

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1446 Session of
2014

INTRODUCED BY LEACH, FONTANA, HUGHES, WILLIAMS AND FARNESE,
JUNE 25, 2014

REFERRED TO STATE GOVERNMENT, JUNE 25, 2014

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," providing for alternative campaign financing
12 option, administration and requirement; establishing the
13 Clean Election Fund; providing for terms of participation,
14 for the power of Department of State to adopt rules and for
15 study report; imposing duties on the Department of State and
16 a duty on the Department of Revenue; and imposing penalties.

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

19 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
20 as the Pennsylvania Election Code, is amended by adding an
21 article to read:

22 ARTICLE XVI-A

23 CLEAN ELECTIONS

24 Section 1601-A. Scope of article.

25 This article relates to clean elections.

1 Section 1602-A. Definitions.

2 The following words and phrases when used in this article
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Certified candidate." A candidate running for Governor,
6 Senator, Representative, Auditor General, Attorney General and
7 State Treasurer who chooses to participate in this article and
8 who is certified under section 1605-A(g).

9 "Contribution." As defined in 4 Pa. Code § 172.1 (relating
10 to definitions).

11 "Department." The Department of State of the Commonwealth.

12 "Fund." The Clean Election Fund established in section 1604-
13 A(a).

14 "Immediate family." A person's spouse, parent, grandparent,
15 child, grandchild, sister, half-sister, brother, half-brother,
16 stepparent, stepgrandparent, stepchild, stepgrandchild,
17 stepsister, stepbrother, mother-in-law, father-in-law, brother-
18 in-law, sister-in-law, son-in-law, daughter-in-law, guardian,
19 former guardian, domestic partner, the half-brother or half-
20 sister of a person's spouse or the spouse of a person's half-
21 brother or half-sister.

22 "Nonparticipating candidate." A candidate running for
23 Governor, Senator, Representative, Auditor General, Attorney
24 General and State Treasurer who does not choose to participate
25 in this article and who is not seeking to be a certified
26 candidate under section 1605-A(g).

27 "Participating candidate." A candidate who is running for
28 Governor, Senator, Representative, Auditor General, Attorney
29 General and State Treasurer who is seeking to be a certified
30 candidate under section 1605-A(g).

1 "Qualifying contribution." A donation:

2 (1) Of \$5 in the form of a check or money order payable
3 to the Clean Election Fund and signed by the contributor in
4 support of a candidate or made over the Internet in support
5 of a candidate according to the procedure established by the
6 Department of State.

7 (2) Made by a person registered to vote within the
8 electoral boundaries of the office a candidate is seeking and
9 whose voter registration has been verified according to
10 procedures established by the department.

11 (3) Made during the designated qualifying period.

12 (4) That the contributor on forms provided by the
13 department acknowledges was made with the contributor's
14 personal funds and in support of the candidate and was not
15 given in exchange for anything of value and that the
16 candidate acknowledges was obtained with the candidate's
17 knowledge and approval and that nothing of value was given in
18 exchange for the contribution.

19 "Qualifying period." Any of the following:

20 (1) For a participating candidate for the offices of
21 Governor, Auditor General, Attorney General and State
22 Treasurer, the period begins October 15 immediately preceding
23 the election year and ends at 5 p.m. on April 1 of the
24 election year.

25 (2) For Senate or House of Representatives participating
26 candidates, the period begins January 1 of the election year
27 and ends at 5 p.m. on April 20 of that election year or the
28 next business day following April 20 if the Department of
29 State is closed on April 20.

30 "Seed money contribution." A contribution of no more than

\$100 per individual made to a participating candidate, including
the candidate or the candidate's spouse or domestic partner.
Section 1603-A. Alternative campaign financing option,
administration and requirement.

(a) Option.--This article establishes an alternative
campaign financing option available to candidates running for
Governor, Senator, Representative, Auditor General, Attorney
General and State Treasurer. The alternative campaign financing
option is available to candidates for elections to be held
beginning in the year 2015.

