



December 12,
2023

CEIR Focus: Restrictions on Private Funding for Elections



An earlier version of this brief was published on August 28, 2023. It was updated on December 12, 2023, to reflect subsequent changes in the status of several proposed restrictions, including the passage of new restrictions in Louisiana and North Carolina.

Overview

In 2020, state and local election officials were tasked with administering a federal election in the face of a global pandemic and record voter turnout. Typically, U.S. elections are funded through state and local budgets, with additional appropriations occasionally provided by the federal government. However, as election administration is chronically underfunded, the unprecedented circumstances of the pandemic required a significant investment of capital. To address this extraordinary need, several nonpartisan nonprofit organizations made funding available through private philanthropy for state and local election offices.

Since the 2020 election, at least 27 states have enacted prohibitions or restrictions limiting certain agencies, officials, or government entities from receiving or spending private funding for the purpose of conducting elections. Each state has enacted such restrictions through statute except for Louisiana, where voters approved a new amendment to the state constitution. At least three other states—Illinois, Minnesota, and New Jersey—currently have pending legislation that would establish private funding restrictions through statute. Additionally, Wisconsin’s legislature passed a joint resolution proposing an amendment to the state constitution to restrict private funding for elections. The amendment will be submitted to voters for approval at the statewide election on April 2, 2024.

Prohibitions, Exceptions, and Penalties

The details of the private funding restrictions vary across states. Some laws prohibit only monetary donations, while others also prohibit in-kind donations. Some laws carve out exceptions to the restrictions. For example, roughly three-quarters of the states with restrictions explicitly allow donations of space to be used for conducting elections and nearly one-third specifically allow donations of food or beverages for election workers. Some laws specify that the restriction does not apply to grants

received from the state, local governing bodies, or the federal government. These laws also vary in terms of the parties to which they apply, with some covering the state and its political subdivisions, some covering government agencies, some covering election officials, and some covering a combination of these parties. Some restrictions apply only to agencies or officials at the local level, while others apply at both the state and local levels.

Finally, states vary with respect to whether and to what extent the law includes language specifying criminal penalties for violations of the private funding restriction. Laws in at least eight states—Alabama, Georgia, Kansas, Kentucky, Montana, North Dakota, Oklahoma, and Pennsylvania—explicitly establish a penalty for violations. Of these eight states, for a first offense, four subject violators to a misdemeanor and four subject violators to a felony.

Laws in the remaining 19 states do not include language specifying a criminal penalty for violations of their private funding restriction. However, most state election codes prohibit certain acts related to elections and set penalties for violations. Thus, a person who violates a private funding restriction may be subject to one of these general penalties, depending on state law. For example, in response to an inquiry, the Ohio Attorney General issued [Opinion No. 2022-001](#) in January 2022 indicating that ORC § 3599.32, which covers violations by election officials not otherwise specified, provides the penalty for violating the state’s private funding restriction (i.e., a first-degree misdemeanor).

The Need for Additional Election Funding

Election officials across the country have long reported challenges with funding gaps for election administration. However, only a few such states appear to have provided alternative or additional funding sources, even as they have made moves to restrict or prohibit the use of private funding for elections.

