the audience feeling defeated. In America, voters choose our leaders, not the other way around.

3 ▶ Seizure of Ballots, Voting Machines, or Election Records

THE SITUATION

Federal or state law enforcement seizes ballots, machines, or election records mid-process, breaking chain of custody and depriving officials of the materials they need to finish counting, resolve disputes, and certify results.

Key facts

- In 2026, federal authorities sought, and in some cases obtained, election records in several jurisdictions including [Fulton County, Georgia](#), [Wayne County, Michigan](#), and [Maricopa County, Arizona](#). The attorney general can only inspect or copy certain election records, not seize originals, after an election, and only after stating a legitimate purpose ([52 U.S.C. § 20703](#)). State officials can always decline and demand a court order.
- Officials must already preserve election records for at least [22 months](#) and every state has [detailed laws](#) defining the chain of custody and security of election materials.
- Federal employees are barred from interfering in federal elections ([18 U.S.C. § 595](#)).

Prepared response

- Legal advocacy organizations are educating local election officials and county attorneys on their rights and responsibilities to defend the chain of custody and are prepared to go to court quickly to quash seizure attempts and, if necessary, compel the return of materials.
- Civic engagement organizations are standardizing Know Your Rights, de-escalation, and warrant-response training, and are ready to connect affected election offices with peer jurisdictions and technical experts. Voters should report any problems to the election protection hotline, 866-OUR-VOTE.

Where State Legislators Have Uniquely High Leverage

- Contact local election officials and attorneys now to let them know you have their back and ask about their continuity and rapid-response plans. Direct them towards [best practices](#) and [other resources](#) offered by the nonpartisan election protection organizations.
- Ensure your team has a rapid-response plan in place and is connected with the voter protection team and your state (c)(3) election protection table. Be prepared to be a conduit for accurate de-escalatory information between voter protection teams on the ground and your constituents.

Suggested messaging framing

- **Pre-bunk the pretext.** Inoculate voters against fraud and "security-failure" claims before any seizure happens, without repeating specific falsehoods. Focus on the many safeguards that local election officials have in place to verify results and ensure the security of election materials through every stage of the process. If a seizure does occur, move quickly to assure voters their votes will count rather than treating it as a sign the election is broken.
- **Let trusted messengers lead.** Election officials and local validators are the most credible voices on their own process. Their message is even stronger when backed by faith leaders, small business associations, veterans, and other community leaders.
- **Make the escalation politically costly.** Publicly highlight seizure attempts as desperate and baseless. Demonstrate and lead immediate public outrage.

4 ► Criminal Prosecutions of Election Officials

THE SITUATION

Federal officials threaten or open criminal investigations into state and local election administrators in order to pressure compliance in response to unlawful demands, regardless of whether any charge is ever filed.

Key facts

- In July 2026, DOJ sent letters to election officials in [every state and D.C.](#) warning they could face criminal liability over noncitizens on voter rolls and giving them five days to respond. Election officials and experts say the letters [look more like political pressure than prosecution](#).
- DOJ has also created three new election-related task forces, which experts warn could be used to investigate perceived adversaries, target election officials, and cast doubt on election systems.
- An investigation doesn't need to produce charges to cause harm. The threat alone can create a pretext for further interference, lower election officials' morale, and erode public trust in elections.
- DOJ's [own policy](#) bars overt investigative steps in alleged ballot fraud cases until results are certified, because investigations can affect elections.
- An investigation is not an injunction. Election officials can and should keep doing their jobs unless a court order specifically stops them.
- Courts are pushing back: a Trump-appointed judge [quashed a DOJ subpoena](#) seeking the personal information from Fulton County 2020 election workers as an "arbitrary fishing expedition" which would chill participation in future elections.

Prepared response

- Legal advocacy organizations are ready to help targeted officials and groups quickly challenge overbroad subpoenas, limit disclosures, and continue essential election operations, as we saw in Fulton County.
- Officials are refusing to be silenced. When DOJ subpoenaed Minnesota leaders in January, each went on the record immediately to say they would [not be intimidated](#), and Maryland's top election official [publicly called out DOJ's letter](#) as an intimidation attempt.
- Civic engagement organizations are rallying around those targeted, as with the #HandsOffOhio campaign after the FBI raided a voter registration group, and educating community members on their role as [constitutional gatekeepers](#) who can ask for more evidence and reject improper prosecutions when serving on grand juries.

Where State Legislators Have Uniquely High Leverage

- Publicly reinforce your support for election officials simply doing their job, no matter who wins — ideally with other non-ideological and cross-partisan community leaders.
- Know your state's [chain-of-custody laws](#) and be ready to cite them publicly. Your legislature wrote the rules [protecting election materials](#), so you can speak with authority about what they require. Confirm with county attorneys and local election officials that they know their right to require proper legal process, such as a court order, before handing over any ballots, equipment, or records.

