

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1379 Session of  
1977

INTRODUCED BY BUTERA, MEBUS, DeVERTER, BURNS, HALVERSON, YOHN,  
POLITE, PITTS, MCGINNIS, HONAMAN, S. E. HAYES JR. AND FREIND,  
JUNE 22, 1977

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 22, 1977

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 providing for campaign funds, expenses  
12 and accounts and providing penalties.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Sections 1601, 1602, 1602.1, 1603, 1604, 1605,  
16 1605.1, 1606, 1607, 1608, 1609, 1610, 1610.1, 1611, 1612, 1613  
17 and 1614, act of June 3, 1937 (P.L.1333, No.320), known as the  
18 "Pennsylvania Election Code," are repealed absolutely.

19 Section 2. The act is amended by adding sections to read:

20 Section 1621. Definitions.--The following words and phrases  
21 when used in this article shall have, unless the context clearly  
22 indicates otherwise, the meanings given to them in this section:

1 "Board" means the county board of elections.

2 "Candidate" means an individual who seeks nomination for  
3 election, or election, to public office, whether or not such  
4 individual is elected, and, for purposes of this paragraph, an  
5 individual shall be deemed to seek nomination for election, or  
6 election, if he has:

7 (i) taken the action necessary under the election code to  
8 qualify himself for nomination for election, or election, to  
9 public office; or

10 (ii) received contributions or made expenditures, or has  
11 given his consent for any other person to receive contributions  
12 or make expenditures with a view to bringing about his  
13 nomination for election, or election, to such office.

14 "Clearly identified" means that:

15 (i) the name of the candidate appears;

16 (ii) a photograph or drawing of the candidate appears; or

17 (iii) the identity of the candidate is apparent by  
18 unambiguous reference.

19 "Commission" means the Pennsylvania Election Commission.

20 "Contribution." The term includes:

21 (i) a gift, subscription, loan, advance, or deposit of money  
22 or anything of value made for the purpose of influencing the  
23 nomination for election, or election, of any person to public  
24 office; or

25 (ii) a written contract, promise, or agreement, whether or  
26 not legally enforceable, to make a contribution for such  
27 purposes; or

28 (iii) funds received by a political committee which are  
29 transferred to such committee from another political committee  
30 or other source; or

1     (iv) the payment, by any person other than a candidate or a  
2 political committee, of compensation for the personal services  
3 of another person which are rendered to such candidate or  
4 political committee without charge for any such purpose.

5     "Contribution." The term excludes:

6     (i) the value of services provided without compensation by  
7 individuals who volunteer a portion or all of their time on  
8 behalf of a candidate or political committee; or

9     (ii) the use of real or personal property and the cost of  
10 invitations, food, and beverages, voluntarily provided by an  
11 individual to a candidate in rendering voluntary personal  
12 services on the individual's residential premises for candidate-  
13 related activities; or

14     (iii) the sale of any food or beverage by a vendor for use  
15 in a candidate's campaign is at least equal to the cost of such  
16 food or beverage to the vendor; the measure of the contribution  
17 in the event of a below cost sale being the difference between  
18 the price charged and the seller's cost; or

19     (iv) any unreimbursed payment for travel expenses made by an  
20 individual who on his own behalf volunteers his personal  
21 services to a candidate; or

22     (v) any payment made or obligation incurred by a corporation  
23 or a labor organization which, under the provisions of section  
24 1640 would not constitute an expenditure by such corporation or  
25 labor organization.

26     "Court" means the Commonwealth Court for matters within the  
27 jurisdiction of the commission and shall mean the court of  
28 common pleas of the county where the board is located for  
29 matters within the jurisdiction of the board.

30     "Expenditure." The term includes:

1     (i) a purchase, payment, distribution, loan, advance,  
2     deposit, or gift of money or anything of value, made for the  
3     purpose of influencing the nomination for election, or the  
4     election, of any person to public office, or to the office of  
5     presidential and vice presidential elector; or

6     (ii) a contract, promise, agreement, express or implied,  
7     whether or not legally enforceable, to make any expenditure; or

8     (iii) the transfer of funds by a political committee to  
9     another political committee.

10    "Expenditure." The term excludes:

11    (i) any news story, commentary, or editorial distributed  
12    through the facilities of any broadcasting station, newspaper,  
13    magazine, or other periodical publication; or

14    (ii) nonpartisan activity designed to encourage individuals  
15    to register to vote, or to vote; or

16    (iii) any communication by any membership organization or  
17    corporation to its members or stockholders, if such membership  
18    organization or corporation is not organized primarily for the  
19    purpose of influencing the nomination for election, or election,  
20    of any person to public office, except that the costs incurred  
21    by a membership organization, including a labor organization, or  
22    by a corporation, directly attributable to a communication  
23    expressly advocating the election or defeat of a clearly  
24    identified candidate (other than a communication primarily  
25    devoted to subjects other than the express advocacy of the  
26    election or defeat of a clearly identified candidate) shall if  
27    those costs exceed two thousand dollars (\$2,000) per election,  
28    be reported to the commission; or

29    (iv) the use of real or personal property and the cost of  
30    invitations, food, and beverages, voluntarily provided by an

1 individual to a candidate in rendering voluntary personal  
2 services on the individual's residential premises for candidate-  
3 related activities by such individual on behalf of any  
4 candidate; or

5 (v) any unreimbursed payment for travel expenses made by an  
6 individual who, on his own behalf, volunteers his personal  
7 services to a candidate; or

8 (vi) any communication by any person which is not made for  
9 the purpose of influencing the nomination for election, or  
10 election, of any person to public office; or

11 (vii) any payment made or obligation incurred by a  
12 corporation or a labor organization which, under the provisions  
13 of section 1640 would not constitute an expenditure by such  
14 corporation or labor organization.

15 "Identification" means:

16 (i) in the case of an individual, his name and the full  
17 address of his principal place of residence; or

18 (ii) in the case of any other person, the full name and  
19 address of such person.

20 "Independent expenditure" means an expenditure by a person  
21 expressly advocating the election or defeat of a clearly  
22 identified candidate which is made without cooperation or  
23 consultation with any candidate or any authorized committee or  
24 agent of such candidate and which is not made in concert with,  
25 or at the request or suggestion of, any candidate or any  
26 authorized committee or agent of such candidate.

27 "Person" means an individual, partnership, committee,  
28 association, corporation, labor organization, and any other  
29 organization or group of persons.

30 "Political committee" means any committee, club, association,

or other group of two or more persons which receives  
contributions or makes expenditures.

Section 1622. Organization of Political Committees;  
Treasurer, Accounts; Recordkeeping; Receipts; and Principal  
Campaign Committee Reports.--(a) Every political committee  
shall have a treasurer. No contribution and no expenditure shall  
be accepted or made by or on behalf of a political committee at  
a time when there is a vacancy in the office of treasurer  
thereof. No expenditure shall be made for or on behalf of a  
political committee without the authorization of its treasurer.  
Such designation shall be filed with the committee registration  
statement provided for in section 1623. The provisions of this  
subsection shall not prohibit the treasurer of any State,  
county, city, borough, township, ward or other regularly  
constituted committee of any political party or political body  
from receiving contributions or making expenditures and  
incurring liability for the election expenses of the candidates  
of such political party or political body, without the written  
authorization from such candidate.

