

AN ACT

relating to the acceptance of certain gifts and donations for the administration of elections.

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

SECTION 1. Subchapter E, Chapter 31, Election Code, is amended by adding Section 31.126 to read as follows:

Sec. 31.126. PROHIBITED CONTRIBUTIONS. (a) Without the written consent of the secretary of state, the joint elections commission, county election commission, and county election board may not:

(1) accept a contribution of \$1,000 or more, including the value of in-kind donations, offered by:

(A) a private individual;

(B) a business entity, including a:

(i) corporation;

(ii) partnership; or

(iii) trust; or

(C) another third party; or

(2) use a contribution described by Subdivision (1) to perform a function of administering elections.

(b) The secretary of state may grant consent under Subsection (a) only if:

(1) the secretary consults with the governor, the lieutenant governor, and the speaker of the house of

1 representatives on the proposed donation; and

2 (2) the governor, the lieutenant governor, and the
3 speaker of the house of representatives unanimously agree to the
4 secretary's grant of consent.

5 (c) The joint elections commission, county election
6 commission, and county election board may accept a contribution of
7 less than \$1,000 only with written consent from the relevant
8 political subdivision.

9 (d) This section does not prohibit the acceptance of:

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

12 (2) any state or federal funds administered or
13 distributed by the secretary of state, including funds administered
14 and distributed under Section 31.009, or other state or federal
15 funds made available to political subdivisions to perform a
16 function related to elections; or

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

21 SECTION 2. Section 405.005, Government Code, is amended by
22 adding Subsections (c) and (d) to read as follows:

23 (c) The secretary of state shall ensure that any gift,
24 grant, or donation accepted under Subsection (a) to perform a
25 function of administering elections is equitably distributed
26 throughout the state based on a percentage of the population of each
27 county or another method determined by the secretary.

1 (d) Not later than January 1 of each odd-numbered year, the
2 secretary shall submit a report to the governor, the lieutenant
3 governor, and the speaker of the house of representatives that
4 includes a detailed summary of any gifts, grants, or donations
5 described by Subsection (a) and the manner in which those amounts
6 were expended in the administration of an election.

7 SECTION 3. Section 81.032, Local Government Code, is
8 amended to read as follows:

9 Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. (a) The
10 commissioners court may accept a donation of labor or services,
11 gift, grant, donation, bequest, or devise of money or other
12 property on behalf of the county, including a donation under
13 Chapter 38, Government Code, for the purpose of performing a
14 function conferred by law on the county or a county officer.

15 (b) The commissioners court may not accept a donation
16 described in Subsection (a) of over \$1,000 for use in administering
17 elections without the written consent of the secretary of state.

18 (c) The secretary of state may grant consent under
19 Subsection (b) only if:

20 (1) the secretary consults with the governor, the
21 lieutenant governor, and the speaker of the house of
22 representatives on the proposed donation; and

23 (2) the governor, the lieutenant governor, and the
24 speaker of the house of representatives unanimously agree to the
25 secretary's grant of consent.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 2283

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 2283 was passed by the House on April 29, 2021, by the following vote: Yeas 89, Nays 52, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2283 on May 28, 2021, by the following vote: Yeas 96, Nays 50, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2283 was passed by the Senate, with amendments, on May 25, 2021, by the following vote: Yeas 18, Nays 13.

Secretary of the Senate

APPROVED: _____

Date

Governor