

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2248 Session of
1995

INTRODUCED BY FAJT, GODSHALL, KUKOVICH, BELARDI, MARKOSEK,
LAUGHLIN, FARMER, TIGUE, BROWNE, WAUGH, TRELLO, WALKO,
RUBLEY, LYNCH, WOGAN, BATTISTO AND JOSEPHS, NOVEMBER 27, 1995

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 27, 1995

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," further providing for late filing fees.

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

14 Section 1. Section 1632 of the act of June 3, 1937
15 (P.L.1333, No.320), known as the Pennsylvania Election Code,
16 amended or added October 4, 1978 (P.L.893, No.171), December 13,
17 1979 (P.L.551, No.124) and July 11, 1980 (P.L.591, No.127), is
18 amended to read:

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

20 (a) A late filing fee for each report or statement of
21 expenditures and contributions which is not filed within the
22 prescribed period shall be imposed as follows. Such fee shall be

1 [ten dollars (\$10)] one hundred dollars (\$100) for each day or
2 part of a day excluding Saturdays, Sundays and holidays that a
3 report is overdue. An additional fee of [ten dollars (\$10)] one
4 hundred dollars (\$100) is due for each of the first six (6) days
5 that a report is overdue. The maximum fee payable with respect
6 to a single report is [two hundred fifty dollars (\$250)] two
7 thousand five hundred dollars (\$2,500). A supervisor shall
8 receive an overdue report or statement even if any late filing
9 fee due has not been paid but the report or statement shall not
10 be considered filed until all fees have been paid upon the
11 receipt by the supervisor of an overdue report. No further late
12 filing fees shall be incurred notwithstanding the fact that the
13 report or statement is not considered filed. The late filing fee
14 is the personal liability of the candidate or treasurer of a
15 political committee and cannot be paid from contributions to the
16 candidate or committee, nor may such fee be considered an
17 expenditure. A report or statement of expenditures and
18 contributions shall be deemed to have been filed within the
19 prescribed time if the letter transmitting the report or
20 statement which is received by the supervisor is transmitted by
21 first class mail and is postmarked by the United States Postal
22 Service on the day prior to the final day on which the report or
23 statement is to be received: Provided, That this sentence shall
24 not be applicable to the reporting requirements contained in
25 section 1628.

26 (a.1) If a candidate fails to file a pre-election report
27 within the prescribed period as determined by section 1626(d),
28 the candidate shall not be qualified to be elected and a vacancy
29 in the applicable office shall be declared. Such vacancy shall
30 be filled in the manner provided by law. In counties utilizing

1 voting machines, the county boards of election shall not allow
2 any votes to be cast for the candidate. In counties utilizing
3 paper ballots, the county boards of election shall not tally the
4 vote total for the candidate.

5 (b) No person shall be deemed elected to a public office
6 under the laws of this Commonwealth or enter upon the duties
7 thereof, or receive any salary or emoluments therefrom until all
8 of the reports and statements of contributions and expenditures
9 required to be filed by any candidate and treasurers of
10 committees authorized by such candidate and due before the
11 person may take office, have been filed. No candidate may be
12 sworn in until the appropriate supervisor certifies that all
13 required reports have been filed, and no official of the
14 Commonwealth or any of its political subdivisions may issue a
15 commission or administer an oath of office until that official
16 has received this certification. No certification shall be
17 issued until the supervisor has received post election reports
18 of any candidate and treasurer of committees authorized by such
19 candidate.

20 (c) No late filing fees shall be imposed under this section
21 for pre-election filings due any primary, special, or municipal
22 election held through November 6, 1979. Late filing fees paid
23 for any primary, special, or municipal election held through
24 November 6, 1979 shall be refunded after any candidate or
25 committee in violation has filed the required pre-primary, pre-
26 special, pre-municipal, post-primary, post-special, or post-
27 municipal election report. No late filing fee shall be imposed
28 under this section, for the required post-primary election
29 report for the primary election held May 15, 1979 where such
30 post-primary election report is filed on or before July 16,

1 1979. No late filing fee shall be imposed under this section for
2 the required pre-election or post-election report for the
3 municipal election held November 6, 1979 where such report is
4 filed on or before February 15, 1980: Provided, however, That no
5 one shall be issued a commission or take the oath of office
6 until all reports required on account of his or her candidacy
7 shall be filed. Any pre-election or post-election late filing
8 fees, collected for primary, special, or municipal elections
9 held on or before November 6, 1979, shall be refunded within
10 thirty (30) days.

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