(b) Every person who receives a contribution for a political  
committee shall, on demand of the treasurer and in any event  
within five (5) days after receipt of such contribution, render  
to the treasurer, a detailed account thereof, including the  
identification of the person making the contribution, the amount  
of such contribution, and the date on which such contribution is  
received. All funds of a political committee shall be segregated  
from, and may not be commingled with, any personal funds of the  
officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political  
committee to keep a detailed and exact account of:

1     (1) All contributions made to or for such committee.

2     (2) The name of every person making a contribution and the  
3 identification of any person making a contribution, and the date  
4 and amount thereof and, if a person's contributions aggregate  
5 more than one hundred dollars (\$100), the account shall include  
6 occupation, and the principal place of business, if any.

7     (3) All expenditures made by or on behalf of such committee.

8     (4) The identification of every person to whom any  
9 expenditure is made, the date and amount thereof and the name  
10 and address of, and office sought by, each candidate on whose  
11 behalf such expenditure was made.

12     (d) It shall be the duty of the treasurer to obtain and keep  
13 a receipted bill, stating the particulars, for every expenditure  
14 made by or on behalf of a political committee in excess of ten  
15 dollars (\$10) in amount. The treasurer shall preserve all  
16 receipted bills and accounts required to be kept by this section  
17 for periods of not less than five (5) years.

18     (e) (1) Each individual who is a candidate for public office  
19 shall designate a political committee to serve as his principal  
20 campaign committee. No political committee may be designated as  
21 the principal campaign committee of more than one candidate,  
22 except that a candidate may designate a political party  
23 committee as his principal campaign committee. Except as  
24 provided in the preceding sentence, no political committee which  
25 supports more than one candidate may be designated as a  
26 principal campaign committee. Any occasional, isolated, or  
27 incidental support of a candidate shall not be construed as  
28 support of such candidate for purposes of the preceding  
29 sentence.

30     (2) Notwithstanding any other provision of this article,

each report or statement of contributions received or expenditures made by a political committee other than a principal campaign committee which is required to be filed with the commission, or board under this article shall be filed instead with the principal campaign committee for the candidate on whose behalf such contributions are accepted or such expenditures are made; provided, however, that a political committee making expenditures on behalf of a candidate shall file instead with the commission or board, whichever is appropriate.

(3) It shall be the duty of each principal campaign committee to receive all reports and statements required to be filed with it under paragraph (2) of this subsection and to compile and file such reports and statements, together with its own reports and statements, with the commission, or board in accordance with the provisions of this article.

Section 1623. Registration of Political Committees.--(a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding five hundred dollars (\$500) shall file with the commission or board, in the manner provided by section 1624(a), a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of five hundred dollars (\$500).

(b) The statement of organization shall include:

(1) The name and address of the committee.

(2) The names, addresses, and relationships of affiliated or connected organizations.



1     (3) The area, scope, or jurisdiction of the committee.

2     (4) The name and address of the treasurer, who shall be the  
3 custodian of the books and accounts.

4     (5) The name, address and position of the other principal  
5 officers, including officers and members of the finance  
6 committee, if any.

7     (6) The name, address, office sought, and party affiliation  
8 of:

9     (i) each candidate whom the committee is supporting; and

10    (ii) any other individual, if any, whom the committee is  
11 supporting for nomination for election, or election, to any  
12 public office whatever; or, if the committee is supporting the  
13 entire ticket of any party, the name of the party.

14    (7) A statement whether the committee is a continuing one.

15    (8) The disposition of residual funds which will be made in  
16 the event of dissolution.

17    (9) A listing of all banks, safety deposit boxes, or other  
18 repositories used, and the numbers of all accounts maintained  
19 therein.

20    (c) Any change in information previously submitted in a  
21 statement of organization shall be reported to the commission or  
22 board, within a ten day period following the change.

23    (d) In the case of a political committee which is not a  
24 principal campaign committee, reports and notifications required  
25 under this section to be filed with the commission shall be  
26 filed instead with the appropriate principal campaign committee,  
27 or board.

28    Section 1624. Reports of Receipts and Expenditures; Filing  
29 of Reports; Completion Date for Reports; and Exceptions.--(a)  
30 Each treasurer of a political committee or a candidate which has

received contributions or made expenditures as hereinafter provided shall file, with the election commission or the county board of elections, reports of receipts and expenditures on forms to be prescribed or approved by the commission.

(b) The reports required pursuant to subsection (a) shall be filed in the following manner:

(1) Reports of candidates and candidate political committees authorized by candidates for elective Statewide offices and for election to the General Assembly, all persons making independent political expenditures and except as hereinafter provided, all other political committees shall file all reports required by this section with the election commission.

(2) Candidates and certain candidate political committees authorized by candidates for all other elective public offices shall file reports with the county board of elections of the county where the candidate authorizing the committee resides.

(3) Each treasurer of a political committee authorized by a candidate to raise contributions or make expenditures on the candidate's behalf, other than the principal campaign committee of the candidate, shall file the reports required by this section with the candidate's principal campaign committee.

(c) In the event a candidate or political committee has received contributions or has made expenditures during any calendar year, or has unextinguished obligations remaining as of five (5) days prior to December 31 of such year, reporting of such transactions and accounts shall be required in the manner herein provided and shall commence and be due on the last day of the first calendar quarter in which the candidate or political committee meets any one of the above requirements. Such reports shall continue to be filed on a quarterly basis (March 31, June

1 30, September 30 and December 31) and be complete as of five (5)  
2 days prior to the end of any calendar quarter until such time as  
3 the candidate or political committee files a final report. Any  
4 independent expenditure by a political committee shall be  
5 reported in the same manner and pursuant to the same  
6 requirements as any other expenditure of a political committee.

7 (d) Final reports shall be filed on the same forms and in  
8 the same manner as all other reports except that they shall be  
9 marked conspicuously on the front page FINAL REPORT. In the case  
10 of a political committee, once such a report is filed it shall  
11 be a violation of this act for such committee to commence or  
12 continue any operation whatsoever without forming a new  
13 committee in compliance with section 1623. A final report may be  
14 filed only when a candidate or political committee has no unpaid  
15 obligations and has no balance of unexpended contributions  
16 remaining.

17 (e) Any candidate or political committee which has received  
18 contributions or made expenditures in connection with an  
19 election shall, in addition to the filing requirements set forth  
20 in this section, file reports not later than the tenth day  
21 before the date on which said election is held such reports to  
22 be complete as of the fifteenth day before the date of such  
23 election. Any contribution of one thousand dollars (\$1,000) or  
24 more received after the fifteenth day but more than forty-eight  
25 (48) hours before any election shall be reported within forty-  
26 eight (48) hours after its receipt. Any report required to be  
27 filed pursuant to this section which is filed by registered or  
28 certified mail must be postmarked not later than the close of  
29 the twelfth day before the date of the election.

30 (f) If the aggregate contributions or expenditures of a

candidate or political committee do not exceed one hundred fifty dollars (\$150) with respect to any reporting period during which said candidate or political committee are required to file reports pursuant to this section, the candidate or political committee may certify that fact under oath to the commission or board in lieu of filing a report.

