

FROM: AL JOHNSON, EUGENE

**TO: SENATE COMMITTEE ON JUDICIARY
HOUSE COMMITTEE ON JUDICIARY
OREGON STATE CAPITOL
900 COURT ST. NE, ROOM 347
SALEM, OREGON 97301**

**RE: SENATE BILLS 1594 AND 1563
HOUSE BILLS 4114, 4138**

DATE: FEBRUARY 4, 2026

Two updates on ICE, state legislation, and the midterms:

One:

Steve Bannon calls for immigration agents at polling sites during midterms

Ex-Trump adviser adds to elections officials' concern about potential interference from Trump administration in voting

[Rachel Leingang](#)

Wed 4 Feb 2026 19.41 CET

[Steve Bannon](#), the former White House strategist and rightwing podcast host, said he wants to see immigration agents at the polls in November, a proposal that election officials have feared.

Bannon has no formal power, but is an influential figure on the far right and is closely tied with the [Trump administration](#).

[Donald Trump](#) this week again [suggested](#) that the federal government “should take over the voting” and federalize elections, which are run by local and state jurisdictions, as part of his ongoing false claims that Democrats have stolen elections. He also reiterated lies that undocumented people are brought to the US to vote and their participation led to Democratic electoral victories.



Democrats say Trump's immigration crackdown has undermined efforts to combat human trafficking

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Repeating false claims that undocumented people vote in large numbers in US elections, Bannon [said on his War Room show](#) on Tuesday: "You're damn right we're gonna have ICE surround the polls come November."

The comments come as elections officials nationwide grow more concerned about potential interference from the [Trump administration](#) in this year's midterms. One of those fears is that immigration agents will be near polling places or have a heavy footprint in Democratic areas on election day.

Law enforcement presence at the polls is generally seen as a negative among election officials, and in some places subject to legal parameters, because it can intimidate voters from casting their ballots. Immigration agents, in particular, have caused people – including US citizens and otherwise legal residents – to stay home for fear of detention or racial profiling.

Trump has attempted to take over aspects of elections via an executive order that, among other provisions, would have required proof of citizenship to vote. Courts have [blocked](#) much of the order from going into effect, recognizing the states' roles in managing elections. Congress also has considered bills that would require proof of citizenship, though those efforts appear stalled.

In Minnesota, where thousands of agents have surged in the last month, the US attorney general, Pam Bondi, issued a set of demands to the state to get the government to draw down its agents. Among those demands: the state turning over its voter rolls to the federal government. The Department of Justice has requested and is suing to get access to the voter rolls in several states, and elections officials have fought back against the requests over privacy and security concerns.

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“Let’s put you on notice again: ICE is going to be around the polls in the 2026 midterm elections,” Bannon said, adding that the Democrats were mostly “the credentialed class” who keep “the abject poor ... on these social welfare programs and never let them off it”.

Two:

Tennessee to test Stephen Miller’s plan of enlisting states for immigration enforcement

Bills mandate ICE cooperation, school status checks and criminalize information release, testing constitutional lines

[George Chidi](#)

Guardian: Wed 4 Feb 2026 13.00 CET

The power to enforce immigration law rests with the federal government.

But [Trump](#) adviser, Stephen Miller, has a vision for states working in coordination with federal [immigration](#) officials, and he’s attempting to test it out in [Tennessee](#).

Earlier this month, the Knoxville News Sentinel reported that Miller had been meeting in Washington DC with [Tennessee](#) speaker of the house, Cameron Sexton, to craft model legislation for states around the country.

A few weeks later, the speaker announced a suite of eight bills that would turn state and local police officers, judges, teachers, social workers and others into an auxiliary extension of the federal immigration system. It makes the presence of an undocumented person with a final deportation order a state crime in Tennessee. And it mandates that officials report the presence of undocumented persons to ICE, while criminalizing disclosure of information about immigration enforcement activities to the public.

“The president’s behind us,” said Knoxville-area representative and deputy speaker, Jason Zachary, on a video taken from a talk with a conservative group, describing Sexton’s contact with Miller. “The president has promised his support on social media for us, and we are being told Tennessee will go first.”

Last year, Tennessee also established an immigration enforcement division under its department of safety and homeland security, and made the records collected by the chief immigration enforcement officer exempt from Tennessee’s already limited public records access laws. Confidentiality extends to records for grant programs administered by the department, preventing watchdogs from examining what local law enforcement agencies do with federal grant money for immigration enforcement.

Legislation filed on 15 January doesn't just extend that confidentiality; it demands it. A state or local official, including judges, "negligently" releasing identifying information of officers involved in immigration enforcement would face a felony and removal from office.

Senate Bill 1464, criminalizing disclosure, appears to be aimed directly at Freddie O'Connell, the Nashville mayor who [issued](#) an executive order last year to track and publish ICE contacts in the city. O'Connell briefly published the names of some ICE agents as part of the effort.