Suggested messaging framing

- **Call it what it is: election interference.** Don't get trapped defending against fake fraud claims or arguing over their pretext. Frame these investigations immediately as intimidation designed to overturn the election, and say so plainly.
- **Project unshakeable confidence in the outcome.** Reinforce that local election officials will stand firm, these scare tactics will fail, and the true will of the voters will be protected and respected.

5 ► Threats to the Count and Canvass

THE SITUATION

Prior threats, pressure to halt counting, premature victory claims, or disputes over observer access are used to recast the normal, legally required canvass as evidence that something has gone wrong, when, in reality, the safeguards are working as designed.

Key facts

- Close elections invite speculation. In this political environment, they spiral quickly into claims of fraud and theft, which means great attention needs to be placed on the mechanics and transparency of recounts, hand counts, and ballot curing.
- Recount procedures are spelled out in state law, and most states have automatic recount thresholds (usually 0.5% or less). Recounts typically involve a request, the election authority or bipartisan panels conducting the recount, observers from both sides being present, and results being certified.
- Hand counts must follow the same procedures as recounts and are subject to the same rules about observers and documentation.
- Most states allow voters to fix problems with their ballots, such as signature mismatches or missing dates, for a specific window after election day. Some states notify voters directly; some do not. Similarly voters who cast provisional ballots have a specific window to cure the issue, generally by presenting an ID, and have their ballot counted.
- Courts have generally held that halting vote counts creates irreparable public harm and is not appropriate in ordinary election disputes. In 2020, the Supreme Court rejected the Trump campaign's emergency motions seeking to stop counting or exclude mail ballots.

Prepared response

- Legal advocacy organizations have rapid-response legal teams ready to file emergency motions on recount procedures, ballot curing, and counting processes.
- Election protection coalitions are working to help officials communicate transparently about the process by publishing recount procedures, schedules, and preliminary results, since transparency reduces disputes and opportunities for interference and to bolster public confidence in the count while results are delayed.
- Civic engagement organizations are working to deploy observers for the entire recount process, help voters cure their ballots in time, and organize Count Every Vote events that offer peaceful, visible encouragement and protection for election officials to count all ballots.

Where State Legislators Have Uniquely High Leverage

- Set expectations early: remind constituents before Election Day that counting and verifying takes time and that a longer count is the system working as designed.
- Amplify election officials' updates on the count and publicly thank election workers while counting is underway.
- Commit to waiting until results are clear before declaring victory, and to conceding promptly when the outcome is settled. Encourage colleagues to make the same public commitment, and call on them to accept the results when the count is decisive.

- Ensure your team has a rapid-response plan in place and is connected with your state (c)(3) election protection table. Be prepared to be a conduit for accurate de-escalatory information between voter protection teams on the ground and your constituents.

Suggested messaging framing

- **Name the pretext.** Efforts to halt the count or declare victory early are about manufacturing a pretext to reject the 2026 results before votes are even counted.
- **Explain the process.** Explain the counting process to impatient friends, and celebrate when votes are counted. A count that takes time is the system working as designed. Emphasize the safeguards and transparency built into the process: public observation, carefully documented chain of custody, accountability and replicability.
- **Voters pick leaders.** In America, voters pick our leaders; our leaders should not pick which votes to count and which to cancel.
- **Keep confidence in the count.** Bolster public confidence in the count while results are being processed, so results are believed, not only certified.
- **Stand with the counters.** The message to election workers should be consistent: we see you, we are grateful for the hard work and long days, keep going.

6 ► Mass Voter Challenges

THE SITUATION

Categories of ballots or registrations are challenged en masse — either by federal demand, state database matching, or third-party filings — using error-prone data to remove eligible voters close to Election Day when there's limited time to remedy.

Key facts

- DOJ has sought nearly every state's full voter rolls, including partial Social Security numbers, driver's license numbers, and voting history, and has filed thirty lawsuits to get the data. A federal court recently [ruled](#) that this program violates voter privacy and illegally intrudes on states' authority over elections. A draft agreement indicates DOJ plans to share the data with outside parties and require states to remove certain voters. Thus far, DOJ has lost 26 of the 30 cases (4 are still pending).
- Voter rolls are controlled by the state, not the federal government.
- The National Voter Registration Act prohibits systematic voter roll purges within 90 days of a federal election, and late purges can and will be promptly challenged in court.

- Challenges must have a legitimate legal basis, not just a name on a list. Challenges based solely on a database with dubious claims are legally insufficient in most (but not all) states, and poll workers can and should dismiss frivolous challenges.
- In most states, voters who have been purged have the right to cast a provisional ballot (a ballot that is set aside and counted after officials verify the voter's eligibility).

