

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 120 Session of 2013

INTRODUCED BY PILEGGI, SMUCKER, COSTA, BAKER, TARTAGLIONE,
FONTANA, FARNESE, WASHINGTON, ROBBINS, MENSCH, ERICKSON,
SCHWANK, RAFFERTY, ALLOWAY, YAW, WILLIAMS, WHITE, WARD,
LEACH, YUDICHAK, WAUGH, TEPLITZ, BRUBAKER, EICHELBERGER,
FERLO, TOMLINSON, BROWNE AND SMITH, JANUARY 14, 2013

AS AMENDED ON SECOND CONSIDERATION, APRIL 16, 2013

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," in primary and election expenses, further
12 providing for registration; and providing for ~~monthly-~~ <--
13 ~~reporting,~~ REPORTS REQUIRED; FURTHER PROVIDING FOR LATE <--
14 CONTRIBUTIONS AND INDEPENDENT EXPENDITURES; PROVIDING for
15 manner of filing and for inability to file reports or
16 statements electronically by deadline; and further providing
17 for late filing fee and certificate of filing.

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

20 Section 1. Section 1624(b) of the act of June 3, 1937
21 (P.L.1333, No.320), known as the Pennsylvania Election Code,
22 added October 4, 1978 (P.L.893, No.171), is amended to read:

23 Section 1624. Registration.--

24 * * *

1 (b) Each registration statement shall contain the following
2 information:

3 (1) The name, addresses and phone numbers of the political
4 committee.

5 (2) The name, address and phone number of the committee's
6 treasurer.

7 (3) The name, address and phone number of the committee's
8 chairman.

9 (4) The names, addresses and relationships of other
10 affiliated or connected organizations.

11 (5) The candidates, if any, and their names and addresses.

12 (6) The ballot question, if any, which the committee intends
13 to support or oppose.

14 (7) The banks, safety deposit boxes or other repositories
15 and their addresses used by the committee.

16 (8) The proposed period of operation of the committee.

17 (9) The Internet website address if the Internet website is
18 used to solicit and receive campaign contributions.

19 * * *

20 Section 2. The act is amended by adding ~~sections~~ A SECTION <--
21 to read:

22 Section 1626.2. ~~Monthly Reporting~~ REPORTS REQUIRED.--Any <--
23 political committee or candidate who receives contributions in
24 an aggregate amount of ~~one hundred thousand dollars (\$100,000)~~ <--
25 TEN THOUSAND DOLLARS (\$10,000) in a calendar year or incurs <--
26 expenditures of ~~one hundred thousand dollars (\$100,000)~~ TEN <--
27 THOUSAND DOLLARS (\$10,000) in a calendar year shall file the
28 reports required under sections 1626, 1627 and 1630 with the
29 Secretary of the Commonwealth in each of the REPORTING cycles <--
30 FOR THE REMAINDER OF THE CALENDAR YEAR AND in the following <--

1 calendar year.

2 SECTION 2.1. SECTION 1628 OF THE ACT, AMENDED FEBRUARY 13, <--
3 1998 (P.L.72, NO.18), IS AMENDED TO READ:

4 SECTION 1628. LATE CONTRIBUTIONS AND INDEPENDENT
5 EXPENDITURES.--ANY CANDIDATE OR POLITICAL COMMITTEE, AUTHORIZED
6 BY A CANDIDATE AND CREATED SOLELY FOR THE PURPOSE OF INFLUENCING
7 AN ELECTION ON BEHALF OF THAT CANDIDATE, WHICH RECEIVES ANY
8 CONTRIBUTION OR PLEDGE OF FIVE HUNDRED DOLLARS (\$500) OR MORE,
9 AND ANY PERSON MAKING AN INDEPENDENT EXPENDITURE, AS DEFINED BY
10 THIS ACT, OF FIVE HUNDRED DOLLARS (\$500) OR MORE AFTER THE FINAL
11 PRE-ELECTION REPORT HAS BEEN DEEMED COMPLETED SHALL REPORT SUCH
12 CONTRIBUTION, PLEDGE OR EXPENDITURE TO THE APPROPRIATE
13 SUPERVISOR. SUCH REPORT SHALL BE SENT BY THE CANDIDATE, CHAIRMAN
14 OR TREASURER OF THE POLITICAL COMMITTEE WITHIN TWENTY-FOUR (24)
15 HOURS OF RECEIPT OF THE CONTRIBUTION. IT SHALL BE THE DUTY OF
16 THE SUPERVISOR TO CONFIRM THE SUBSTANCE OF SUCH REPORT. [THE
17 REPORT] A REPORT FILED WITH THE SECRETARY OF THE COMMONWEALTH
18 SHALL BE FILED ELECTRONICALLY. OTHER REPORTS SHALL BE MADE BY
19 TELEGRAM, MAILGRAM, OVERNIGHT MAIL OR FACSIMILE TRANSMISSION.
20 ANY CANDIDATE IN HIS OWN BEHALF, OR CHAIRMAN, TREASURER OR
21 CANDIDATE IN BEHALF OF THE POLITICAL COMMITTEE, EXCEPT A
22 CANDIDATE REQUIRED TO FILE WITH THE SECRETARY OF THE
23 COMMONWEALTH, MAY ALSO COMPLY WITH THIS SECTION BY APPEARING
24 PERSONALLY BEFORE SUCH SUPERVISOR AND REPORTING SUCH LATE
25 CONTRIBUTIONS OR PLEDGES.

