

1-1 By: Campbell S.B. No. 958  
 1-2 (In the Senate - Filed February 15, 2023; March 3, 2023,  
 1-3 read first time and referred to Committee on Business & Commerce;  
 1-4 April 17, 2023, reported favorably by the following vote: Yeas 10,  
 1-5 Nays 0; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the prohibited release by a public agency of personal  
 1-22 affiliation information regarding the members, supporters, or  
 1-23 volunteers of or donors to certain nonprofit organizations;  
 1-24 creating a criminal offense.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subtitle Z, Title 10, Government Code, is  
 1-27 amended by adding Chapter 3001 to read as follows:

1-28 CHAPTER 3001. GOVERNMENTAL ACTION RELATED TO PERSONAL AFFILIATION  
 1-29 INFORMATION

1-30 Sec. 3001.001. DEFINITIONS. In this chapter:

1-31 (1) "Nonprofit organization" means an entity that is  
 1-32 exempt from federal income tax under Section 501(a), Internal  
 1-33 Revenue Code of 1986, by being listed as an exempt entity under  
 1-34 Section 501(c) of that code, has submitted an application with the  
 1-35 Internal Revenue Service for recognition of an exemption under  
 1-36 Section 501(c) of that code, or is a nonprofit corporation or  
 1-37 association organized or formed under the laws of this state or  
 1-38 another state.

1-39 (2) "Personal affiliation information" means a list,  
 1-40 record, registry, roster, or other compilation of any data that  
 1-41 directly or indirectly identifies a person as a member, supporter,  
 1-42 or volunteer of, or a donor of financial or nonfinancial support to,  
 1-43 a nonprofit organization.

1-44 (3) "Public agency" means a state or local  
 1-45 governmental unit, including:

1-46 (A) this state or a department, agency, office,  
 1-47 commission, board, division, or other entity of this state in the  
 1-48 executive branch of state government;

1-49 (B) any state or local court or other judicial or  
 1-50 quasi-judicial body in the judicial branch of state government;

1-51 (C) a university system or an institution of  
 1-52 higher education, as defined by Section 61.003, Education Code; or

1-53 (D) a political subdivision of this state,  
 1-54 including a county, municipality, school district, community  
 1-55 college district, or any other local governmental unit, agency,  
 1-56 authority, council, board, or commission.

1-57 Sec. 3001.002. PROTECTED PERSONAL AFFILIATION INFORMATION.

1-58 (a) Notwithstanding any other law except Section 3001.003, a  
 1-59 public agency or an officer or employee of a public agency may not:

1-60 (1) require an individual to provide personal  
 1-61 affiliation information to the agency or otherwise compel the

2-1 release of personal affiliation information;  
 2-2 (2) require a nonprofit organization to provide  
 2-3 personal affiliation information to the agency or otherwise compel  
 2-4 the release of personal affiliation information;  
 2-5 (3) release, publicize, or otherwise publicly  
 2-6 disclose personal affiliation information in the agency's  
 2-7 possession; or  
 2-8 (4) request or require a current or prospective  
 2-9 contractor with or grantee of the agency to provide to the agency a  
 2-10 list of nonprofit organizations to which the contractor or grantee  
 2-11 has provided financial or nonfinancial support.

2-12 (b) Personal affiliation information is excepted from  
 2-13 release under Chapter 552.

2-14 Sec. 3001.003. EXCEPTIONS. Section 3001.002 does not apply  
 2-15 to:

2-16 (1) personal affiliation information included in a  
 2-17 report required to be filed under state law by a candidate for  
 2-18 public office, a public official, or a person required to register  
 2-19 as a lobbyist under Chapter 305;

2-20 (2) a warrant for personal affiliation information  
 2-21 issued by a court in this state;

2-22 (3) a request for discovery of personal affiliation  
 2-23 information in an action brought in a court in this state if the  
 2-24 requestor:

2-25 (A) demonstrates by clear and convincing  
 2-26 evidence a compelling need for the information; and

2-27 (B) obtains a protective order barring release of  
 2-28 the information to any person not directly involved in the action;

2-29 (4) personal affiliation information admitted as  
 2-30 relevant evidence in an action before a court provided the court  
 2-31 does not publicly release the information unless the court  
 2-32 specifically finds good cause for the release;

2-33 (5) personal affiliation information voluntarily  
 2-34 released to the public by a person or nonprofit organization;

2-35 (6) personal affiliation information disclosing the  
 2-36 identity of a director, officer, resident agent, or incorporator of  
 2-37 a nonprofit organization in any report, including a report required  
 2-38 under state law to be filed with the secretary of state, provided  
 2-39 that information directly identifying an individual as a donor of  
 2-40 financial support to a nonprofit organization is not collected or  
 2-41 disclosed;

2-42 (7) personal affiliation information that is derived  
 2-43 from an individual's donation to a nonprofit organization  
 2-44 affiliated with a public agency and is required by state law, unless  
 2-45 the individual submitted a request for the nonprofit organization  
 2-46 to maintain the individual's anonymity; and

2-47 (8) personal affiliation information obtained by a  
 2-48 national securities association registered under Section 15A of the  
 2-49 Securities Exchange Act of 1934 (15 U.S.C. Section 78o-3), obtained  
 2-50 under regulations adopted under that Act, or provided by a national  
 2-51 securities association to a state agency in accordance with that  
 2-52 Act and state law.

2-53 Sec. 3001.004. CIVIL ACTION. A person who alleges a  
 2-54 violation of Section 3001.002 may bring a civil action to obtain  
 2-55 appropriate:

2-56 (1) injunctive relief;

2-57 (2) damages incurred by the person in an amount equal  
 2-58 to:

2-59 (A) not less than \$2,500 as compensatory damages  
 2-60 for injury or loss caused by each violation; or

2-61 (B) a sum not to exceed three times the amount  
 2-62 described in Paragraph (A) for each intentional violation; and

2-63 (3) court costs, including reasonable attorney's and  
 2-64 witness fees.

2-65 Sec. 3001.005. IMMUNITY WAIVED. A person who alleges a  
 2-66 violation of Section 3001.002 may sue the public agency for the  
 2-67 relief provided under Section 3001.004. Sovereign or governmental  
 2-68 immunity, as applicable, is waived and abolished to the extent of  
 2-69 liability for that relief.

