

Congress of the United States

Washington, DC 20515

September 4, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, DC 20528

Dear Secretary Mullin:

I write to seek immediate clarity regarding the Department of Homeland Security’s plans for Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and other federal law enforcement personnel during the 2026 midterm elections. With early voting and Election Day fast approaching, voters should not have to wonder whether federal immigration agents could appear at or near their polling place while they are casting their ballots. The presence of armed federal agents at or near a polling location—even when ostensibly responding to a separate law-enforcement matter—could create confusion, fear, or intimidation and could discourage eligible voters from exercising their constitutional right to vote.

This concern is no longer theoretical. Recent reports indicate that numerous Republican candidates across Georgia, Maine, and Michigan have publicly discussed deploying law enforcement—including ICE agents, U.S. Marshals, retired police officers, and even the National Guard—to polling places in November.¹ One candidate for governor of Maine has said he intends to ask the Administration to send ICE agents and U.S. Marshals to voting sites.² At the same time, senior Trump Administration officials, including you, have repeatedly declined to categorically rule out the presence of federal immigration agents at polling locations.

Over the past six months, you and other senior Trump administration officials have repeatedly declined to rule out such a deployment, even as career officials within your own Department have offered contradictory assurances. Voters deserve an unambiguous answer, and Congress is entitled to know how the Department is preparing for an outcome that federal law forbids.

During your March 2026 confirmation hearing, you testified that ICE agents could be sent to polling locations in the event of a “specific threat.”³ You reiterated that position in June, telling a national television

¹ <https://www.democracymonitor.com/news-alerts/taking-cues-from-trump-gop-candidates-push-for-law-enforcement-at-polls/>

² *Id*

³ <https://www.democracymonitor.com/news-alerts/trump-dhs-pick-wont-rule-out-ice-at-polls/>

audience that ICE would be deployed “only” if a “threat” arose — citing, as an example, a bomb threat — and noting that ICE Special Response Teams could respond “quickly” to a polling site.⁴

Most recently, on September 1, 2026, you provided additional details regarding the circumstances under which ICE personnel could appear at a polling place. At a press conference in New York, you stated that “ICE isn’t there to patrol the polling places,” but that agents could be present if “there is a threat to that polling place” or if they are “serving a warrant on someone that we have been actively tracking down.” You further stated that, if serving a warrant, ICE would “be where we need to be.”

President Trump himself has said he would “do anything necessary” to secure the elections when asked directly whether he would send the National Guard or ICE to polling places.⁵ Acting Attorney General Todd Blanche told Congress in July that he would decline to rule out deploying federal agents to polling places, saying only that he would “follow the law.”⁶ And longtime presidential ally Steve Bannon has publicly described ICE’s recent deployment to U.S. airports as a “test case” to “perfect ICE’s involvement in the 2026 midterm election.”⁷

These comments raise additional questions that require immediate clarification. In particular, the Department has not explained what constitutes a “threat to that polling place,” who would make that determination, or what safeguards would be in place to ensure that routine immigration enforcement does not result in federal agents appearing at or near polling locations during voting.⁸ Your latest comments therefore do not resolve the fundamental ambiguity surrounding the Department’s plans; rather, they underscore the need for clear, written guidance to election officials and the public well before Election Day.

This ambiguity is not a hypothetical concern for Congress to monitor from a distance; it is actively being litigated. In a Freedom of Information Act lawsuit brought by the Democratic National Committee, both ICE and CBP have now told a federal court that they have identified more than 127,000 pages of potentially responsive records concerning possible deployments of federal agents near polling places, drop boxes, or election offices — yet, as of the most recent filing, neither agency has produced a single page, with the midterms weeks away⁹. That volume of records is itself difficult to reconcile with the Department’s repeated public assurances that no deployment is planned.

⁴ <https://www.washingtontimes.com/news/2026/jun/14/markwayne-mullin-says-ice-would-deployed-midterm-polls-threat-arises/?srsltid=AfmBOorAESMc8ESVLf0tV3nT8fxtZPIPhP1EoqFzGxxHVy5WyL-giKMS>

⁵ <https://chicago.suntimes.com/columnists/2026/08/28/trump-supreme-court-mail-in-ballots-ice-polls-threats-2026-elections>

⁶ <https://www.democracymarket.com/news-alerts/todd-blanche-federal-agents-voting-sites-confirmation-hearing/>

⁷ <https://www.cnn.com/2026/03/25/politics/ice-agents-polling-places-bannon>

⁸ <https://www.theguardian.com/us-news/2026/sep/01/trump-homeland-security-markwayne-mullin-polling>

⁹ <https://www.democracymarket.com/cases/federal-election-interference-records-challenge/>

Federal law is unambiguous on this point. It is a federal crime to station “armed men” at any polling place absent a genuine threat from armed enemies of the United States, and separate statutes bar federal officials from intimidating voters. Election officials in at least eight states have already moved to legislate buffer zones and other restrictions on federal agents near polling places in response to the Department's hedging, and Senate Democrats have conducted tabletop exercises to prepare for a deployment the administration will not foreclose.¹⁰ The Department cannot simultaneously maintain, on one hand, that ICE has “no reason” to be near a polling place, and on the other, that its Special Response Teams stand ready to deploy there.¹¹ As the Department's Secretary, you are uniquely positioned to end this ambiguity.

Accordingly, I request that you provide the following no later than September 10th, 2026:

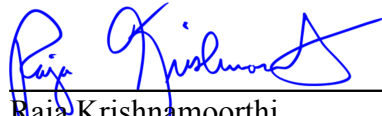
1. A definitive, unqualified statement of Department policy on whether ICE, CBP, or any other DHS component will deploy personnel to, or within sight of, any polling place, ballot drop box, or election office during the early voting period or on Election Day 2026.
2. All guidance, directives, memoranda, or operational plans — including any related to Special Response Team deployment — concerning the presence of DHS personnel at or near polling locations for the 2026 elections.
3. A precise definition of the “specific threat” standard you have described publicly, including who within the Department is authorized to determine that the standard has been met and what review, if any, occurs before agents are dispatched to a polling site.
4. A status update on ICE's and CBP's document production in the pending Democratic National Committee FOIA litigation, including a timeline for completing review and release of the identified records.
5. Copies of any communications between Department leadership and the White House, the Department of Justice, the Department of Defense, or outside political advisers regarding the potential deployment of federal personnel to polling places in 2026.
6. Confirmation of what guidance, if any, the Department has issued to field offices regarding compliance with state buffer-zone laws that restrict federal agents' proximity to polling places.

¹⁰ <https://www.law.cornell.edu/uscode/text/18/592>

¹¹ <https://abcnews.com/Politics/trust-lost-ice-cbp-officials-questioned-enforcement-tactics/story?id=130105633>

The right to vote free from intimidation is foundational to our democracy, and it should not be a source of confusion or fear ahead of an election. I appreciate your prompt attention to this request and look forward to your response.

Sincerely,



Raja Krishnamoorthi
Member of Congress