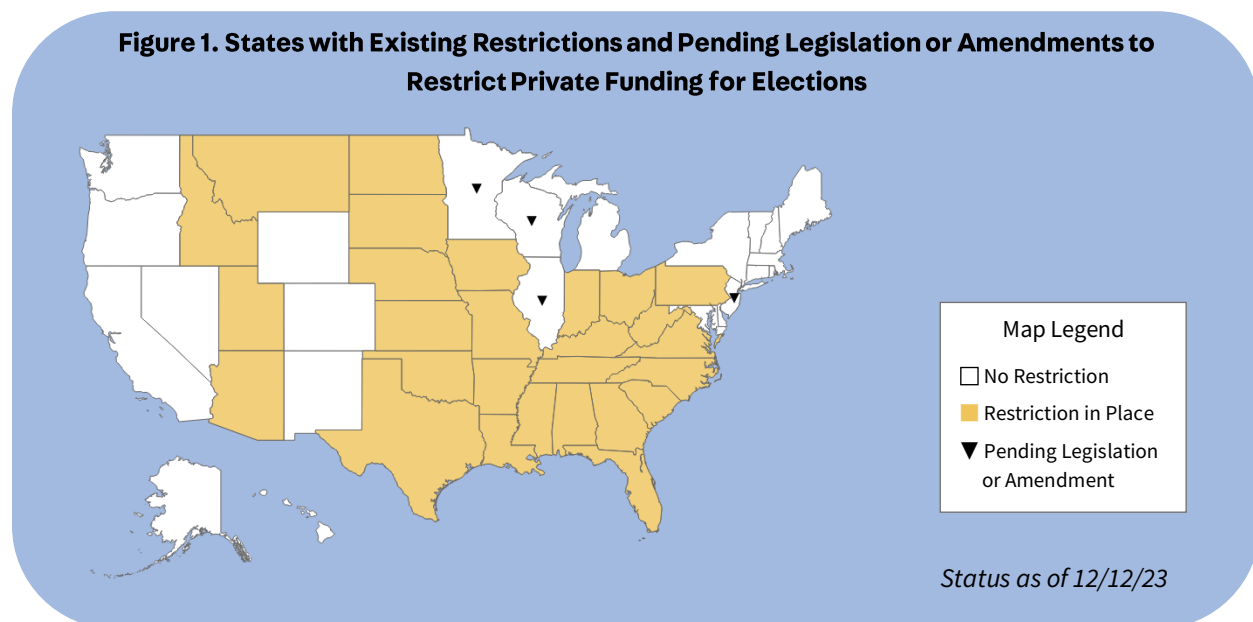
In Pennsylvania, for example, lawmakers created the Election Integrity Grant Program as part of the same bill that enacted the statewide prohibition on private funding for elections. Established within the Department of Community and Economic Development of the Commonwealth, this program provides election administration grants to counties that agree to abide by certain conditions, (see [25 P.S. § 3260.1-A](#), et seq.).

Additionally, laws in at least three states—Missouri, Texas, and West Virginia—expressly permit the secretary of state to accept some amount of private funds to distribute for local election administration purposes. In Missouri, the secretary may do so only in even-numbered years, and only when state appropriations for elections are less than those appropriated in the previous even-numbered year. In Texas, the secretary must ensure that any private funds received by that office for election administration purposes are distributed equitably across the state. And in West Virginia, the secretary may accept private donations into a dedicated interest-bearing fund for election administration purposes, which that office administers with approval from the State Election Commission.

Finally, in at least two states—Tennessee and Texas—local agencies or officials may accept private funds under limited circumstances for election administration purposes, but only with the consent of specified state elected officials.

Existing and Proposed Restrictions by State

Below, Figure 1 identifies states with laws restricting private funding for elections and states with pending legislation or constitutional amendments proposing such restrictions. Table 1 identifies the 27 states with laws restricting private funding. Table 2 identifies one state considering an amendment to the state constitution to establish new restrictions, and Table 3 identifies the three states that are considering legislation to establish new restrictions. Each table identifies the relevant statute or bill and summarizes its key provisions. All information is current as of December 12, 2023.



Additional Resources

Additional information and perspectives on this topic are available at the following resources:

- National Conference of State Legislatures (NCSL), “Prohibiting Private Funding of Elections,” <https://www.ncsl.org/elections-and-campaigns/prohibiting-private-funding-of-elections>
- Capital Research, “States Banning or Restricting ‘Zuck Bucks,’” <https://capitalresearch.org/article/states-banning-zuck-bucks/>

Search and tracking tools for bills on this and other topics are available to the public at the following resources:

- National Conference of State Legislatures (NCSL), <https://www.ncsl.org/technology-and-communication/ncsl-50-state-searchable-bill-tracking-databases>
- BillTrack50, <https://www.billtrack50.com/>
- Voting Rights Lab, <https://tracker.votingrightslab.org/>

This report is for informational purposes only and does not constitute legal advice. Readers with questions about how the information in this report might apply to them should consider contacting a lawyer in the relevant jurisdiction.

About this Series and CEIR

CEIR Focus briefs are impartial overviews and analyses of issues, ideas, and innovations in the elections and democracy policy space. They provide background and practical information that voters, election officials, the media, and other stakeholders can use to quickly get up to speed on some of the most topical, consequential, and often overlooked issues affecting voter access and election administration. Other reports can be found at <https://electioninnovation.org/research>.

The Center for Election Innovation & Research (CEIR) is a nonpartisan nonprofit that conducts elections research and works with election officials from around the country and both sides of the aisle to support elections that voters should—and do—trust. We seek to restore trust in the American election system and promote election procedures that encourage participation while ensuring election integrity and security.

