

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 575

Session of
1977

INTRODUCED BY CAPUTO AND REED, MARCH 8, 1977

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 8, 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," establishing the Pennsylvania Election Law
12 Enforcement Commission with powers and duties; transferring
13 powers and duties from the Secretary of the Commonwealth and
14 the Department of State to the Pennsylvania Election Law
15 Enforcement Commission; further providing for election
16 expenses and penalties in connection therewith; and further
17 imposing duties upon the Pennsylvania Election Law
18 Enforcement Commission and the county boards of elections and
19 making an appropriation.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 Section 1. Section 102, act of June 3, 1937 (P.L.1333,
23 No.320), known as the "Pennsylvania Election Code," is amended
24 by adding a clause to read:

25 Section 102. Definitions.--The following words, when used in
26 this act, shall have the following meanings, unless otherwise
27 clearly apparent from the context:

1 * * *

2 (z.4) The term "Pennsylvania Election Law Enforcement
3 Commission," "Election Law Enforcement Commission," or
4 "Commission" shall mean the independent commission established
5 pursuant to section 204.

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

7 Section 204. Pennsylvania Election Law Enforcement
8 Commission; Establishment.--The Pennsylvania Election Law
9 Enforcement Commission is hereby established as an independent
10 administrative commission within the executive branch of the
11 Commonwealth. The provisions of the act of April 9, 1929
12 (P.L.177, No.175), known as "The Administrative Code of 1929,"
13 which apply generally to independent administrative boards and
14 commissions shall apply to the Election Law Enforcement
15 Commission.

16 Section 205. Pennsylvania Election Law Enforcement
17 Commission; Appointment and Qualification of Members;
18 Compensation.--(a) The commission shall consist of five
19 commissioners of outstanding character and reputation not more
20 than three of whom shall be members of the same party or
21 political body.

22 (b) The commission shall be appointed by the Governor by and
23 with the consent of two-thirds of the Senate.

24 (c) Of the original commissioners, all of whom shall be
25 appointed within ninety days from the effective date of this
26 amendatory act, one shall be appointed for a term of one year,
27 one for a term of two years, one for a term of three years, one
28 for a term of four years and one for a term of five years or
29 until a successor is appointed and qualified. Thereafter each
30 appointment shall be for a term of five years or until a

1 successor is appointed or qualified. Any vacancy shall be filled
2 in the same manner as appointments.

3 (d) The commissioners shall hold no other public office or
4 appointment nor shall they engage in any partisan political
5 activity whatsoever during their terms of office.

6 (e) Each commissioner shall receive actual traveling
7 expenses and per diem compensation at the rate of one hundred
8 dollars (\$100) per day for the time actually devoted to the
9 business of the commission.

10 (f) Any person appointed as a commissioner shall be a
11 citizen and legal resident of the Commonwealth for a period of
12 not less than a year preceding the appointment. A person who has
13 been an officer or employe of a party, political body or
14 political committee shall not, for four years thereafter, be
15 eligible for appointment to the commission.

16 (g) The Governor, with the advice and consent of the Senate,
17 may only remove a commissioner for malfeasance or misfeasance in
18 office or for neglect of duty. The Governor shall provide such
19 commissioner with a statement in writing of the charges against
20 him, and shall afford him, after notice of not less than ten
21 days, an opportunity of making a written answer and upon request
22 being publicly heard in person or by counsel. A copy of the
23 charges, the answer thereto, the Governor's findings, and a copy
24 of the transcript of the hearing, if any, shall be filed with
25 the Senate. Within twenty days of receipt of the above stated
26 material, or if later, within twenty days of the next meeting of
27 the Senate after said material is received by the Senate, the
28 Senate shall vote on a recommendation by the Governor that a
29 commissioner be removed.

30 Section 206. Powers and Duties of the Commission.--(a) The

commission shall assume all the powers and duties that this act imposes upon the Secretary of the Commonwealth and the Department of State.

