

By: Lewis, Aliseda, Branch, Harless, Pena,  
et al.

H.B. No. 804

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the offense of illegal voting by a person who is not a  
3 United States citizen.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 64, Election Code, is  
6 amended by adding Section 64.013 to read as follows:

7 Sec. 64.013. ILLEGAL VOTING BY PERSON WHO IS NOT UNITED  
8 STATES CITIZEN. (a) A person commits an offense if the person is  
9 not a citizen of the United States and the person votes or attempts  
10 to vote in an election in this state.

11 (b) An offense under this section is a felony of the second  
12 degree unless the person is convicted of an attempt. In that case,  
13 the offense is a state jail felony.

14 (c) It is an affirmative defense to prosecution for an  
15 offense under this section that the person believed in good faith  
16 that the person was a citizen of the United States.

17 SECTION 2. This Act takes effect September 1, 2011.