(b) Administration.--The department shall administer this
article. The Department of Revenue shall administer the fund.
Participating candidates shall comply with other applicable
election and campaign laws and regulations.

Section 1604-A. Clean Election Fund.

(a) Establishment.--The Clean Election Fund is established
in the State Treasury as a special, nonlapsing fund. The fund
shall:

(1) Finance the election campaigns of certified
candidates for Governor, Senator, Representative, Auditor
General, Attorney General and State Treasurer.

(2) Pay administrative and enforcement costs of the
department related to this article.

(b) Interest.--Interest generated by the fund is credited to
the fund.

(c) (Reserved).

(d) Determination of fund amount.--If the department
determines that the fund will not have sufficient revenues to
cover the likely demand for funds from the Clean Election Fund
in an upcoming election, the department shall provide a report

of its projections of the balances in the Clean Election Fund to
the General Assembly and the Governor by January 1. The
department may submit legislation to request additional funding
or an advance on revenues to be transferred.

Section 1605-A. Terms of participation.

(a) Declaration of intent.--A participating candidate shall
file a declaration of intent to seek status as a certified
candidate and to comply with the requirements of this article.
The declaration of intent shall be filed with the department
prior to or during the qualifying period, except as provided in
subsection (r), according to forms and procedures developed by
the department. A participating candidate shall submit a
declaration of intent within five business days of collecting
qualifying contributions under this article. Qualifying
contributions collected before the declaration of intent has
been filed will not be counted toward the eligibility
requirement in subsection (e).

(b) Contribution limits for participating candidates.--
Subsequent to becoming a candidate and prior to certification, a
participating candidate may not accept contributions, except for
seed money contributions and qualifying contributions. A
participating candidate shall limit the candidate's total seed
money contributions to the following amounts:

(1) two hundred thousand dollars for a gubernatorial
candidate;

(2) twenty-five thousand dollars for a candidate for the
Senate;

(3) ten thousand dollars for a candidate for the House
of Representatives;

(4) two hundred thousand dollars for a candidate for

Auditor General;

(5) two hundred thousand dollars for a candidate for
Attorney General; or

(6) two hundred thousand dollars for a candidate for
State Treasurer.

The department may, by rule, revise these amounts to ensure the
effective implementation of this article.

(c) Seed money restrictions.--To be eligible for
certification, a participating candidate may collect and spend
only seed money contributions subsequent to becoming a candidate
and prior to certification. A participating candidate may not
solicit, accept or collect seed money contributions after
becoming a certified candidate. The following apply:

(1) Goods and services received prior to certification
shall be paid for with seed money contributions, except for
goods and services that are not a contribution. It is a
violation of this article for a participating candidate to
use fund revenues received after certification to pay for
goods and services received prior to certification.

(2) Prior to certification, a participating candidate
may obligate an amount greater than the seed money collected,
but may only receive that portion of goods and services that
has been paid for or will be paid for with seed money. A
participating candidate who accepted contributions or made
expenditures that do not comply with the seed money
restrictions under this article may petition the department
to remain eligible for certification in accordance with
department rules adopted pursuant to this article, if the
failure to comply was unintentional and does not constitute a
significant infraction of these restrictions.

1 (3) Upon requesting certification, a participating
2 candidate shall file a report of seed money contributions and
3 expenditures. If the candidate is certified, unspent seed
4 money shall be deducted from the amount distributed to the
5 candidate as provided in subsection (o).

6 (d) Seed money required for documentation.--For seed money
7 contributions that a candidate collects, the candidate shall
8 obtain the contributor's name, residence address, mailing
9 address, telephone number if provided by the contributor and
10 other information required for reporting under this act. For
11 these contributions, the candidate shall submit to the
12 department during the qualifying period:

13 (1) A contribution acknowledgment form, as determined by
14 the department, to be completed by each person that
15 contributes seed money, that includes the name, residence
16 address, mailing address, optional telephone number and
17 signature of the person making the seed money contribution
18 acknowledging that the contribution was made with the
19 person's personal funds and will not be reimbursed by any
20 source.