(b) The commission shall appoint an executive director, counsel and such additional staff and shall incur such expenses as are necessary and appropriate for carrying out the purposes of this act. The minority commission members shall appoint an assistant executive director. No employee of the commission shall engage in any partisan political activity whatsoever.

(c) The commission shall exercise all the powers and duties granted to it by this act.

Section 3. Article XVI of the act is repealed except sections 1611, 1612 and 1614.

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

ARTICLE XVI-A

Expenses

Section 1601-A. Definitions.--As used in this article and in section 1839.1, the following words have the following meanings:

(a) The word "candidate" means an individual who seeks nomination for election or election to any public office to be voted for in the Commonwealth.

(b) The word "commission" means the Pennsylvania Election Law Enforcement Commission established pursuant to section 204.

(c) The word "contribution" means:

(i) A gift, subscription, loan, advance or deposit of money or anything of value made in furtherance of or in respect to the nomination or election of any person to any public office to be voted for in this Commonwealth.

(ii) A contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such

1 purpose.

2 (iii) A transfer of money or anything of value between
3 political committees.

4 (iv) The payment by any person other than a candidate or
5 political committee of compensation for the personal services of
6 another person which are rendered to such candidate or political
7 committee without charge for any purpose.

8 (v) Notwithstanding the foregoing meanings of
9 "contribution," the word shall not be construed to include
10 services provided without compensation by individuals
11 volunteering their time on behalf of a candidate or political
12 committee.

13 (d) The word "election" means any general, municipal,
14 special or primary election or a convention or caucus of a
15 political party held to nominate a candidate for public office.

16 (e) The word "expenditure" means:

17 (i) a purchase, payment, distribution, loan, advance,
18 deposit or gift of money or anything of value, made in
19 furtherance of or in respect to the nomination for election or
20 election of any person to any public office to be voted for in
21 this Commonwealth;

22 (ii) a contract, promise or agreement, whether or not
23 legally enforceable, to make an expenditure; and

24 (iii) a transfer of funds between political committees.

25 (f) The word "person" means an individual, partnership,
26 committee, association, labor organization, corporation for
27 profit, nonprofit corporation, and any other organization or
28 group of persons.

29 (g) The words "political committee" mean any committee,
30 association or organization which accepts contributions or makes

expenditures during a calendar year in an aggregate amount exceeding two hundred fifty dollars (\$250).

(h) The word "State" means the Commonwealth of Pennsylvania.

(i) The words "supervisory officer" mean the commission with regard to the nomination and election of candidates for Governor, Lieutenant Governor, Auditor General, State Treasurer, members of the Supreme, Superior and Commonwealth Courts of Pennsylvania and United States Senate. With regard to the nomination and election of any other person to public office in this Commonwealth, the term "supervisory officer" means the county board of election, established pursuant to Article III of this act, of the county in which that person is seeking election: Provided, That with regard to candidates for nomination and election to offices with districts comprised of more than one county, the county board of elections in each county shall be deemed to be the supervisory officer and copies of every statement of organization and report required to be filed by this article shall be filed with each county board of elections.

Section 1602-A. Organization and Functioning of Political Committees.--(a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when both the offices of chairman and treasurer are vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of fifty dollars (\$50) for a political committee shall, on demand of the treasurer, and in any event within fifteen days after

receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date of which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members or associates of such committee.

(c) No person shall make any contribution in excess of fifty dollars (\$50) to a candidate or political committee, unless such contribution is made by check or money order. No person shall receive any contribution in excess of fifty dollars (\$50) unless such contribution is made by check or money order.

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

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

(2) The full name and mailing address of every person making a contribution in excess of fifty dollars (\$50) and the date and amount thereof.

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

(4) The full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof, the purpose, and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(e) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars for every expenditure made by or on behalf of a political committee in excess of twenty-five dollars (\$25) in amount, and for any such expenditure in lesser amount, if the aggregate amount of such expenditures to the same person for any reporting period exceeds twenty-five dollars (\$25). The treasurer shall preserve all

1 receipted bills and accounts required to be kept by this section
2 for periods of time to be determined by the supervisory officer
3 which in no event shall be less than two years after the
4 calendar year within which such bills and accounts were received
5 by the treasurer.

