

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 584 Session of
1999

INTRODUCED BY VAN HORNE, DEMPSEY, PRESTON, BATTISTO, TIGUE,
SHANER, MAHER, STEELMAN, HARHAI, PLATTS, ROEBUCK, RAMOS,
McCALL, READSHAW, PESCI, WOJNAROSKI, SEYFERT, ARGALL,
STABACK, E. Z. TAYLOR, MAYERNIK, SAYLOR, CAWLEY, MELIO,
FREEMAN, TRELLO, DALEY AND COSTA, FEBRUARY 16, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 14, 2000

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 manner of signing
12 nominating petitions and for nominations by political bodies; <—
13 PROVIDING FOR PUBLIC FINANCING FOR CANDIDATES FOR THE OFFICE
14 OF GOVERNOR AND LIEUTENANT GOVERNOR; ESTABLISHING THE
15 PENNSYLVANIA FAIR CAMPAIGN FUND; AND PROVIDING QUALIFICATIONS
16 FOR FUNDING, FOR PAYMENTS, FOR USE OF FUNDS, FOR AUTHORIZED
17 EXPENDITURES, FOR LIMITATION ON CONTRIBUTIONS, FOR RETURN OF
18 FUNDS AND FOR PENALTIES.

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

21 Section 1. Section 908 of the act of June 3, 1937 (P.L.1333,
22 No.320), known as the Pennsylvania Election Code, amended August
23 13, 1963 (P.L.707, No.379), is amended to read:

24 Section 908. Manner of Signing Nomination Petitions; Time of

1 Circulating.--Each signer of a nomination petition shall sign
2 but one such petition for each office to be filled, and shall
3 declare therein that he is a registered and enrolled member of
4 the party designated in such petition: Provided, however, That
5 where there are to be elected two or more persons to the same
6 office, each signer may sign petitions for as many candidates
7 for such office as, and no more than, he could vote for at the
8 succeeding election. He shall also declare therein that he is a
9 qualified elector of the county therein named, and in case the
10 nomination is not to be made or candidates are not to be elected
11 by the electors of the State at large, of the political district
12 therein named, in which the nomination is to be made or the
13 election is to be held. He shall add his [occupation and]
14 residence, giving city, borough or township, with street and
15 number, if any, and shall print and sign his name and add the
16 date of signing, expressed in words or numbers: Provided,
17 however, That if the said political district named in the
18 petition lies wholly within any city, borough or township, or is
19 coextensive with same, it shall not be necessary for any signer
20 of a nomination petition to state therein the city, borough or
21 township of his residence. No nomination petition shall be
22 circulated prior to the thirteenth Tuesday before the primary,
23 and no signature shall be counted unless it bears a date affixed
24 not earlier than the thirteenth Tuesday nor later than the tenth
25 Tuesday prior to the primary.

26 Section 2. Section 951(c) of the act is amended to read:

27 Section 951. Nominations by Political Bodies.--* * *

28 (c) Each person signing a nomination paper shall declare
29 therein that he is a qualified elector of the State or district,
30 as the case may be, and shall add to his signature his

1 [occupation and] residence, giving city, borough or township,
2 with street and number, if any, and shall also print his name
3 and add the date of signing, expressed in words or numbers:
4 Provided, however, That if said political district named in the
5 papers lies wholly within any city, borough or township, or is
6 coextensive with same, it shall not be necessary for any signer
7 of a paper to state therein the city, borough or township of his
8 residence. No elector shall sign more than one nomination paper
9 for each office to be filled, unless there are two or more
10 persons to be elected to the same office, in which case he may
11 sign nomination papers for as many candidates for such office
12 as, and no more than, he could vote for at the succeeding
13 election. More than one candidate may be nominated by one
14 nomination paper and candidates for more than one office may be
15 nominated by one nomination paper: Provided, That each political
16 body nominating does not nominate more candidates than there are
17 offices to be voted for at the ensuing election: And provided,
18 That all the signers on each nomination paper are qualified to
19 vote for all the candidates nominated therein.

20 * * *

21 SECTION 3. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ: <—

22 ARTICLE XVI-A

23 PENNSYLVANIA GUBERNATORIAL PUBLIC FINANCING

24 SECTION 1601-A. SHORT TITLE.--THIS ARTICLE SHALL BE KNOWN
25 AND MAY BE CITED AS THE PENNSYLVANIA GUBERNATORIAL PUBLIC
26 FINANCING ACT.

27 SECTION 1602-A. DEFINITIONS.--AS USED IN THIS ARTICLE
28 FOLLOWING WORDS SHALL HAVE THE FOLLOWING MEANINGS:

29 (A) THE WORD "COMMISSION" SHALL MEAN THE STATE ETHICS
30 COMMISSION.

1 (B) THE WORD "CONTRIBUTION" SHALL MEAN ANY PAYMENT, GIFT,
2 SUBSCRIPTION, ASSESSMENT, CONTRACT, PAYMENT FOR SERVICES, DUES,
3 LOAN, FORBEARANCE, ADVANCE OR DEPOSIT OF MONEY OR ANY VALUABLE
4 THING TO A CANDIDATE OR POLITICAL COMMITTEE MADE FOR THE PURPOSE
5 OF INFLUENCING ANY ELECTION IN THIS COMMONWEALTH OR FOR PAYING
6 DEBTS INCURRED BY OR FOR A CANDIDATE OR COMMITTEE BEFORE OR
7 AFTER ANY ELECTION. THE TERM INCLUDES THE PURCHASE OF TICKETS
8 FOR EVENTS SUCH AS DINNERS, LUNCHEONS, RALLIES AND ALL OTHER
9 FUND-RAISING EVENTS; THE GRANTING OF DISCOUNTS OR REBATES NOT
10 AVAILABLE TO THE GENERAL PUBLIC; THE GRANTING OF DISCOUNTS OR
11 REBATES BY TELEVISION AND RADIO STATIONS AND NEWSPAPERS NOT
12 EXTENDED ON AN EQUAL BASIS TO ALL CANDIDATES FOR THE SAME
13 OFFICE; AND ANY PAYMENTS PROVIDED FOR THE BENEFIT OF ANY
14 CANDIDATE, INCLUDING ANY PAYMENTS FOR THE SERVICES OF ANY PERSON
15 SERVING AS AN AGENT OF A CANDIDATE OR COMMITTEE BY A PERSON
16 OTHER THAN THE CANDIDATE OR COMMITTEE OR A PERSON WHOSE
17 EXPENDITURES THE CANDIDATE OR COMMITTEE MUST REPORT UNDER THIS
18 ACT. THE WORD "CONTRIBUTION" INCLUDES ANY RECEIPT OR USE OF
19 ANYTHING OF VALUE RECEIVED BY A POLITICAL COMMITTEE FROM ANOTHER
20 POLITICAL COMMITTEE AND ALSO INCLUDES ANY RETURN ON INVESTMENTS
21 BY A POLITICAL COMMITTEE.

