

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 876 Session of  
1995

INTRODUCED BY KUKOVICH, CURRY, LEVDANSKY, CONTI, BATTISTO,  
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STURLA, TANGRETTI, THOMAS, TIGUE, VAN HORNE, VITALI AND  
BELFANTI, FEBRUARY 27, 1995

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 27, 1995

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
2 "An act concerning elections, including general, municipal,  
3 special and primary elections, the nomination of candidates,  
4 primary and election expenses and election contests; creating  
5 and defining membership of county boards of elections;  
6 imposing duties upon the Secretary of the Commonwealth,  
7 courts, county boards of elections, county commissioners;  
8 imposing penalties for violation of the act, and codifying,  
9 revising and consolidating the laws relating thereto; and  
10 repealing certain acts and parts of acts relating to  
11 elections," further defining "independent expenditure";  
12 further providing for reporting; providing for funding of  
13 certain Statewide elections; limiting certain contributions;  
14 imposing powers and duties on the Department of State; and  
15 providing penalties.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. Section 1621(e) of the act of June 3, 1937,  
19 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
20 added October 4, 1978 (P.L.893, No.171), is amended to read:

21 Section 1621. Definitions.--As used in this article, the  
22 following words have the following meanings:

1       \* \* \*

2       (e) The words "independent expenditure" shall mean an  
3 expenditure by a person [made for the purpose of influencing an  
4 election without cooperation or consultation with any candidate  
5 or any political committee authorized by that candidate and  
6 which is not made in concert with or at the request or  
7 suggestion of any candidate or political committee or agent  
8 thereof.] or political committee, other than a candidate's  
9 campaign committee, that expressly advocates the election or  
10 defeat of a clearly identified candidate, that is made without  
11 cooperation or consultation with any candidate or committee or  
12 agent of the candidate and that is not made in concert with or  
13 at the request or suggestion of a candidate or any committee or  
14 agent of the candidate. An expenditure is not an independent  
15 expenditure if any of the following applies:

16       (1) Any officer, member, employe or agent of the political  
17 committee making the expenditure is also an officer, member,  
18 employe or agent of the committee of the candidate whose  
19 election or whose opponent's defeat is being advocated by the  
20 expenditure or an agent of the candidate whose election or whose  
21 opponent's defeat is being advocated by the expenditure.

22       (2) There is an arrangement, coordination or direction with  
23 respect to the expenditure between the candidate or the  
24 candidate's agent and the person making the expenditure,  
25 including any officer, director, employe or agent of that  
26 person.

27       (3) In the same election, the person making the expenditure,  
28 including any officer, director, employe or agent of that  
29 person, is or has been:

30       (i) Authorized to raise or expend moneys on behalf of the

1 candidate or the candidate's authorized committees.

2 (ii) Receiving any form of compensation or reimbursement  
3 from the candidate, the candidate's committees or the  
4 candidate's agent.

5 (4) The expenditure is based on information about the  
6 candidate's plans, projects or needs or those of his campaign  
7 committee, provided to the expending person by the candidate or  
8 by the candidate's agents or any officer, member or employe of  
9 the candidate's campaign committee with a view toward having the  
10 expenditure made.

11 \* \* \*

12 Section 2. Section 1626(a) and (j) of the act, added October  
13 4, 1978 (P.L.893, No.171) and July 21, 1979 (P.L.189, No.63),  
14 are amended to read:

15 Section 1626. Reporting by Candidate and Political  
16 Committees and other Persons.--

17 (a) Each treasurer of a political committee and each  
18 candidate for election to public office shall file with the  
19 appropriate supervisor reports of receipts and expenditures on  
20 forms, designed by the Secretary of the Commonwealth, if the  
21 amount received or expended or liabilities incurred shall exceed  
22 the sum of two hundred fifty dollars (\$250) regardless if the  
23 amount received or expended is for one candidate or a number of  
24 candidates. Should such an amount not exceed two hundred fifty  
25 dollars (\$250), then the candidate or the treasurer of the  
26 committee shall file a sworn statement to that effect with the  
27 appropriate supervisor rather than the report required by this  
28 section.

29 \* \* \*

30 (j) All "Political Action Committees" shall report to the

1 Secretary of the Commonwealth and the respective county board of  
2 elections all expenditures to or made on behalf of, any State-  
3 wide candidate, candidate for the Pennsylvania House of  
4 Representatives, or candidate for the State Senate, in the same  
5 manner as indicated in this section as a candidate's political  
6 committee. This provision shall be in addition to any other  
7 filing and reporting provisions of this act which apply to such  
8 committees, their treasurers and chairmen.