6 (f) The books of account, vouchers, receipts and other
7 records of contributions and expenditures of every political
8 committee shall be made available at all reasonable office hours
9 to inspection by the appropriate supervisory officer, the
10 commission or designated agents thereof.

11 (g) No political committee shall receive contributions or
12 spend any money or other valuable thing on behalf of the
13 candidacy of any candidate or to influence the nomination for
14 election or election of any person to any public office until
15 written authorization by the person on whose behalf
16 contributions are to be received or money is to be spent shall
17 have been filed with the appropriate supervisory officer:
18 Provided, That within the limits set by this act, the treasurer
19 of any State, county, city, borough, incorporated town,
20 township, ward or other regularly constituted party committee of
21 any political party or political body, is hereby authorized to
22 receive and disburse money and incur liability for the election
23 expenses of the candidates of such political party or political
24 body, without special written authorization from such
25 candidates.

26 Section 1603-A. Registration of Political Committees.--(a)
27 Every Statewide political committee which supports or
28 anticipates supporting a candidate or candidates for Statewide
29 office or referendums and which anticipates receiving
30 contributions or making expenditures during the calendar year in

1 an aggregate amount exceeding one thousand dollars (\$1,000)
2 shall file with the supervisory officer a statement of
3 organization, within ten days after its organization, or, if
4 later, ten days after the date on which it has information which
5 causes the committee to anticipate it will receive contributions
6 or make expenditures in excess of one thousand dollars (\$1,000).
7 Each such committee in existence on the effective date of this
8 act shall file a statement of organization at such time as the
9 commission prescribes, which shall in no case be later than
10 sixty days after the effective date of this act.

11 (b) Every other political committee which anticipates
12 receiving contributions or making expenditures during the
13 calendar year in an aggregate amount exceeding two hundred fifty
14 dollars (\$250) shall file with the appropriate supervisory
15 officers a statement of organization, within ten days after its
16 organization or, if later, ten days after the date on which it
17 has information which causes the committee to anticipate it will
18 receive contributions or make expenditures in excess of two
19 hundred fifty dollars (\$250). Each such political committee in
20 existence on the effective date of this act shall file a
21 statement of organization at such time as the commission
22 prescribes, which shall in no case be later than sixty days
23 after the effective date of this act.

24 (c) The statement of organization shall include:

25 (1) The name and address of the committee.

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

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

29 (4) The name, address, and position of the custodian of
30 books and accounts.

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

4 (6) The name, address, office sought, and party affiliation
5 of:

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

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

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

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

14 (9) A listing of all banks, safety deposit boxes, or other
15 repositories used.

16 (10) A statement of other reports, if any, required to be
17 filed by the committee with Federal, State or local officers,
18 and if so, a listing of the officers with whom reports are
19 required to be filed.

20 (11) Such other information as shall be required by the
21 commission.

22 Section 1604-A. Reports by Political Committees and
23 Candidates.--(a) Each treasurer of a political committee and
24 each candidate for nomination and election to public office
25 shall file with the appropriate supervisory officers reports of
26 receipts and expenditures on forms to be prescribed by the
27 commission. Reports of receipts shall be filed on the tenth day
28 preceding the date on which a general, primary, municipal or
29 special election is held, and also by the thirtieth day after
30 each election. Reports of expenditures shall be filed not later

1 than thirty days following the date of the election. Such
2 reports shall be complete as of such date as the commission may
3 prescribe and any contribution of one thousand dollars (\$1,000)
4 or more received after the last report is filed prior to an
5 election shall be reported within seventy-two hours after its
6 receipt. A copy of each statement required to be filed with the
7 local county boards of elections for candidates for the office
8 of Representative or Senator in the General Assembly, judge of a
9 court of record and all other candidates certified by the
10 commission to the county boards of elections shall be filed with
11 the commission at the same time such report is required to be
12 filed with the county board of elections.

