



Office of the McHenry County Clerk

March 3rd, 2026

MEMORANDUM

SUBJECT: Protocol for Unauthorized Law Enforcement or Federal Agents (Including ICE/CBP) at Polling Places

FROM: Joe Tirio, McHenry County Clerk

TO: All McHenry County Election Judges

DATE: March 3, 2026

Recent national discussions have raised questions about the presence of federal immigration agents (ICE/CBP) at polling places. The Department of Homeland Security has explicitly stated it will not deploy agents to monitor polling locations. As of today, I have received no information that suggests otherwise. I've had communication with Sheriff Tadelman and made him aware of the concerns.

However, if individuals presenting themselves as federal agents attempt to access your polling place without an active public safety emergency or without an arrest or search warrant, and for the purpose of monitoring, patrolling, or questioning voters, they are unauthorized and must be reported immediately.

Legal Authority

Under the Illinois Election Code, access to the polling place is strictly limited to voters, minor children accompanying them, election judges, and authorized pollwatchers. Authorized pollwatchers include representatives of the election authority, the State Board of Elections, or law enforcement agencies *in the performance of their official election duties* (10 ILCS 5/17-23). Federal immigration enforcement does not constitute an "official election duty" under Illinois law.

Routine civil or administrative immigration enforcement or unauthorized election monitoring by federal agents violates this statute.

Furthermore, federal law makes it a crime for military or federal agents to intimidate voters or interfere in elections (18 U.S.C. § 592; 18 U.S.C. § 593).

Needed Facts: Immediate Assessment

If armed or uniformed personnel arrive at your polling place, quickly assess the following before taking any action:

- **Location:** Are they inside the polling room, inside the 100-foot campaign-free zone, or entirely off the property?
- **Identity:** Are they local police (McHenry County Sheriff / local PD) responding to a call, or are they presenting themselves as federal agents (ICE, CBP, FBI) or unofficial citizen groups in tactical gear?
- **Stated Purpose:** Are they claiming to be generally "monitoring for fraud/non-citizens," or are they responding to an active public safety threat/executing a specific, targeted arrest or search warrant?

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County Clerk



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Conditional Protocol for Election Judges

Scenario A: Agents attempting to conduct general monitoring, patrolling, or voter questioning

1. **Do Not Physically Confront:** Do not attempt to physically block armed personnel or escalate the situation.
2. **Inquire & Inform:** Calmly approach the individuals. Inform them that under 10 ILCS 5/17-23, only authorized personnel are allowed inside the polling place and ask them to leave the premises.
3. **Escalate Immediately:** If they refuse to leave, step away and immediately call the Clerk's Election Judge Call Center. Next, call 911 to report your belief that unauthorized federal agents are on the premises of the polling site.
4. **Maintain Operations:** Do not halt voting unless there is an immediate threat to physical safety. Reassure voters that the County Clerk and local law enforcement have been notified.
5. **Document:** Record the time, number of individuals, agency name on uniforms, badge numbers (if visible), and any vehicles/license plates.

Scenario B: Agents responding to an active public safety threat or executing a specific federal warrant

1. **Do Not Interfere:** If federal or local law enforcement state they are pursuing a specific suspect or responding to an active emergency, do not impede them. Federal supremacy applies to the execution of targeted federal arrest and search warrants.
2. **Ensure Safety:** Direct voters away from any physical altercation.
3. **Report:** Once safe, notify the Clerk's Election Judge Call Center so our office can coordinate with the State's Attorney and manage potential media or operational disruptions.

Sincerely,

Joseph J. Tirio
McHenry County Clerk