Section 1625. Contents of Reports.--(a) Each report filed pursuant to section 1624 shall disclose:

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address, occupation and the principal place of business, if any, of each person who makes a contribution to or for such committee or candidate including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fund-raising events within the calendar year, together with the amount and date of such contributions: Provided, however, That the occupation and principal place of business need only be reported if such persons contribution to the candidate or political committee aggregate in excess of one hundred dollars (\$100);

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year, together with the full names and mailing addresses,

occupations and the principal places of business, if any of the  
lender, endorsers, and guarantors, if any, the date and amount  
of such loans;

(6) the total amount of proceeds from:

(i) the sale of tickets to each dinner, luncheon, rally, and  
other fund-raising event;

(ii) mass collections made at such events; and

(iii) sales of items such as political campaign pins,  
buttons, badges, flags, emblems, hats, banners, literature, and  
similar materials;

(7) each contribution, rebate, refund, or other receipt not  
otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee  
or candidate during the reporting period, together with receipts  
less transfers between political committees which support the  
same candidate and which do not support more than one candidate;

(9) the identification of each person to whom expenditures  
have been made by such committee or on behalf of such committee  
or candidate within the reporting period, the amount, date, and  
purpose of each such expenditure and the name and address of,  
and office sought by, each candidate on whose behalf such  
expenditure was made;

(10) the identification of each person to whom an  
expenditure for personal services, salaries, and reimbursed  
expenses has been made, and which is not otherwise reported,  
including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or  
candidate during the reporting period, together with total  
expenditures less transfers between political committees which  
support the same candidate and which do not support more than

1 one candidate;

2 (12) the amount and nature of debts and obligations owed by  
3 or to the committee, in such form as the commission may  
4 prescribe and a continuous reporting of their debts and  
5 obligations after the election at such periods as the commission  
6 may require in addition to any other reporting requirements  
7 provided by this act until such debts and obligations are  
8 extinguished, together with a statement as to the circumstances  
9 and conditions under which any such debt or obligation is  
10 extinguished and the consideration therefore;

11 (13) in the case of an independent expenditure by a  
12 political committee, other than an authorized committee of a  
13 candidate, expressly advocating the election or defeat of a  
14 clearly identified candidate, through a separate schedule:

15 (i) any information required by paragraph (9), stated in a  
16 manner which indicates whether the independent expenditure  
17 involved is in support of, or in opposition to, a candidate;

18 (ii) under penalty of perjury, a certification, or concert  
19 with, or at the request or suggestion of any candidate or any  
20 authorized committee or agent of such candidate;

21 (14) when committee treasurers and candidates show that best  
22 efforts have been used to obtain and submit the information  
23 required by this subsection, they shall be deemed to be in  
24 compliance with this subsection; and

25 (15) each report shall be accompanied by vouchers for all  
26 expenditures in excess of ten dollars (\$10).

27 (b) (1) Every person (other than a political committee or  
28 candidate) who makes contributions or independent expenditures  
29 expressly advocating the election or defeat of a clearly  
30 identified candidate, other than by contribution to a political

committee or candidate, in an aggregate amount in excess of one hundred dollars (\$100) during a calendar year shall file with the commission, on a form prepared by the commission, a statement containing the information required of a person who makes a contribution in excess of one hundred dollars (\$100) to a candidate, or political committee receiving such contribution.

(2) Statements required by this subsection shall be filed on the dates on which reports by political committees are filed.

Such statements shall include:

(i) the information required by subsection (a)(9), stated in a manner indicating whether the contribution or independent expenditure is in support of, or opposition to, the candidate; and

(ii) under penalty of perjury, a certification whether such independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.

Any independent expenditure, including those described in subsection (a)(13), of one thousand dollars (\$1,000) or more made after the fifteenth day, but more than forty-eight (48) hours before any election shall be reported within forty-eight (48) hours of such independent expenditure.

(3) The commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all expenditures separately, including those reported under subsection (a)(13) made with respect to each candidate, as reported under this subsection and for periodically issuing such indices on a timely pre-election basis.

(c) A copy of the report shall be reserved by the person filing for a period of five (5) years from the date of filing.

1     (d) The commission shall, by published regulations of  
2 general applicability, prescribe the manner in which  
3 contributions and expenditures in the nature of debts and other  
4 contracts, agreements, and promises to make contributions or  
5 expenditures shall be reported. Such regulations shall provide  
6 that they be reported in separate schedules. In determining  
7 aggregate amounts of contributions and expenditures, amounts as  
8 provided in such regulations shall not be considered until  
9 actual payment is made.

10    (e) If a report or statement required by this section or  
11 section 1623 to be filed by a treasurer or a political committee  
12 or by a candidate or by any other person, is delivered by  
13 registered or certified mail, to the commission or board, or  
14 principal campaign committee with which it is required to be  
15 filed, the United States postmark stamped on the cover of the  
16 envelope or other container in which such report is so mailed  
17 shall be deemed to be the date of filing.

18    Section 1626. Campaign Depositories.--(a) Each candidate  
19 shall designate one or more National or State banks as his  
20 campaign depositories. The principal campaign committee of such  
21 candidate, and any other political committee authorized by him  
22 to receive contributions or to make expenditures on his behalf,  
23 shall each maintain such checking accounts as the committee  
24 determines to maintain at its discretion at a depository  
25 designated by the candidate and shall deposit any contributions  
26 received by such committee into such accounts. No expenditure  
27 may be made by any such committee on behalf of a candidate or to  
28 influence his election except by check drawn on such account,  
29 other than petty cash expenditures as provided in subsection  
30 (c).



1     (b) The treasurer of each political committee (other than a  
2 political committee authorized by a candidate to receive  
3 contributions or to make expenditures on his behalf) shall  
4 designate one or more National or State banks as campaign  
5 depositories of such committee, and shall maintain a checking  
6 account for the committee at each such depository. All  
7 contributions received by such committee shall be deposited in  
8 such accounts. No expenditure may be made by such committee  
9 except by check drawn on such accounts, other than petty cash  
10 expenditures as provided in subsection (c).

11     (c) A political committee may maintain a petty cash fund out  
12 of which it may make expenditures not in excess of one hundred  
13 dollars (\$100) to any person in connection with a single  
14 purchase or transaction. A record of petty cash disbursements  
15 shall be kept in accordance with requirements established by the  
16 commission.

17     Section 1627. Pennsylvania Election Commission.--(a) The  
18 Pennsylvania Election Commission is hereby established as an  
19 independent commission. The commission shall consist of five (5)  
20 members of outstanding character and reputation. One member of  
21 the commission shall be appointed by the Governor without regard  
22 to the procedure established for the appointment of the  
23 remaining four (4) commission members.