13 (b) Each report under this section shall disclose:

14 (1) The amount of cash on hand at the beginning of the
15 reporting period.

16 (2) The full name and mailing address of each person who has
17 made one or more contributions to or for such committee or
18 candidate (including the purchase of tickets for events such as
19 dinners, luncheons, rallies, and similar fund-raising events)
20 during the reporting period in excess of fifty dollars (\$50) and
21 up to and including one hundred dollars (\$100) together with the
22 amount and date of such contribution.

23 (3) The full name and mailing address (occupation and the
24 principal place of business, if any) of each person who has made
25 one or more contributions to or for such committee or candidate
26 (including the purchase of tickets for events such as dinners,
27 luncheons, rallies and similar fund-raising events) during the
28 reporting period in an aggregate amount or value in excess of
29 one hundred dollars (\$100) together with the amount and date of
30 such contribution.

1 (4) The total sum of individual contributions made to or for
2 such committee or candidate during the reporting period and not
3 reported under clauses (2) and (3).

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

9 (6) Each loan to or from any person during the reporting
10 period in an aggregate amount or value in excess of one hundred
11 dollars (\$100), together with the full names and mailing
12 addresses (occupations and principal places of business, if any)
13 of the lender and endorsers, if any, and the date and amount of
14 such loans.

15 (7) The total amount of proceeds from:

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

18 (ii) mass collections made at such events; and

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

22 (8) Each contribution, rebate, refund or other receipt in
23 excess of one hundred dollars (\$100) not otherwise listed under
24 clauses (2) through (7).

25 (9) The total sum of all receipts by or for such committee
26 or candidate during the reporting period.

27 (10) The full name and mailing address of each person to
28 whom expenditures have been made by such committee or on behalf
29 of such committee or candidate within the calendar year in an
30 aggregate amount or value in excess of twenty-five dollars (\$25)

1 and up to and including one hundred dollars (\$100); the amount,
2 date, and purpose of each such expenditure and the name and
3 address of, and the office sought by, each candidate on whose
4 behalf such expenditure was made.

5 (11) The full name and mailing address (occupation and the
6 principal place of business, if any) of each person to whom
7 expenditures have been made by such committee or on behalf of
8 such committee or candidate within the calendar year in an
9 aggregate amount or value in excess of one hundred dollars
10 (\$100); the amount, date and purpose of each such expenditure
11 and the name and address of, and the office sought by each
12 candidate on whose behalf such expenditure was made.

13 (12) The full name and mailing address (occupation and the
14 principal place of business, if any) of each person to whom an
15 expenditure for personal services, salaries and reimbursed
16 expenses in excess of one hundred dollars (\$100) has been made
17 and which is not otherwise reported, including the amount, date,
18 and purpose of such expenditure.

19 (13) The total sum of expenditures made by such committee or
20 candidate during the calendar year.

21 (14) The amount and nature of debts and obligations owed by
22 or to the committee, in such form as the commission may
23 prescribe and a continuous reporting of their debts and
24 obligations after the election at such periods as the commission
25 may require until such debts and obligations are extinguished.

26 (15) Such other information as shall be required by the
27 commission.

28 (c) The reports required to be filed by subsection (a) shall
29 be cumulative during the calendar year to which they relate, but
30 where there has been no change in an item reported in a previous

1 report during such year, only the amount need be carried
2 forward. If no contributions or expenditures have been accepted
3 or expended during a calendar year, the treasurer of the
4 political committee or candidate shall file a statement to that
5 effect.

6 Section 1605-A. Reports by Others Than Political
7 Committees.--Every person (other than a political committee or
8 candidate or individual) who makes contributions or
9 expenditures, (other than by contribution to a political
10 committee or candidate) in an aggregate amount in excess of one
11 hundred dollars (\$100) within a calendar year shall file with
12 the supervisory officer a statement containing the information
13 required by section 1604-A. Statements required by this section
14 shall be filed on the dates on which reports by political
15 committees are filed, but need not be cumulative.

