

By: Toth

H.B. No. 4198

A BILL TO BE ENTITLED

1 AN ACT

2 relating to conduct constituting the criminal offense of illegal  
3 voting; increasing a criminal penalty.

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

5 SECTION 1. Sections 64.012(a) and (b), Election Code, are  
6 amended to read as follows:

7 (a) A person commits an offense if the person knowingly or  
8 intentionally:

9 (1) votes or attempts to vote in an election in which  
10 the person knows of a particular circumstance that makes the person  
11 [~~is~~] not eligible to vote;

12 (2) votes or attempts to vote more than once in an  
13 election;

14 (3) votes or attempts to vote a ballot belonging to  
15 another person, or by impersonating another person;

16 (4) marks or attempts to mark any portion of another  
17 person's ballot without the consent of that person, or without  
18 specific direction from that person how to mark the ballot; or

19 (5) votes or attempts to vote in an election in this  
20 state after voting in another state in an election in which a  
21 federal office appears on the ballot and the election day for both  
22 states is the same day.

23 (b) An offense under this section is a felony of the second  
24 degree unless the person is convicted of an attempt. In that case,

1 the offense is a state jail felony [~~Class A misdemeanor~~].

2           SECTION 2. The changes in law made by this Act apply only to  
3 an offense committed on or after the effective date of this Act. An  
4 offense committed before the effective date of this Act is governed  
5 by the law in effect when the offense was committed, and the former  
6 law is continued in effect for that purpose. For purposes of this  
7 section, an offense was committed before the effective date of this  
8 Act if any element of the offense occurred before that date.

9           SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2023.