21 (2) A list of the seed money contributions in a format
22 determined by the department that includes the name and
23 mailing address of the contributor.

24 (3) For seed money contributions received by check or
25 money order, photocopies of the check or money order.

26 (4) For seed money contributions received by debit or
27 credit card, a bank or merchant account statement that
28 contains the cardholder's name and that otherwise meets the
29 requirements specified by the department.

30 The department may permit the submission of an online or

electronic acknowledgment form as required by paragraph (1) for
seed money contributions made via the Internet. The telephone
numbers, e-mail addresses and bank account and credit card
information of contributors that candidates submit to the
department under this subsection are confidential, except that
the department may disclose this information in a final audit or
investigation report or determination if the information or
record is materially relevant to a finding of fact or violation.

(e) Qualifying contributions.--Participating candidates
shall obtain qualifying contributions during the qualifying
period as follows:

(1) for a gubernatorial candidate, at least 3,250
verified registered voters of this Commonwealth must support
the candidacy by providing a qualifying contribution to the
candidate;

(2) for a candidate for the Senate, at least 175
verified registered voters from the candidate's electoral
district must support the candidacy by providing a qualifying
contribution to the candidate;

(3) for a candidate for the House of Representatives, at
least 60 verified registered voters from the candidate's
electoral district must support the candidacy by providing a
qualifying contribution to the candidate; or

(4) for a candidate for Auditor General, Attorney
General and State Treasurer, at least 1,000 verified
registered voters of this Commonwealth must support the
candidacy by providing a qualifying contribution to the
candidate.

A payment, gift or anything of value may not be given in
exchange for a qualifying contribution. A candidate may pay the

fee for a money order that is a qualifying contribution in the
amount of \$5 as long as the donor making the qualifying
contribution pays the \$5 amount reflected on the money order.
Money order fees paid by a participating candidate shall be paid
for with seed money and reported in accordance with department
rules adopted pursuant to this article. A money order shall be
signed by the contributor to be a valid qualifying contribution.
The department may establish by routine technical rule a
procedure for a qualifying contribution to be made by a credit
or debit transaction and by electronic funds transfer over the
Internet. Records containing information provided by individuals
who have made qualifying contributions over the Internet are
confidential, except for the name of the individual making the
contribution, the date of the contribution, the individual's
residential address and the name and office sought by the
candidate in whose support the contribution was made. It is a
violation of this article for a participating candidate or an
agent of the participating candidate to misrepresent the purpose
of soliciting qualifying contributions and obtaining the
contributor's signed acknowledgment.

(f) Filing with the department.--A participating candidate
shall submit qualifying contributions, receipt and
acknowledgment forms, proof of verification of voter
registration and a seed money report to the department during
the qualifying period according to procedures developed by the
department, except as provided under subsection (r).

(g) Certification of candidates.--Upon receipt of a final
submittal of qualifying contributions by a participating
candidate, the department shall determine whether the candidate
has:

1 (1) Signed and filed a declaration of intent to
2 participate under this article.

3 (2) Submitted the appropriate number of valid qualifying
4 contributions.

5 (3) Qualified as a candidate by petition or other means.

6 (4) (Reserved).

7 (5) Not accepted contributions, except for seed money
8 contributions, and otherwise complied with seed money
9 restrictions.

10 (6) Not run for the same office as a nonparticipating
11 candidate in a primary election in the same election year.

12 (7) Not been found to have made a material false
13 statement in a report or other document submitted to the
14 department.

15 (8) Not otherwise substantially violated the provisions
16 of this article or 4 Pa. Code Ch. 177 (relating to reports by
17 candidates, political committees and other persons).

18 (9) Not failed to pay a civil penalty assessed by the
19 department under this act, except that a candidate has three
20 business days from the date of the request for certification
21 to pay the outstanding penalty and remain eligible for
22 certification.

23 (10) Otherwise met the requirements for participation
24 under this article.