16 Section 1606-A. Contributions by Corporations and
17 Unincorporated Associations Prohibited.--It is unlawful for any
18 corporation or unincorporated association, labor organization or
19 officer or agent thereof, whether incorporated or organized
20 under the laws of this or any other state or any foreign
21 country, except those formed primarily for political purposes or
22 a political committee, to make a contribution or expenditure in
23 connection with any election to any political office; or for any
24 candidate, or political committee or other person to accept or
25 receive any contribution prohibited by this section.

26 For the purposes of this section "labor organization" means
27 any organization of any kind, or any agency or employe
28 representation committee or plan, in which employes participate
29 and which exist for the purpose, in whole or in part, of dealing
30 with employers concerning grievances, labor disputes, wages,

1 rates of pay, hours of employment, or conditions of work.

2 As used in this section, the phrase "contribution or
3 expenditure" shall include any direct or indirect payment,
4 distribution, loan, advance, deposit, or gift of money, or any
5 services or anything of value to any candidate, campaign
6 committee, or political party or organization, in connection
7 with any election; but shall not include communications by a
8 corporation or unincorporated organization to its stockholders
9 or members and their families or by a labor organization to its
10 members and families on any subject; nonpartisan registration
11 and get-out-the-vote campaigns by a corporation or
12 unincorporated association aimed at its stockholders and
13 members, or by a labor organization aimed at its members and
14 their families; the establishment, administration, and
15 solicitation of contributions to a separate segregated fund to
16 be utilized for political purposes by a corporation or labor
17 organization: Provided, That it shall be unlawful for such a
18 fund to make a contribution or expenditure by utilizing money or
19 anything of value secured by physical force, job discrimination,
20 or financial reprisal; or by dues, fees, or other moneys
21 required as a condition of employment, or by moneys obtained in
22 any commercial transaction.

23 Section 1607-A. Powers and Duties of the Supervisory
24 Officer.--(a) The supervisory officer shall have the power and
25 his duty shall be:

26 (1) To furnish to persons required to file reports and
27 statements under the provisions of this act prescribed forms for
28 the making of such reports and statements.

29 (2) To publish and furnish to persons required to file such
30 reports and statements a manual setting forth the recommended

uniform methods of bookkeeping and reporting as prescribed by
the commission pursuant to section 1608-A of this act.

(3) To develop a filing, coding and cross-indexing system
consistent with the purposes of this article.

(4) To make the reports and statements filed with him
available for public inspection and copying, commencing as soon
as practicable but not later than the end of the second day
following the day during which it was received, and to permit
copying of any such report or statement by hand or by
duplicating machine, as requested by any person, at the expense
of such person at a rate not to exceed the cost: Provided, That
any information copied from such reports and statements shall
not be sold or utilized by any person for any commercial
purpose.

(5) To preserve such reports and statements for a period of
four years from date of receipt and in no event less than twice
as long as the normal length of time for records in that
particular office.

(6) To compile and maintain a current list of all statements
or parts of statements pertaining to each candidate.

(7) To prepare and publish an annual report including
compilations of:

(i) total reported contributions and expenditures for all
candidates, political committees, and other persons during the
year;

(ii) total amounts expended according to such categories as
he shall determine and broken down into candidate, party, and
nonparty expenditures on the State and local level;

(iii) total amounts expended for influencing nominations and
elections stated separately; and

1 (iv) total amounts contributed according to such categories
2 of amounts as he shall determine and broken down into
3 contributions on the State and local levels for candidates,
4 political committees and other persons.

5 (8) To prepare and publish from time to time special reports
6 comparing the various totals and categories of contributions and
7 expenditures made with respect to preceding elections.

8 (9) To prepare and publish such other reports as the
9 supervisory officer may deem appropriate: Provided, That one
10 copy of each report published by supervisory officers other than
11 the commission shall be sent to the commission.

12 (10) To publicly disseminate statistics, summaries, and
13 reports prepared under this act, as soon as possible.

14 (11) 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
17 alleged failures to file any report or statement required under
18 the provisions of this act.