24     (b) Four (4) commission members shall be appointed by the  
25 Governor who shall elect a person from each of four (4) lists  
26 submitted pursuant to this subsection. One (1) list shall each  
27 be submitted by the President pro tempore of the Senate, the  
28 Speaker of the House of Representatives, the Minority Leader of  
29 the Senate and the Minority Leader of the House of  
30 Representatives. Each list shall contain not less than three (3)

1 names and each legislative officer shall only recommend the  
2 names of persons who are registered members of the same  
3 political party as such officer. Each list shall be submitted to  
4 the Governor within thirty (30) days after the effective date of  
5 this act. In the event a vacancy occurs, including a vacancy  
6 caused by the expiration of a term of office, the legislative  
7 officer who made the original recommendation or any successor of  
8 the same legislative caucus, within thirty (30) days after such  
9 vacancy occurs, shall submit a list of not less than three (3)  
10 names to the Governor and the Governor shall fill the vacancy  
11 for the remainder of any unexpired term by selection of an  
12 appointee from such list. If the Governor determines any list of  
13 names recommended under this section to be unsatisfactory, he  
14 shall return the list to the legislative officer who submitted  
15 the list, in which case such officer shall have thirty (30)  
16 additional days for submission of an additional list, and this  
17 procedure shall continue until the Governor receives a list he  
18 deems to be satisfactory and makes an appointment therefrom.

19 (c) Of the original members provided in subsection (b), all  
20 of whom shall be appointed within forty-five (45) days after  
21 submission of the list of recommended names as provided in  
22 subsection (b), two (2) members shall be appointed for an  
23 initial term of three (3) years, no two of whom shall be from  
24 the same political party and two (2) members shall be appointed  
25 for an initial term of five (5) years, no two of whom shall be  
26 members of the same political party. The Governor, as soon as  
27 practicable, shall appoint the member provided for in subsection  
28 (a) for a term of five (5) years. Thereafter each appointment  
29 provided for by this act shall be for a term of five (5) years.  
30 Any vacancy shall be filled in the same manner as appointments.

1     (d) The commission shall select a chairman from among its  
2 members. The members of the commission shall hold no other  
3 public position with any State agency nor shall members be  
4 eligible for any office or position filled by appointment of the  
5 Governor or by any officer, member, or employe of the General  
6 Assembly within two (2) years after termination of their  
7 membership on the commission. Any person appointed as a member  
8 of the commission shall be a citizen and a legal resident of the  
9 Commonwealth for a period of not less than one (1) year. Each  
10 member of the commission shall receive actual traveling expenses  
11 and per diem compensation at a rate to be determined by the  
12 executive board for the time actually devoted to the business of  
13 the commission. The commission shall meet at least once a month  
14 and also at the call of either the chairman or three (3) members  
15 thereof. The commission shall appoint an executive director, a  
16 certified public accountant, legal counsel and such additional  
17 staff and shall incur such expenses as are necessary and  
18 appropriate for carrying out the purposes of this act. The  
19 minority commission member shall appoint an assistant executive  
20 director.

21     Section 1628. Powers and Duties of the Commission.--The  
22 commission, in furtherance of the powers and duties imposed by  
23 this article, shall:

24     (1) Assume all the powers and duties that the Election Code  
25 imposes upon the Secretary of the Commonwealth.

26     (2) Develop such prescribed forms and to make, amend and  
27 repeal such rules as are necessary to carry out the provisions  
28 of this article.

29     (3) Render advisory opinions under section 1645 of this  
30 article.

1     (4) Formulate general policy with respect to the  
2 administration of this article.

3     (5) To develop and furnish to boards and to the persons  
4 required to file reports or other statements of information by  
5 the provisions of this article prescribed forms for the making  
6 of such reports and statements required to be filed with it  
7 under this article.

8     (6) To prepare, publish, and furnish to the boards and to  
9 person required to file such reports and statements, a manual  
10 setting forth recommended uniform methods of bookkeeping and  
11 reporting.

12     (7) To develop a filing, coding and cross-indexing system  
13 consonant with the purposes of this article.

14     (8) To make from time to time audits and field  
15 investigations with respect to reports and statements filed  
16 under the provisions of this article and with respect to alleged  
17 failures to file any report or statement required under the  
18 provisions of this article.

19     Section 1629. Additional Powers and Duties of the Commission  
20 and Board.--(a) In furtherance of the powers and duties imposed  
21 by this article, the commission and board shall have the power:

22     (1) To administer oaths or affirmations.

23     (2) To require by subpoena, approved by a majority of the  
24 committee and signed by the chairman, the attendance and  
25 testimony of witnesses and the production of all documentary  
26 evidence relating to the execution of its duties and to enforce  
27 compliance therewith in the manner set forth in the Court Rules  
28 of Civil Procedure.

29     (3) In any proceeding or investigation, to order testimony  
30 to be taken by deposition before any person who is designated by

1 the commission or board and has the power to administer oaths  
2 and, in such instances, to compel testimony and the production  
3 of evidence in the same manner as authorized under paragraph  
4 (2).

5 (4) To pay witnesses the same fees and mileage as are paid  
6 in like circumstances in the courts of the Commonwealth.

7 (5) To initiate (through civil actions for injunctive,  
8 declaratory, or other appropriate relief), defend (in the case  
9 of any civil action brought by a party aggrieved by an order of  
10 the commission), or appeal any civil action in the name of the  
11 commission for the purpose of enforcing the provisions of this  
12 act.

13 (6) To make the reports and statements filed with it  
14 available for public inspection and copying, commencing as soon  
15 as practicable but not later than the end of the second day  
16 following the day during which it was received, and to permit  
17 copying at cost of any such report or statement by hand or by  
18 duplicating machine, as requested by any person, at the expense  
19 of such person.

20 (7) To preserve such reports and statements for a period of  
21 five (5) years from date of receipt.

22 (8) To conduct investigations and hearings expeditiously, to  
23 encourage voluntary compliance, and to report apparent  
24 violations to the appropriate law enforcement authorities.

25 (9) To compile and maintain a cumulative index of reports  
26 and statements filed with it, which in the case of indexes  
27 prepared by the commission shall be published in the  
28 Pennsylvania Bulletin at regular intervals and which shall be  
29 available for purchase directly or by mail for a reasonable  
30 price, and to compile and maintain a separate cumulative index

1 of reports and statements filed with it by political committees  
2 supporting more than one candidate, which shall include a  
3 listing of the date of the registration of any such political  
4 committee, and which shall be revised on the same basis and at  
5 the same time as the other cumulative indices required under  
6 this paragraph.

7 (b) No person shall be subject to civil liability to any  
8 persons for disclosing information at the request of the  
9 commission or board.

10 Section 1630. Enforcement.--The enforcement powers for the  
11 provisions of this article shall be vested in the commission;  
12 provided, however, that the board shall have jurisdiction in  
13 connection with alleged violations or other enforcement matters  
14 involving or affecting candidates or political committees  
15 required to file reports with said board pursuant to section  
16 1624.

17 Section 1631. Complaint for Alleged Violations.--Any person  
18 who believes that a violation of this article is occurring or  
19 has occurred may file a complaint with the commission or the  
20 board. The complaint shall be in writing, shall in detail state  
21 the nature of the alleged violation, shall be signed by and  
22 sworn to by the person alleging the violation and shall be  
23 notarized. The person making and filing the complaint shall be  
24 subject to the provisions of Title 18 (Crimes and Offenses)  
25 relating to perjury and other falsification in official matters.  
26 The commission or board shall take no action on any complaint  
27 where the identity of the person making the complaint is not  
28 disclosed. The commission and board may transfer complaints to  
29 the commission or board having jurisdiction over the matter.