9 Section 3. Section 1628 of the act, amended July 11, 1980  
10 (P.L.600, No.128), is amended to read:

11 Section 1628. Late Contributions and Independent  
12 Expenditures.--

13 (a) Any candidate or political committee, authorized by a  
14 candidate and created solely for the purpose of influencing an  
15 election on behalf of that candidate, which receives any  
16 contribution or pledge of five hundred dollars (\$500) or more,  
17 and any person making an independent expenditure, as defined by  
18 this act, of five hundred dollars (\$500) or more after the final  
19 pre-election report has been deemed completed shall report such  
20 contribution, pledge or expenditure to the appropriate  
21 supervisor by telegram or mailgram. Such telegram or mailgram  
22 shall be sent by the candidate, chairman or treasurer of the  
23 political committee within twenty-four (24) hours of receipt of  
24 the contribution. It shall be the duty of the supervisor to  
25 confirm the substance of such telegram or mailgram. Any  
26 candidate in his own behalf, or chairman, treasurer or candidate  
27 in behalf of the political committee may also comply with this  
28 section by appearing personally before such supervisor and  
29 reporting such late contributions or pledges.

30 (b) In addition to the information concerning independent

1 expenditures reported by a person or political committee under  
2 section 1626, a person or political committee that makes  
3 independent expenditures relating to any one candidate or office  
4 within thirty (30) days before the day of any election to which  
5 the expenditures relate and which aggregate five hundred dollars  
6 (\$500) shall report the independent expenditures within twenty-  
7 four (24) hours or by 5 o'clock P.M. the day following a weekend  
8 or holiday of when the expenditure is made. If a person or  
9 political committee makes an independent expenditure for  
10 campaign literature or an advertisement, the person or political  
11 committee making the expenditure shall also send by certified  
12 mail a copy of the campaign literature or advertisement to each  
13 candidate named or otherwise referred to in the literature or  
14 advertisement within twenty-four (24) hours or by 5 o'clock P.M.  
15 the day following a weekend or holiday of the expenditure or  
16 distribution.

17 (c) An independent expenditure report filed under subsection  
18 (b) shall be filed with the supervisor prescribed in section  
19 1626 and shall contain all of the following:

20 (1) The name and address of any person to whom an  
21 independent expenditure was made.

22 (2) The date and amount of the independent expenditure.

23 (3) The purpose of the independent expenditure, including a  
24 description of what was purchased.

25 (4) The name of each candidate whose election or defeat was  
26 advocated by the expenditure and, for each candidate, the office  
27 sought by the candidate and the year of the election.

28 (5) The names, occupations, employers and amount contributed  
29 by all contributors of two hundred fifty dollars (\$250) or more.  
30 If any of these contributors is a political committee, the

1 report shall include the names, occupations and employers of the  
2 committee's chairman and treasurer.

3 (6) Under penalty of perjury, a certification stating that  
4 the claimed independent expenditure is not made in cooperation,  
5 consultation or concert with or at the request or suggestion of  
6 any candidate or any campaign committee or agent of that  
7 candidate.

8 (7) A copy of any literature or advertisement or other  
9 communication, including an advertisement in an electronic or  
10 print medium, that was purchased with the independent  
11 expenditure.

12 (d) If a person or political committee makes an independent  
13 expenditure of less than five hundred dollars (\$500) for  
14 campaign literature or an advertisement for the purpose of  
15 influencing an election, including an advertisement in  
16 electronic or print media, in the last thirty (30) days  
17 preceding the election or if an independent expenditure is made  
18 for campaign literature or advertisements that are distributed  
19 during the last thirty (30) days preceding the election, the  
20 person or political committee making the expenditure shall file  
21 a copy of the campaign literature or advertisement with the  
22 Secretary of the Commonwealth within twenty-four (24) hours of  
23 the expenditure or distribution.

24 (e) Filing by electronic facsimile or by telegram is  
25 permissible.

26 (f) An expenditure by a political committee or a person that  
27 does not meet the definition of an independent expenditure is an  
28 in-kind contribution to the candidate and a corresponding  
29 expenditure by the candidate unless otherwise exempted.

