

116TH CONGRESS
1ST SESSION

H. R. 4718

To restrict the enforcement of the immigration laws at polling places, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2019

Ms. GARCIA of Texas (for herself, Ms. NORTON, Ms. ESCOBAR, Ms. JACKSON LEE, Mr. VELA, Mr. CISNEROS, Ms. HAALAND, Mr. EVANS, and Ms. BARRAGÁN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restrict the enforcement of the immigration laws at
polling places, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Polling Access Safety
5 Act of 2019”.

6 **SEC. 2. RESTRICTION OF ENFORCEMENT OF THE IMMIGRA-**
7 **TION LAWS AT POLLING PLACES.**

8 (a) IN GENERAL.—

1 (3) Public training exercises.

2 (b) DESCRIPTION OF EXIGENT CIRCUMSTANCES.—

3 Not later than 30 days after any enforcement action is
4 taken by an officer or employee of the Department of
5 Homeland Security on a voting day as a result of exigent
6 circumstances, the Secretary of Homeland Security shall
7 provide to each of the following a report containing a de-
8 scription of the circumstances requiring immediate en-
9 forcement action on a voting day:

10 (1) The Office of Inspector General of the De-
11 partment of Homeland Security.

12 (2) The Office for Civil Rights and Civil Lib-
13 erties of the Department of Homeland Security.

14 (3) The Committee on Homeland Security of
15 the House of Representatives.

16 (4) The Committee on Homeland Security and
17 Governmental Affairs of the Senate.

18 (5) The Committees on the Judiciary of the
19 House of Representatives and the Senate.

20 (6) The Office of the Special Counsel.

21 **SEC. 4. RESTRICTION ON THE USE OF IMMIGRATION IN-**
22 **FORMATION OBTAINED ON VOTING DAYS.**

23 No information obtained in violation of section 2 or
24 3 may be used to initiate deportation proceedings.

1 **SEC. 5. PENALTIES.**

2 An officer or employee of the Federal Government
3 who knowingly violates section 2 or 3 shall be subject to
4 a civil money penalty of not less than \$5,000 and not more
5 than \$10,000.

6 **SEC. 6. ADDITIONAL PERSONNEL.**

7 (a) IN GENERAL.—There are established 3 positions
8 within the competitive service in the Office of Inspector
9 General of the Department of Homeland Security, the Of-
10 fice for Civil Rights and Civil Liberties of the Department
11 of Homeland Security, and the Office of the Special Coun-
12 sel (established under section 1211 of title 5, United
13 States Code). The duties of such positions shall consist
14 of monitoring and ensuring compliance with the require-
15 ments of this Act.

16 (b) HATCH ACT TRAINING.—The Secretary of Home-
17 land Security shall establish a training program for cov-
18 ered officers and employees of the Department of Home-
19 land Security on compliance with the requirements of sub-
20 chapter III of chapter 73 of title 5, United States Code
21 (commonly referred to as the “Hatch Act”). Training
22 under such program shall be required to be completed an-
23 nually for each such employee.

24 **SEC. 7. DEFINITIONS.**

25 In this Act:

1 (1) The term “covered officer or employee of
2 the Department of Homeland Security” means—

3 (A) an officer or agent of the Department
4 of Homeland Security, including an officer or
5 agent of U.S. Immigration and Customs En-
6 forcement and U.S. Customs and Border Pro-
7 tection; and

8 (B) any individual designated to perform
9 immigration enforcement functions pursuant to
10 section 287(g) of the Immigration and Nation-
11 ality Act.

12 (2) The term “election” has the meaning given
13 the term in section 301(1)(A) of the Federal Elec-
14 tion Campaign Act of 1971 (52 U.S.C.
15 30101(1)(A)).

16 (3) The term “immigration laws” has the
17 meaning given the term in section 101 of the Immi-
18 gration and Nationality Act (8 U.S.C. 1101).

19 (4) The term “voting day” means any day on
20 which a polling place is open for voting in a Federal
21 election, including early voting.

22 (5) The term “exigent circumstances” means a
23 situation involving—

24 (A) the imminent risk of death, violence, or
25 physical harm to any person, including a situa-

1 tion implicating terrorism or the national secu-
2 rity of the United States in some other manner;

3 (B) the immediate arrest or pursuit of a
4 dangerous felon, terrorist suspect, or other indi-
5 vidual presenting an imminent danger or public
6 safety risk; or

7 (C) the imminent risk of destruction of evi-
8 dence that is material to an ongoing criminal
9 case.

10 (6) The term “enforcement action” means an
11 arrest, interview, search, or surveillance for the pur-
12 poses of immigration enforcement, and includes an
13 enforcement action at, or focused on, a sensitive lo-
14 cation that is part of a joint case led by another law
15 enforcement agency.

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