



Policy Memo

Defending First Amendment Protest Against Election Interference:

Guidance for Local Policymakers

October 2026

Since the first day of its second term, the Trump administration has attempted to [rewrite the rules of elections](#) to prevent the people from choosing our leaders. Protest can be an [effective strategy](#) for confronting such authoritarian overreach. For example, in December 2024, [mass protest](#) erupted in defense of South Korean democracy when the president declared martial law, resulting in their eventual [impeachment](#).

Local elected leaders play an important role in protecting First Amendment rights. Responding to protest with police escalation or violence may provide a justification for deploying the National Guard or invoking the [Insurrection Act](#) to deploy the military against civilians. When communities protested ICE raids in Los Angeles, the Trump administration [mischaracterized protest](#) as violent in order to justify federal deployment.

Local leaders can play a critical role in protecting community members' right to protest and to de-escalate encounters between local law enforcement and protestors.

Key Strategies for Protecting First Amendment Protest

- **Push for clear guidelines for police engagement with protestors.**
 - Restrict use of tear gas, rubber bullets, kettling, and other law enforcement tools and tactics commonly used to suppress protest. Even if you have previously encountered opposition to banning these tools, colleagues may be more receptive to temporarily restricting them during the election and immediate post-election period.
 - [Change local laws and practices](#) that could chill or punish dissent and protest, including repealing local nuisance laws such as loitering, disturbing the peace, and resisting arrest, and establishing clear limits on executive emergency powers, including the imposition of curfews and police powers under curfews.
 - Require law enforcement officers to seek voluntary compliance before issuing citations or making arrests.
 - Limit when and how general dispersal orders can be used. Police should respond to the unlawful acts of individuals, rather than issuing a general order to disperse.
 - Require prompt processing and release of anyone arrested in connection with a public assembly.
 - Allow media and legal observers full access to protests.



- **Obtain commitments from the police chief and local executive authority on how police will respond to protests regarding election interference.**
 - Push the police chief to prioritize de-escalation; this will be essential to preventing excuses for federal deployment.
 - Ask for and review copies of police general orders and use-of-force policies, and for any other protest-related guidance currently provided to the police chief.
 - Consider holding a hearing to get the police chief's policies on the record.
- **Clearly and publicly communicate expectations for police conduct during protests.**
 - Transparently communicate and share the procedures police are expected to follow during protests.
 - Serve as a point of contact for community and organizing partners to report any instances where law enforcement fails to adhere to these expectations.
- **Publicly commit to honoring First Amendment rights - and push other elected leaders to do the same.** If a protest is organized, local leaders should publicly commit to protecting their constituents' First Amendment right to protest.
 - Key points to emphasize:
 - The right to protest is a cornerstone of our democracy, and it does not disappear during election season.
 - Any interference, from the federal government or third-party agitators, is a direct attempt to take away our voices, our votes, and our rights. The First Amendment was adopted so that “we the people” can protect our constitutional rights, including the right to choose our leaders through free elections.
 - If federal agents or anyone else attempt to interfere with this election, residents have every right to organize and make their voices heard before, during, and after Election Day.
 - If interference occurs: Yesterday, the federal government attempted to interfere with the election process in [CITY] by [INSERT SPECIFICS]. It was a direct attack on our democracy, and residents have every right to protest.
 - Encourage other elected leaders to adopt shared messaging committing to protecting First Amendment protest. See Mayors for America, [Mayoral Talking Points for Elections](#) for additional detail.

See Local Progress Impact Lab's [Reform/Transform](#) resource (starting at page 15) for additional detail and reach out to our [HelpDesk](#) for support.