22 (C) THE WORDS "DECLARATION OF CANDIDACY" SHALL MEAN THE
23 POINT IN A PERSON'S CAMPAIGN FOR POLITICAL OFFICE AT WHICH THAT
24 PERSON BECOMES IN COMPLIANCE WITH SECTION 1622 OF THIS ACT.

25 (D) THE WORD "EXPENDITURE" SHALL MEAN ANY OF THE FOLLOWING:

26 (1) THE PAYMENT, DISTRIBUTION, LOAN OR ADVANCEMENT OF MONEY
27 OR ANY VALUABLE THING BY A CANDIDATE, POLITICAL COMMITTEE OR
28 OTHER PERSON FOR THE PURPOSE OF INFLUENCING THE OUTCOME OF AN
29 ELECTION.

30 (2) THE PAYMENT, DISTRIBUTION, LOAN, ADVANCE OR TRANSFER OF

1 MONEY OR OTHER VALUABLE THING BETWEEN OR AMONG POLITICAL
2 COMMITTEES.

3 (3) THE PROVIDING OF A SERVICE OR OTHER VALUABLE THING FOR
4 THE PURPOSE OF INFLUENCING THE OUTCOME OF A NOMINATION OR
5 ELECTION OF ANY PERSON TO ANY PUBLIC OFFICE TO BE VOTED FOR IN
6 THIS COMMONWEALTH.

7 (4) THE PAYMENT OR PROVIDING OF MONEY OR OTHER VALUABLE
8 THING BY ANY PERSON OTHER THAN A CANDIDATE OR POLITICAL
9 COMMITTEE TO COMPENSATE ANY PERSON FOR SERVICES RENDERED TO A
10 CANDIDATE OR POLITICAL COMMITTEE.

11 (E) THE WORD "FUND" SHALL MEAN THE PENNSYLVANIA FAIR
12 CAMPAIGN FUND ESTABLISHED IN SECTION 1605-A OF THIS ARTICLE.

13 (F) THE WORDS "INDEPENDENT EXPENDITURE" SHALL MEAN AN
14 EXPENDITURE BY A PERSON MADE FOR THE PURPOSE OF INFLUENCING AN
15 ELECTION WITHOUT COOPERATION OR CONSULTATION WITH ANY CANDIDATE
16 OR ANY POLITICAL COMMITTEE AUTHORIZED BY THAT CANDIDATE AND
17 WHICH IS NOT MADE IN CONCERT WITH OR AT THE REQUEST OR
18 SUGGESTION OF ANY CANDIDATE OR POLITICAL COMMITTEE OR AGENT
19 THEREOF.

20 (G) THE WORDS "MAJOR POLITICAL PARTY" SHALL MEAN A POLITICAL
21 PARTY WHOSE CANDIDATE FOR GOVERNOR RECEIVED EITHER THE HIGHEST
22 OR SECOND HIGHEST NUMBER OF VOTES IN THE PRECEDING GUBERNATORIAL
23 ELECTION.

24 SECTION 1603-A. APPLICATION OF ARTICLE.--

25 (A) THE PROVISIONS OF THIS ARTICLE SHALL BE APPLICABLE TO
26 CANDIDATES FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR.

27 (B) FOR THE PURPOSES OF THIS ARTICLE INsofar AS IT RELATES
28 TO FUNDING OF NOMINATED CANDIDATES IN THE GENERAL ELECTION, A
29 POLITICAL PARTY'S OR POLITICAL BODY'S NOMINATED CANDIDATES FOR
30 GOVERNOR AND LIEUTENANT GOVERNOR SHALL BE CONSIDERED AS ONE

CANDIDACY, AND THE PROVISIONS SPECIFICALLY APPLICABLE TO THE
GOVERNOR SHALL BE APPLICABLE TO THE COMBINED CANDIDACY.

SECTION 1604-A. ADMINISTRATION.--THE PROVISIONS OF THIS
ARTICLE SHALL BE ADMINISTERED BY THE STATE ETHICS COMMISSION.
THE COMMISSION MAY ADOPT RULES AND REGULATIONS AS MAY BE
REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE AND TO
CARRY OUT ITS PURPOSE.

SECTION 1605-A. PENNSYLVANIA FAIR CAMPAIGN FUND
ESTABLISHED.--THERE IS HEREBY ESTABLISHED A SPECIAL RESTRICTED
RECEIPTS FUND IN THE STATE TREASURY TO BE KNOWN AS THE
PENNSYLVANIA FAIR CAMPAIGN FUND. PAYMENTS SHALL BE MADE INTO
THIS FUND PURSUANT TO SECTION 1606-A, AND DISBURSEMENTS SHALL BE
MADE FROM THE FUND ONLY UPON THE WARRANT OF THE COMMISSION AND A
WARRANT OF THE STATE TREASURER. AS MUCH OF THE MONEYS IN THE
FUND AS ARE NECESSARY TO MAKE PAYMENTS TO CANDIDATES AS PROVIDED
IN THIS ARTICLE ARE APPROPRIATED FROM THE PENNSYLVANIA FAIR
CAMPAIGN FUND ON A CONTINUING BASIS FOR THE PURPOSE OF SUCH
PAYMENTS.

SECTION 1606-A. FUNDING THE PENNSYLVANIA FAIR CAMPAIGN.--

(A) BEGINNING WITH TAX YEARS COMMENCING JANUARY 1, 2000, AND
THEREAFTER, EACH INDIVIDUAL SUBJECT TO THE TAX IMPOSED BY
ARTICLE III OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS
THE "TAX REFORM CODE OF 1971," WHOSE TAX LIABILITY FOR THE YEAR
IS FIVE DOLLARS (\$5) OR MORE MAY DESIGNATE FIVE DOLLARS (\$5) OF
HIS PERSONAL INCOME TAXES TO BE PAID INTO THE FUND. IN THE CASE
OF MARRIED TAXPAYERS FILING A JOINT RETURN, EACH SPOUSE MAY
DESIGNATE FIVE DOLLARS (\$5) TO BE PAID INTO THE FUND IF THEIR
TAX LIABILITY IS TEN DOLLARS (\$10) OR MORE. ALL OF THESE
DESIGNATED TAX REVENUES SHALL BE PAID INTO THE FUND. THE CHECK-
OFF AND INSTRUCTIONS SHALL BE PROMINENTLY DISPLAYED ON THE FIRST

1 PAGE OF THE RETURN FORM. THE INSTRUCTIONS SHALL READILY INDICATE
2 THAT THESE DESIGNATIONS NEITHER INCREASE NOR DECREASE AN
3 INDIVIDUAL'S TAX LIABILITY.