Table 1. State Laws Restricting Private Funding for Elections

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
Alabama, Code of Ala. § 17-9-52 (2022)	State and local election officials and employees responsible for conducting elections	<ul style="list-style-type: none"> ➤ Prohibits covered officials from soliciting, accepting, or using donations in the form of money, grants, property, or personal services from any individual or a nongovernmental entity to fund voter education, outreach, or registration, or “election-related expenses.” ➤ Generally, these expenses include (1) payments or salaries for election officials or poll workers; (2) equipment, ballots, printing, mailing, or transportation; (3) signage or media production; or (4) training events for election officials or poll workers. 	<ul style="list-style-type: none"> ➤ Donations of space to be used temporarily as a polling place ➤ If a state public health emergency is proclaimed, the Governor may accept and distribute donated items for the protection of voters or election officials, subject to certain conditions 	Class B misdemeanor
Arizona, A.R.S. § 16-407.01 (2021)	The state and cities, towns, counties, school districts, and other public bodies that conduct or administer elections	<ul style="list-style-type: none"> ➤ Prohibits covered entities from receiving or spending private money to administer or conduct elections, including registering voters. 	None specified	Not addressed in statute restricting private funding
Arkansas, A.C.A. §§ 7-5-104 and 7-7-201 (2021; amended 2023)	State Board of Election Commissioners, state officials and employees, and county officials and employees	<ul style="list-style-type: none"> ➤ Requires that all expenses related to elections be paid for using funds provided by the state, its local governments, or the U.S. government. ➤ Prohibits covered agencies from accepting funding, grants, gifts, services, or anything of value from any source other than the state, one of its municipalities or counties, or the U.S. government for the purposes of paying election-related expenses. 	Campaign contributions lawfully received and expended by a candidate	Not addressed in statute restricting private funding

Table 1. State Laws Restricting Private Funding for Elections (Cont.)

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
Florida, Fla. Stat. § 97.0291 (2021; amended 2022)	Agencies and state and local officials responsible for conducting elections	<ul style="list-style-type: none"> ➤ Prohibits covered agencies and officials from soliciting, accepting, or using money, grants, property, or personal services from an individual or nongovernmental entity for election administration purposes, including voter education, outreach, or registration, or for the cost of election administration-related litigation. 	<ul style="list-style-type: none"> ➤ Donations of space to be used as a polling place or early voting location 	Not addressed in statute restricting private funding
Georgia, O.C.G.A. §§ 21-2-18, 21-2-71, and 21-2-212 (2021; amended 2023)	State Election Board, boards of registrars, county and municipal governments, employees, and officials	<ul style="list-style-type: none"> ➤ Prohibits covered entities and officials from soliciting or accepting contributions, donations, services, or anything else of value from an individual, business, or other nongovernmental third-party entity to conduct elections. ➤ Requires that all costs and expenses related to conducting elections, primaries, and runoffs be paid for using lawfully appropriated public funds. 	<ul style="list-style-type: none"> ➤ Locations to be used for voting purposes ➤ Services provided by individuals without remuneration ➤ Goods with a nominal value of less than \$100 	Felony punishable by at least one year in prison and a fine of at least \$10,000
Idaho, Idaho Code § 34-218 (2021; amended 2023)	State officials and employees, county clerks, local elections offices, and other local governing bodies that administer or conduct elections	<ul style="list-style-type: none"> ➤ Requires that all expenses related to elections be paid for using funds provided by the state, its local governments, or the U.S. government. ➤ Prohibits covered agencies and officials from accepting or spending money in any amount, or goods with a value of more than \$100, from a private individual, business, organization, political party, or other private entity. 	<ul style="list-style-type: none"> ➤ Collection of fees authorized by law ➤ Donations of space or facilities to be used for holding elections 	Not addressed in statute restricting private funding

Table 1. State Laws Restricting Private Funding for Elections (Cont.)