30 (g) A person who violates this section is subject to a civil

1 penalty of three (3) times the cost of the literature or  
2 advertisement that was distributed in violation of this section.

3 Section 4. The act is amended by adding a section to read:

4 Section 1633.1. Contributions or Expenditures by  
5 Partnerships.--It is unlawful for any partnership operating  
6 under the laws of this State or any other state or any foreign  
7 country to make a contribution or expenditure in connection with  
8 any State-wide judicial office. Furthermore, it shall be  
9 unlawful for any candidate running for State-wide judicial  
10 office, political committee or other person to knowingly accept  
11 or receive any contribution prohibited by this section or for  
12 any partner of any partnership to consent to any contribution or  
13 expenditure prohibited by this section.

14 Section 5. The act is amended by adding an article to read:

15 ARTICLE XVI-A

16 Pennsylvania Fair Campaign Fund

17 Section 1601-A. Definitions.--As used in this article, the  
18 following words have the following meanings:

19 "Declaration of candidacy" shall mean the point in a person's  
20 campaign for political office at which that person becomes in  
21 compliance with section 1622.

22 "Department" shall mean the Department of State of the  
23 Commonwealth.

24 "Fund" shall mean the Pennsylvania Fair Campaign Fund  
25 established under section 1604-A.

26 "Major political party" shall mean a political party whose  
27 candidate for Governor received either the highest or second  
28 highest number of votes in the preceding gubernatorial election.

29 "Secretary" shall mean the Secretary of the Commonwealth.

30 Section 1602-A. Application of Article.--Except as provided

1 in section 1613-A, the provisions of this article shall be  
2 applicable to candidates for the following State-wide offices  
3 who elect to apply for campaign funding under this article:

4 (1) Supreme Court Justice.

5 (2) Superior Court Judge.

6 (3) Commonwealth Court Judge.

7 Section 1603-A. Administration.--The provisions of this  
8 article shall be administered by the department. The department  
9 may adopt rules and regulations as may be necessary for the  
10 implementation of this article.

11 Section 1604-A. Pennsylvania Fair Campaign Fund  
12 Established.--There is hereby established a special restricted  
13 receipts fund in the State Treasury to be known as the  
14 Pennsylvania Fair Campaign Fund. Payments shall be made into  
15 this fund pursuant to section 1605-A and disbursements shall be  
16 made from the fund only upon the warrant of the secretary and a  
17 warrant of the State Treasurer. As much of the moneys in the  
18 fund as are necessary to make payments to candidates as provided  
19 in this article are appropriated from the Pennsylvania Fair  
20 Campaign Fund to the Department of State on a continuing basis  
21 for the purpose of such payments. No moneys of the General Fund  
22 shall be used for the purposes of the Pennsylvania Fair Campaign  
23 Fund.

24 Section 1605-A. Allocation of Certain Tax Proceeds to  
25 Fund.--Beginning with tax years commencing January 1, 1996, and  
26 thereafter, each individual subject to the tax imposed by  
27 Article III of the act of March 4, 1971 (P.L.6, No.2), known as  
28 the "Tax Reform Code of 1971," whose tax liability for the year  
29 is one dollar (\$1) or more may designate one dollar (\$1) of his  
30 personal income taxes to be paid into the Pennsylvania Fair



Campaign Fund. In the case of married taxpayers filing a joint return, each spouse may designate one dollar (\$1) to be paid into the Pennsylvania Fair Campaign Fund if their tax liability is two dollars (\$2) or more. All of these designated tax revenues shall be paid into the fund. The check-off and instructions shall be prominently displayed on the first page of the tax return form. The instructions shall readily indicate that these designations neither increase nor decrease an individual's tax liability.

Section 1606-A. Certification of Moneys in Fund.--By June 30 of each year, the State Treasurer shall certify to the department the current balance available in the fund.

Section 1607-A. Qualification for Funding.--(a) Any candidate for office as described in section 1602-A may apply for funding under this article if the candidate meets the contributory thresholds established in subsection (b) and otherwise conforms to the requirements of this article. No candidate shall be obligated to apply for funding under this article and if any candidate elects not to apply, the provisions of this article pertaining to limits on expenditures or the use of his personal funds shall be inapplicable to the person and his candidacy. Any candidate electing to receive funding under this article shall declare his intention to do so and specify the office for which he is a candidate. No candidate may elect to receive funding under this article for a general or municipal election unless the candidate elected to receive funding under this article for the primary election. A candidate who is nominated by his party to fill a vacancy which occurs after the primary or who is placed on the ballot by petition and qualifies for funding pursuant to section 1607(b) is eligible to receive

funding under this article for a general or municipal election.  
Any and all committees authorized to receive contributions or  
make expenditures for the candidate who has so declared shall  
abide by the provisions of section 1613-A. Any candidate who for  
any reason has his name withdrawn from the ballot for an  
election, after receipt of funds under this article, shall  
return to the fund all unspent money received from the  
Pennsylvania Fair Campaign Fund.