30 Section 1632. Investigation By Commission or Board.--(a)

1 The commission or board, upon receipt of a complaint filed  
2 pursuant to section 1631 and if there is reason to believe that  
3 any person committed a violation of this article, or on the  
4 basis of information ascertained in the normal course of  
5 carrying out its supervisory responsibilities has reason to  
6 believe that a violation of this article has occurred, shall  
7 notify the person involved of the alleged violation and shall  
8 make an investigation of such alleged violation pursuant to the  
9 provisions of this section.

10 (b) Any investigation under subsection (a) shall be  
11 conducted expeditiously and shall include an examination of  
12 reports and statements filed by any complainant under this  
13 article if such complainant is a candidate.

14 (c) Any notification or investigation made under subsection  
15 (a) shall not be made public by the commission or board or by  
16 any person without the written consent of the person receiving  
17 such notification or the person with respect to whom such  
18 investigation is made.

19 (d) The commission or board shall afford any person who  
20 receives notice of an alleged violation under subsection (a) a  
21 reasonable opportunity to demonstrate that no action should be  
22 taken against such person by the commission or board under this  
23 article.

24 Section 1633. Actions by Commission or Board.--(a) Except  
25 as provided in section 1634(a)(1), if the commission or board  
26 determine that there is reasonable cause to believe that any  
27 person has committed or is about to commit a violation of this  
28 article and provided such violation does not involve either the  
29 failure to file a report required to be filed under this  
30 article, or a knowing and willful violation of this article, the

1 commission or board shall make every endeavor for a period of  
2 not less than fifteen (15) days but in no case for a period of  
3 time that extends past ten (10) days immediately prior to the  
4 election to correct or prevent such violation by informal  
5 methods of conference, conciliation, and persuasion, and to  
6 enter into a conciliation agreement with the person involved.

7 (b) A conciliation agreement, unless violated, shall  
8 constitute a complete bar to any further action by the  
9 commission or board including the bringing of a civil proceeding  
10 under subsection (c).

11 (c) If the commission or board is unable to correct or  
12 prevent any such violation by such informal methods, the  
13 commission or board may, if the commission or board determines  
14 there is probable cause to believe that a violation has occurred  
15 or is about to occur, institute a civil action for relief,  
16 including a permanent or temporary injunction, restraining  
17 order, or any other appropriate order, including a civil penalty  
18 which does not exceed the greater of five thousand dollars  
19 (\$5,000) or an amount equal to the amount of any contribution or  
20 expenditure involved in such violation, in the court of  
21 appropriate jurisdiction.

22 (d) In any civil action instituted by the commission or  
23 board under subsection (c), the court may grant a permanent or  
24 temporary injunction, restraining order, or other order,  
25 including a civil penalty which does not exceed the greater of  
26 five thousand dollars (\$5,000) or an amount equal to the amount  
27 of any contribution or expenditure involved in such violation,  
28 upon a proper showing that the person involved has engaged or is  
29 about to engage in a violation of this act.

30 (e) If the commission or board determines that there is



1 probable cause to believe that a knowing and willful violation  
2 subject to and as defined in section 1649 has occurred or is  
3 about to occur, the commission may refer such apparent violation  
4 to the Attorney General and district attorney of appropriate  
5 jurisdiction or the board may refer such apparent violation to  
6 the district attorney of appropriate jurisdiction without regard  
7 to any limitation set forth in subsection (a).

8 Section 1634. Additional Actions by Commission or Board.--

9 (a) Except as otherwise provided in section 1633:

10 (1) If the commission or board believes that there is clear  
11 and convincing proof that a knowing and willful violation of  
12 this article has been committed, a conciliation agreement  
13 entered into by the commission or board may include a  
14 requirement that the person involved in such conciliation  
15 agreement shall pay a civil penalty which shall not exceed the  
16 greater of:

17 (i) ten thousand dollars (\$10,000); or

18 (ii) an amount of any contribution or expenditure involved  
19 in such violation.

20 (2) If the commission or board believes that a violation of  
21 this article has been committed, a conciliation agreement  
22 entered into by the commission or board may include a  
23 requirement that the person involved in such conciliation  
24 agreement shall pay a civil penalty which does not exceed the  
25 greater of:

26 (i) five thousand dollars (\$5,000); or

27 (ii) an amount equal to the amount of the contribution or  
28 expenditure involved in such violation.

29 (b) The commission or board shall make available to the  
30 public:

1     (i) the results of any conciliation attempt, including any  
2 conciliation agreement entered into by the commission; and  
3     (ii) any determination by the commission or board that no  
4 violation of this article has occurred.

5     Section 1635. Civil Action for Relief.--(a) In any civil  
6 action for relief instituted by the commission or board under  
7 section 1633, if the court determines that the commission or  
8 board has established through clear and convincing proof that  
9 the person involved in such civil action has committed a knowing  
10 and willful violation of this article, the court may impose a  
11 civil penalty of not more than the greater of:

12     (i) ten thousand dollars (\$10,000); or  
13     (ii) an amount equal to two hundred per centum of the  
14 contribution or expenditure involved in such violation.

15     (b) In any case in which such person has entered into a  
16 conciliation agreement with the commission or board under  
17 section 1633 or 1634, the commission or board may institute a  
18 civil action for relief under section 1633 or 1634, if it  
19 believes that such person has violated any provision of such  
20 conciliation agreement. In order for the commission or board to  
21 obtain relief in any such civil action, it shall be sufficient  
22 for the commission or board to establish that such person has  
23 violated, in whole or in part, any requirement of such  
24 conciliation agreement.

25     Section 1636. Appeal From Commission or Board Order.--(a)  
26 Any party aggrieved by an order of the commission or board  
27 dismissing a complaint filed by such party under section 1632,  
28 or by a failure on the part of the commission or board to act on  
29 such complaint in accordance with the provisions of section 1632  
30 within sixty (60) days after the filing of such complaint, may

1 file an appeal with the Commonwealth Court in case of appeals  
2 from the commission and the court of common pleas in the case of  
3 appeals from the board.

4 (b) The filing of any petition under subsection (a) shall be  
5 made:

6 (i) in the case of the dismissal of a complaint by the  
7 commission or board, no later than thirty (30) days after such  
8 dismissal; or

9 (ii) in the case of a failure on the part of the commission  
10 or board to act on such complaint, no later than thirty (30)  
11 days after the sixty (60) day period specified in subsection  
12 (a).

13 (c) In any proceeding under this subsection the court may  
14 declare that the dismissal of the complaint or the action, or  
15 the failure to act, is contrary to law and may direct the  
16 commission or board to proceed in conformity with such  
17 declaration within thirty (30) days, failing which the  
18 complainant may bring in his own name a civil action to remedy  
19 the violation involved in the original complaint.

20 (d) The judgment of the court may be appealed in the manner  
21 provided by law.

22 (e) Any action brought under this section shall be advanced  
23 on the docket of the court in which filed, and put ahead of all  
24 other actions.

25 Section 1637. Petition for Contempt Citation.--If the  
26 commission or board determines after an investigation that any  
27 person has violated an order of the court entered in a  
28 proceeding brought under section 1629(5), it may petition the  
29 court for an order to adjudicate such person.