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
Indiana, Burns Ind. Code Ann. § 3-5-3-1 (2021; amended 2022)	Political subdivisions that conduct or administer elections	<ul style="list-style-type: none"> ➤ Prohibits covered entities from accepting private money donations or receiving or spending funds from a person for the purposes of preparing for, administering, or conducting elections, including voter registration, or employing individuals on a temporary basis for these purposes. ➤ Specifies that political subdivisions are not prohibited from receiving or spending funds from the state or U.S. government. 	None specified	Not addressed in statute restricting private funding
Iowa, Iowa Code § 49.17 (2022)	State commissioner, county commissioners, and political subdivisions	<ul style="list-style-type: none"> ➤ Limits covered entities and officials to accepting only public money from the state, its political subdivisions, or the U.S. government for the purposes of conducting elections. ➤ Prohibits covered entities and officials from accepting or spending grants, gifts, or funds from any other source, including a private person, corporation, political party, political or candidate committee, political organization, or other organization. 	<ul style="list-style-type: none"> ➤ Collection of fees authorized by law ➤ Contribution of a building to be used as a polling place 	Not addressed in statute restricting private funding
Kansas, K.S.A. § 25-2436 (2021)	Chief state election official, county election officials, and their officers and employees	<ul style="list-style-type: none"> ➤ Prohibits covered officials from knowingly accepting or spending money, directly or indirectly, from any individual, business, organization, political party, political committee, or other private entity to conduct, fund, or otherwise facilitate election administration. 	<ul style="list-style-type: none"> ➤ Collection of fees authorized by law ➤ Campaign contributions for county clerk candidates 	Severity level 9, nonperson felony

Table 1. State Laws Restricting Private Funding for Elections (Cont.)

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
Kentucky, KRS §§ 45A.657, 65.014, 116.045, 117.015, and 117.995 (2022)	State Board of Elections and employees of governmental bodies; county clerks; county, city, and other local governmental bodies and their employees	<ul style="list-style-type: none"> ➤ Requires that all expenses related to election administration be paid for using public funds. ➤ Prohibits covered agencies and officials from soliciting or accepting private contributions, donations, or anything of value to assist with election administration. 	<ul style="list-style-type: none"> ➤ Lawful contract for goods and services ➤ Food or non-alcoholic beverages 	Class D felony for a first offense, a class C felony for a second or subsequent offense
Louisiana, La. Const. Art. XI, § 6 (2023)	Not specified	<ul style="list-style-type: none"> ➤ Prohibits the use of any funds, gifts, and services donated by foreign governments or nongovernmental sources to conduct an election unless provided for in the election code, subject to general law restrictions. 	<ul style="list-style-type: none"> ➤ None specified 	Not addressed in constitutional amendment restricting private funding
Mississippi, Miss. Code Ann. § 23-15-273 (2022)	Agencies and state and local officials responsible for conducting elections	<ul style="list-style-type: none"> ➤ Prohibits covered agencies and officials from soliciting, accepting, using, or disposing of donations in the form of money, grants, property, or personal services from an individual or a nongovernmental entity to fund election-related expenses or voter education, outreach, or registration. 	<ul style="list-style-type: none"> ➤ Donations of space to be used as a polling place ➤ Individuals volunteering time to assist with voter education, outreach, or registration programs, or other election-related programs 	Not addressed in statute restricting private funding
Missouri, § 115.022 R.S.Mo. (2022)	The state and political subdivisions that conduct elections	<ul style="list-style-type: none"> ➤ Prohibits covered entities from receiving or spending private money to prepare for, administer, or conduct elections, including registering voters. ➤ Prohibits covered entities from receiving in-kind donations from candidates, candidate committees, campaign committees, or continuing committees. 	<ul style="list-style-type: none"> ➤ In-kind donations for personal protective equipment ➤ Location to be used for conducting elections ➤ Water or food 	Not addressed in statute restricting private funding

Table 1. State Laws Restricting Private Funding for Elections (Cont.)

