

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Hefner, Spiller, Murr, Leach, Goldman,  
et al.

H.B. No. 1243

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the penalty for the offense of illegal voting;  
3 increasing a criminal penalty.

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

5 SECTION 1. Section 64.012(b), Election Code, is amended to  
6 read as follows:

7 (b) An offense under this section is a felony of the second  
8 degree unless the person is convicted of an attempt, in which event  
9 it is a state jail felony [~~Class A misdemeanor~~].

10 SECTION 2. The changes in law made by this Act apply only to  
11 an offense committed on or after the effective date of this Act. An  
12 offense committed before the effective date of this Act is governed  
13 by the law in effect when the offense was committed, and the former  
14 law is continued in effect for that purpose. For purposes of this  
15 section, an offense was committed before the effective date of this  
16 Act if any element of the offense occurred before that date.

17 SECTION 3. This Act takes effect September 1, 2023.

By: Bryan Hughes

Substitute the following for H.B. No.

By: Bryan Hughes

**ADOPTED**

**MAY 24 2013** H.B. No. 1243

*Leticia Shaw*  
Secretary of the Senate  
H.B. No. 1243

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.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 25, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1243** by Hefner (Relating to conduct constituting the criminal offense of illegal voting; increasing a criminal penalty.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would increase the criminal penalty for illegal voting from a Class A misdemeanor to either a state jail felony for attempted illegal voting or second degree felony for illegal voting. It is assumed that any fiscal impact and any impact on state correctional populations or on the demand for state correctional resources would not be significant.

**Local Government Impact**

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

**LBB Staff:** JMc, SD, SMAT, LBO, MOc

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 22, 2023**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1243** by Hefner (relating to conduct constituting the criminal offense of illegal voting; increasing a criminal penalty.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would increase the criminal penalty for illegal voting from a Class A misdemeanor to either a state jail felony for attempted illegal voting or second degree felony for illegal voting. It is assumed that any fiscal impact and any impact on state correctional populations or on the demand for state correctional resources would not be significant.

**Local Government Impact**

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

**LBB Staff:** JMc, SMAT, LBO, MOc

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 14, 2023**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1243** by Hefner (Relating to the penalty for the offense of illegal voting; increasing a criminal penalty.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would increase the criminal penalty for illegal voting from a Class A misdemeanor to either a state jail felony for attempted illegal voting or second degree felony for illegal voting. It is assumed that any fiscal impact and any impact on state correctional populations or on the demand for state correctional resources would not be significant.

**Local Government Impact**

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

**LBB Staff:** JMc, SMAT, LBO, MOc

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 12, 2023

**TO:** Honorable Reggie Smith, Chair, House Committee on Elections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1243** by Hefner (Relating to the penalty for the offense of illegal voting; increasing a criminal penalty.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would increase the criminal penalty for illegal voting from a Class A misdemeanor to either a state jail felony for attempted illegal voting or second degree felony for illegal voting. It is assumed that any fiscal impact and any impact on state correctional populations or on the demand for state correctional resources would not be significant.

**Local Government Impact**

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

**LBB Staff:** JMc, MOc, LBO, SMAT

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**  
**88TH LEGISLATIVE REGULAR SESSION**

**May 22, 2023**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1243** by Hefner (relating to conduct constituting the criminal offense of illegal voting; increasing a criminal penalty.), **Committee Report 2nd House, Substituted**

The bill would increase the criminal penalty for illegal voting from a Class A misdemeanor to either a state jail felony for attempted illegal voting or second degree felony for illegal voting.

Increasing the penalty for an existing offense may result in additional demands upon state and local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. In fiscal year 2022, there were two individuals arrested, two individuals placed on community supervision, and no individuals admitted into a state correctional institution for illegal voting. It assumed that any impact on state correctional populations or on the demand for state correctional resources would not be significant.

**Source**

**Agencies:**

**LBB Staff:** JMc, SMAT, LBO, MOc

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**CRIMINAL JUSTICE IMPACT STATEMENT**

**88TH LEGISLATIVE REGULAR SESSION**

April 12, 2023

**TO:** Honorable Reggie Smith, Chair, House Committee on Elections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1243** by Hefner (Relating to the penalty for the offense of illegal voting; increasing a criminal penalty.), **As Introduced**

The bill would increase the criminal penalty for illegal voting from a Class A misdemeanor to either a state jail felony for attempted illegal voting or second degree felony for illegal voting.

Increasing the penalty for an existing offense may result in additional demands upon state and local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. In fiscal year 2022, there were two individuals arrested, two individuals placed on community supervision, and no individuals admitted into a state correctional institution for illegal voting. It assumed that any impact on state correctional populations or on the demand for state correctional resources would not be significant.

**Source**

**Agencies:**

**LBB Staff:** JMc, MOc, LBO, SMAT