4 (B) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO THE FAIR
5 CAMPAIGN FUND SUFFICIENT TO FULLY FUND ALL REQUIREMENTS OF THIS
6 ARTICLE INCLUDING THE ADMINISTRATIVE, INVESTIGATIVE AND
7 ENFORCEMENT RESPONSIBILITIES OF THE STATE ETHICS COMMISSION.
8 UPON NOTICE BY THE COMMISSION, THE GENERAL ASSEMBLY SHALL
9 APPROPRIATE TO THE COMMISSION OUT OF THE GENERAL FUND SUCH
10 ADDITIONAL SUMS AS MAY BE REQUIRED TO CARRY OUT THE PURPOSES OF
11 THIS ARTICLE IF THE SUMS FIRST APPROPRIATED BECOME INADEQUATE.

12 SECTION 1607-A. CERTIFICATION OF MONEYS IN FUND.--BY JUNE 30
13 OF EACH YEAR, THE STATE TREASURER SHALL CERTIFY TO THE
14 COMMISSION THE CURRENT BALANCE AVAILABLE IN THE FUND.

15 SECTION 1608-A. QUALIFICATION FOR FUNDING.--

16 (A) ANY CANDIDATE FOR THE OFFICES OF GOVERNOR AND LIEUTENANT
17 GOVERNOR MAY APPLY FOR FUNDING UNDER THIS ARTICLE IF THE
18 CANDIDATE MEETS THE CONTRIBUTORY THRESHOLDS ESTABLISHED IN
19 SUBSECTION (B) AND OTHERWISE CONFORMS TO THE REQUIREMENTS OF
20 THIS ARTICLE. NO CANDIDATE SHALL BE OBLIGATED TO APPLY FOR
21 FUNDING UNDER THIS ARTICLE AND IF ANY CANDIDATE ELECTS NOT TO
22 APPLY, THE PROVISIONS OF THIS ARTICLE PERTAINING TO LIMITS ON
23 EXPENDITURES OR THE USE OF HIS PERSONAL FUNDS SHALL BE
24 INAPPLICABLE TO THE PERSON AND HIS CANDIDACY. ANY CANDIDATE
25 ELECTING TO RECEIVE FUNDING UNDER THIS ARTICLE SHALL DECLARE HIS
26 INTENTION TO DO SO AND SPECIFY THE OFFICE FOR WHICH HE IS A
27 CANDIDATE. NO CANDIDATE FOR THE OFFICE OF GOVERNOR MAY ELECT TO
28 RECEIVE FUNDING UNDER THIS ARTICLE FOR A GENERAL ELECTION UNLESS
29 THE CANDIDATE ELECTED TO RECEIVE FUNDING UNDER THIS ARTICLE FOR
30 THE PRIMARY ELECTION. ANY COMMITTEE AUTHORIZED TO RECEIVE

1 CONTRIBUTIONS OR MAKE EXPENDITURES FOR THE CANDIDATE WHO HAS SO
2 DECLARED SHALL ABIDE BY THE PROVISIONS OF SECTION 1616-A. ANY
3 CANDIDATE WHO FOR ANY REASON HAS HIS NAME WITHDRAWN FROM THE
4 BALLOT, AFTER RECEIPT OF FUNDS UNDER THIS ARTICLE, SHALL RETURN
5 TO THE FUND ALL UNSPENT MONEY RECEIVED FROM THE FUND.

6 (B) (1) IN ORDER TO QUALIFY FOR FUNDING IN A GENERAL
7 ELECTION, A CANDIDATE FOR GOVERNOR MUST RECEIVE SUBSEQUENT TO
8 THE DATE OF THAT CANDIDATE'S PRIMARY ELECTION BUT PRIOR TO THE
9 DATE OF THE CANDIDATE'S GENERAL ELECTION TWO HUNDRED THOUSAND
10 DOLLARS (\$200,000) IN QUALIFYING CONTRIBUTIONS.

11 (2) IN ORDER TO QUALIFY FOR FUNDING IN A PRIMARY ELECTION, A
12 CANDIDATE MUST RECEIVE PRIOR TO THE DATE OF THE PRIMARY
13 ELECTION, BUT SUBSEQUENT TO JANUARY 1 OF THE YEAR IN WHICH THAT
14 CANDIDATE RUNS FOR OFFICE. THE FOLLOWING AMOUNTS:

| <u>OFFICE</u> | <u>QUALIFYING CONTRIBUTIONS REQUIRED</u> |
|---------------------------------|--|
| <u>(I) GOVERNOR</u> | <u>\$100,000</u> |
| <u>(II) LIEUTENANT GOVERNOR</u> | <u>50,000</u> |

18 (3) DEFINITION:

19 (I) THE TERM "QUALIFYING CONTRIBUTION" INCLUDES ANY
20 CONTRIBUTION WHICH HAS ALL OF THE FOLLOWING CHARACTERISTICS:

21 (A) MADE BY AN INDIVIDUAL RESIDENT OF PENNSYLVANIA.

22 (B) MADE BY A WRITTEN INSTRUMENT WHICH INDICATES THE
23 CONTRIBUTOR'S FULL NAME AND MAILING ADDRESS AND IS NOT INTENDED
24 TO BE RETURNED TO THE CONTRIBUTOR OR TRANSFERRED TO ANOTHER
25 POLITICAL COMMITTEE OR CANDIDATE.

26 (II) IF A CONTRIBUTOR RECEIVES GOODS OR SERVICES OF VALUE IN
27 RETURN FOR HIS CONTRIBUTION, THE QUALIFYING CONTRIBUTION SHALL
28 BE CALCULATED AS THE ORIGINAL CONTRIBUTION, MINUS THE FAIR
29 MARKET VALUE OF THE GOODS OR SERVICES RECEIVED.

30 (C) EACH CANDIDATE WHO ELECTS TO APPLY FOR FUNDING UNDER

1 THIS ARTICLE SHALL PROVIDE EVIDENCE THAT THE CANDIDATE HAS
2 RAISED THE QUALIFYING CONTRIBUTIONS REQUIRED BY THIS SECTION
3 WHICH EVIDENCE SHALL BE VERIFIED AND CERTIFIED AS CORRECT BY THE
4 AUDITORS OF THE STATE ETHICS COMMISSION.

5 (D) A CANDIDATE WHO HAS ACCEPTED PUBLIC FUNDING UNDER THIS
6 ARTICLE MAY APPLY TO THE COMMISSION FOR A WAIVER OF THE FUNDING
7 LIMITS SET FORTH IN SECTION 1610-A AND/OR THE SPENDING LIMITS
8 CONTAINED IN SECTION 1613-A IF THE AMOUNT OF INDEPENDENT
9 EXPENDITURES FOR COMMUNICATIONS ADVOCATING THE DEFEAT OF THE
10 CANDIDATE OR ELECTION OF HIS OPPONENT REQUIRE THE CANDIDATE
11 APPLYING FOR THE WAIVER TO SPEND ABOVE THE LIMITS SPECIFIED IN
12 SECTION 1613-A IN ORDER TO ANSWER THE COMMUNICATIONS PAID FOR BY
13 THE INDEPENDENT EXPENDITURES. THE COMMISSION SHALL ISSUE
14 REGULATIONS SETTING GUIDELINES FOR GRANTING OR DENYING REQUESTS
15 FOR A WAIVER SUBMITTED UNDER THIS SECTION.

