

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2162 Session of 2009

INTRODUCED BY JOSEPHS, CARROLL, GIBBONS, GOODMAN,
McILVAINE SMITH, M. O'BRIEN, ROAE, SANTARSIERO, FREEMAN AND
YUDICHAK, DECEMBER 14, 2009

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 21, 2010

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 defining "expenditure" and "political
12 action committee"; further providing for reporting by
13 candidate and political committees and other persons and for
14 annual reports; providing for limitations on certain
15 contributions; and further providing for late contributions
16 and independent expenditures, for late filing fee and
17 certificate of filing and for additional powers and duties of
18 the Secretary of the Commonwealth.

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

21 Section 1. Section 1621(d)(1) and (1) of the act of June 3,
22 1937 (P.L.1333, No.320), known as the Pennsylvania Election
23 Code, amended or added October 4, 1978 (P.L.893, No.171) and
24 July 21, 1979 (P.L.189, No.63), are amended to read:

25 Section 1621. Definitions.--As used in this article, the

1 following words have the following meanings:

2 * * *

3 (d) The word "expenditure" shall mean:

4 (1) The payment, distribution, loan or advancement of money
5 or any valuable thing by a candidate, political committee or
6 other person for the purpose of influencing the outcome of an
7 election; however, the payment, distribution, loan or
8 advancement of money or any valuable thing must be made only for
9 legitimate and verifiable campaign expenses and not for any
10 inherently personal purpose. "Inherently personal purpose" means
11 a purpose that, by its nature, confers a personal benefit,
12 including a home mortgage, rent, utility payment, clothing
13 purchase, noncampaign automobile expense, country club
14 membership, vacation or a trip of a noncampaign nature,
15 household food items, tuition payments, admission to a sporting
16 event, concert, theater or other form of entertainment;

17 * * *

18 (1) The words "Political Action Committee" shall mean any
19 political committee as defined in subsection (h) which receives
20 contributions and makes expenditures to, or on behalf of, any
21 candidate other than a candidate's own authorized political
22 [committees] committee or the political committees of any State,
23 county, city, borough, township, ward or other regularly
24 constituted party committee of any political party or political
25 body. A political action committee which is established,
26 maintained or controlled by a sponsoring organization, such as a
27 corporation, labor organization, membership association or trade
28 association, shall include in its registered name the full name
29 of its sponsoring organization.

30 * * *

1 Section 2. Section 1626(a), ~~(b)(2)~~, (d) and (e) of the act, ←
2 amended or added October 4, 1978 (P.L.893, No.171), July 11,
3 1980 (P.L.600, No.128) and July 10, 1981 (P.L.256, No.84), are
4 amended and the section is amended by adding a subsection to
5 read:

6 Section 1626. Reporting by Candidate and Political
7 Committees and other Persons.--

8 (a) Each treasurer of a political committee and each
9 candidate for election to public office shall file with the
10 appropriate supervisor reports of receipts and expenditures on
11 forms, designed by the Secretary of the Commonwealth, if the
12 amount received or expended or liabilities incurred shall exceed
13 the sum of two hundred fifty dollars (\$250). Should such an
14 amount not exceed two hundred fifty dollars (\$250), then the
15 candidate or, in the case of a political committee, the
16 treasurer of the committee shall file a sworn statement to that
17 effect with the appropriate supervisor rather than the report
18 required by this section[.]: Provided, however, That if the
19 amount received or expended by a candidate does not exceed two
20 hundred fifty dollars (\$250) the candidate may comply with this
21 section by signing an affidavit to that effect on the
22 candidate's political committee's report or statement.

23 ~~(b) Each report shall include the following information:~~ ←

24 * * *

25 ~~(2) The full name and mailing address of each person who has~~
26 ~~made one or more contributions to or for such committee or~~
27 ~~candidate within the reporting period in an aggregate amount or~~
28 ~~value in excess of [fifty dollars (\$50)] one hundred dollars~~
29 ~~(\$100), together with the amount and date of such contributions.~~
30 ~~The accuracy of the information furnished by the contributor~~

1 ~~shall be the responsibility of the contributor.~~

2 * * *

3 (d) Pre-election reports by candidates for offices to be
4 voted for by the electors of the State at large, candidates for
5 the office of Senator in the General Assembly, candidates for
6 the office of Representatives in the General Assembly and all
7 political committees, which have expended money for the purpose
8 of influencing the election of such [candidate] candidates,
9 shall be filed not later than the sixth Tuesday before and the
10 second Friday before an election, provided that the initial pre-
11 election report shall be complete as of fifty (50) days prior to
12 the election and the subsequent pre-election report shall be
13 complete as of fifteen (15) days prior to the election. Pre-
14 election reports by all other candidates and political
15 committees which have received contributions or made
16 expenditures for the purpose of influencing an election shall be
17 filed not later than the second Friday before an election,
18 provided that such report be complete as of fifteen (15) days
19 prior to the election.