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
		<ul style="list-style-type: none"> ➤ Authorizes the secretary of state to accept a limited amount of private donations and redistribute those funds to counties based on the number of registered voters in each county in any even-numbered year in which the amount of appropriated state funds is less than those appropriated in the previous even-numbered year. 		
Montana, MCA § 13-35-2__ (2023)	The state, secretary of state, counties, municipalities, and officers and employees of those entities	<ul style="list-style-type: none"> ➤ Prohibits covered entities and officials from accepting or using money, grants, property, or personal services from an individual or a for-profit or nonprofit corporation to fund elections. ➤ Requires that all costs and expenses related to conducting elections be paid for with public funds. 	<ul style="list-style-type: none"> ➤ Spaces to be used for voting purposes provided at cost ➤ Services provided at no cost ➤ Goods with a nominal value of less than \$100 	Felony punishable by at least one year and up to 10 years in prison, by a fine of up to \$50,000, or both
Nebraska, R.R.S. Neb. § 32-1201.01 (2022)	Secretary of state, election commissioners, and county clerks	<ul style="list-style-type: none"> ➤ Prohibits covered officials from accepting or using gifts, grants, or donations from a private entity to prepare for, conduct, or administer elections, unless the money received is appropriated to the secretary of state for such use by the legislature. 	<ul style="list-style-type: none"> ➤ Use of a public or private space, either without charge or at a reduced fee, for the purposes of conducting elections ➤ In-kind contributions of food or beverages for election workers 	Not addressed in statute restricting private funding
North Carolina, S.B. 747 (2023) amending N.C. Gen. Stat. §§ 163-22, 163-33, and 163-37	State Board of Elections, county boards of elections, and county boards of commissioners	<ul style="list-style-type: none"> ➤ Prohibits covered agencies from accepting private monetary donations or in-kind contributions, directly or indirectly, to conduct elections or employ individuals on a temporary basis. 	<ul style="list-style-type: none"> ➤ Space to be used as a voting site (county boards of elections and commissioners) 	Not addressed in statute restricting private funding

Table 1. State Laws Restricting Private Funding for Elections (Cont.)

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
(Effective January 1, 2024)			<p>The following exceptions only apply to the county boards of elections:</p> <ul style="list-style-type: none"> ➤ Food or beverages for precinct officials and other workers at the voting place or county board of elections office ➤ Ink pens and personal protection equipment 	
North Dakota, N.D. Cent. Code, § 16.1-01-15.1 (2021)	The state and political subdivisions	<ul style="list-style-type: none"> ➤ Prohibits covered entities from soliciting, accepting, or using private grants or donations for election operations or administration. 	<ul style="list-style-type: none"> ➤ Private facility to be used as a polling place ➤ Food for poll workers ➤ Nonmonetary donations not used to prepare, process, mark, collect, or tabulate ballots or votes 	Class A misdemeanor
Ohio, ORC Ann. 3501.054 (2021)	Elected and appointed officers, employees, and agents of the state and political subdivisions, boards, commissions, bureaus, and other public bodies that administer or conduct elections	<ul style="list-style-type: none"> ➤ Prohibits covered officials from collaborating with or accepting or spending money from a nongovernmental person or entity for any election-related purpose, including voter education, registration, or identification, or election official recruitment or training. 	<ul style="list-style-type: none"> ➤ Collection of fees authorized by law ➤ Space to be used to conduct elections ➤ Food for precinct election officials at a polling place on election day 	Not addressed in statute restricting private funding; The state attorney general issued an opinion in January 2022 holding that an existing statute (ORC Ann. 3599.32) provides the penalty for violations of the

Table 1. State Laws Restricting Private Funding for Elections (Cont.)

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
				state's private donation ban. Under that statute, violators are guilty of a first-degree misdemeanor.
Oklahoma, 26 Okl. St. § 7-139 (2022, amended 2023)	Government officials and election officials	<ul style="list-style-type: none"> ➤ Requires that all costs and expenses related to election administration be paid for using public funds lawfully appropriated by Congress, the legislature, or other governmental entity, or funds from another authorized entity. ➤ Prohibits covered officials from soliciting or accepting contributions, donations, or anything else of value from an individual, business, organization, committee, association, or other nongovernmental third-party entity to conduct or administer elections. ➤ Prohibits individuals, proprietorships, and organizations from offering or providing a contribution, donation, or anything else of value to conduct or administer elections. 	<ul style="list-style-type: none"> ➤ Spaces to be used as polling places or in-person absentee voting sites at no charge or at a below-market cost ➤ Volunteer precinct officials, absentee voting board members, or election workers ➤ Volunteers who assist the county election board or State Election Board during candidate filing, on election day, during in-person absentee voting, or at other times ➤ Food or beverage items of nominal value 	A first violation is a misdemeanor, punishable by a fine of up to \$5,000; a second violation is a misdemeanor, punishable by a fine of up to \$10,000; a third or subsequent violation is a felony, punishable by a fine of up to \$50,000, at least two years and up to five years in prison, or both.

Table 1. State Laws Restricting Private Funding for Elections (Cont.)

