

## **BILL ANALYSIS**

C.S.H.B. 804  
By: Lewis  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, it is a third degree felony for a person to knowingly vote in an election in Texas when the person is ineligible to vote. Noncitizens are ineligible to vote, but there is no separate punishable offense for a noncitizen who illegally votes in an election. C.S.H.B. 804 creates a separate offense for a noncitizen who votes or attempts to vote and a related affirmative defense.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 804 amends the Election Code to make it a third degree felony offense for a person who is not a citizen of the United States to vote or attempt to vote in an election in Texas. The bill establishes an affirmative defense to prosecution for this offense if the person believed in good faith that the person was a citizen of the United States.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 804 contains a provision not in the original making it an offense for a person who is not a citizen of the United States to attempt to vote in an election in Texas. The substitute makes it a third degree felony offense for a person who is not a citizen of the United States to vote in an election in Texas, rather than making it a second degree felony offense, as in the original. The substitute contains a provision not in the original establishing an affirmative defense to prosecution for this offense under certain circumstances.