



One Hundred Nineteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

September 4, 2026

The Hon. Markwayne Mullin
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Mullin:

On June 1, 2026, and again on July 16, 2026, Members of the Committee on Homeland Security wrote you to demand information regarding plans or policies related to the deployment of Department of Homeland Security (DHS or the Department) law enforcement personnel to polling locations, and we sought your assurances that you would not deploy Immigration and Customs Enforcement (ICE) agents to them.¹ You ignored our letters.

In light of your statements on the matter this week and the revelation that hundreds of DHS personnel have been reassigned to investigate noncitizen voting under the so-called “Unlawful Voter Initiative,”² we write today to express our strongest opposition to any plans the Department may have to deploy its law enforcement officers to polling places during the 2026 midterm elections and to raise our alarm regarding the misuse of DHS resources that could result in the disenfranchisement of eligible voters. The Department was established nearly 25 years ago to defend the Nation against terrorist attacks, and we are concerned that the Trump administration is weaponizing the Department against the people and democratic principles it was founded to protect.

Concerningly, neither you nor the officials who work for you appear to be familiar with Federal laws regarding the presence of law enforcement at polling places. Since your confirmation hearing, you have demonstrated a disturbing lack of awareness of relevant laws and policies on the matter. Before you were confirmed, you said you would deploy ICE to polling locations in response to a

¹ Letter to The Hon. Markwayne Mullin, Secretary, Department of Homeland Security from The Hon. Bennie G. Thompson, Ranking Member, Committee on Homeland Security, The Hon. J. Luis Correa, Ranking Member, Subcommittee on Border Security and Enforcement, and The Hon. Delia C. Ramirez, Ranking Member, Subcommittee on Cybersecurity and Infrastructure Protection (Jul. 16, 2026,) (on file with Committee staff); Letter to The Hon. Markwayne Mullin, Secretary, Department of Homeland Security from Democratic Members of the Committee on Homeland Security (Jun. 1, 2026,) (on file with Committee staff).

² Nick Corasaniti & Hamed Aleaziz, *Trump Administration Launches Blitz to Find Elusive Voter Fraud Ahead of Midterms*, N.Y. TIMES (Sept. 2, 2026), <https://www.nytimes.com/2026/09/02/us/politics/trump-election-voter-fraud.html>.

“specific threat.”³ On Tuesday, you doubled-down on the possibility of deploying ICE agents to polling facilities, saying that you would deploy ICE to polling places “if there is a threat to that polling place or we’re serving a warrant on someone that we have been actively tracking down.”⁴ Neither of the rationales you provided comport with Federal laws governing the deployment of law enforcement to polling sites.

Relatedly, when ICE Assistant Director for Domestic Operations David Krol was asked at a hearing whether he was familiar with 18 U.S.C. § 592, which bars armed military or civilian officers “at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States,” he responded that he was not.⁵ We are troubled that neither you nor leaders within the Department have familiarized yourselves with relevant laws before making public statements or developing plans or policies regarding the deployment of DHS law enforcement personnel this fall.

For your benefit, relevant laws governing the deployment and presence of Federal troops and law enforcement at polling facilities include the following:

- 18 U.S.C. § 592, prohibiting Federal officials from deploying “armed men at any place where a general or special election is held”;
- 18 U.S.C. § 593, prohibiting the armed forces from using “force, threat, intimidation, advice, or otherwise” to prevent someone from voting, and from interfering “in any manner with an election officer’s discharge of his duties”;
- 18 U.S.C. § 594, prohibiting intimidation, threats, or coercion of any person “for the purpose of interfering with the right . . . to vote”; and
- 18 U.S.C. § 595, prohibiting government employees from using official authority in connection with federally financed activity to interfere with a Federal election.⁶

The law is clear. We urge you to review these statutes immediately and provide appropriate training on their substance to relevant leaders and personnel across the Department. Moreover, we demand that you clarify your ambiguous comments regarding the circumstances under which the Department might deploy law enforcement personnel to polling places and make clear to the public that neither ICE nor any other DHS law enforcement personnel will be deployed to polling locations.

We also have grave concerns about the misappropriation of DHS resources related to elections. Earlier this week, ICE published an acquisition forecast indicating that ICE would award a contract

³ Jasleen Singh & Kendall Verhovek, *Sending ICE to Polling Places Is Illegal*, Brennan Center for Justice (Mar. 31, 2026), <https://www.brennancenter.org/our-work/research-reports/sending-ice-polling-places-illegal>.

⁴ Eric Bazail-Emil, *Mullin Says DHS Could Deploy to Polling Sites for ‘Specific’ Threats, Arrests*, POLITICO (Sept. 1, 2026), <https://www.politico.com/news/2026/09/01/mullin-says-dhs-could-deploy-to-polling-sites-for-specific-threats-arrests-01060040>.