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
			<p>provided to precinct officials, absentee voting board members, or election officials</p> <ul style="list-style-type: none"> ➤ Items of nominal value, including pens, sanitizer, and cleaning supplies ➤ Airing or publication of public service announcements or press releases issued by the State Election Board or a county election board 	
<p>Pennsylvania, 25 P.S. §§ 2607 and 3556 (2022)</p>	<p>State and local governments, including their public officers, public officials, employees, and agents acting in their official capacity</p>	<ul style="list-style-type: none"> ➤ Requires that all costs and expenses related to voter registration and election administration be paid for using public funds from the state, its local governments, or the U.S. government. ➤ Prohibits covered entities and officials from soliciting, receiving, or spending gifts, donations, grants, or funds from an individual, business, or other nongovernmental entity to prepare for, administer, or conduct elections, or to register voters. 	<ul style="list-style-type: none"> ➤ Collection of fees authorized by law ➤ Location to be used for voting purposes ➤ Services provided without remuneration ➤ Goods with a nominal value of less than \$100 	<p>Second degree misdemeanor, punishable by a fine of up to \$5,000, up to two years in prison, or both</p>

Table 1. State Laws Restricting Private Funding for Elections (Cont.)

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
South Carolina, S.C. Code Ann. § 7-5-50 (2022)	State Election Commission and county boards of voter registration and elections	<ul style="list-style-type: none"> ➤ Prohibits covered agencies from receiving or spending gifts, donations, or funds from a private individual, business, or third party not provided through ordinary state or county appropriations. 	None specified	Not addressed in statute restricting private funding
South Dakota, S.D. Codified Laws § 12-1-11 (2022)	The state and political subdivisions	<ul style="list-style-type: none"> ➤ Requires that all costs and expenses related to elections be paid for using public funds. ➤ Prohibits covered entities from accepting gifts, grants, or funds for election costs from any source other than the state, the governing body of a political subdivision, or the U.S. government. 	<ul style="list-style-type: none"> ➤ Gifts of a nominal and intrinsic value as defined in rules that the State Board of Elections must promulgate 	Not addressed in statute restricting private funding
Tennessee, T. C. A. §§ 2-11-114 and 2-12-118 (2021)	State election commission, secretary of state, and coordinator of elections; county election commissions and administrators of elections	<ul style="list-style-type: none"> ➤ Requires covered agencies and officials to accept funding only from the state, one of its municipalities or counties, or appropriations of public funds from the U.S. government. ➤ Prohibits covered agencies and officials from accepting or spending gifts, grants, or funds from private persons, corporations, organizations, or political parties to conduct elections, unless approved by the Senate speaker or House speaker. 	<ul style="list-style-type: none"> ➤ Collection of fees authorized by law ➤ Advertising of election information ➤ Donation of a location to be used for voting purposes ➤ Volunteer work by a state citizen ➤ Pens, sanitizer, or nominal items 	Not addressed in statute restricting private funding
Texas, Tex. Elec. Code § 31.126 (Acts 2021, 87th Leg., ch. 1000 (H.B. 2283));	Joint elections commissions, county election commissions, and county election boards; commissioners courts	<ul style="list-style-type: none"> ➤ Prohibits covered agencies and officials from accepting or using monetary contributions of \$1,000 or more, including in-kind donations of the same value, from a private individual, business entity, or other third party for the 	<ul style="list-style-type: none"> ➤ Food or beverage for election workers during elections ➤ Use of a public or private space, either 	Not addressed in statute restricting private funding

Table 1. State Laws Restricting Private Funding for Elections (Cont.)

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
Tex. Gov't Code § 405.005; Tex Local Gov't Code § 81.032 (2021)		<p>purposes of election administration without the secretary of state's written consent.</p> <ul style="list-style-type: none"> ➤ Authorizes the secretary of state to grant such consent if, upon consultation, the governor, lieutenant governor, and House speaker unanimously agree. ➤ Requires local officials to obtain written consent from the relevant political subdivision before accepting a contribution of less than \$1,000. ➤ Authorizes the secretary of state to accept or solicit grants, gifts, or donations for use in election administration, so long as the secretary ensures that any received are distributed equitably throughout the state. 	without charge or at a reduced fee, for the purposes of conducting elections	
Utah, Utah Code Ann. § 20A-5-207 (2022)	Election officers (i.e., lieutenant governor, county and municipal clerks, local district clerks and chief executive officers, and school district business administrators and superintendents)	<ul style="list-style-type: none"> ➤ Prohibits covered officials from soliciting, accepting, or using funds for elections that are donated by a person other than a government entity. 	None specified	Not addressed in statute restricting private funding
Virginia, Va. Code Ann. § 24.2-124.1 (2022)	State Board and Department of Elections; local electoral boards and all offices of the general registrar	<ul style="list-style-type: none"> ➤ Prohibits covered agencies from soliciting, accepting, or using money, grants, property, or services from any private individual or nongovernmental entity for the purposes of funding voter education, outreach, or 	<ul style="list-style-type: none"> ➤ Space to be used as polling places or voter satellite offices ➤ Any federal government grant 	Not addressed in statute restricting private funding

Table 1. State Laws Restricting Private Funding for Elections (Cont.)