19 (12) To report apparent violations of law to the appropriate
20 law enforcement authorities.

21 (b) The supervisory officer shall encourage and cooperate
22 with the election officials within the Commonwealth to develop
23 procedures which will eliminate multiple filings while
24 conforming with other sections of this act.

25 Section 1608-A. Powers and Duties of the Commission.--In
26 addition to its duties as a supervisory officer and other duties
27 prescribed by law, the commission shall have the power and its
28 duty shall be:

29 (1) To serve as the State clearing house for information in
30 respect to the administration of elections.

1 (2) To enter into contracts for the purpose of conducting
2 independent studies of the administration of elections. Studies
3 shall include, but not necessarily be limited to, studies of:

4 (i) the type of duties assigned to, and the method of
5 selection of, officials and personnel working on the several
6 boards of elections;

7 (ii) practices relating to the registration of voters; and

8 (iii) voting and counting methods.

9 Studies made under this clause shall be published by the
10 commission and copies made available to the general public upon
11 the payment of the cost of duplication. Nothing in this clause
12 shall be construed to authorize the commission to include
13 comments or recommendations in any such study. If the commission
14 determines that comments or recommendations are necessary and
15 appropriate, such may be included as an appendix to such study.

16 (3) To prescribe suitable rules and regulations to carry out
17 the provisions of this act.

18 (4) To make from time to time audits and field
19 investigations with respect to any reports and statements filed
20 or required to be filed under the provisions of this act and
21 with respect to alleged failures to file any report or statement
22 required under the provisions of this act.

23 (5) To develop and prescribe forms required by the
24 provisions of this act for the making of reports and statements
25 required to be filed with the supervisory officers.

26 (6) To prepare a manual setting forth the recommended
27 uniform methods of bookkeeping and reporting which shall be
28 furnished by the supervisory officers to the persons required to
29 file reports and statements.

30 Section 1609-A. Reports of Violations of this Act.--(a) Any

1 person who believes a violation of this act has occurred may
2 file a written complaint with the supervisory officer or
3 commission. If the supervisory officer or the commission
4 determines there is substantial reason to believe such a
5 violation has occurred, the supervisory officer or commission
6 shall expeditiously make an investigation which shall also
7 include an investigation of reports and statements filed by
8 persons against whom the complaint was filed.

9 (b) In the case of a supervisory officer which is not the
10 commission, whenever in the judgment of such supervisory
11 officer, after affording due notice and an opportunity for a
12 hearing, any person has engaged or is about to engage in any
13 acts or practices which constitute or will constitute a
14 violation of any provision of this act or any regulations or
15 order issued thereunder, the supervisory officer shall inform
16 the commission which may institute a civil action for relief,
17 including a permanent or temporary injunction, restraining
18 order, or any other appropriate order in the appropriate court
19 of common pleas or the Commonwealth Court of Pennsylvania.

20 (c) In cases of complaints made directly to the commission,
21 whenever in the judgment of the commission, after affording due
22 notice and an opportunity for a hearing, any person has engaged
23 or is about to engage in any acts or practices which constitute
24 or will constitute a violation of any provision of this act or
25 any regulations or order issued thereunder, the commission may
26 institute a civil action for relief, including a permanent or
27 temporary injunction, restraining order, or any other
28 appropriate order in the appropriate court of common pleas or
29 the Commonwealth Court of Pennsylvania.

30 (d) This section shall not be construed as limiting the

1 civil or criminal rights or liabilities of any person.

2 (e) Any action brought under this section shall take
3 precedence on the court's docket.

4 Section 1610-A. Limitation of Total Expenditures.--(a) The
5 total expenditure per candidate in any election for Statewide
6 office shall not exceed fifteen cents (15¢) multiplied by the
7 population of the Commonwealth based upon the last official
8 Federal census report as determined and published by regulation
9 from time to time by the commission.

