

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 17, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB804 by Lewis (Relating to the offense of illegal voting by a person who is not a United States citizen.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Election Code by creating the offense of illegal voting by a person who is not a United States citizen. Under the provisions of the bill, a person would commit the offense identified in the bill if the person is not a citizen of the United States and votes in an election in this state. The bill would also provide an affirmative defense to prosecution that the person believed in good faith that the person was a United States citizen. The offense of illegal voting by a person who is not a United States citizen would be punishable as a felony of the second degree. Under the provisions of the bill, if a person is convicted of attempting to vote illegally by a person who is not a United States citizen would be punishable as a state jail felony. The bill would take effect on September 1, 2011.

Under current status, the punishment for the offense of illegal voting in an election in which the person knows the person is not eligible to vote is punishable as a third degree felony, and the punishment for attempting to vote illegally is punishable as a Class A Misdemeanor. Expanding the list of behaviors for which a penalty is applied for any criminal offense or increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jail, state jail or prison. However, in the case of this bill, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State, 405 Department of Public Safety

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