30 Section 1638. Transfer at Request of Person Investigated.--

1 Notwithstanding any other provision of this section, any person  
2 who has received notice from a board that such person is the  
3 subject of an investigation may seek transfer of jurisdiction  
4 from the board to the commission.

5 Section 1639. Reports from Attorney General or District  
6 Attorney.--(a) In any case in which the commission or board  
7 refers an apparent violation to the Attorney General or district  
8 attorney, the Attorney General or district attorney shall  
9 respond by a report to the commission or board with respect to  
10 any action taken regarding such apparent violation. Each report  
11 shall be transmitted no later than sixty (60) days after the  
12 date the commission or board refers any apparent violation and  
13 at the close of every thirty (30) day period thereafter until  
14 there is final disposition of such apparent violation. The  
15 commission or board may from time to time prepare and publish  
16 reports on the status of such referrals.

17 (b) Any member of the commission or board, any employe of  
18 the commission, or any other person who violates the provisions  
19 of section 1632(c) shall be fined not more than two thousand  
20 dollars (\$2,000). Any such member, employe, or other person who  
21 knowingly and willfully violates the provisions of section  
22 1632(c) shall be fined not more than five thousand dollars  
23 (\$5,000).

24 Section 1640. Contributions or Expenditures by Banks,  
25 Corporations or Labor Organizations.--(a) It is unlawful for  
26 any bank, any corporation or any labor organization to make a  
27 contribution or expenditure in connection with any election to  
28 any public office, or in connection with any election held to  
29 select candidates for any public office, or for any candidate,  
30 political committee, or other person knowingly to accept or

1 receive any contribution prohibited by this section, or any  
2 officer or any director of any corporation or any bank or any  
3 officer of any labor organization to consent to any contribution  
4 or expenditure by the corporation, bank or labor organization,  
5 as the case may be, prohibited by this section.

6 (b) (1) For purposes of this section the term "labor  
7 organization" means any organization of any kind, or any agency  
8 or employee representation committee or plan, in which employees  
9 participate and which exists for the purpose, in whole or in  
10 part, of dealing with employers concerning grievances, labor  
11 disputes, wages, rates of pay, hours of employment, or  
12 conditions of work.

13 (2) For purposes of this section, the term "contribution or  
14 expenditure" shall include any direct or indirect payment,  
15 distribution, loan, advance, deposit, or gift of money, or any  
16 services, or anything of value (except a loan of money by a  
17 National or State bank made in accordance with the applicable  
18 banking laws and regulations and in the ordinary course of  
19 business) to any candidate, campaign committee, or political  
20 party or organization, in connection with any election to any of  
21 the offices referred to in this section, but shall not include:

22 (i) communications by a corporation to its stockholders and  
23 executive or administrative personnel and their families or by a  
24 labor organization to its members and their families on any  
25 subject;

26 (ii) nonpartisan registration and get-out-the-vote campaigns  
27 by a corporation aimed at its stockholders and executive or  
28 administrative personnel and their families, or by a labor  
29 organization aimed at its members and their families; and

30 (iii) the establishment, administration, and solicitation of

1 contributions to a separate segregated fund to be utilized for  
2 political purposes by a corporation, labor organization,  
3 membership organization, cooperative or corporation without  
4 capital stock.

5 (c) It shall be unlawful:

6 (1) for such a fund to make a contribution or expenditure by  
7 utilizing money or anything of value secured by physical force,  
8 job discrimination, or financial reprisal; or by dues, fees, or  
9 other moneys required as a condition of membership in a labor  
10 organization or as a condition of employment, or by moneys  
11 obtained in any commercial transaction;

12 (2) for any person soliciting an employe for a contribution  
13 to such a fund to fail to inform such employe of the political  
14 purposes of such fund at the time of such solicitation; and

15 (3) for any person soliciting an employe for a contribution  
16 to such a fund to fail to inform such employe, at the time of  
17 such solicitation, of his right to refuse to so contribute  
18 without any reprisal.

19 Section 1641. Certain Solicitations Unlawful; Exceptions.--

20 (a) Except as provided in subsections (b), (c) and (d), it  
21 shall be unlawful:

22 (1) for a corporation, or a separate segregated fund  
23 established by a corporation, to solicit contributions to such a  
24 fund from any person other than its stockholders and their  
25 families and its executive or administrative personnel and their  
26 families; and

27 (2) for a labor organization, or a separate segregated fund  
28 established by a labor organization, to solicit contributions to  
29 such a fund from any person other than its members and their  
30 families.

1     (b) It shall not be unlawful under this section for a  
2     corporation, a labor organization, or a separate segregated fund  
3     established by such corporation or such labor organization, to  
4     make two (2) written solicitations for contributions during the  
5     calendar year from any stockholder, executive or administrative  
6     personnel, or employe of a corporation or the families of such  
7     persons. A solicitation under this subsection may be made only  
8     by mail addressed to stockholders, executive or administrative  
9     personnel, or employes at their residence and shall be so  
10    designed that the corporation, labor organization, or separate  
11    segregated fund conducting such solicitation cannot determine  
12    who makes a contribution of fifty dollars (\$50) or less as a  
13    result of such solicitation and who does not make such a  
14    contribution.

15    (c) This section shall not prevent a membership  
16    organization, cooperative, or corporation without capital stock,  
17    or a separate segregated fund established by a membership  
18    organization, cooperative, or corporation without capital stock,  
19    from soliciting contributions to such a fund from members of  
20    such organization, cooperative, or corporation without capital  
21    stock.

22    (d) This section shall not prevent a trade association or a  
23    separate segregated fund established by a trade association from  
24    soliciting contributions from the stockholders and executive or  
25    administrative personnel of the member corporations of such  
26    trade association and the families of such stockholders or  
27    personnel to the extent that such solicitation of such  
28    stockholders and personnel, and their families, has been  
29    separately and specifically approved by the member corporation  
30    involved, and such member corporation does not approve any such

1 solicitation by more than one (1) such trade association in any  
2 calendar year.

3 Section 1642. Certain Corporate Methods Available to Labor  
4 Organizations.--(a) Notwithstanding any other law, any method  
5 of soliciting voluntary contributions or of facilitating the  
6 making of voluntary contributions to a separate segregated fund  
7 established by a corporation, permitted by law to corporations  
8 with regard to stockholders and executive or administrative  
9 personnel, shall also be permitted to labor organizations with  
10 regard to their members.

11 (b) Any corporation, including its subsidiaries, branches,  
12 divisions, and affiliates, that utilizes a method of soliciting  
13 voluntary contributions or facilitating the making of voluntary  
14 contributions, shall make available such method, on written  
15 request and at a cost sufficient only to reimburse the  
16 corporation for the expenses incurred thereby, to a labor  
17 organization representing any members working for such  
18 corporation, its subsidiaries, branches, divisions, and  
19 affiliates.

20 (c) For purposes of this section, the term "executive or  
21 administrative personnel" means individuals employed by a  
22 corporation who are paid on a salary, rather than hourly basis  
23 and who have policymaking, managerial, professional, or  
24 supervisory responsibilities.