(b) (1) In order to qualify for funding in a general  
election, a candidate must receive subsequent to the date of  
that candidate's primary election but prior to the date of that  
candidate's general election qualifying contributions of the  
following amounts:

<u>Office</u>	<u>Qualifying Contributions Required</u>
<u>(i) Supreme Court Justices</u>	<u>\$30,000</u>
<u>(ii) Superior Court Judges</u>	<u>30,000</u>
<u>(iii) Commonwealth Court Judges</u>	<u>30,000</u>

(2) In order to qualify for funding in a primary election, a  
candidate must receive prior to the date of the primary  
election, but subsequent to January 1 of the year in which that  
candidate runs for office, one-half of the amount specified in  
clause (1) for the appropriate office.

(3) (i) The term "qualifying contribution" shall include  
any contribution, as defined in section 1621(b), which has all  
of the following characteristics:

- (A) Made by an individual resident of Pennsylvania.
- (B) Made by a written instrument which indicates the  
contributor's full name and mailing address and is not intended  
to be returned to the contributor or transferred to another  
political committee or candidate.

1     (ii) If a contributor receives goods or services of value in  
2 return for his contribution, the qualifying contribution shall  
3 be calculated as the original contribution, minus the fair  
4 market value of the goods or services received.

5     (iii) Contributions by an individual which exceed two  
6 hundred fifty dollars (\$250) in the aggregate shall be deemed  
7 only a two hundred fifty dollar (\$250) qualifying contribution  
8 for the purposes of this section and for the matching payment  
9 provisions of section 1608-A.

10    (c) The department shall select an auditor pursuant to the  
11 provisions of section 1635(a). Each candidate who elects to  
12 apply for funding under this article shall provide evidence that  
13 the candidate has raised the qualifying contributions required  
14 by this section which evidence shall be verified and certified  
15 as correct to the department by the auditor selected under this  
16 article. The department shall establish a deadline for the  
17 certification and a process for verification by the auditor  
18 selected under this article.

19    Section 1608-A. Funding Formula.--(a) Every candidate who  
20 qualifies for funding for either the primary or the general  
21 election pursuant to section 1607-A shall receive matching  
22 payments from the fund in the amount of one dollar (\$1) for each  
23 dollar of qualifying contribution as defined in section 1607-  
24 A(b)(3).

25    (b) (1) Only those qualifying contributions made during the  
26 period between January 1 of the year in which the candidate runs  
27 for office and the primary election shall be eligible for  
28 matching payments from the fund for the primary election.

29    (2) Only those qualifying contributions made during the  
30 period between the primary election and the general election of

1 the year in which that candidate runs for office shall be  
2 eligible for matching payments from the fund for the general  
3 election.

4 (c) Matching funds shall not be provided for any qualifying  
5 contributions unless the reporting requirements of section  
6 1626(b) are satisfied.

7 Section 1609-A. Limitations on Funding.--(a) Every  
8 candidate who qualifies for and receives funding pursuant to the  
9 formula established in section 1608-A shall be entitled to  
10 receive no more than the maximum amount specified in subsection  
11 (b) for the office the candidate is seeking.

12 (b) (1) The maximum amount of funding available for the  
13 general election for each candidate under this article shall be  
14 as follows:

<u>Office</u>	<u>Maximum Pennsylvania Fair</u>
	<u>Campaign Funding</u>
<u>(i) Supreme Court Justices</u>	<u>\$150,000</u>
<u>(ii) Superior Court Judges</u>	<u>150,000</u>
<u>(iii) Commonwealth Court Judges</u>	<u>150,000</u>

20 (2) The maximum amount of funding available for the primary  
21 election for each candidate under this article shall be one-half  
22 the appropriate figure in clause (1).

23 (c) Notwithstanding any other provisions of this article no  
24 funding shall be provided to the following:

25 (1) Candidates in the general election who have been  
26 nominated by both major political parties.