10 (b) The total expenditure per candidate in any other
11 election shall not exceed twenty cents (20¢) multiplied by the
12 population of the geographical area or district in which the
13 candidate is running based upon the latest official Federal
14 census report, as determined and published by regulation from
15 time to time by the commission.

16 (c) The total expenditures of any State, county, city,
17 borough, incorporated town, township or ward regularly
18 constituted party committee of any political party or political
19 body in any election shall not exceed fifteen cents (15¢)
20 multiplied by the population of the geographical area or
21 district in which the committee functions. No such committee,
22 and no officer or member thereof, may make expenditures or
23 authorize or allow any person to make expenditures in excess of
24 the aforementioned spending limit.

25 (d) At the beginning of each calendar year (commencing in
26 1975), as there becomes available necessary data from the Bureau
27 of Labor Statistics of the United States Department of Labor,
28 the commission shall determine and publish in the Pennsylvania
29 Bulletin the per centum increase, if any, between the price
30 index for the twelve months preceding the beginning of such

1 calendar year and the price index for the base period. Each
2 amount determined under subsections (a) and (b) shall be
3 increased by such per centum increase, if any. Each amount so
4 increased shall be the maximum spending limitation in effect for
5 such calendar year. The term price index shall mean the average
6 over a calendar year of the consumer price index (all items -
7 United States city average) published monthly by the United
8 States Bureau of Labor Statistics. The term "base period" shall
9 mean the calendar year 1974.

10 (e) For the purposes of this section, primary, municipal,
11 general and special elections shall be treated as separate
12 elections.

13 Section 1611-A. Limitation on Personal Contributions.--(a)
14 No person shall make contributions directly or indirectly in
15 excess of five thousand dollars (\$5,000) to a candidate for a
16 particular office, to a regularly constituted party committee of
17 any political party or political body with respect to any
18 election, or to any other political committee with respect to
19 any election: Provided, That a candidate or his immediate
20 family, a political committee authorized by the candidate to act
21 for him, and a regularly constituted party committee of any
22 political party or political body are authorized to make
23 contributions in excess of five thousand dollars (\$5,000) so
24 long as such contributions do not violate the total expenditure
25 limits set forth in this act.

26 (b) No contribution and no expenditure shall be made or
27 incurred, directly or indirectly, in a fictitious name,
28 anonymously, or by a person through an agent, relative or other
29 person in such a manner as to conceal the identity of the source
30 of the contribution.

1 (c) For the purposes of this section, primary, municipal,
2 general and special elections shall be treated as separate
3 elections.

4 (d) For the purposes of this section "immediate family"
5 means a candidate's spouse and any blood relative of the
6 candidate or candidate's spouse. Blood relative shall include
7 the father, mother, grandfather, grandmother, sisters, brothers,
8 sisters or brothers of the father or mother and children of the
9 sisters or brothers of the father or mother of the candidate or
10 the candidate's spouse.

11 Section 1612-A. Lawful Primary and Election Expenses.--(a)
12 No candidate or treasurer of any political committee shall pay,
13 give, or lend or agree to pay, give, or lend directly or
14 indirectly on account of, or in respect to, any primary or
15 election expenses whatever, except for the following purposes:

16 (1) For printing and traveling expenses, and personal
17 expenses incident thereto, stationery, advertising, postage,
18 expressage, freight, telegraph, telephone, and public messenger
19 service.

20 (2) For the rental of radio or television facilities, and
21 amplified systems.

22 (3) For political meetings, demonstrations and conventions,
23 and for the pay and expenses of speakers.

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

25 (5) For the payment of such consultants and employes as may
26 be necessary.

27 (6) For the transportation of electors to and from the
28 polls.

29 (7) For the employment of watchers or workers, at primaries
30 and elections to the numbers and in the amount permitted by this

1 act.

2 (8) For expenses, legal counsel, incurred in good faith in
3 connection with any election.

4 (9) For contributions to other political committees.