State & Citation(s) (Effective)	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
		registration programs, or any other expense incurred in the conduct of elections.	funded in whole or part by donations from private individuals or nongovernmental entities	
West Virginia, W. Va. Code § 3-1A-9 (2022)	County commissions and their clerks, municipal governing bodies, and other public officials and bodies responsible for overseeing, administering, or regulating elections	<ul style="list-style-type: none"> ➤ Prohibits covered agencies and officials from directly receiving gifts, grants, contributions, or donations of money or anything of value from any private individual, business, or other third party for the purposes of election administration and related expenses. ➤ Specifies that the secretary of state must accept, distribute, and use gifts, grants, contributions, or donations of tangible property or any non-monetary thing of value from private sources for the purposes of election administration and related expenses only with the approval of the State Election Commission. ➤ Establishes the Nonpublic Funding for Election Administration Fund consisting of monetary gifts, grants, contributions, and donations from private sources for the purposes of election administration and related expenses. Requires the secretary of state to administer the fund with approval from the State Election Commission. 	None specified	Not addressed in statute restricting private funding

Table 2. Pending State Constitutional Amendments to Establish New Private Funding Restrictions

State and Bill Number	Status as of 12/12/23	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
Wisconsin, A.J.R. 77/S.J.R. 78	Resolution adopted by legislature (11/9/23); Proposed amendment submitted to voters for approval at referendum on April 2, 2024	State agencies, political subdivisions, and officers and employees of those agencies and subdivisions	➤ Prohibits covered agencies, entities, and officials from applying for, accepting, spending, or using any money or equipment in connection with the conduct of an election if the money or equipment are donated or granted by an individual or nongovernmental entity.	None specified	Not addressed in proposed amendment

Table 3. Pending Legislation to Establish New Private Funding Restrictions

State and Bill Number	Status as of 12/12/23	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
Illinois, S.B. 2249	Introduced (2/10/23)	Election authorities	<ul style="list-style-type: none"> ➤ Prohibits covered agencies from applying for or requesting any private, nongovernmental funding from any source. ➤ Provides that the State Board of Elections is responsible for the regulation and oversight of all private, nongovernmental funds from an organization or individual that are given or distributed to an election authority for the election authority to use. ➤ Establishes the Election Authority Support Fund and authorizes the State Board of Elections to seek and apply for private, nongovernmental grants and donations to deposit into the fund. The fund may be used to reimburse election authorities for official day-to-day operations and administering elections. Funds disbursed in this manner must be directly proportional to the total population residing within the election authority's jurisdiction. 	<ul style="list-style-type: none"> ➤ Any private, nongovernmental funds granted or given to an election authority or the Board prior to January 1, 2024 	Not addressed in bill

Table 3. Pending Legislation to Establish New Private Funding Restrictions (Cont.)

State and Bill Number	Status as of 12/12/23	Applicability	Summary of Prohibition or Limit	Exceptions	Penalty
Minnesota, S.F. 338, S.F. 2092, and H.F. 1642	S.F. 338: Introduced (1/17/23) S.F. 2092: Introduced (2/27/23) H.F. 1642: Introduced (2/13/23)	Counties, municipalities, and school districts	➤ Prohibits covered entities from accepting any type of contribution from a for-profit business or nonprofit organization to pay expenses associated with conducting elections.	➤ Spaces to be used as polling places (S.B. 2092 only, otherwise none specified)	Not addressed in bills
New Jersey, A.B. 5385	Introduced (5/8/23)	The State, a county, municipality, school district, fire district, and any other government entity, and their employees	➤ Prohibits covered entities and officials from accepting or using funds from any private individual, business, non-governmental organization, political party, or other private entity to be used in preparing, administering, or conducting elections, including registering voters.	None specified	Third degree crime

Sources: State legislative websites