27 (2) Candidates in the primary election who are unopposed for  
28 the nomination.

29 Section 1610-A. Time of Payments.--(a) Beginning ninety  
30 (90) days prior to the relevant primary or general election, the

department shall make payments authorized by this article at least every two (2) weeks. However, except for the final payment, no payment shall be due or paid if the payment does not equal at least five thousand dollars (\$5,000) in amount.

(b) If in the secretary's opinion insufficient funds exist in the fund to provide the anticipated full funding to eligible candidates in a given primary or general election, the department shall distribute the available funds to qualified candidates on a pro-rata basis. In determining whether sufficient funds are available, the secretary shall not take into consideration the needs of any subsequent primary or general elections but shall base the decision solely on the immediate primary or election at hand.

Section 1611-A. Use of Funds by Candidates.--(a) Funds distributed to candidates pursuant to this article may be used only for the election for which they are distributed and only for the purposes set forth in section 1634.1 except that no fund moneys may be used:

(1) To transfer to other candidates or to committees of other candidates or to political committees.

(2) To pay for expenditures incurred after the date of the general election.

(b) Funds distributed to a candidate pursuant to this article shall be placed in a single bank account. Expenditures from this account shall be made only for campaign expenses listed in subsection (a).

Section 1612-A. Expenditures.--(a) Expenditures made by a candidate and his authorized committees, for all purposes and from all sources, including, but not limited to, amounts of funds distributed under this article, proceeds of loans, gifts,

1 contributions from any source or personal funds, subsequent to  
2 the date of the primary election, but prior to the date of the  
3 general election, may not exceed the amounts specified below:

<u>Office</u>	<u>Total Expenditure Limits</u>
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<u>(i) Justice of the</u>	
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<u>Supreme Court</u>	<u>\$300,000</u>
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<u>(ii) Judge of the</u>	
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<u>Superior Court</u>	<u>300,000</u>
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<u>(iii) Judge of the</u>	
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<u>Commonwealth Court</u>	<u>300,000</u>
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11 (b) Expenditures made by a candidate and his authorized  
12 committees, subsequent to January 1 of the year in which the  
13 candidate runs for office but prior to the date of the primary  
14 election, may not exceed one-half of the amount specified in  
15 subsection (a).

16 (c) Notwithstanding any other provision of this article, a  
17 candidate who accepts public funding pursuant to the formula  
18 established in section 1608-A, but whose major political party  
19 opponent in a general or municipal election elects not to apply  
20 for the public funding, shall not be bound by the expenditure  
21 limits specified in this section. A candidate who accepts public  
22 funding shall be eligible to qualify for those fair campaign  
23 funds which would have otherwise been available to an opponent  
24 who has chosen not to apply for funding from the Pennsylvania  
25 Fair Campaign Fund.

26 (d) Notwithstanding any other provision of this article, a  
27 candidate who accepts public funding pursuant to the formula  
28 established in section 1608-A, but whose major political party  
29 opponents in a primary election elect to not apply for the  
30 public funding, shall not be bound by the expenditure limits

1 specified in this section. If there is more than one candidate  
2 in a major political party in a primary election, the fair  
3 campaign funds which would have otherwise been available to each  
4 opponent who has elected to not apply for the public funding  
5 shall be divided equally among the candidates who accept public  
6 financing.

7 Section 1613-A. Limitations on Certain Contributions.--(a)  
8 Any candidate for the office of Justice of the Supreme Court or  
9 Judge of the Superior Court or Commonwealth Court shall not  
10 accept contributions from an individual or political action  
11 committee which in the aggregate exceed two hundred fifty  
12 dollars (\$250) for any primary, general or special election.  
13 However, the candidate and spouse may contribute up to thirty  
14 thousand dollars (\$30,000) in the aggregate for each primary,  
15 general or special election in which that candidate is running  
16 for office.

17 (b) Any candidate for the office of Governor, Lieutenant  
18 Governor, Auditor General, Attorney General, State Treasurer,  
19 Senate or House of Representatives shall not accept  
20 contributions which in the aggregate exceed the following limits  
21 for any primary, general or special election in which that  
22 candidate is running for office:

Contributor	Limit
(1) Individual	\$ 1,000
(2) Political action committee	
as defined in section 1621(1)	5,000

27 (c) A gift, subscription, loan, advance or deposit of money  
28 or anything of value to a candidate shall be considered a  
29 contribution both by the original source of the contribution and  
30 by any intermediary or conduit if the intermediary or conduit--

1 (1) exercises any control or any direction over the making of  
2 the contribution; or (2) solicits the contribution or arranges  
3 for the contribution to be made and directly or indirectly makes  
4 the candidate aware of such intermediary or conduit's role in  
5 soliciting or arranging the contribution for the candidate.

