

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON ELECTIONS

Gail Pellerin, Chair

AB 2230 (Ávila Fariás) – As Amended April 7, 2026

SUBJECT: Immigration enforcement: polling places and child daycare facilities.

SUMMARY: Expands an existing crime that makes it illegal for any person with a firearm, or a uniformed officer, to be stationed in the immediate vicinity of a polling place without authorization from the appropriate elections official, to include any person who displays a uniform or other clothing or insignia that reasonably conveys an association with any local, state, or federal law enforcement agency. Makes a violation of that crime a felony, punishable by a fine and imprisonment, as specified. Prohibits immigration enforcement personnel from being stationed within 100 feet of the entrance of a licensed child daycare facility. Makes a violation of that crime a felony, punishable by a fine and imprisonment, as specified. Specifically, **this bill:**

- 1) Expands an existing crime that makes it illegal for a person in possession of a firearm, or a uniformed officer, to be stationed in the immediate vicinity of, or posted at, a polling place without authorization from the appropriate elections official, to include any person who displays a uniform or other clothing or insignia that reasonably conveys an association with any local, state, or federal law enforcement agency. Increases the potential penalty by making a violation of this crime a felony, punishable by a fine and by imprisonment for 2, 3, or 5 years, instead of a misdemeanor or felony, punishable by a fine, and by imprisonment for 16 months or 2 or 3 years, or in a county jail not exceeding 1 year, or by both a fine and imprisonment.
- 2) Creates an exception and provides that the prohibition in #1 does not apply to a peace officer who is responding to a presently occurring violent crime, responding to an immediate threat to the life or health of others at the polling place, or casting a vote, instead of exempting a peace officer who is conducting official business in the course of their public employment or who is at the polling place to cast their vote.
- 3) Prohibits an elections official from authorizing any agency or officer responsible for immigration enforcement or federal law enforcement to be stationed or posted in the immediate vicinity of a polling place. Provides that such an authorization issued by an elections official is null and void, and the existence of an unlawful authorization is not a defense to a criminal charge brought pursuant to this bill. Defines, for the purposes of this bill, “immediate vicinity” to include a building in which a polling place is situated, and 100 feet from any entrance or exit to the building, a parking facility for the building, and the ingress or egress for a vehicle to the parking facility.
- 4) Prohibits, except as required by existing state or federal law, immigration enforcement personnel from being stationed within 100 feet of the entrance of a licensed child daycare facility, except if the immigration enforcement personnel is doing tasks related to the personnel’s own children. Makes a violation of this crime a felony, punishable for a fine up to \$10,000 and imprisonment for 2, 3, or 5 years, for immigration enforcement personnel to

be stationed within 100 feet of the entrance of a licensed child daycare facility.

- 5) Prohibits, except as required by existing state or federal law or as required to administer a state or federally supported early care and learning program, employees of a licensed child daycare facility from allowing an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area of a licensed child daycare facility without being presented with a valid judicial warrant or judicial subpoena, or a court order. Requires any employee of a licensed child daycare facility, to the extent practicable, to request a valid identification from an officer or employee of an agency conducting immigration enforcement seeking to enter a nonpublic area of a licensed child daycare facility. Provides that these provisions shall not be construed to limit a licensed child daycare facility's or employee's right to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction.
- 6) Contains a severability clause.
- 7) Makes various findings and declarations.

EXISTING LAW:

- 1) Provides that voters have a right to cast a secret ballot free from intimidation. (Elections Code § 2300(a)(4))
- 2) Makes it a felony for a person to interfere with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted. Provides that "voting at an election" includes, but is not limited to, voting in person at a polling place or at the office of the elections official, including satellite locations, and voting by mail and returning a voted ballot. (Elections Code §18502)
- 3) Makes it a felony for a person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, or to hire or arrange for another person to do so, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election. Provides that "voting at any election" includes, but is not limited to, voting in person at a polling place or at the office of the elections official, including satellite locations, and voting by mail and returning a voted ballot. (Elections Code §18540)
- 4) Makes it a crime punishable by a fine, by imprisonment in county jail or in state prison, or by both a fine and imprisonment, for a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official. Provides that this prohibition does not apply to any of the following:

