

By: Schofield

H.B. No. 4290

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on political contributions by out-of-state contributors; creating a criminal offense.

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

SECTION 1. Subchapter B, Chapter 253, Election Code, is amended by adding Section 253.044 to read as follows:

Sec. 253.044. POLITICAL CONTRIBUTION LIMITS RELATED TO OUT-OF-STATE CONTRIBUTORS; CRIMINAL OFFENSE. (a) In this section, "out-of-state contributor" means:

(1) a person with a principal address that is located outside this state who makes a political contribution;

(2) a political committee that, during the preceding reporting period under Chapter 254, accepted political contributions from persons described by Subdivision (1) in an amount equal to or greater than 50 percent of the overall contributions accepted by the committee during that reporting period; and

(3) an out-of-state political committee.

(b) A candidate, an officeholder, or a political committee for supporting or opposing a measure may not knowingly accept, for an election in which the candidate's or officeholder's name or the measure appears on the ballot, as applicable:

(1) a political contribution from an out-of-state contributor in an amount that exceeds \$1,000; or

1           (2) political contributions from multiple  
2 out-of-state contributors that in the aggregate exceed \$10,000.

3           (c) An out-of-state contributor may not make:

4           (1) a political contribution to a candidate, an  
5 officeholder, or a political committee for supporting or opposing a  
6 measure, for an election in which the candidate's or officeholder's  
7 name or the measure appears on the ballot, as applicable, in an  
8 amount that exceeds \$1,000; or

9           (2) political contributions from multiple  
10 out-of-state contributors that in the aggregate exceed \$10,000.

11           (d) A person who accepts a political contribution in  
12 violation of Subsection (b) shall return the contribution to the  
13 out-of-state contributor not later than the later of:

14           (1) the last day of the reporting period under Chapter  
15 254 during which the contribution was accepted; or

16           (2) the fifth day after the date the contribution was  
17 accepted.

18           (e) In addition to returning the political contribution  
19 under Subsection (d), a person who accepts a political contribution  
20 in violation of Subsection (b) must:

21           (1) if the person is a candidate or officeholder,  
22 remit an amount equal to the contribution to each opponent of the  
23 candidate or officeholder in the election for which the  
24 contribution was made or, if the candidate or officeholder was  
25 unopposed in the election or the election has been held, the county  
26 executive committee for each opposing political party of the county  
27 in which the candidate or officeholder resides; or

1           (2) if the person is a political committee, remit an  
2 amount equal to the contribution to a political committee that  
3 holds the opposite position on the measure for which the  
4 contribution was made or, if there is no political committee that  
5 holds the opposite position or the election on the measure has been  
6 held, the county executive committee for each political party that  
7 held the opposite position on the measure of the county in which the  
8 political committee primarily operates.

9           (f) A person required to remit a political contribution  
10 under Subsection (e) to a county executive committee shall remit  
11 the contribution not later than the 30th day after the date of the  
12 election for which the contribution was made.

13           (g) An out-of-state contributor who makes a political  
14 contribution in violation of Subsection (c) or a person who fails to  
15 return or remit a political contribution in violation of Subsection  
16 (d) or (e) commits an offense. An offense under this subsection is  
17 a felony of the third degree.

18           (h) To the extent of a conflict between this section and  
19 another law, this section controls.

20           (i) The commission shall adopt rules as necessary to  
21 implement this section.

22           SECTION 2. Section 253.044, Election Code, as added by this  
23 Act, applies only to a political contribution made on or after the  
24 effective date of this Act. A contribution made before the  
25 effective date of this Act is governed by the law in effect when the  
26 contribution was made and is not aggregated with contributions made  
27 on or after that date.

1           SECTION 3.   This Act takes effect September 1, 2023.