6 (d) For purposes of subsection (c), a contribution shall not  
7 be considered to be a contribution by an intermediary or conduit  
8 to the candidate if-- (1) the intermediary or conduit has been  
9 retained by the candidate's committee for the purpose of fund-  
10 raising and is reimbursed for expenses incurred in soliciting  
11 contributions; (2) in the case of an individual, the candidate  
12 has expressly authorized the intermediary or conduit to engage  
13 in fund-raising, or the individual occupies a significant  
14 position within the candidate's campaign organization; or (3) in  
15 the case of a political committee, the intermediary or conduit  
16 is an authorized committee of the candidate.

17 (e) This section shall apply to any candidate for any office  
18 set forth in this section, regardless of whether or not the  
19 candidate receives funding from the fund.

20 Section 1614-A. Inflation Indexing of Certain Limitations.--  
21 The dollar figures contained in sections 1607-A, 1609-A and  
22 1612-A shall be adjusted annually during March at a rate equal  
23 to the average percentage change in the All-Urban Consumer Price  
24 Index for the Pittsburgh, Philadelphia and Scranton standard  
25 metropolitan statistical areas as published by the Bureau of  
26 Labor Statistics of the United States Department of Labor, or  
27 any successor agency, occurring in the prior calendar year. The  
28 base year shall be 1994. The average shall be calculated and  
29 certified by the secretary annually by adding the percentage  
30 increase in each of the three areas and dividing by three. The



1 calculation and resulting new figures shall be published in the  
2 Pennsylvania Bulletin during March.

3 Section 1615-A. Annual Report.--The secretary shall report  
4 annually to the Governor and the General Assembly on the  
5 operations of funding as provided by this article. This report  
6 shall include, but not be limited to, the revenues and  
7 expenditures in the fund, the amounts distributed to candidates,  
8 the results of any audits performed on candidates in compliance  
9 with this article and any prosecutions brought for violations of  
10 this article.

11 Section 1616-A. Return of Excess Funds.--(a) All unexpended  
12 campaign funds in a candidate's and his authorized committees'  
13 possession sixty (60) days after a primary election shall be  
14 returned to the secretary for deposit in the Pennsylvania Fair  
15 Campaign Fund, up to the amount of the funds which were  
16 distributed to the candidate under this article for the primary  
17 election.

18 (b) All unexpended campaign funds in a candidate's and his  
19 authorized committee's possession sixty (60) days after a  
20 general or municipal election shall be returned to the secretary  
21 for deposit in the Pennsylvania Fair Campaign Fund, up to the  
22 amount of the funds which were distributed to the candidate  
23 under this article for the general or municipal election.

24 Section 1617-A. Penalties.--(a) A person who violates the  
25 provisions of this article and who, as a result, obtains funds  
26 under this article to which he is not entitled commits a  
27 misdemeanor of the first degree and shall, upon conviction, be  
28 subject to a fine not to exceed the greater of ten thousand  
29 dollars (\$10,000) or three times the amount of funds wrongfully  
30 obtained or to imprisonment for up to five years, or both.

1     (b) A person who violates section 1611-A or 1612-A commits a  
2 misdemeanor of the first degree and shall, upon conviction, be  
3 subject to a fine not to exceed the greater of ten thousand  
4 dollars (\$10,000) or three times the amount of funds that were  
5 wrongfully used or expended or to imprisonment for up to five  
6 years, or both.

7     (c) Except as provided in subsections (a) and (b), a person  
8 who violates any provision of this act commits a misdemeanor of  
9 the third degree and shall, upon conviction, be subject to a  
10 fine of not more than one thousand dollars (\$1,000) or to  
11 imprisonment for up to one year, or both.

12     Section 6. This act shall apply to returns of taxpayers of  
13 calendar years commencing January 1, 1996, and thereafter.  
14 Funding from the Pennsylvania Fair Campaign Fund shall be  
15 provided to candidates for office beginning with the primary  
16 election of 1998 and in each primary, municipal and general  
17 election thereafter.

18     Section 7. This act shall take effect immediately.