25 Section 1643. Lawful Primary and Election Expenses.--No  
26 candidate or treasurer of any political committee shall pay,  
27 give or lend or agree to pay, give or lend, directly or  
28 indirectly, any money or other valuable thing or incur any  
29 liability on account of, or in respect to, any primary or  
30 election expenses whatever, except for the following purposes:



1     (1) For printing and traveling expenses, and personal  
2 expenses incident thereto, stationery, advertising, postage,  
3 expressage, freight, telegraph, telephone and public messenger  
4 service.

5     (2) For the rental of radio facilities, and amplified  
6 systems.

7     (3) For political meetings, demonstrations and conventions,  
8 and for the pay and transportation of speakers.

9     (4) For the rent, maintenance and furnishing of offices.

10    (5) For the payment of clerks, typists, stenographers,  
11 janitors and messengers actually employed.

12    (6) For the transportation of electors to and from the  
13 polls.

14    (7) For the employment of watchers at primaries and  
15 elections to the number and in the amount permitted by this act.

16    (8) For expenses, legal counsel, incurred in good faith in  
17 connection with any primary or elections.

18    (9) For contributions to other political committees.

19    Section 1644. Prohibition of Indirect Contributions and Cash  
20 Contributions.--(a) No person shall make a contribution in the  
21 name of another person or knowingly permit his name to be used  
22 to effect such a contribution, and no person shall knowingly  
23 accept a contribution made by one (1) person in the name of  
24 another.

25    (b) No person shall make any contributions aggregating in  
26 excess of fifty dollars (\$50) to a candidate, directly or  
27 through political committees authorized to receive or expend  
28 moneys on behalf of said candidate, unless such contribution is  
29 made by check or money order.

30    Section 1645. Advisory opinions.--(a) The commission shall

render an advisory opinion, in writing, within a reasonable time in response to a written request by any individual holding elective public office of the Commonwealth or any political subdivision thereof, any candidate for public office, or any political committee concerning the application of a general rule of law stated in the act or a general rule of law prescribed as a rule or regulation of the commission, to a specific factual situation. No opinion of an advisory nature may be issued by the commission except in accordance with the provisions of this section.

(b) Notwithstanding any other provision of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of subsection (c) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this article.

(c) Any advisory opinion rendered by the commission under subsection (a) may be relied upon by:

(i) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

(ii) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(d) Any request made under subsection (a) shall be made by the commission. The commission shall, before rendering an advisory public opinion with respect to such request, provide any interested party with an opportunity to transmit written comments to the commission with respect to such request.

1     Section 1646. Requirements Relating to Campaign

2     Advertising.--(a) No person who sells space in a newspaper or  
3     magazine to a candidate, or to the agent of a candidate, for use  
4     in connection with such candidate's campaign, may charge any  
5     amount for such space which exceeds the amount charged for  
6     comparable use of such space for other purposes.

7     (b) Whenever any person makes an expenditure for the purpose  
8     of financing communications expressly advocating the election or  
9     defeat of a clearly identified candidate through any  
10    broadcasting station, newspaper, magazine, outdoor advertising  
11    facility, direct mailing, or any other type of general public  
12    political advertising, such communication:

13    (1) if authorized by a candidate, his authorized political  
14    committees, or their agents, shall clearly and conspicuously, in  
15    accordance with regulations prescribed by the commission, state  
16    that the communication has been authorized; or

17    (2) if not authorized by a candidate, his authorized  
18    political committees, or their agents, shall clearly and  
19    conspicuously, in accordance with regulations prescribed by the  
20    commission, state that the communication is not authorized by  
21    any candidate, and state the name of the person who made or  
22    financed the expenditure for the communication, including, in  
23    the case of a political committee, the name of any affiliated or  
24    connected organization required to be disclosed under section  
25    1623 (b)(2).

26    (c) (1) No candidate for public office or political  
27    committee or party acting on his behalf, or other person shall  
28    place any advertisement or repetition of an earlier  
29    advertisement referring to an opposing candidate for the same  
30    office which is to be broadcast or published during the seventy-

two (72) hours immediately prior to an election or published in a weekly newspaper or periodical during the eight (8) days immediately prior to an election, with a television or radio broadcasting station, newspaper or periodical, unless he has first given a copy of the material to appear or be used in the advertisement and reasonable notice to the opposing candidate and the county board of elections of the county where the advertisement is to be placed in sufficient time for a reply advertisement to be published or broadcast at the same approximate time or in the same issue of the publication or on the same radio or television broadcast as the original advertisement and prior to the election in question.

(2) The reasonable notice referred to in subsection (a) shall be given in writing by registered mail, return receipt requested, addressee signature only, with a true copy of the material enclosed to appear or be used in the advertisement so as to afford the recipient sufficient time to place a reply advertisement to be published or broadcast at the same approximate time or in the same issue of the publication or on the same radio or television broadcast as the original advertisement and prior to the election in question.

(3) Any person, firm or corporation, political committee or party or member thereof, violating any of the provisions of subsections (b) and (c) shall, upon summary conviction, be sentenced to pay a fine not exceeding three hundred dollars (\$300) and costs of prosecution and, in default of the payment thereof, shall be sentenced to undergo imprisonment for not more than thirty (30) days, which shall be the exclusive penalty for a violation thereof.

Section 1647. Oath of Office, Taking Office, Receiving

1 Salary.--It shall be unlawful to administer the oath of office  
2 to any candidate elected to any public office, until the  
3 accounts and affidavits required by this act to be filed in  
4 respect of the primary expenses (if such candidate was nominated  
5 at a primary) and election expenses incurred by or in regard to  
6 such candidate have been filed by the candidate and by the  
7 treasurer of every political committee authorized, under the  
8 provisions of this article, to receive and disburse money and  
9 incur liability for his primary or election expenses, or which,  
10 to his knowledge, has received or disbursed money or incurred  
11 liability for his primary or election expenses, whether  
12 authorized as aforesaid or not, and no such person shall enter  
13 upon the duties of his office until the said accounts and  
14 affidavits shall have been filed, nor shall he receive any  
15 salary or other compensation appurtenant to the office for any  
16 period prior to the filing of such accounts and affidavits.

17 Section 1648. Report of Contributions; Duty of Secretary of  
18 the Commonwealth.--(a) Any business entity, including but not  
19 limited to a corporation, company, association, partnership or  
20 sole proprietorship, which has been awarded nonbid contracts  
21 from the Commonwealth and its political subdivisions on a  
22 discretionary basis and which contract was in effect at any time  
23 during the preceding year, shall report by February 15 in each  
24 year to the commission an itemized list of all political  
25 contributions known to the business entity by virtue of the  
26 knowledge possessed by every officer, director, associate,  
27 partner, limited partner or individual owner that has been made  
28 during the preceding year by:

29 (1) any officer, director, associate, partner, limited  
30 partner, individual owner or members of their immediate family;

1 and

2 (2) any employe or members of his immediate family whose  
3 political contribution exceeded one thousand dollars (\$1,000)  
4 during the preceding year. For the purposes of this subsection,  
5 "immediate family" means a person's spouse and unemancipated  
6 child.

