

BILL ANALYSIS

Senate Research Center
87R27401 SGM-F

C.S.H.B. 2283
By: King, Phil et al. (Creighton)
State Affairs
5/17/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The recent general election opened the door to discussion about the sources of funding for county-level elections. Traditionally, these elections are funded through taxpayer money. However, there has been a recent increase in donations made by private individuals and entities to organizations that provide resources and funds to county election offices in an effort to support the election process. Concerns have been raised that the private funding of elections exposes the potential for an unfair allocation of funds or resources to certain counties. Allowing private funds to contribute to elections could lead to abuse and, in turn, jeopardize the integrity of our electoral process. H.B. 2283 seeks to address this issue by prohibiting contributions greater than \$1,000 from private individuals and entities to county-level election offices.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 2283 amends current law relating to the prohibition of certain contributions and donations for the administration of elections.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 31, Election Code, by adding Section 31.126, as follows:

Sec. 31.126. PROHIBITED CONTRIBUTIONS. (a) Prohibits the joint elections commission, county election commission, and county election board, without the written consent of the secretary of state (SOS), from:

- (1) accepting a contribution of \$1,000 or more, including the value of in-kind donations, offered by a private individual, by a business entity, including a corporation, partnership, or trust, or by another third party; or
- (2) using a contribution described by Subdivision (1) to perform a function of administering elections.

(b) Authorizes SOS to grant consent under Subsection (a) only if:

- (1) SOS consults with the governor, the lieutenant governor, and the speaker of the Texas House of Representatives (house) on the proposed donation; and
- (2) the governor, the lieutenant governor, and the speaker of the house unanimously agree to SOS's grant of consent.

(c) Authorizes the joint elections commission, county election commission, and county election board to accept a contribution of less than \$1,000 only with written consent from the relevant political subdivision.

(d) Provides that this section does not prohibit the acceptance of:

(1) an in-kind contribution of food or beverage for election workers during the administration of an election;

(2) any state or federal funds administered or distributed by SOS's of state, including funds administered and distributed under Section 31.009 (Distribution of Certain Funds), or other state or federal funds made available to political subdivisions to perform a function related to elections; or

(3) an offer for use, without charge or for a reduced fee, of a public or private building or a portion of a building for the purposes of conducting an election, including for use as a polling place designated under Chapter 43 (Polling Places).

SECTION 2. Amends Section 81.032, Local Government Code, as follows:

Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. (a) Creates this subsection from existing text and makes no further changes.

(b) Prohibits the commissioners court from accepting a donation described in Subsection (a) (relating to authorizing the commissioners court to accept donations) of over \$1,000 for use in administering elections, without the written consent of SOS.

(c) Authorizes SOS to grant consent under Subsection (b) only if:

(1) SOS consults with the governor, the lieutenant governor, and the speaker of the house on the proposed donation; and

(2) the governor, the lieutenant governor, and the speaker of the house unanimously agree to SOS's grant of consent.

SECTION 3. Effective date: upon passage or September 1, 2021.