Prepared response

- Legal advocacy organizations have already beaten DOJ's voter file demands in court and are ready to challenge late purges immediately.
- Election officials and poll workers are being trained to identify and dismiss legally baseless challenges and to offer provisional ballots to voters who are challenged or missing from the rolls.
- Civic engagement organizations are expanding efforts to help voters register and check their registration status, deploying legal observers to precincts where challenges are expected, and directing voters to the election protection hotline, 866-OUR-VOTE. If appropriate, civic engagement organizations are preparing to mobilize key civic actors to demand certification and subsequent broad peaceful mobilization if necessary.

Where State Legislators Have Uniquely High Leverage

- In the weeks before the election, encourage voters to check their registration regularly and make a plan to vote early. If an election official challenges a voter's registration when they go to cast their vote, they should ask for a provisional ballot.
- If needed, ask your Secretary of State to publicly clarify the legal standard for voter challenges in your state and how voters can confirm or restore their registration.
- Ensure your team has a rapid-response plan in place and is connected with the voter protection team and your state (c)(3) election protection table. Be prepared to be a conduit for accurate de-escalatory information between voter protection teams on the ground and your constituents.

Suggested messaging framing

- **Name the motive.** The administration is so desperate to hold onto power that it's trying to keep people from voting, even taking us off the voter rolls based on our races, backgrounds, and zip codes so it can control the outcome of our elections.
- **Connect it to a pattern.** This is all part of an ongoing effort to mislead and depress voter turnout: attempting to block mail-in ballots, demanding voters' private data, and now this.
- **Don't make challengers look powerful.** To ensure people turn out despite this, take care to avoid threatening imagery or rhetoric that portrays these challengers as invincible.

- **Call on local officials to do their duty.** Every eligible voter should have an equal say in the decisions that impact our lives. Encourage local election officials to resist pressure to block voters and instead conduct the election freely and democratically.

7 ▶ Threats to Certification

THE SITUATION

County or state officials face pressure to refuse or delay exercising their ministerial duty to certify the election results on their state's statutory timeline, fueled by claims of fraud and increased interventions from the White House. This threat could lead to bad-faith actors in Congress exploiting the process for seating winners of elections.

Key Facts

- [Certification is a mandatory duty](#), and legislatures made it that way on purpose to stop partisan sabotage.
- More than [30 local officials](#) in nine states have refused to certify since 2020, and courts or state officials compelled certification every time. In [20 states](#), an election denier currently holds statewide office with election oversight power.
- Refusing to certify doesn't resolve disputes; in many states, challenges can only be filed after certification.
- Even failed refusals do damage by amplifying conspiracy theories, undermining trust, and delaying results.

Prepared response

- Legal advocacy organizations are preparing to go to court quickly to compel officials to certify, and block provisions of EOs 14248 and 14399 that could provide a basis for refusing to certify.
- State officials and election officials are preparing plans to act quickly against officials who refuse, including qualifying state officials ready to intervene. Nonpartisan election protection organizations have released updated [certification guides](#) outlining the legal tools available in key states.
- Civic engagement organizations are preparing to mobilize key civic actors to demand certification and subsequent broad peaceful mobilization if necessary.

Where State Legislators Have Uniquely High Leverage

- Go on record before certification day clearly stating that certification is a mandatory duty, and encourage state and local elected officials to do the same. Commit to accepting the results regardless of the outcome.
- Ensure you have the local relationships in place needed for a broad community response. A response voiced by one party reads as politics as usual. Sitting and former Republican officials and trusted local community leaders willing to affirm the process — or call for a losing candidate to concede — are invaluable messengers in this critical moment and members are well-positioned to cultivate such non-ideological and cross-partisan support. As a local elected official, you are well positioned to identify leaders of civil society in your district that can stand together in response.
- Commit publicly to opposing any legislative effort to delay, second-guess, or override certification, including calls for special sessions, partisan reviews, or attempts to change certification procedures after the votes are cast. Pressure to interfere may come from within the legislature itself, and a clear, early commitment from legislators makes those efforts harder to advance.

Suggested messaging framing

- **Certification is mandatory**, and the system works. Make clear that certification is required by law, that it can be enforced, and that those enforcement mechanisms have worked every time. Like a scorekeeper, a certifying official has no discretion but to add up the points, and the game can't end without a final tally.
- **Certification is an attestation, not a judgment.** Officials are confirming the record is complete and accurate, not deciding who won. For voters with questions about the results, certification is what opens the door to recounts, audits, and legal challenges.
- **Name the tactic out loud.** When a refusal happens, call out what it is designed to do: amplify conspiracy theories and run out the clock. Keep public confidence in the count so results are believed, not only certified.