7 (b) It shall be the duty of the commission to publish sixty  
8 (60) days after February 15 of each year a complete itemized  
9 list of all contributions given under the provisions of  
10 subsection (a). This list shall be a matter of public record  
11 open to public inspection and copies made available at cost to  
12 any individual who requests same.

13 Section 1649. Audit of Expense Accounts; Quo Warranto.--(a)  
14 Within thirty (30) days after the last day for filing any  
15 expense account and affidavit required by this act any five (5)  
16 electors of the State or of the political division may present a  
17 petition to the court of common pleas of the county in which is  
18 situated the office where such account has been filed or with  
19 the Commonwealth Court where a Statewide office is concerned,  
20 praying for an audit of such account. Thereupon the court shall  
21 direct the officer or board with whom such account has been  
22 filed to certify the same to the court for audit and may, in its  
23 discretion, require security to be entered for costs. The court  
24 may, in its discretion, appoint an auditor to audit such  
25 account; but the fees of such auditor shall be a reasonable sum  
26 per day for each day actually engaged. The court or auditor  
27 shall fix a day as early as may be convenient for the audit, at  
28 which time the person by whom such account has been filed shall  
29 be required to be present in person to vouch his account and to  
30 answer on oath or affirmation all such relevant questions

1 concerning the same, as may be put to him by the petitioners or  
2 their counsel. The auditor shall issue subpoenas to all parties  
3 whom the petitioners or the accountant may require, to give  
4 evidence concerning such account, and he shall determine,  
5 subject to exception, all questions as to the admissibility of  
6 evidence, and shall file a copy of the evidence with his report.  
7 If upon the audit, the court shall decide that the account was  
8 false in any substantial manner, or that any expenses have been  
9 incurred in contravention of this act, the costs of said audit  
10 shall be paid by the accountant, otherwise the court shall make  
11 such order as to payment of costs as shall be just in the  
12 circumstances.

13 (b) If the court shall decide upon the audit that any  
14 person, whether a candidate or not, has accepted contributions  
15 or incurred expense or has expended or disbursed money in  
16 contravention of this act, or has otherwise violated any of the  
17 provisions of this act, it shall certify its decision to the  
18 district attorney of the county in which such person may reside,  
19 and it shall thereupon be the duty of such district attorney to  
20 institute criminal proceedings against such person.

21 (c) No person shall be excused from answering any question  
22 in any proceeding under this section on the ground that such  
23 answer would tend to incriminate him; but no such answer shall  
24 be used as evidence against such person in any criminal action  
25 or prosecution whatever, except in an action for perjury in  
26 giving such testimony.

27 (d) If upon audit of any expense account or accounts under  
28 the provisions of this act, it shall appear that any candidate  
29 who has been nominated or elected has accepted any  
30 contributions, incurred any expense or disbursed any money in

1 contravention of this act, either directly or through the  
2 treasurer of any committee authorized by section 1623 to pay or  
3 incur primary or election expenses in furtherance of his  
4 candidacy, or through any other person with his knowledge and  
5 consent, whether expressly authorized or not, the court of  
6 quarter sessions shall forthwith certify that fact to the  
7 Attorney General, who thereupon shall file in the proper court a  
8 suggestion for a writ of quo warranto against such candidate.  
9 If, upon the hearing of such writ, it shall be determined that  
10 such candidate has accepted any contribution, incurred any  
11 expense or disbursed any money in contravention of this act,  
12 either directly or through the treasurer of any committee  
13 authorized by section 1623 to pay or incur primary or election  
14 expenses in furtherance of his candidacy, or through any other  
15 person with his knowledge and consent, whether expressly  
16 authorized or not, judgment of ouster from nomination, in the  
17 case of a candidate for nomination where the judgment is entered  
18 prior to the subsequent election, or judgment of ouster from  
19 office in the case of a candidate for election or in the case of  
20 a candidate for nomination who has been subsequently elected to  
21 the office for which he was nominated, shall be entered against  
22 him: Provided, however, That in the case of a candidate elected  
23 to the office of Senator or Representative in the General  
24 Assembly, the decision of the court shall be certified to the  
25 President pro tempore of the Senate or to the Speaker of the  
26 House of Representatives, as the case may be: And provided  
27 further, That in the case of a candidate elected to the office  
28 of United States Senator or Representative in Congress, the  
29 decision of the court shall be certified to the Governor of this  
30 Commonwealth, who shall transmit the same to the President pro



tempore of the Senate or to the Speaker of the House of  
Representatives, as the case may be.

Section 3. Sections 1840, 1841, 1842, 1843, 1844 and 1845 of  
the act are repealed.

Section 4. The act is amended by adding sections to read:

Section 1854. Penalties for Violations of Article 16.--(a)  
Any person, following the date of the enactment of this section,  
who knowingly and willfully commits a violation of any provision  
of Article 16 including any violation which involves the making,  
receiving, or reporting of any contribution or expenditure or  
the reporting of any other information required by Article 16  
shall be fined in an amount which does not exceed the greater of  
twenty-five thousand dollars (\$25,000) or three hundred per  
centum of the amount of any contribution or expenditure involved  
in such violation, imprisoned for not more than two (2) years,  
or both.

(b) A defendant in any criminal action brought for the  
violation of a provision of Article 16 may introduce as evidence  
of his lack of knowledge of or intent to commit the offense for  
which the action was brought a conciliation agreement entered  
into between the defendant and the commission under section 1633  
which specifically deals with the act or failure to act  
constituting such offense and which is still in effect.

(c) In any criminal action brought for a violation of a  
provision of article 16, the court before which such action is  
brought shall take into account, in weighing the seriousness of  
the offense and in considering the appropriateness of the  
penalty to be imposed if the defendant is found guilty, whether:

(1) the specific act or failure to act which constitutes the  
offense for which the action was brought is the subject of a

conciliation agreement entered into between the defendant and the commission under section 1633;

(2) the conciliation agreement is in effect; and

(3) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

(d) No person shall be prosecuted, tried or punished for any violation of this act, unless the indictment is found or the information is instituted with two (2) years after the date of the violation.

Section 1855. Fraudulent Misrepresentation of Campaign Authority.--(a) No person who is a candidate for public office or an employe or agent of such a candidate shall:

(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employe or agent thereof on a matter which is damaging to such other candidate or political party or employe or agent thereof;

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1); or

(3) write, print, post, or distribute, or cause to be written, printed or distributed, a circular or poster, cartoon or other written or printed paper which is designed or tends to injure or defeat any candidate for nomination or election to public office, by reflecting on his personal character or political actions, unless the same shall be published in a newspaper avowedly responsible therefor, or unless there appears on such circular, poster, cartoon or paper, in a conspicuous place, either the name or some duly registered elector with the

1 description of his election district, as responsible therefor.

2 (b) Any person convicted of a violation of this section  
3 shall be sentenced to pay a fine not exceeding five hundred  
4 dollars (\$500), or to undergo an imprisonment of not more than  
5 six (6) months, or both, in the discretion of the court, and if  
6 the statements are untrue, the person so offending shall also be  
7 guilty of libel and subject to criminal prosecution and civil  
8 action therefor.

9 Section 5. This act shall take effect in 60 days or on  
10 January 1, 1978, whichever date is later.