

29.30 NONCITIZEN VOTING

§ 104.155, Fla. Stat.

To prove the crime of Noncitizen Voting, the State must prove the following two elements beyond a reasonable doubt:

1. (Defendant) **willfully voted in an election** [*(the specific election alleged)*].
2. (Defendant) **was not qualified to vote in the election because [he] [she] was not a citizen of the United States.**

“Willfully” means knowingly, intentionally, and purposely.

Some of these terms have their own definition in § 97.021, Fla. Stat. which should be given if requested.

“Election” means any primary election, special primary election, special election, general election, or presidential preference primary election.

A person’s ignorance of his or her citizenship status or a person’s good faith belief of his or her citizenship status is not a defense to this crime.

Lesser Included Offense

NONCITIZEN VOTING — 104.155			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comments

A person who solicits another person to commit Noncitizen Voting, knowing that such person is not a citizen of the United States, commits a third degree felony. See § 104.155(2), Fla. Stat. A special instruction will be needed in that circumstance.

This instruction was adopted on September 5, 2025.