16 (E) THE COMMISSION SHALL CONDUCT A COMPLETE AUDIT OF ALL
17 CANDIDATES RECEIVING FUNDS UNDER THIS ARTICLE. SUCH AUDITS SHALL
18 BE CONDUCTED THE YEAR FOLLOWING THE ELECTION FOR WHICH FUNDS
19 WERE DISTRIBUTED. THE SECRETARY OF THE COMMONWEALTH SHALL
20 PROVIDE THE COMMISSION AT NO COST ALL REPORTS OF CONTRIBUTIONS
21 AND EXPENDITURES FILED PURSUANT TO ARTICLE XVI BY CANDIDATES FOR
22 GOVERNOR AND LIEUTENANT GOVERNOR, THEIR POLITICAL COMMITTEES AND
23 ALL OTHER POLITICAL COMMITTEES WHO HAVE CONTRIBUTED TO SUCH
24 CANDIDATES.

25 (F) THE AUDITORS SHALL CONDUCT THEIR AUDIT IN ACCORD WITH
26 SOUND ACCOUNTING PRINCIPLES AND SHALL MAKE FINDINGS OF ANY
27 POSSIBLE VIOLATIONS OF THIS ARTICLE. ALL AUDITED CANDIDATES AND
28 THEIR COMMITTEES SHALL FURNISH ANY RECORDS TO THE ACCOUNTANTS
29 WHICH THE ACCOUNTANTS DEEM NECESSARY FOR THE COMPLETION OF THEIR
30 WORK.

1 (G) THE COMMISSION SHALL MAKE PUBLIC THE REPORT OF THE
2 AUDITORS AND SHALL PROVIDE A COPY TO THE ATTORNEY GENERAL FOR
3 THE INSTITUTION OF SUCH CRIMINAL PROCEEDINGS AS HE OR SHE SHALL
4 DEEM NECESSARY.

5 SECTION 1609-A. FUNDING FORMULA.--

6 (A) EVERY CANDIDATE WHO QUALIFIES FOR FUNDING FOR AN
7 ELECTION PURSUANT TO SECTION 1608-A SHALL RECEIVE MATCHING
8 PAYMENTS FROM THE FUND IN THE AMOUNT OF TWO DOLLARS (\$2) FOR
9 EACH DOLLAR OF QUALIFYING CONTRIBUTION.

10 (B) THE TWO DOLLARS (\$2) FOR EACH DOLLAR OF QUALIFYING
11 CONTRIBUTIONS PROVIDED BY THIS SECTION SHALL BE PROVIDED BOTH
12 FOR QUALIFYING CONTRIBUTIONS RAISED WHICH EXCEED THE THRESHOLD
13 AMOUNTS SPECIFIED IN SECTION 1608-A AND FOR THOSE QUALIFYING
14 CONTRIBUTIONS WHICH ARE ATTRIBUTABLE TO MEETING THE THRESHOLD
15 AMOUNTS NECESSARY TO QUALIFY FOR FUNDING UNDER THIS ARTICLE.

16 (C) (1) ONLY THOSE QUALIFYING CONTRIBUTIONS MADE DURING THE
17 PERIOD BETWEEN JANUARY 1 OF THE YEAR IN WHICH THE CANDIDATE RUNS
18 FOR OFFICE AND THE PRIMARY ELECTION SHALL BE ELIGIBLE FOR
19 MATCHING PAYMENTS FROM THE FUND FOR THE PRIMARY ELECTION.

20 (2) ONLY THOSE QUALIFYING CONTRIBUTIONS MADE DURING THE
21 PERIOD BETWEEN THE PRIMARY ELECTION AND THE GENERAL ELECTION OF
22 THE YEAR IN WHICH THAT CANDIDATE RUNS FOR OFFICE SHALL BE
23 ELIGIBLE FOR MATCHING PAYMENTS FROM THE FUND FOR THE GENERAL
24 ELECTION.

25 (D) MATCHING FUNDS SHALL NOT BE PROVIDED FOR ANY QUALIFYING
26 CONTRIBUTIONS UNLESS THE REPORTING REQUIREMENTS REQUIRED BY THE
27 COMMISSION ARE SATISFIED.

28 SECTION 1610-A. LIMITATIONS ON FUNDING.--

29 (A) EVERY CANDIDATE WHO QUALIFIES FOR AND RECEIVES FUNDING
30 PURSUANT TO THE FORMULA ESTABLISHED BY THIS ARTICLE SHALL BE

1 ENTITLED TO RECEIVE NO MORE THAN THE MAXIMUM AMOUNT SPECIFIED IN
2 SUBSECTION (B) FOR THE OFFICE THE CANDIDATE IS SEEKING.

3 (B) (1) THE MAXIMUM AMOUNT OF FUNDING AVAILABLE FOR EACH
4 CANDIDATE FOR GOVERNOR AT A GENERAL ELECTION UNDER THIS ARTICLE
5 SHALL BE FIVE MILLION TWO HUNDRED THOUSAND DOLLARS (\$5,200,000).

6 (2) THE MAXIMUM AMOUNT OF FUNDING AVAILABLE FOR THE PRIMARY
7 ELECTION FOR EACH CANDIDATE UNDER THIS ARTICLE SHALL BE AS
8 FOLLOWS:

| 9 | <u>OFFICE</u> | <u>MAXIMUM PENNSYLVANIA FAIR</u> |
|----|---------------|----------------------------------|
| 10 | | <u>CAMPAIGN FUNDING</u> |

| | | |
|----|---------------------|--------------------|
| 11 | <u>(I) GOVERNOR</u> | <u>\$2,600,000</u> |
|----|---------------------|--------------------|

| | | |
|----|---------------------------------|----------------|
| 12 | <u>(II) LIEUTENANT GOVERNOR</u> | <u>600,000</u> |
|----|---------------------------------|----------------|

13 (C) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, NO
14 FUNDING SHALL BE PROVIDED TO THE FOLLOWING:

15 (1) CANDIDATES IN THE GENERAL ELECTION WHO HAVE RECEIVED THE
16 NOMINATION OF BOTH MAJOR POLITICAL PARTIES AND HAVE NO
17 OPPOSITION.

18 (2) CANDIDATES IN THE PRIMARY ELECTION WHO ARE UNOPPOSED FOR
19 THE NOMINATION.

20 SECTION 1611-A. TIME OF PAYMENTS.--BEGINNING NINETY (90)
21 DAYS PRIOR TO THE RELEVANT ELECTION, THE COMMISSION SHALL MAKE
22 PAYMENTS AUTHORIZED BY THIS ARTICLE AT LEAST EVERY TWO (2)
23 WEEKS. HOWEVER, EXCEPT FOR THE FINAL PAYMENT, NO PAYMENT SHALL
24 BE DUE OR PAID IF THE PAYMENT DOES NOT EQUAL AT LEAST FIVE
25 THOUSAND DOLLARS (\$5,000).