25 The department shall certify a candidate complying with the
26 requirements of this section as soon as possible after final
27 submittal of qualifying contributions and other supporting
28 documents required under subsection (f), but no later than three
29 business days for legislative candidates and five business days
30 for gubernatorial candidates. The department may take additional

1 time if further investigation is necessary to verify compliance
2 with this article as long as it notifies the candidate regarding
3 the anticipated schedule for conclusion of the investigation. A
4 certified candidate shall comply with the requirements of this
5 article after certification and throughout the primary and
6 general election periods. Failure to do so is a violation of
7 this article.

8 (h) Revocation of certification.--The certification of a
9 participating candidate may be revoked if the department
10 determines that the candidate or an agent of the candidate:

11 (1) did not submit the required number of valid
12 qualifying contributions;

13 (2) failed to qualify as a candidate by petition or
14 other means;

15 (3) submitted fraudulent qualifying contributions or
16 qualifying contributions that were not made by the named
17 contributor;

18 (4) misrepresented to a contributor the purpose of the
19 qualifying contribution or obtaining the contributor's
20 signature on the receipt and acknowledgment form;

21 (5) failed to fully comply with the seed money
22 restrictions;

23 (6) knowingly accepted contributions, including in-kind
24 contributions, or used funds other than fund revenues
25 distributed under this article to make campaign-related
26 expenditures without the permission of the department;

27 (7) knowingly made a false statement or material
28 misrepresentation in a report or other document required to
29 be filed under this article or 4 Pa. Code Ch. 177;

30 (8) otherwise substantially violated the provisions of

this article or 4 Pa. Code Ch. 177; or

(9) failed to properly report seed money contributions
as required for a gubernatorial candidate under this section.

The determination to revoke the certification of a candidate
shall be made by the department after it has given the candidate
notice and opportunity for a hearing. A candidate whose
certification is revoked shall return the unspent funds to the
department within three days of the department's decision and
may be required to return the funds distributed to the
candidate. In addition to the requirement to return funds, the
candidate may be subject to a civil penalty under section
1607-A. The candidate may appeal the department's decision to
revoke certification in the same manner provided in subsection
(x) (3).

(i) Restrictions on serving as treasurer.--A certified
candidate may not serve as a treasurer or deputy treasurer for
his campaign.

(j) Restrictions on contributions and expenditures for
certified candidates.--After certification, a candidate shall
limit his campaign expenditures and obligations, including
outstanding obligations, to the revenues distributed to the
candidate from the fund and may not accept contributions unless
specifically authorized by the department. Candidates may also
accept and spend interest earned on fund revenues in campaign
bank accounts. Revenues distributed to a certified candidate
from the fund shall be used for campaign-related purposes. The
candidate, the treasurer, the candidate's committee authorized
under 4 Pa. Code Ch. 176 (relating to registration and
organization of political committees) or any agent of the
candidate and committee may not use the revenues for anything

but campaign-related purposes. A television advertisement purchased with the revenues shall be closed-captioned when closed-captioning is available from the broadcasting station that will broadcast the advertisement. The department shall publish guidelines outlining permissible campaign-related expenditures.

(k) Assisting a person to become an opponent.--A candidate or a person who later becomes a candidate and who is seeking certification under subsection (g), or an agent of that candidate, may not assist another person in qualifying as a candidate for the same office if the candidacy would result in the distribution of revenues under subsections (m) and (o) for certified candidates in a contested election.

(l) Expenditures to the candidate or family or household members.--Expenditures to the candidate or immediate family member or household member of the candidate are governed as follows:

(1) The candidate may not use fund revenues to compensate the candidate or a sole proprietorship of the candidate for campaign-related services.

(2) A candidate may not make expenditures using fund revenues to pay a member of the candidate's immediate family or household, a business entity in which the candidate or a member of the candidate's immediate family or household holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or a member of the candidate's immediate family or household is a director, officer, executive director or chief financial officer, unless the expenditure is made:

(i) For a legitimate campaign-related purpose.

1 (ii) To an individual or business that provides the
2 goods or services being purchased in the normal course of
3 the individual's occupation or business.