⁵ Northern Exposure: Assessing the Evolving Threat Landscape at America’s Northern Border: Hearing Before Subcomm. on Border Sec. and Enforcement and the Subcomm. on Counterterrorism and Intelligence, 119th Cong. (2026).

⁶ Brennan Center for Justice, et al., *Vote Safely in 2026* (Jul. 2026), https://www.brennancenter.org/media/16035/download/2026_07_feds_at_polls_voter_guidance_static.pdf?inline=1.

worth up to \$5 million to build a nationwide voter database.⁷ Press reports have further revealed that “[h]undreds of federal agents from the Department of Homeland Security have been assigned to an intensive, weekslong hunt for noncitizens among the nation’s registered voters despite an absence of evidence of widespread fraud.”⁸ On Tuesday, ICE Homeland Security Investigations (HSI) apparently began to ramp up an already unprecedented effort to investigate noncitizen registrations or incidents of noncitizen voting.⁹ Additional personnel from U.S. Citizenship and Immigration Services (USCIS) have also been assigned to these investigations.

Everyone agrees that non-citizens should not vote in Federal elections, which is why it is already illegal under Federal law.¹⁰ We believe the Trump administration’s motivations behind this reallocation of DHS resources have more to do with interfering with State election processes, suppressing voters, and sowing doubt in election outcomes than ensuring free and fair elections. In any case, it is a reckless diversion of Department resources from thwarting public safety risks like human trafficking, drug smuggling, and child exploitation to addressing an issue that experts roundly agree is extremely rare.¹¹ Despite its best efforts, the administration has failed to produce evidence to the contrary and has had to walk back allegations of rampant noncitizen registrations.

Moreover, the investigatory tactics reportedly being used may violate State laws and policies. Beginning with a list of unknown origins, investigators check voter data against DHS databases for evidence of citizenship, including dates of naturalization. They then check that information against public State voter registration websites. In some instances, DHS investigators pose as the voters themselves and use voters’ names and birthdates to query State election databases intended to enable voters to check their own registration status. Some States require individuals querying the database to affirm that they are a registered voter in the State or the registered voter whose information is being sought, and DHS investigators are instructed to falsely make such affirmations.¹² It is possible this practice also violates State privacy laws, which vary.

It is worth noting that DHS’s actions stand in stark contrast to Department of Justice (DOJ) policies, which dictate refraining from such investigations so close to elections.¹³ In particular, DOJ’s policy observes that overt investigative activity as elections approach “runs the risk of

⁷ David Gilbert, *ICE Plans to Pay \$5 Million to Create National Voting Database*, WIRED (Sept. 2, 2026), <https://www.wired.com/story/ice-plans-to-pay-5-million-to-create-national-voting-database/>.

⁸ Nick Corasaniti & Hamed Aleaziz, *Trump Administration Launches Blitz to Find Elusive Voter Fraud Ahead of Midterms*, N.Y. TIMES (Sept. 2, 2026), <https://www.nytimes.com/2026/09/02/us/politics/trump-election-voter-fraud.html>.

⁹ Pricilla Alvarez, et al., *Exclusive: DHS Plans to Launch Voter Fraud Investigation Surge Tuesday*, CNN (Aug. 31, 2026), <https://www.cnn.com/2026/08/31/politics/homeland-security-voter-fraud-investigations>.

¹⁰ Sean Morales-Doyle, *Noncitizen Voting Isn’t Affecting State or Federal Elections — Here’s Why*, Brennan Center for Justice (Apr. 12, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/noncitizens-are-not-voting-federal-or-state-elections-heres-why>.

¹¹ *See id.*

¹² Nick Corasaniti & Hamed Aleaziz, *Trump Administration Launches Blitz to Find Elusive Voter Fraud Ahead of Midterms*, N.Y. TIMES (Sept. 2, 2026), <https://www.nytimes.com/2026/09/02/us/politics/trump-election-voter-fraud.html> (“In Florida, the voter status portal includes a disclaimer stating ‘this website is intended for use by a registered voter to determine his or her voter registration and voting status.’”).

¹³ Pricilla Alvarez, et al., *Exclusive: DHS Plans to Launch Voter Fraud Investigation Surge Tuesday*, CNN (Aug. 31, 2026), <https://www.cnn.com/2026/08/31/politics/homeland-security-voter-fraud-investigations>.

chilling legitimate voting and campaign activities and of interjecting the investigation itself into ongoing campaigns and the adjudication of any ensuing election contest.”¹⁴ We agree.