26 SECTION 1612-A. USE OF FUNDS BY CANDIDATES.--

27 (A) FUNDS DISTRIBUTED TO CANDIDATES PURSUANT TO THIS ARTICLE
28 MAY BE USED ONLY FOR THE ELECTION FOR WHICH THEY ARE DISTRIBUTED
29 AND ONLY FOR THE PURPOSES SET FORTH IN THIS ARTICLE EXCEPT THAT
30 NO FUND MONEYS MAY BE USED:

1 (1) TO TRANSFER TO OTHER CANDIDATES OR TO COMMITTEES OF
2 OTHER CANDIDATES OR TO POLITICAL COMMITTEES.

3 (2) TO PAY FOR EXPENDITURES INCURRED AFTER THE DATE OF THE
4 GENERAL ELECTION.

5 (B) FUNDS DISTRIBUTED TO A CANDIDATE PURSUANT TO THIS
6 ARTICLE SHALL BE PLACED IN A SINGLE BANK ACCOUNT. EXPENDITURES
7 FROM THIS ACCOUNT SHALL BE MADE ONLY FOR CAMPAIGN EXPENSES
8 LISTED IN SUBSECTION (A).

9 SECTION 1613-A. EXPENDITURES.--

10 (A) EXPENDITURES MADE BY A CANDIDATE FOR GOVERNOR AND HIS
11 AUTHORIZED COMMITTEES, FOR ALL PURPOSES AND FROM ALL SOURCES,
12 INCLUDING, BUT NOT LIMITED TO, AMOUNTS OF FUNDS DISTRIBUTED
13 UNDER THIS ARTICLE, PROCEEDS OF LOANS, GIFTS, CONTRIBUTIONS FROM
14 ANY SOURCE OR PERSONAL FUNDS, SUBSEQUENT TO THE DATE OF THE
15 PRIMARY ELECTION BUT PRIOR TO THE DATE OF THE GENERAL ELECTION,
16 MAY NOT EXCEED EIGHT MILLION DOLLARS (\$8,000,000).

17 (B) EXPENDITURES MADE BY A CANDIDATE AND HIS AUTHORIZED
18 COMMITTEES, SUBSEQUENT TO JANUARY 1 OF THE YEAR IN WHICH THE
19 CANDIDATE RUNS FOR OFFICE BUT PRIOR TO THE DATE OF THE PRIMARY
20 ELECTION, MAY NOT EXCEED THE FOLLOWING UNLESS OTHERWISE
21 PROVIDED:

| <u>OFFICE</u> | <u>TOTAL EXPENDITURE LIMITS</u> |
|--------------------------------|---------------------------------|
| <u>(1) GOVERNOR</u> | <u>\$4,000,000</u> |
| <u>(2) LIEUTENANT GOVERNOR</u> | <u>1,000,000</u> |

25 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A
26 CANDIDATE WHO ACCEPTS PUBLIC FUNDING PURSUANT TO THE FORMULA
27 ESTABLISHED, BUT WHOSE MAJOR POLITICAL PARTY OPPONENT IN A
28 GENERAL ELECTION ELECTS NOT TO APPLY FOR THE PUBLIC FUNDING,
29 SHALL NOT BE BOUND BY THE EXPENDITURE LIMITS SPECIFIED IN THIS
30 SECTION. A CANDIDATE WHO ACCEPTS PUBLIC FUNDING SHALL BE

1 ELIGIBLE TO QUALIFY FOR THOSE FAIR CAMPAIGN FUNDS WHICH WOULD
2 HAVE OTHERWISE BEEN AVAILABLE TO THE OPPONENT WHO HAS CHOSEN NOT
3 TO APPLY FOR FUNDING FROM THE FUND.

4 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A
5 CANDIDATE WHO ACCEPTS PUBLIC FUNDING PURSUANT TO THE FORMULA
6 ESTABLISHED, BUT WHOSE MAJOR POLITICAL PARTY OPPONENTS IN A
7 PRIMARY ELECTION ELECT TO NOT APPLY FOR THE PUBLIC FUNDING,
8 SHALL NOT BE BOUND BY THE EXPENDITURE LIMITS SPECIFIED IN THIS
9 SECTION. IF THERE IS MORE THAN ONE CANDIDATE IN A MAJOR
10 POLITICAL PARTY IN A PRIMARY ELECTION, THE FAIR CAMPAIGN FUNDS
11 WHICH WOULD HAVE OTHERWISE BEEN AVAILABLE TO EACH OPPONENT WHO
12 HAS ELECTED TO NOT APPLY FOR THE PUBLIC FUNDING SHALL BE DIVIDED
13 EQUALLY AMONG THE CANDIDATES WHO ACCEPT PUBLIC FINANCING.

14 SECTION 1614-A. ANNUAL REPORT.--THE COMMISSION SHALL REPORT
15 ANNUALLY TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON THE
16 OPERATIONS OF FUNDING AS PROVIDED BY THIS ARTICLE. THIS REPORT
17 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE REVENUES AND
18 EXPENDITURES IN THE FUND, THE AMOUNTS DISTRIBUTED TO CANDIDATES,
19 THE RESULTS OF ANY AUDITS PERFORMED ON CANDIDATES IN COMPLIANCE
20 WITH THIS ARTICLE AND ANY PROSECUTIONS BROUGHT FOR VIOLATIONS OF
21 THIS ARTICLE.

22 SECTION 1615-A. RETURN OF EXCESS FUNDS.--

23 (A) ALL UNEXPENDED CAMPAIGN FUNDS IN A CANDIDATE'S AND HIS
24 AUTHORIZED COMMITTEES' POSSESSION SIXTY (60) DAYS AFTER A
25 PRIMARY ELECTION SHALL BE RETURNED TO THE STATE BOARD FOR
26 DEPOSIT IN THE FUND, UP TO THE AMOUNT OF THE FUNDS WHICH WERE
27 DISTRIBUTED TO THE CANDIDATE UNDER THIS ARTICLE FOR THE PRIMARY
28 ELECTION.

29 (B) ALL UNEXPENDED CAMPAIGN FUNDS IN A CANDIDATE'S AND HIS
30 AUTHORIZED COMMITTEES' POSSESSION SIXTY (60) DAYS AFTER A

1 GENERAL OR MUNICIPAL ELECTION SHALL BE RETURNED TO THE STATE
2 BOARD FOR DEPOSIT IN THE FUND, UP TO THE AMOUNT OF THE FUNDS
3 WHICH WERE DISTRIBUTED TO THE CANDIDATE UNDER THIS ARTICLE FOR
4 THE GENERAL ELECTION.