4 (iii) In an amount that is reasonable taking into
5 consideration current market value and other factors the
6 department may choose to consider.

7 For the purpose of this paragraph, the term "business entity"
8 means a corporation, limited liability company, limited
9 partnership, limited liability partnership or general
10 partnership. If a candidate uses fund revenues for an
11 expenditure covered by this paragraph, the candidate shall
12 submit evidence demonstrating that the expenditure complies
13 with the requirements of this paragraph if requested by the
14 department. This subsection does not prohibit reimbursement
15 to the candidate or a member of a candidate's household or
16 immediate family when made in accordance with this article
17 and department rules adopted pursuant to this article.

18 (m) Timing of fund distribution.--The department shall
19 distribute to certified candidates revenues from the fund in
20 amounts determined under subsection (o) in the following manner:

21 (1) Within three days after certification, for
22 candidates certified prior to the day of the election cycle
23 that the department designates as the first day to circulate
24 nominating petitions of the election year, revenues from the
25 fund shall be distributed as if the candidates are in an
26 uncontested primary election.

27 (2) (Reserved).

28 (3) For candidates in contested primary elections
29 receiving a distribution under paragraph (1), additional
30 revenues from the fund shall be distributed within three days

1 of the day of the election cycle that the department
2 designates as the first day to circulate nominating petitions
3 of the election year.

4 (4) No later than three days after the primary election
5 results are certified, for general election certified
6 candidates, revenues from the fund shall be distributed
7 according to whether the candidate is in a contested or
8 uncontested general election.

9 Funds may be distributed to certified candidates under this
10 section by a mechanism that is expeditious, ensures
11 accountability and safeguards the integrity of the fund.

12 (n) Deposit into account.--The candidate or committee
13 authorized under 4 Pa. Code Ch. 176 shall deposit the revenues
14 from the fund and the seed money contributions in a campaign
15 account with a bank or other financial institution. The campaign
16 funds shall be segregated from, and may not be commingled with,
17 any other funds.

18 (o) Amount of fund distribution.--The department shall
19 distribute the following amounts from the fund to a certified
20 candidate to finance his election campaign:

21 (1) For a gubernatorial candidate, \$100,000 for the
22 primary election and \$400,000 for the general election.

23 (2) For a candidate for the Senate, \$50,000 for the
24 primary election and \$150,000 for the general election.

25 (3) For a candidate for the House of Representatives,
26 \$20,000 for the primary election and \$60,000 for the general
27 election.

28 (4) For a candidate for Auditor General, Attorney
29 General and State Treasurer, \$100,000 for the primary
30 election and \$400,000 for the general election.

A candidate in a primary or general election that is not
contested shall have the amounts in this subsection reduced by
75%. The department shall have the authority to adjust the
amounts provided in this subsection as needed.

(p) (Reserved).

(q) Candidate not enrolled in a party.--An unenrolled
candidate for the General Assembly who submits the required
number of qualifying contributions and other required documents
under subsection (f) by 5 p.m. on April 15 preceding the primary
election and who is certified is eligible for revenues from the
fund in the same amounts and at the same time as an uncontested
primary election candidate and a general election candidate as
specified in subsections (m) and (o). Otherwise, an unenrolled
candidate for the General Assembly shall submit the required
number of qualifying contributions and the other required
documents under subsection (f) by 5 p.m. on June 2 preceding the
general election. If certified, the candidate is eligible for
revenues from the fund in the same amounts as a general election
candidate as specified in subsection (o). Revenues for the
general election shall be distributed to the candidate no later
than three days after certification. An unenrolled candidate for
Governor who submits the required number of qualifying
contributions and other required documents under subsections (d)
and (f) by 5 p.m. on April 1 preceding the primary election and
who is certified is eligible for revenues from the fund in the
same amounts and at the same time as an uncontested primary
election gubernatorial candidate and a general election
gubernatorial candidate as specified in subsections (m) and (o).
Revenues for the general election shall be distributed to the
candidate for Governor no later than three days after the

1 primary election results are certified.

