

By: Cook

H.B. No. 38

A BILL TO BE ENTITLED

AN ACT

relating to the duties of nonprofit corporations regarding certain contributions and the disclosure of information relating to those contributions in certain campaign finance reports.

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

SECTION 1. The heading to Subchapter B, Chapter 22, Business Organizations Code, is amended to read as follows:

SUBCHAPTER B. PURPOSES, ~~[AND]~~ POWERS, AND DUTIES

SECTION 2. Subchapter B, Chapter 22, Business Organizations Code, is amended by adding Section 22.057 to read as follows:

Sec. 22.057. RESTRICTED USE OF CERTAIN CONTRIBUTIONS TO CORPORATIONS. (a) In this section, "contribution," "political contribution," and "political expenditure" have the meanings assigned by Section 251.001, Election Code.

(b) A corporation may not make a political contribution or political expenditure from a contribution made to the corporation by a person who informs the corporation at the time that the person makes the contribution that the person does not want the contribution to be used by the corporation to make a political contribution or political expenditure.

(c) A corporation that is required to file a report under Chapter 254, Election Code, and that solicits contributions by written request or on an Internet website must include in the request or on the website:

1 (1) a statement that a person who contributes to the
2 corporation may opt out of allowing the corporation to use the
3 person's contribution to make a political contribution or political
4 expenditure; and

5 (2) a box to check or a statement to sign by a person
6 making a contribution to indicate that the person does not want the
7 contribution to be used by the corporation to make a political
8 contribution or political expenditure.

9 (d) A corporation that is required to file a report under
10 Chapter 254, Election Code, and that solicits contributions orally
11 must provide to a person before accepting from the person a
12 contribution in the amount of \$500 or more a written declaration
13 that includes:

14 (1) a statement that a person who contributes to the
15 corporation may opt out of allowing the corporation to use the
16 person's contribution to make a political contribution or political
17 expenditure; and

18 (2) a box to check or a statement to sign by the person
19 making the contribution to indicate that the person does not want
20 the contribution to be used by the corporation to make a political
21 contribution or political expenditure.

22 SECTION 3. Subchapter B, Chapter 254, Election Code, is
23 amended by adding Section 254.044 to read as follows:

24 Sec. 254.044. DISCLOSURE OF CERTAIN INFORMATION NOT
25 ALLOWED. Notwithstanding any other law, a nonprofit corporation
26 organized under Chapter 22, Business Organizations Code, or a
27 comparable law of another state, that is required to disclose

1 information in a report required by this chapter is not required to
2 disclose in the report information regarding a contribution that a
3 person opts out of allowing the nonprofit corporation to use to make
4 a political contribution or political expenditure as provided by
5 Section 22.057, Business Organizations Code.

6 SECTION 4. This Act takes effect September 1, 2015.