5 SECTION 1616-A. LIMITATIONS ON CERTAIN CONTRIBUTIONS.--

6 (A) AGGREGATE CONTRIBUTIONS, INCLUDING IN-KIND
7 CONTRIBUTIONS, FROM ANY PERSON OR POLITICAL COMMITTEE TO ANY
8 CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR, HIS AUTHORIZED
9 COMMITTEE OR AGENT SHALL NOT EXCEED TWO THOUSAND DOLLARS
10 (\$2,000) FOR EACH ELECTION. FURTHERMORE, FOR EACH ELECTION, NO
11 CANDIDATE, HIS AUTHORIZED COMMITTEE OR AGENT SHALL ACCEPT OR
12 RECEIVE MORE THAN TWO THOUSAND DOLLARS (\$2,000) IN AGGREGATE
13 CONTRIBUTIONS, INCLUDING IN-KIND CONTRIBUTIONS FROM ANY PERSON.

14 (B) A GIFT, SUBSCRIPTION, LOAN, ADVANCE OR DEPOSIT OF MONEY
15 OR ANYTHING OF VALUE TO A CANDIDATE SHALL BE CONSIDERED A
16 CONTRIBUTION BOTH BY THE ORIGINAL SOURCE OF THE CONTRIBUTION AND
17 BY ANY INTERMEDIARY OR CONDUIT IF THE INTERMEDIARY OR CONDUIT:

18 (1) EXERCISES ANY DIRECTION OVER THE MAKING OF THE
19 CONTRIBUTION; OR

20 (2) SOLICITS THE CONTRIBUTION OR ARRANGES FOR THE
21 CONTRIBUTION MADE AND DIRECTLY OR INDIRECTLY MAKES THE CANDIDATE
22 AWARE OF SUCH INTERMEDIARY OR CONDUIT'S ROLE IN SOLICITING OR
23 ARRANGING THE CONTRIBUTION FOR THE CANDIDATE.

24 (C) FOR PURPOSES OF SUBSECTION (B), A CONTRIBUTION SHALL NOT
25 BE CONSIDERED TO BE A CONTRIBUTION BY AN INTERMEDIARY OR CONDUIT
26 TO THE CANDIDATE IF:

27 (1) THE INTERMEDIARY OR CONDUIT HAS BEEN RETAINED BY THE
28 CANDIDATE'S COMMITTEE FOR THE PURPOSE OF FUNDRAISING AND IS
29 REIMBURSED FOR EXPENSES INCURRED IN SOLICITING CONTRIBUTIONS;

30 (2) IN THE CASE OF AN INDIVIDUAL, THE CANDIDATE HAS

1 EXPRESSLY AUTHORIZED THE INTERMEDIARY OR CONDUIT TO ENGAGE IN
2 FUNDRAISING, OR THE INDIVIDUAL OCCUPIES A SIGNIFICANT POSITION
3 WITHIN THE CANDIDATE'S CAMPAIGN ORGANIZATION; OR

4 (3) IN THE CASE OF A POLITICAL COMMITTEE, THE INTERMEDIARY
5 OR CONDUIT IS THE AUTHORIZED COMMITTEE OF THE CANDIDATE.

6 (D) NO CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR WHO
7 ACCEPTS PUBLIC FUNDING IN ACCORDANCE WITH THIS ARTICLE MAY
8 CONTRIBUTE MORE THAN TWENTY-FIVE THOUSAND DOLLARS (\$25,000) PER
9 ELECTION FROM PERSONAL FUNDS.

10 (E) THE PROVISIONS OF THIS SECTION APPLY TO ANY CONTRIBUTION
11 MADE FOR THE PURPOSE OF INFLUENCING ANY ELECTION TO THE OFFICE
12 OF GOVERNOR OR LIEUTENANT GOVERNOR REGARDLESS OF WHETHER THE
13 CANDIDATE FOR THAT OFFICE HAS APPLIED FOR OR RECEIVED FUNDING
14 UNDER THIS ARTICLE.

15 (F) FOR PURPOSES OF THIS SECTION, ANY CONTRIBUTION MADE TO A
16 CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR IN A YEAR OTHER
17 THAN THE CALENDAR YEAR IN WHICH THE ELECTION IS HELD WITH
18 RESPECT TO WHICH SUCH CONTRIBUTION IS MADE IS CONSIDERED TO BE
19 MADE DURING THE CALENDAR YEAR IN WHICH SUCH ELECTION IS HELD.

20 SECTION 1617-A. INTERACTIVE GUBERNATORIAL PRIMARY AND
21 GENERAL ELECTION DEBATES; PARTICIPATION BY CANDIDATES.--

22 (A) IN ANY YEAR IN WHICH A PRIMARY ELECTION IS TO BE HELD TO
23 NOMINATE CANDIDATES FOR THE OFFICES OF GOVERNOR AND LIEUTENANT
24 GOVERNOR, THERE SHALL BE HELD AMONG THE SEVERAL CANDIDATES FOR
25 EACH NOMINATION A SERIES OF INTERACTIVE PRIMARY DEBATES IN WHICH
26 ALL CANDIDATES WHO HAVE FILED NOMINATION PETITIONS IN ACCORDANCE
27 WITH THIS ACT FOR THESE OFFICES AND HAVE APPLIED OR INTEND TO
28 APPLY TO RECEIVE MONEY FOR ELECTION CAMPAIGN EXPENSES FROM THE
29 FUND SHALL PARTICIPATE AND IN WHICH ANY OTHER CANDIDATE FOR THAT
30 NOMINATION MAY ELECT TO PARTICIPATE, PROVIDED THAT THE OTHER

CANDIDATE NOTIFIES THE COMMISSION OF THE CANDIDATE'S INTENT TO PARTICIPATE NO LATER THAN TWENTY (20) DAYS BEFORE THE DATE OF THE DEBATE. IN ANY YEAR IN WHICH NO CANDIDATE OR ONLY ONE CANDIDATE FOR A NOMINATION IS REQUIRED OR ELECTS TO PARTICIPATE, NO PRIMARY DEBATE SHALL BE REQUIRED TO BE HELD UNDER THIS SUBSECTION.

(B) IN ANY YEAR IN WHICH A GENERAL ELECTION IS TO BE HELD FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR, THERE SHALL BE HELD A SERIES OF INTERACTIVE DEBATES IN WHICH ALL CANDIDATES WHO HAVE RECEIVED NOMINATIONS FOR THESE OFFICES AT THE PRIMARY OR THROUGH THE FILING OF NOMINATION PAPERS IN ACCORDANCE WITH THIS ACT AND HAVE APPLIED OR INTEND TO APPLY TO RECEIVE MONEY FOR ELECTION CAMPAIGN EXPENSES FROM THE FUND SHALL PARTICIPATE AND IN WHICH ANY OTHER CANDIDATE FOR ELECTION MAY PARTICIPATE, PROVIDED THAT THE OTHER CANDIDATE NOTIFIES THE COMMISSION OF THE CANDIDATE'S INTENT TO PARTICIPATE NO LATER THAN TWENTY (20) DAYS BEFORE THE DATE OF THE DEBATE.