2 (r) Other procedures.--The department shall establish by
3 rule procedures for qualification, certification, disbursement
4 of fund revenues and return of unspent fund revenues for races
5 involving special elections, recounts, vacancies, withdrawals or
6 replacement candidates.

7 (s) Reporting and unspent revenue.--Notwithstanding any
8 other provision of law, participating and certified candidates
9 shall report money collected, campaign expenditures, obligations
10 and related activities to the department according to procedures
11 developed by the department. If a certified candidate pays fund
12 revenues to a member of the candidate's immediate family or
13 household or a business or nonprofit entity affiliated with a
14 member of the candidate's immediate family or household, the
15 candidate shall disclose the candidate's relationship to the
16 payee in a manner prescribed by the department. Upon the filing
17 of a final report for a primary election in which the candidate
18 was defeated and for general elections that candidate shall
19 return unspent fund revenues to the department. In developing
20 these procedures, the department shall utilize existing campaign
21 reporting procedures whenever practicable. The department shall
22 ensure timely public access to campaign finance data and may
23 utilize electronic means of reporting and storing information.

24 (t) Required records.--The treasurer shall obtain and keep:

25 (1) Bank or other account statements for the campaign
26 account covering the duration of the campaign.

27 (2) A vendor invoice stating the particular goods or
28 services purchased for every expenditure of \$50 or more.

29 (3) A record proving that a vendor received payment for
30 every expenditure of \$50 or more in the form of a canceled

1 check, cash receipt from the vendor or bank or credit card
2 statement identifying the vendor as the payee.

3 (4) A document such as an invoice, contract or time
4 sheet that specifies in detail the services provided by a
5 vendor who was paid \$500 or more for the election cycle for
6 providing campaign staff or consulting services to a
7 candidate.

8 The treasurer shall preserve the records for three years
9 following the candidate's final campaign finance report for the
10 election cycle. The candidate and treasurer shall submit
11 photocopies of the records to the department upon its request.

12 (u) Audit requirements for candidates for Governor.--The
13 department shall audit the campaigns of candidates for Governor
14 who receive funds under this article to verify compliance with
15 election and campaign laws and rules. Within one month of
16 declaring an intention to qualify for public financing, a
17 candidate for Governor, the campaign's treasurer and other
18 relevant campaign staff shall meet with the staff of the
19 department to discuss audit standards, expenditure guidelines
20 and recordkeeping requirements.

21 (v) Payments to political committees.--If a certified
22 candidate makes a payment of fund revenues to a political action
23 committee or party committee, the candidate shall include in
24 reports required under this section a detailed explanation of
25 the goods or services purchased according to forms and
26 procedures developed by the department that is sufficient to
27 demonstrate that the payment was made solely to promote the
28 candidate's election.

29 (w) Distributions not to exceed amount in fund.--The
30 department may not distribute revenues to certified candidates

in excess of the total amount of money deposited in the fund as set forth in section 1604-A. Notwithstanding any other provisions of this article, if the department determines that the revenues in the fund are insufficient to meet distributions under subsection (o) or (p), the department may permit certified candidates to accept and spend contributions, reduced by seed money contributions, aggregating no more than \$5,000 per donor per election for gubernatorial candidates, \$1,000 per donor per election for Senate and House of Representatives candidates and \$5,000 per donor per election for Auditor General, Attorney General and State Treasurer candidates, up to the applicable amounts set forth in subsection (o) or (p) according to department rules adopted pursuant to this article.

(x) Appeals.--A candidate who has not been permitted to be a certified candidate, the opponent of a candidate who is a certified candidate or other interested persons may challenge a certification decision by the department as follows:

(1) A challenger may appeal to the department within seven days of the certification decision. The appeal shall be in writing and set forth the reasons for the appeal.

(2) Within five days after an appeal is properly made and after notice is given to the challenger and any opponent, the department shall hold a hearing, except that the department may extend this period upon agreement of the challenger and the candidate whose certification is the subject of the appeal, or in response to the request of either party upon showing good cause. The appellant has the burden of proving that the certification decision was in error as a matter of law or was based on factual error. The department shall rule on the appeal within five business days

1 after the completion of the hearing.