5 (b) No person, except the candidate or a political committee
6 duly authorized under the provisions of this article, shall
7 solicit contributions on behalf of the candidacy of any person
8 or provide any money or other valuable thing as compensation to
9 any person for services rendered or goods received by a
10 candidate, a political committee or on behalf of the candidacy
11 of any person, until written authorization by the candidate
12 shall be filed with the appropriate supervisory officer.

13 Section 1613-A. Publications Soliciting Funds.--Any
14 political committee shall include on the face or front page of
15 all literature and advertisements soliciting funds the following
16 notice:

17 "A copy of our report filed with the appropriate
18 supervisory officer is (or will be) available for
19 inspection and copying at _____.
20 (List the name and address of the appropriate
21 supervisory officer with whom the reports are
22 or will be on file).

23 Section 1614-A. Unlawful to Administer Oath of Office Until
24 Reports Filed.--It shall be unlawful to administer the oath of
25 office to any candidate elected to any public office until all
26 of the reports required to be filed pursuant to section 1604-A
27 by the candidate and by the treasurer of every political
28 committee authorized under the provisions of section 1602-A to
29 receive contributions or spend any money or other valuable thing
30 on behalf of his candidacy are filed with the appropriate

1 supervisory officers.

2 Section 5. The act is amended by adding a section to read:

3 Section 1839.1. Expenses; Violations and Penalties.--Whoever
4 violates any provision of Article XVI-A for which a penalty is
5 not otherwise specifically provided shall be guilty of a
6 misdemeanor of the third degree.

7 Section 6. Sections 1841 and 1842 of the act are repealed.

8 Section 7. Section 1843 of the act, amended June 3, 1943
9 (P.L.851, No.358), is amended to read:

10 Section 1843. Contributions by Corporations.--Any
11 corporation or unincorporated association which shall pay, give
12 or lend or agree to pay, give or lend any money belonging to
13 such corporation or unincorporated association or in its custody
14 or control, in violation of the provisions of section [1605]
15 1606-A of this act, shall be guilty of a misdemeanor, and, upon
16 conviction thereof, shall be sentenced to pay a fine of not less
17 than [five hundred (\$500) dollars] one thousand (\$1000) dollars,
18 nor more than five thousand (\$5000) dollars. Any director,
19 officer, agent or employe of any corporation or unincorporated
20 association who shall on behalf of such corporation or
21 unincorporated association pay, give or lend or authorize to be
22 paid, given or lent any money belonging to such corporation or
23 unincorporated association or in its custody or control in
24 violation of the provisions of section [1605] 1606-A of this
25 act, shall be guilty of a misdemeanor, and, upon conviction
26 thereof, shall be sentenced to pay a fine not exceeding [one
27 thousand (\$1000)dollars] two thousand (\$2000) dollars or to
28 undergo an imprisonment of not [less than one (1) month nor]
29 more than [two (2) years] one (1) year, or both, in the
30 discretion of the court; and if the violation was wilful, shall

1 be sentenced to pay a fine of not more than ten thousand
2 (\$10,000) dollars or to undergo imprisonment of not more than
3 two (2) years, or both.

4 Section 8. Sections 1844 and 1845 of the act are repealed.

5 Section 9. There are hereby transferred to the Pennsylvania
6 Election Law Enforcement Commission to be used, employed and
7 expended in connection with the functions, powers and duties
8 transferred by subsection (a) of section 206 of the act of June
9 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
10 Code," contract obligations, if any, property, supplies,
11 equipment, records and files now being used or held in
12 connection with such functions, powers and duties; and the
13 unexpended balances of appropriations, allocations and any other
14 funds available for use in connection with such functions,
15 powers and duties. Such transfer shall be effective 90 days
16 after the effective date of this act and until such time the
17 powers and duties of the Pennsylvania Election Law Enforcement
18 Commission shall be exercised by the Secretary of the
19 Commonwealth and the Department of State.

20 Section 10. The sum of \$250,000 or as much thereof as may be
21 necessary, is hereby specifically appropriated for the fiscal
22 year 1977-1978 to the commission for the purposes of
23 implementing the provisions of section 2.

24 Section 11. This act shall take effect in 60 days.