SECTION 1618-A. TIME AND CONTENTS; SPONSORS.--

(A) THERE SHALL BE TWO GUBERNATORIAL AND TWO LIEUTENANT GUBERNATORIAL PRIMARY DEBATES. EACH OF THE DEBATES SHALL BE AT LEAST ONE HOUR IN DURATION. THE FIRST DEBATE SHALL OCCUR NOT EARLIER THAN THE DATE ON WHICH THE NAMES OF CANDIDATES TO APPEAR ON THE PRIMARY BALLOT ARE CERTIFIED BY THE SECRETARY OF THE COMMONWEALTH IN ACCORDANCE WITH SECTION 916 OF THIS ACT AND THE SECOND DEBATE SHALL OCCUR NOT LATER THAN THE TUESDAY PRECEDING THE PRIMARY ELECTION.

(B) THERE SHALL BE THREE GUBERNATORIAL AND THREE LIEUTENANT GUBERNATORIAL DEBATES. EACH OF THE DEBATES SHALL BE AT LEAST ONE (1) HOUR. THE FIRST DEBATE SHALL OCCUR NOT EARLIER THAN FIFTY (50) DAYS BEFORE THE DATE OF THE GENERAL ELECTION, AND THE

1 SECOND DEBATE SHALL OCCUR NOT LATER THAN THE TUESDAY PRECEDING
2 THE ELECTION.

3 (C) PRIVATE ORGANIZATIONS WHICH ARE NOT AFFILIATED WITH ANY
4 POLITICAL PARTY OR WITH ANY HOLDER OF OR CANDIDATE FOR PUBLIC
5 OFFICE AND WHICH HAVE NOT ENDORSED ANY CANDIDATE IN THE PENDING
6 PRIMARY OR GENERAL ELECTION FOR THE OFFICE OF GOVERNOR SHALL BE
7 ELIGIBLE TO SPONSOR ONE OR MORE INTERACTIVE GUBERNATORIAL
8 PRIMARY DEBATES OR INTERACTIVE GUBERNATORIAL ELECTION DEBATES
9 UNDER SUBSECTION (A) OR (B), RESPECTIVELY.

10 (D) THE COMMISSION SHALL ACCEPT APPLICATIONS FROM ELIGIBLE
11 PRIVATE ORGANIZATIONS TO SPONSOR ONE OR MORE OF THE INTERACTIVE
12 DEBATES. APPLICATIONS TO SPONSOR DEBATES UNDER SUBSECTION (A)
13 SHALL BE SUBMITTED TO THE COMMISSION NO LATER THAN MARCH 15 OF
14 ANY YEAR IN WHICH A PRIMARY ELECTION IS TO BE HELD TO NOMINATE
15 CANDIDATES FOR THE OFFICE OF GOVERNOR AND LIEUTENANT GOVERNOR,
16 AND APPLICATIONS TO SPONSOR DEBATES UNDER SUBSECTION (B) SHALL
17 BE SUBMITTED TO THE COMMISSION NO LATER THAN JULY 1 OF ANY YEAR
18 IN WHICH A GENERAL ELECTION IS TO BE HELD TO FILL THE OFFICE OF
19 GOVERNOR.

20 (E) WHERE THE NUMBER OF ELIGIBLE APPLICANTS TO SPONSOR
21 PRIMARY DEBATES OR ELECTION DEBATES EXCEED THE NUMBER PRESCRIBED
22 UNDER SUBSECTION (A) AND (B), RESPECTIVELY, THE COMMISSION SHALL
23 SELECT THE PRIVATE ORGANIZATIONS FROM AMONG THE APPLICANTS
24 WITHIN THIRTY (30) DAYS OF THE LAST DAY FOR SUBMITTING THOSE
25 APPLICATIONS, AS PROVIDED UNDER THIS SUBSECTION. TO THE MAXIMUM
26 EXTENT PRACTICABLE AND FEASIBLE, THE COMMISSION SHALL SELECT A
27 DIFFERENT PRIVATE ORGANIZATION TO SPONSOR EACH OF THE
28 INTERACTIVE GUBERNATORIAL DEBATES, BUT SHALL NOT BE PRECLUDED
29 FROM SELECTING THE SAME PRIVATE ORGANIZATION TO SPONSOR MORE
30 THAN ONE DEBATE.

1 (F) THE PRIVATE ORGANIZATIONS SELECTED BY THE COMMISSION
2 SHALL BE RESPONSIBLE FOR SELECTING THE DATE, TIME AND LOCATION
3 OF THE DEBATES, SUBJECT TO THE LIMITATIONS SET FORTH IN THIS
4 SECTION. THE RULES FOR CONDUCTING EACH DEBATE SHALL BE SOLELY
5 THE RESPONSIBILITY OF THE PRIVATE ORGANIZATIONS SO SELECTED, BUT
6 SHALL NOT BE MADE FINAL WITHOUT CONSULTATION WITH BOTH THE
7 CHAIRMAN OF THE STATE COMMITTEE OF EACH POLITICAL PARTY IN THE
8 CASE OF PRIMARY DEBATES, AND WITH A REPRESENTATIVE DESIGNATED BY
9 EACH OF THE PARTICIPATING CANDIDATES IN THE CASE OF GENERAL
10 ELECTION DEBATES.

11 SECTION 1619-A. FAILURE OF CANDIDATE TO PARTICIPATE IN
12 DEBATES; COMPLAINT; HEARING; DETERMINATION; PENALTIES.

13 (A) THE COMMISSION SHALL HAVE THE POWER AND DUTY, UPON
14 RECEIPT OF A COMPLAINT AGAINST A CANDIDATE FOR NOMINATION FOR
15 ELECTION OR FOR ELECTION FOR THE OFFICE OF GOVERNOR OR
16 LIEUTENANT GOVERNOR WHO IS REQUIRED TO PARTICIPATE IN PRIMARY
17 DEBATES OR ELECTION DEBATES, RESPECTIVELY, TO HOLD A HEARING TO
18 DETERMINE WHETHER THAT CANDIDATE HAS FAILED TO PARTICIPATE IN
19 DEBATES. IF, AT THE CONCLUSION OF A HEARING UNDER THIS SECTION,
20 THE COMMISSION DETERMINES BY MAJORITY VOTE THAT A CANDIDATE
21 REQUIRED TO PARTICIPATE UNDER THIS ACT HAS FAILED TO DO SO, THE
22 CHAIRMAN SHALL IMMEDIATELY INFORM THE CANDIDATE IN WRITING OF
23 THAT DETERMINATION, IDENTIFYING IN THAT WRITING THE DATE AND
24 CIRCUMSTANCES OF THE FAILURE. IF, AFTER HAVING FOUND THAT A
25 CANDIDATE REQUIRED TO PARTICIPATE IN A PRIMARY OR ELECTION
26 DEBATE HAS FAILED TO DO SO, THE COMMISSION FURTHER FINDS THAT
27 THE FAILURE OCCURRED UNDER CIRCUMSTANCES WHICH WERE BEYOND THE
28 CONTROL OF THE CANDIDATE AND WERE OF SUCH A NATURE THAT A
29 REASONABLE PERSON, TAKING INTO ACCOUNT THE PURPOSES OF THIS ACT
30 AND THE RELEVANT FACTS OF THE CASE, WOULD FIND THE FAILURE

1 JUSTIFIABLE OR EXCUSABLE, THEN THE CANDIDATE SHALL NOT BE
2 SUBJECT TO ANY PENALTY OR LIABILITY FOR FAILING TO PARTICIPATE.
3 THE CANDIDATE CHARGED WITH FAILURE TO PARTICIPATE SHALL HAVE THE
4 BURDEN OF SHOWING JUSTIFICATION OR EXCUSE.