- a) An unarmed uniformed guard or security personnel who is at the polling place to cast their vote;
 - b) A peace officer who is conducting official business in the course of their public employment or who is at the polling place to cast their vote;
 - c) A private guard or security personnel hired or arranged for by a city or county elections official; and,
 - d) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held. Defines “immediate vicinity” to mean the area within 100 feet of the room or rooms in which the voters are signing the roster and casting ballots. (Elections Code §§18544, 18546(b))
- 5) Makes it a crime punishable by a fine, by imprisonment in county jail or in state prison, or by both a fine and imprisonment, for a person to hire or arrange for any person in possession of a firearm or any uniformed law enforcement officer, private guard, or security personnel or any person who is wearing a uniform of a law enforcement officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling place or a county elections office without written authorization of the appropriate elections official or written authorization by a federal court order. Defines “immediate vicinity” to mean the area within 100 feet of the room or rooms in which the voters are signing the roster and casting ballots. Provides, for purposes of this section, that “law enforcement officer” means either of the following:
- a) A peace officer as defined in existing law.
 - b) An officer or agent of a federal law enforcement agency or any person acting on behalf of a federal law enforcement agency. (Elections Code §§18545, 18546(b))
- 6) Defines a “child day care facility” to mean a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Provides that a child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes. (Health and Safety Code §1596.750)
- 7) Establishes the California Child Day Care Facilities Act and provides for the licensure and regulation of child daycare facilities, including daycare centers and daycare homes, by the State Department of Social Services. (Health and Safety Code §§1596.70, et al.)
- 8) Requires the licensee or administrator of a licensed child daycare facility, as applicable, to report to the State Department of Social Services and Attorney General any requests for information or access to the facility by an officer or employee of a law enforcement agency, for the purpose of immigration enforcement. Prohibits a licensee or administrator from providing the personal information of staff, children in care, or their relatives and family

members, except that a licensee or administrator of a licensed child daycare facility may provide to the State Department of Social Services and Attorney General (AG) documentation that the licensee or administrator has received from an officer or employee of a law enforcement agency that includes that personal information. (Health and Safety Code §1597.640(b)(1)(A))

EXISTING FEDERAL LAW:

- 1) Prohibits a person from intimidating, threatening, or coercing another person to vote, or attempting to do so, for voting or attempting to vote, or for urging or aiding any person to vote or attempt to vote. (52 U.S.C. §10307(b))
- 2) Prohibits a person from intimidating, threatening, or coercing another person, or attempting to do so, with the purpose of interfering with a person's right to vote in federal elections. (52 U.S.C. §10101(b))
- 3) Makes it a crime punishable by a fine, imprisonment, or both, for a person to knowingly and willfully intimidate, threaten, or coerce any person, or attempt to do so, for registering to vote, or voting, or for urging or aiding anyone to vote or register to vote in federal elections. (52 U.S.C. §20511(1))
- 4) Makes it a crime punishable by a fine, imprisonment, or both for a person to intimidate, threaten, or coerce a person, or attempt to do so, for the purpose of interfering with that person's right to vote or to vote as they may choose in federal elections. (18 U.S.C. §594)
- 5) Makes it a crime punishable by a fine, imprisonment, or both, and by disqualification from holding any office of honor, profit, or trust under the United States (US), for an officer of the armed forces or member of the civil, military, or naval service of the US, to be present at federal polling places unless specifically posted to repel armed enemies. (18 U.S.C. §592)
- 6) Makes it a crime for a member of the armed forces to prevent someone from voting "by force, threat, intimidation, advice, or otherwise," or to interfere "in any manner with an election officer's discharge of his duties." (18 U.S.C. §593)
- 7) Makes it a crime for "a person employed in any administrative position by the US, or by any department or agency thereof," to use their "official authority for the purpose of interfering with, or affecting" a federal election. (18 U.S.C. §595)

FISCAL EFFECT: Unknown. State-mandated local program; contains a crimes and infractions disclaimer.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author:

ICE has terrorized California residents, U.S. citizens and non-citizens alike, through untargeted arrests and brutality based on nothing more than a person's racial appearance, language spoken, occupation, and exercise of First

Amendment-protected expression.

