

BILL ANALYSIS

C.S.H.B. 2283
By: King, Phil
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2283 amends the Election Code to prohibit a joint elections commission, county election commission, and county election board from doing the following:

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

The bill 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. These provisions do not prohibit the acceptance of the following:

- an in-kind contribution of food or beverage for election workers during the administration of an election; or
- any state or federal funds administered or distributed by the secretary of state.

C.S.H.B. 2283 amends the Local Government Code to prohibit a county commissioners court from doing the following:

- accepting a donation of \$1,000 or more for the purpose of administering elections; or
- using or appropriating such a donation to perform a function of administering elections.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2283 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original prohibited a joint elections commission, county election commission, and county election board from accepting any contribution offered by the specified entities, whereas the substitute restricts that prohibition to a contribution of \$1,000 or more, including the value of in-kind donations. The substitute includes a prohibition not included in the original against those entities using the contribution to perform a function of administering elections.

The substitute does not include the original's prohibition against those entities making an expenditure using funds not appropriated by the governing body of the relevant political subdivision or subdivisions.

The substitute includes the following provisions not included in the original:

- an authorization for those entities to accept a contribution of less than \$1,000 only with written consent from the relevant political subdivision;
- a provision establishing that the bill's provisions regarding prohibited contributions do not prohibit the acceptance of certain food or beverage contributions or funds administered or distributed by the secretary of state; and
- a prohibition against a county commissioners court accepting a donation of \$1,000 or more for the purpose of administering elections or using or appropriating such a donation to perform a function of administering elections.