There are ways that DHS can, in fact, help ensure that elections are safe and secure. Notably, DHS could provide funding to the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC), as directed by the Fiscal Year (FY) 2026 Department of Homeland Security appropriations bill.¹⁵ DHS could explain how the Cybersecurity and Infrastructure Security Agency (CISA) will spend the \$39.61 million Congress appropriated to support election security activities, and how CISA will rebuild the subject matter expertise it lost when, without consulting Congress, the Trump administration disbanded CISA’s election security team.¹⁶ Additionally, you could provide Congress the updated election infrastructure plan that details CISA’s plan for securing the midterm elections, which is now overdue.¹⁷ DHS could also describe its plan to rebuild trust with State and local election officials after spending 18 months destroying it so much that some elections officials believe DHS may actually be a threat to elections in 2026.¹⁸

There are also ways that DHS could better uphold democratic principles. Namely, you could uphold the rule of law by complying with the Privacy Act, the Social Security Act, and the Administrative Procedure Act, and stop pursuing efforts to use the chronically inaccurate Systematic Alien Verification for Entitlements (SAVE) database to validate the citizenship of potential voters.¹⁹

DHS’s role in helping State and local governments administer secure elections is an awesome responsibility that should not be weaponized in pursuit of the President’s political agenda. Once again, we demand that you comply with long-established Federal law and make clear to the public that DHS law enforcement will not be deployed to polling places. We urge you to depoliticize the allocation of HSI resources and implore you to faithfully execute the congressional mandate to restore funding to the EI-ISAC and CISA’s election security activities. We also insist that you refrain from misusing Federal funds to build a nationwide voter database Congress never authorized the Department to build.

Congress has made itself clear regarding the appropriate role for DHS in the administration of elections. It has barred the deployment of Federal law enforcement to polling places, and it has

¹⁴ *Id.*

¹⁵ Joint Explanatory Statement accompanying Pub. Law No. 119-86 (2026), https://www.appropriations.senate.gov/imo/media/doc/fy26_homeland_jes.pdf.

¹⁶ Nicole Sganga, *Trump Zeroes in on Election Security: His Team Has Cut Thousands of Election-Focused Federal Workers*, CBS NEWS (Jul. 16, 2026), <https://www.cbsnews.com/news/trump-election-security-cisa-justice-department-fbi-federal-worker-cuts/>.

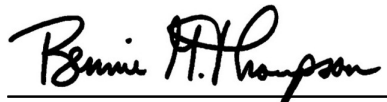
¹⁷ See Doina Chiacu & A.J. Vicens, *DHS Threatens States with Fines, Charges Over Election Measures*, REUTERS (July 17, 2026), <https://www.reuters.com/legal/government/us-dhs-chief-asks-four-states-check-voter-rolls-non-citizens-2026-07-17/>.

¹⁸ See Miles Parks, *Voting Officials Fear DHS May Actually Be a Threat to Elections This Year*, NPR (Jul. 16, 2026), <https://www.npr.org/2026/06/16/nx-s1-5702491/trump-voting-threat-midterm-election-dhs>.

¹⁹ Jacob Knuston, *New Lawsuit Challenges Trump’s ‘Flagrantly Unlawful’ Bid to Create Federal Voter Database for Midterms*, DEMOCRACY DOCKET (Sept. 1, 2026), <https://www.democracymarket.com/news-alerts/new-lawsuit-trump-federal-voter-database-midterms/>.

directed CISA to help State and local election officials secure election infrastructure. The activities DHS is pursuing under your leadership—from ambiguous threats to deploy DHS law enforcement to polling places to executing unprecedented investigations into the President’s conspiracy theory of noncitizen voting to spending millions of dollars on a national voter database—are beyond what Congress has authorized and outside the limits of the law. You must cease these unlawful activities at once.

Sincerely,



Bennie G. Thompson
Ranking Member



J. Luis Correa
Member of Congress



Seth Magaziner
Member of Congress



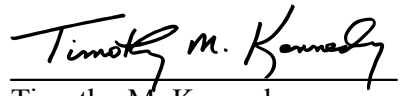
Shri Thanedar
Member of Congress



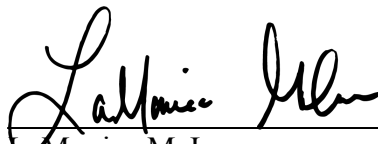
Dan Goldman
Member of Congress



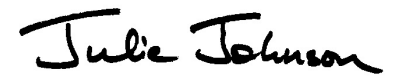
Delia C. Ramirez
Member of Congress



Timothy M. Kennedy
Member of Congress



LaMonica McIver
Member of Congress



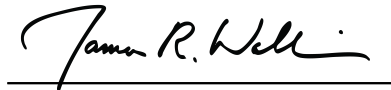
Julie Johnson
Member of Congress



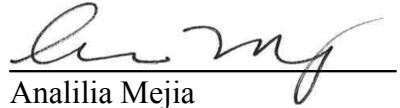
Pablo José Hernández
Member of Congress



Nellie Pou
Member of Congress



James R. Walkinshaw
Member of Congress



Analilia Mejia
Member of Congress



Troy A. Carter, Sr.
Member of Congress



Al Green
Member of Congress

cc: The Hon. Andrew R. Garbarino, Chairman, Committee on Homeland Security