26 SECTION 2.2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

27 Section 1631.1. Manner of Filing.--

28 (a) ~~All~~ BEGINNING FEBRUARY 1, 2014, ALL required campaign <--
29 finance reports AND STATEMENTS shall be filed electronically <--
30 with the Secretary of the Commonwealth.

1 (b) A campaign finance report OR STATEMENT filed <--
2 electronically shall:
3 (1) be made under oath or equivalent affirmation and subject
4 to the penalties for perjury;
5 (2) include the electronic signature of the treasurer or
6 assistant treasurer of the political committee serving at the
7 time of the filing of the campaign finance report OR STATEMENT; <--
8 and
9 (3) for a report OR STATEMENT filed by a political committee <--
10 authorized by a candidate and created solely for the purpose of
11 influencing an election on behalf of that candidate, include the
12 electronic signature of the candidate, made under oath or
13 equivalent affirmation stating that, to the best of the
14 candidate's knowledge, the political committee has not violated
15 a provision of this act.
16 Section 1631.2. Inability to File Reports or Statements
17 Electronically by Deadline.--
18 (a) For reports or statements filed under section 1631.1, if
19 a candidate or political committee cannot file a report OR <--
20 STATEMENT between five o'clock P.M. And midnight on the day a
21 report or statement is due because of the unavailability of the
22 Department of State's electronic filing system at the time the
23 candidate or political committee attempts to file the report OR <--
24 STATEMENT, the candidate, committee treasurer or assistant
25 treasurer shall immediately notify the department. The candidate
26 or political committee ~~would then have~~ HAS until twelve o'clock <--
27 noon on the day following the deadline to file the report or
28 statement electronically. Additionally, the candidate or
29 committee treasurer will be required to file a statement
30 affirming that the candidate, committee treasurer or assistant

1 treasurer was unable to file the report OR STATEMENT on time <--
2 because of the unavailability of the Department of State's
3 electronic filing system at the time the candidate, treasurer or
4 assistant treasurer attempted to file the report OR STATEMENT. <--

5 The affirmation statement is due at the same time as the
6 statement or report filed under this subsection. The report or
7 statement shall not be considered filed until the affirmation
8 statement is filed.

9 (b) If a candidate or political committee is unable to file
10 as required by subsection (a) because the Department of State's
11 electronic filing system remains unavailable, the candidate,
12 committee treasurer or assistant treasurer shall notify the
13 department each day a report OR STATEMENT cannot be filed due to <--
14 the unavailability of the department's electronic filing system.
15 The candidate or political committee has until twelve o'clock
16 noon the following day to electronically file the report OR <--
17 STATEMENT, or again to notify the Department of State of the
18 inaccessibility of the department's electronic filing system.
19 The candidate, committee treasurer or assistant treasurer is
20 required to file a statement affirming that the candidate or
21 committee treasurer was unable to file the report OR STATEMENT <--
22 on time because of the unavailability of the Department of
23 State's electronic filing system. The affirmation statement is
24 due at the same time as the statement or report filed under this
25 subsection. The report or statement may not be considered filed
26 until the affirmation statement is filed.

27 (c) For cause shown, the Secretary of the Commonwealth may
28 waive late filing fees for reports or statements filed as
29 required under this section.

30 (d) The words "unavailability of the Department of State's

1 electronic filing system" shall mean a failure of the system
2 within the Department of State's technical environment that does
3 not allow access to the system by an individual. The term ~~does~~ <--
4 SHALL not include: <--

5 (1) a network issue between the user's computer and the
6 Department of State's environment; or
7 (2) any part of the user's computer or internal network.

8 Section 3. Section 1632(a) of the act, amended July 11, 1980
9 (P.L.591, No.127), is amended to read:

10 Section 1632. Late Filing Fee; Certificate of Filing.--

11 (a) A late filing fee for each report or statement of
12 expenditures and contributions which is not filed within the
13 prescribed period shall be imposed as follows. Such fee shall be
14 [ten dollars (\$10)] twenty-five dollars (\$25) for each day or
15 part of a day excluding Saturdays, Sundays and holidays that a
16 report is overdue. An additional fee of [ten dollars (\$10)]
17 twenty-five dollars (\$25) is due for each of the first [six (6)]
18 five (5) days that a report is overdue. The maximum fee payable
19 with respect to a single report is [two hundred fifty dollars
20 (\$250)] five hundred dollars (\$500). A supervisor shall receive
21 an overdue report or statement even if any late filing fee due
22 has not been paid but the report or statement shall not be
23 considered filed until all fees have been paid upon the receipt
24 by the supervisor of an overdue report. No further late filing
25 fees shall be incurred notwithstanding the fact that the report
26 or statement is not considered filed. The late filing fee is the
27 personal liability of the candidate or treasurer of a political
28 committee and cannot be paid from contributions to the candidate
29 or committee, nor may such fee be considered an expenditure. A
30 report or statement of expenditures and contributions shall be

1 deemed to have been filed within the prescribed time if the
2 letter transmitting the report or statement which is received by
3 the supervisor is transmitted by first class mail and is
4 postmarked by the United States Postal Service on the day prior
5 to the final day on which the report or statement is to be
6 received: Provided, That this sentence shall not be applicable
7 to the reporting requirements contained in section 1628.

8 * * *

9 Section 4. This act shall take effect in 60 days.