"It's really alarming," said Lisa Sherman-Luna, executive director of the advocacy organization Tennessee Immigrant and Refugee Rights Coalition. "We have folks in office who are really creating infrastructure for the secret police, with zero accountability, total impunity, legitimizing the way that ICE is behaving, wearing masks or civilian clothes, not identifying themselves, and giving these guys license to behave in whatever way they desire without an ability for the public to hold them accountable."

But the most controversial and legally impactful proposal would require local school systems to verify lawful status for K-12 students. Those without legal residency would be charged tuition. Others could be denied enrollment.

The Tennessee state senate passed a version of this bill last year, but the state house paused movement while looking for guidance from Washington on how it might affect federal education funding.

The legislation directly challenges Plyler v Doe, a landmark 1982 US supreme court case that establishes a constitutional right for undocumented children to an education at public expense, setting up revisitation of the decision in the Roberts court.

"We're not clear where the supreme court is going to land on certain issues," Sherman-Luna said. "And the state legislature doesn't care that things are unconstitutional. They're betting on the supreme court ruling in their favor, and they're trying to change the constitution through these kinds of laws."

The day the speaker filed the legislative package – eight days after an ICE agent killed Renee Good and set off massive protests in Minneapolis – Sexton held a press conference in Nashville to describe the merits of his legislative proposals.

"Look at Minnesota," Sexton [said](#). "Is Minnesota holding those individuals accountable? Are they holding them accountable for blocking streets? No. You can't block streets in Tennessee. You're going to be held accountable or you're going to go to jail. And Minnesota is just a wild, wild west. They allow people to do anything. It's actually a detriment to law enforcement. They're making it less safe to be a police officer or a federal agent in Minnesota."

Sexton's office has not responded to requests for comment.

One of the bills requires courts and local law enforcement to cooperate with ICE. This would presumably outlaw efforts by local prosecutors and police to arrest federal immigration agents for violating state law.

In a continuation of the state's longstanding conflict with its more progressive cities such as Memphis and Nashville, the legislation would allow Tennessee's attorney general to withhold state funds and shared sales tax revenue from non-compliant municipalities. Tennessee does not have a state income tax but relies on the second-highest sales tax rate in the country, making this a potent financial threat.

"DC does not want to fix the problem, and so here we are using a broken system," said John Ray Clemmons, the state representative from Nashville and chair of the Democratic caucus in Tennessee. "And DC is trying to tell us how to target the people who are a result of that broken system, more or less."

Clemmons questions the priorities of Republicans. "It's lazy to ride the coattails of this administration on immigration, instead of actually addressing the problems people are facing, like ending the grocery tax, expanding access to healthcare, ensuring rural hospitals aren't closing, fully funding public schools," he said.

But Republican lawmakers rest much of their argument for the legislation on assertions that undocumented migrants cost Tennessee taxpayers millions.

"Rural communities like mine are paying the price for illegal immigration," said Ken Yager, senate Republican caucus chairman, in a release. "It places a real strain on local resources and drains taxpayer dollars that should be reinvested right here at home to strengthen our communities."

The proposed legislation requires monthly reporting about non-citizens receiving public benefits such as housing or medical services, and for those reports to be coordinated with the Department of Homeland Security. A "comprehensive report detailing the total cost of illegal immigration to Tennessee taxpayers, including schools, hospitals, prisons, and social services" would be published annually, according to an information sheet sent by legislative offices in January.

Bills in consideration would also require state and local governments to verify lawful status before issuing taxpayer-funded benefits. If someone's immigration status cannot be verified, it requires the agency to refer the contact to ICE and Tennessee's centralized immigration enforcement division.

One bill requires that state contractors use E-Verify, a federal internet-based system allowing employers to electronically confirm the employment eligibility of new hires. The proposed bills would require proof of lawful status for licensed professions, including teachers, nurses and contractors. It also requires driver's license examinations to be conducted in English, with one-time exceptions, and restricts licenses for some non-citizens.

This model legislation carries the prospect of broad economic effects from state level immigration policies. Critically, the proposal would criminalize the use of a commercial driver's license (CDL) by an operator without lawful immigration status. The Trump administration has attacked the issuance of CDLs in California, New York and other Democratic-controlled states to undocumented drivers. Transportation secretary, Sean Duffy, is **withholding** some federal funds and has **threatened** to block California from issuing CDLs to anyone over the state's practices.

The legislation sets up the prospect of Tennessee state troopers checking the immigration status of out-of-state drivers passing through the state. As model legislation, a line of states from Indiana to Texas implementing the policy could create a deportation hazard for undocumented cross-country truckers.

Immigration activists are organizing in Tennessee to oppose restrictive state-level legislation, but are under resourced, Sherman-Luna said. The political focus on federal races and chaos in Washington DC draws money and attention from red state fights, she said.

"The recipe for fighting authoritarianism is in the south, because it's not just Tennessee," she said. "We've too long been neglected in favor of the electoral map."