5 (B) THE CAMPAIGN OF ANY CANDIDATE OR FORMER CANDIDATE WHO
6 SHALL HAVE BEEN REQUIRED TO PARTICIPATE IN A PRIMARY DEBATE OR
7 ELECTION DEBATE UNDER THIS ARTICLE, BUT WHO HAS BEEN FOUND TO
8 HAVE FAILED TO DO SO WITHOUT REASONABLE JUSTIFICATION OR EXCUSE,
9 SHALL BE LIABLE FOR RETURN OF MONEYS PREVIOUSLY RECEIVED FOR USE
10 BY THE CANDIDATE TO PAY PRIMARY ELECTION CAMPAIGN EXPENSES OR
11 GENERAL ELECTION CAMPAIGN EXPENSES, RESPECTIVELY. THE COMMISSION
12 SHALL DETERMINE THE TOTAL AMOUNT OF MONEYS FOR ELECTION CAMPAIGN
13 EXPENSES IN THAT YEAR BY THE COMMISSION TO THE CANDIDATE UNDER
14 THIS ARTICLE, AS APPROPRIATE, AND SHALL NOTIFY THE CAMPAIGN
15 TREASURER OF THE CANDIDATE OF THE LIABILITY AS OF THE DATE OF
16 THE NOTICE, FOR THE REPAYMENT OF THOSE MONEYS PLUS INTEREST ON
17 THE UNPAID AMOUNT OF THAT LIABILITY FROM THAT DATE AT THE RATE
18 OF ONE (1) PER CENT FOR EACH MONTH OR FRACTIONAL A PART OF A
19 MONTH DURING WHICH THAT AMOUNT REMAINS UNPAID.

20 SECTION 1620-A. PENALTIES.--

21 (A) A PERSON WHO VIOLATES THE PROVISIONS OF THIS ARTICLE AND
22 WHO, AS A RESULT, OBTAINS FUNDS UNDER THIS ARTICLE TO WHICH HE
23 IS NOT ENTITLED COMMITS A MISDEMEANOR OF THE FIRST DEGREE AND
24 SHALL, UPON CONVICTION, BE SUBJECT TO A FINE NOT TO EXCEED THE
25 GREATER OF TEN THOUSAND DOLLARS (\$10,000), OR THREE (3) TIMES
26 THE AMOUNT OF FUNDS WRONGFULLY OBTAINED OR TO IMPRISONMENT FOR
27 UP TO FIVE (5) YEARS, OR BOTH.

28 (B) USE OF FUNDS AND EXPENDITURES.--A PERSON WHO VIOLATES
29 SECTION 1612-A OR 1613-A COMMITS A MISDEMEANOR OF THE FIRST
30 DEGREE AND SHALL, UPON CONVICTION, BE SUBJECT TO A FINE NOT TO

1 EXCEED THE GREATER OF TEN THOUSAND DOLLARS (\$10,000), OR THREE
2 (3) TIMES THE AMOUNT OF FUNDS THAT WERE WRONGFULLY USED OR
3 EXPENDED OR TO IMPRISONMENT FOR UP TO FIVE (5) YEARS, OR BOTH.

4 (C) EXCEPT AS PROVIDED IN SUBSECTIONS (A) AND (B), A PERSON
5 WHO VIOLATES ANY PROVISION OF THIS ARTICLE COMMITS A MISDEMEANOR
6 OF THE THIRD DEGREE AND SHALL, UPON CONVICTION, BE SUBJECT TO A
7 FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000), OR TO
8 IMPRISONMENT FOR UP TO ONE (1) YEAR, OR BOTH.

9 (D) ALL FINES AND PENALTIES ASSESSED PURSUANT TO THIS
10 ARTICLE SHALL BE DEPOSITED IN THE PENNSYLVANIA FAIR CAMPAIGN
11 FUND.

12 SECTION 1621. APPROPRIATION.--

13 (A) THE SUM OF SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS
14 (\$750,000) IS HEREBY APPROPRIATED TO THE STATE ETHICS COMMISSION
15 FOR FISCAL YEAR 2000-2001 TO IMPLEMENT THE REQUIREMENTS OF THIS
16 ARTICLE.

17 (B) THE DOLLAR FIGURES CONTAINED IN THIS ARTICLE SHALL BE
18 ADJUSTED ANNUALLY AT A RATE EQUAL TO THE AVERAGE PERCENTAGE
19 CHANGE IN THE ALL-URBAN CONSUMER PRICE INDEX FOR THE PITTSBURGH,
20 PHILADELPHIA AND SCRANTON STANDARD METROPOLITAN STATISTICAL
21 AREAS AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS OF THE
22 UNITED STATES DEPARTMENT OF LABOR, OR ANY SUCCESSOR AGENCY,
23 OCCURRING IN THE PRIOR CALENDAR YEAR. THE BASE YEAR SHALL BE
24 1999. THE AVERAGE SHALL BE CALCULATED AND CERTIFIED ANNUALLY BY
25 THE COMMISSION BY ADDING THE PERCENTAGE INCREASE IN EACH OF THE
26 THREE (3) AREAS AND DIVIDING BY THREE (3). THE CALCULATION AND
27 RESULTING NEW DOLLAR FIGURES SHALL BE PUBLISHED IN MARCH IN THE
28 PENNSYLVANIA BULLETIN. THE CHECKOFF REFERRED TO IN SECTION 1606-
29 A SHALL BE ROUNDED TO THE NEAREST DOLLAR.

30 SECTION 1622-A. SEVERABILITY.--THE PROVISIONS OF THIS

1 ARTICLE ARE SEVERABLE. IF ANY PROVISION OF THIS ARTICLE OR ITS
2 APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE
3 INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF
4 THIS ARTICLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID
5 PROVISION OR APPLICATION.

6 SECTION 1623-A. APPLICABILITY.--THIS ARTICLE SHALL BE
7 APPLICABLE TO RETURNS OF TAXPAYERS OF CALENDAR YEARS COMMENCING
8 JANUARY 1, 2000, AND THEREAFTER. FUNDING FROM THE PENNSYLVANIA
9 FAIR CAMPAIGN FUND SHALL BE PROVIDED TO CANDIDATES FOR STATEWIDE
10 OFFICE BEGINNING WITH THE PRIMARY ELECTION OF 2002 AND IN EACH
11 GUBERNATORIAL PRIMARY AND ELECTION THEREAFTER.

12 Section 3 4. This act shall take effect January 1, 2001.

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