2 (3) A challenger may appeal the decision of the
3 department in paragraph (2) by commencing an action in
4 Commonwealth Court within five days of the date of the
5 department's decision. The action shall be conducted in
6 accordance with 42 Pa.C.S. § 763 (relating to direct appeals
7 from government agencies), except that the court shall issue
8 its written decision within 20 days of the date of the
9 department's decision. An aggrieved party may appeal the
10 decision of the Commonwealth Court by filing a notice of
11 appeal within three days of the decision. The record on
12 appeal shall be transmitted to the Supreme Court within three
13 days after the notice of appeal is filed. After filing the
14 notice of appeal, the parties have four days to file briefs
15 and appendices with the prothonotary of the Supreme Court.
16 The Supreme Court shall consider the case as soon as possible
17 after the record and briefs have been filed and shall issue
18 its decision within 14 days of the decision of the
19 Commonwealth Court.

20 (4) A certified candidate whose certification is
21 reversed on appeal shall return to the department unspent
22 revenues distributed from the fund. If the department or
23 court finds that an appeal was made frivolously or to cause
24 delay or hardship, the department or court may require the
25 moving party to pay costs of the department, court and
26 opposing parties, if any.

27 Section 1606-A. Department to adopt rules.

28 The department shall adopt rules to ensure effective
29 administration of this article. The rules shall include, but not
30 be limited to, procedures for obtaining qualifying

contributions, the certification of candidates, circumstances involving special elections, vacancies, recounts, withdrawals or replacements, collection of revenues for the fund, distribution of fund revenue to certified candidates, return of unspent fund disbursements, disposition of equipment purchased with funds from the Clean Election Fund and compliance with this article. Rules of the department required by this section are major substantive rules.

Section 1607-A. Violations.

(a) Civil fine.--In addition to other penalties that may be applicable, a person who violates a provision of this article or rules of the department adopted under section 1606-A is subject to a fine of not more than \$10,000 per violation payable to the fund. The department may assess a fine of up to \$10,000 for a violation of the reporting requirements of 4 Pa. Code Ch. 177 (relating to reports by candidates, political committees and other persons) if it determines that the failure to file a timely and accurate report resulted in the late payment of matching funds. In addition to a fine, for good cause shown, a candidate, treasurer, consultant or other agent of the candidate or the political committee authorized by the candidate under 4 Pa. Code Ch. 176 (relating to registration and organization of political committees) found in violation of this article or department rules adopted pursuant to this article may be required to return to the fund the amounts distributed to the candidate from the fund or funds not used for campaign-related purposes. If the department makes a determination that a violation of this article or department rules adopted pursuant to this article has occurred, the department shall assess a fine or transmit the finding to the Attorney General for prosecution.

1 A final determination by the department may be appealed to
2 Commonwealth Court in accordance with 42 Pa.C.S. § 763 (relating
3 to direct appeals from government agencies). Fines paid under
4 this section shall be deposited in the fund. In determining
5 whether or not a candidate is in violation of the expenditure
6 limits of this article, the department may consider
7 circumstances out of the candidate's control as a mitigating
8 factor.

9 (b) Misdemeanor.--A person who willfully or knowingly
10 violates this article or department rules adopted pursuant to
11 this article or who willfully or knowingly makes a false
12 statement in a report required by this article commits a
13 misdemeanor and shall, upon conviction, be sentenced to pay a
14 fine of \$1,000 or to imprisonment for not more than six months,
15 or both. If the candidate is a certified candidate, he shall
16 return the amounts distributed to him to the fund.

17 Section 1608-A. Study report.

18 By March 15, 2015, and every four years thereafter, the
19 department shall prepare for the General Assembly a report
20 documenting, evaluating and making recommendations relating to
21 the administration, implementation and enforcement of this
22 article and the Clean Election Fund.

23 Section 2. This act shall take effect in 60 days.