Political provocateurs, including advisors to the President of the United States, have suggested that ICE agents will be ordered to surround vote centers and polling locations to intimidate immigrants and others from exercising their constitutional right to vote. We've also seen children held hostage and used as bait to lure family members from their homes.

Exercising your constitutionally guaranteed right to vote should not be discouraged by a rogue federal organization whose task is to sow fear, intimidation and violence in California communities. Families do not deserve to face fear, uncertainty, and potential disruptions to their children's education and lives. Childcare facilities should remain safe locations where all children, regardless of immigration status, can learn and thrive without fear of enforcement actions.

AB 2230 will ensure that childcare facilities and voting centers are free from violence and intimidation by prohibiting ICE agents from surrounding or entering these spaces.

- 2) **Current Protections in California:** As described above, many provisions of existing law seek to protect voters from bad actors interfering with the election process. However, due to escalating hostility and acrimonious discourse surrounding elections over the years, the Legislature has taken steps to ensure there are laws in place to protect election workers and voters. For example, SB 35 (Umberg), Chapter 318, Statutes of 2021, expanded laws that prohibit electioneering and political activities near voting sites, and prohibits activities related to deceptive unofficial ballot collection containers.

SB 1131 (Newman), Chapter 554, Statutes of 2022, allows individuals who face threats or acts of violence or harassment because of their work for public entities (including election workers) to participate in an existing address confidentiality program for reproductive health care service providers, employees, volunteers, and patients. SB 1131 additionally allows employees and contractors of state or local election officials who face life-threatening circumstances to have their voter registration information made confidential.

SB 485 (Becker), Chapter 611, Statutes of 2023, expanded an existing crime that makes it a felony to interfere with the officers conducting an election or canvass, or a voter exercising their right to vote, and clarified the law to ensure the applicability of the term "officers holding an election or conducting a canvass" includes elections officials and their permanent staff, temporary workers and volunteers.

AB 2642 (Berman), Chapter 533, Statutes of 2024, prohibits a person from intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce, any other person for engaging in specified election-related activities, and authorizes an aggrieved person, an officer holding an election or conducting a canvass, or the AG to file a civil action to enforce those prohibitions. Additionally, AB 2642 created a presumption that a person who openly

carries a firearm or imitation firearm while interacting with or observing specified election-related activities, is presumed to have engaged in prohibited intimidation, as specified.

Last year, SB 851 (Cervantes), Chapter 238, Statutes of 2025, sought to address potential federal inference in California's elections. Among the provisions of the bill, SB 851 expanded an existing crime and made it illegal to hire or arrange for an officer or agent of a federal law enforcement agency, or any person acting on behalf of a federal law enforcement agency, to be stationed in the immediate vicinity of, or posted at a polling place without authorization of the appropriate elections official or written authorization by a federal court. Additionally, SB 851 expanded this crime to include a person who hires or arranges specified persons, including a federal law enforcement officer or agent, to be stationed in the immediate vicinity of or at a county elections office.

According to the author, this bill will additionally strengthen existing law by prohibiting federal immigration enforcement from being stationed near or entering polling places. Specifically, this bill expands an existing crime and makes it illegal for any person displaying a uniform or other clothing or insignia that reasonably conveys an association with any local, state, or federal law enforcement agency to be stationed in the immediate vicinity of a polling place without written authorization by an elections official. This bill makes a violation of that crime a felony, punishable by a fine and imprisonment of 2, 3, or 5 years. Additionally, this bill prohibits an elections official from authorizing any agency or officer responsible for immigration enforcement or federal law enforcement to be stationed or posted in the immediate vicinity of a polling place, as specified.

- 3) **Inconsistent Elections Code Provisions:** As mentioned above, last year SB 851 (Cervantes) amended Elections Code Section 18545 to make it illegal to hire or arrange for an officer or agent of a federal law enforcement agency or any person acting on behalf of a federal law enforcement agency officer to be stationed in the immediate vicinity of a polling place or a county elections officials' office without authorization of the appropriate elections official or written authorization by a federal court. Part of SB 851's intent was to make it illegal to hire or arrange federal immigration officers or a person acting on behalf of a federal enforcement agency to be stationed in the immediate vicinity of a polling place or county elections official's office.

This bill establishes a different standard in Elections Code Section 18544. It *explicitly prohibits* an elections official from authorizing any agency or officer responsible for immigration enforcement or federal law enforcement to be stationed in the immediate vicinity of a polling place. Additionally, this bill broadens the meaning of "immediate vicinity" to include areas within 100 feet of any building entrance or exit, parking facility for the building, and any vehicle entrance or exit for those parking facilities. These restrictions, however, do not apply to individuals who hire or arrange for a person in possession of a firearm or uniformed law enforcement to be stationed at a voting location or a county elections official's office.

- 4) **Penalty Provisions:** This bill deletes the 16 months, or 2 or 3 year sentencing penalty in Elections Code Section 18544(a), however it continues to reference Penal Code Section 1170(h). This may create potential inconsistencies with other related Election Code penalty

provisions, such as Sections 18540 and 18545, which still rely on Penal Code Section 1170(h) sentencing scheme.

The author, at a minimum, may wish to consider amending the bill to fix the code reference.

- 5) **Federal Interference in Elections and Other States:** State and local elections officials run elections and have primary responsibility for ensuring the safety and security of polling places. The presence of law enforcement at the polls can be intimidating, so election officials work hand in hand with state and local law enforcement to ensure they are prepared to respond appropriately in the event of emergencies without needlessly causing intimidation.

Ahead of this year's midterm elections, and even though federal law prohibits federal troops or law enforcement from interfering with voting, numerous media outlets have reported that Trump administration allies have floated the possibility that federal immigration agents could interfere at polling sites this fall. In response to these reports, media outlets have also reported that the White House and a top Department of Homeland Security official have stated that there are no plans to deploy US Immigration and Customs Enforcement (ICE) agents to polling sites.

Those reports, however, have raised concerns over voter intimidation and voter turnout, and a few states have taken action. For instance, earlier this year, a new state law in New Mexico – SB 264 – includes language modeled after existing federal law that prohibits the ordering, bringing or keeping of officers in the civil, military or naval service of the US at any place where an election is being held. The bill allows the AG, Secretary of State, a county clerk, or a voter to bring a civil action in district court to enforce its provisions and strengthens existing offenses in the election code.

Additionally, this year legislation was introduced in Virginia – HB 650 – which prohibits certain federal civil immigration enforcement activities in certain protected areas including within 40 feet of any polling place or building used as a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election, among other provisions. Connecticut also introduced legislation – SB 397– which is intended to increase oversight of federal law enforcement agents, such as ICE, by allowing citizens to sue them in state court for constitutional rights violations.

Alternatively, a bill in Arizona – SB 1570 – requires county recorders and each county board of supervisors, notwithstanding any other law and for the 2026 general election only, to enter into a written agreement with a federal immigration law enforcement agency to provide for a federal immigration law enforcement presence at each location in Arizona where ballots are cast or deposited.

- 6) **Related Legislation:** SB 884 (Umberg) prohibits a federal, state, or local law enforcement officer from arresting any person within 200 feet of a polling place on Election Day, except for a crime related to disrupting the operation of the polling place, among other provisions.
- 7) **Triple Referral:** This bill has also been referred to the Assembly Human Services Committee and the Assembly Public Safety Committee. It was scheduled to be heard in the

Assembly Human Services Committee on April 14, 2026—the day before its scheduled hearing in this committee. It will be heard in this committee on April 15 contingent upon this committee's receipt of the bill from the Human Services Committee.

If approved by this committee, the bill will next be referred to the Assembly Public Safety Committee. Due to impending committee deadlines and the bill's referral to another policy committee, staff recommends that no amendments be made at this time. Should the committee wish to propose amendments, staff recommends approving the bill without amendments today, with the author committing to adopt those amendments after the bill's passage from this committee.

This analysis focuses on policy issues within the jurisdiction of the Assembly Elections Committee. Issues falling under the jurisdiction of the Assembly Human Services and Public Safety Committees will be addressed more fully by those committees.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file.

Opposition

None on file.

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