20 (e) All candidates or political committees, required to file
21 under this section, shall also file [a] an initial post-election
22 report not later than thirty (30) days after an election which
23 shall be complete as of twenty (20) days after the election[.]
24 and a subsequent post-election report on January 31 of the year
25 after the election, which shall be complete as of December 31 of
26 the prior year. Candidates defeated in the primary election must
27 file the initial post-election report by the deadline specified
28 in this subsection and continue to file reports in accordance
29 with section 1627. In the case of a special election the initial
30 post-election report shall be complete as of ten (10) days after

1 such special election.

2 * * *

3 (k) All reports filed with the Secretary of the Commonwealth
4 shall be filed electronically in the manner prescribed by the
5 Secretary of the Commonwealth. All reports shall be accompanied
6 by the affidavit prescribed by section 1629. The Secretary of
7 the Commonwealth may require electronic submission of the
8 affidavit. Any candidate or political committee not able to file
9 the report or statement required by this section electronically
10 shall request an exemption from the Secretary of the
11 Commonwealth. The candidate or political committee upon approval
12 of the Secretary of the Commonwealth shall file reports and
13 statements on forms developed by the Secretary of the
14 Commonwealth.

15 Section 3. Section 1627 of the act, amended July 11, 1980
16 (P.L.591, No.127) and July 11, 1980 (P.L.625, No.129), is
17 amended to read:

18 Section 1627. [Annual Reports] Quarterly Reports;
19 Termination of Committees.--

20 (a) All political committees and candidates[, including
21 those committees and candidates] not filing reports under
22 section 1626 (d) and (e)[,] shall file [a report on January 31
23 of each year which shall be complete as of December 31 of the
24 prior year. Such reports shall be filed annually at this time
25 until there is no balance or debt in the report of the candidate
26 or political committee. Such reports shall be cumulative.
27 However, if there has been no change in the account, then the
28 candidate or political committee shall file a statement to that
29 effect with the appropriate supervisor. Each form designated by
30 the Secretary of the Commonwealth for filing a report or

1 statement required by section 1626(e) shall contain a block
2 which may be marked by the candidate or political committee
3 designating it a termination report or statement. If such report
4 or statement is so designated, or if an authorized candidate
5 elects to file no report or statement pursuant to section
6 1626.1, no annual report need be filed under this section unless
7 contributions were received or expenditures made subsequent to
8 the time period for filing of such termination report. However,
9 no candidate or political committee may terminate by way of a
10 statement where the unpaid balance indicated in the previous
11 report was greater than two hundred fifty dollars (\$250). In the
12 case of annual reports said report shall cover the campaign
13 activity of a candidate or political committee from the last
14 prior report or statement.] quarterly reports. The reports shall
15 be filed on the fifteenth day following the last day of the
16 third, sixth, ninth and twelfth months of the year and shall be
17 complete as of the end of such months. Reports must be filed
18 until such time that there is no balance or debt in the report
19 of the candidate or political committee. The reports shall be
20 cumulative. A report must be filed even if there was no change
21 in the account since the last filing.

22 (a.1) Each form designated by the Secretary of the
23 Commonwealth for filing a report required by section 1626 shall
24 contain a block which may be marked by the candidate or
25 political committee designating it a termination report or
26 statement. No candidate or political committee may terminate
27 unless the candidate or political committee has a zero balance.
28 No candidate or political committee may terminate by way of a
29 statement. In the case of quarterly reports, the report shall
30 cover the campaign activity of a candidate or political

committee from the last prior report or statement. Once terminated, a political committee must comply with sections 1623 and 1624 before receiving contributions or making expenditures.

[(b) Any political committee required to be registered under this act and not reporting under section 1626 shall file an annual report under this section. However, if a political committee makes aggregate expenditures as defined in section 1621 in an amount less than two hundred fifty dollars (\$250) or incurs aggregate debt in an amount less than two hundred fifty dollars (\$250) during the calendar year to influence an election, it need not file an annual report; provided that this exception shall not be applicable to a candidate's political committee or to a State or county committee of a political party or political body or to a political action committee of a corporation or unincorporated association.]

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

Section 1627.1. Limitations on Certain Contributions.--

(a) Aggregate contributions, including in-kind contributions, from any person to any candidate for the office of Senator or Representative in the General Assembly, court of common pleas or a county or local office, or the candidate's authorized political committee or agent, shall not exceed two thousand dollars (\$2,000) for each election. Furthermore, for each election, no such candidate, or the candidate's authorized political committee or agent, shall accept or receive more than two thousand dollars (\$2,000) in aggregate contributions, including in-kind contributions from any person.

(b) Aggregate contributions, including in-kind contributions, from any person to any candidate for Statewide office, or the candidate's authorized political committee or

1 agent, shall not exceed five thousand dollars (\$5,000) for each
2 election. Furthermore, for each election no candidate, or the
3 candidate's authorized political committee or agent, shall
4 accept or receive more than five thousand dollars (\$5,000) in
5 aggregate contributions, including in-kind contributions from
6 any person.

7 (c) Aggregate contributions, including in-kind
8 contributions, from a single political action committee, its
9 affiliate or agent or candidate's political committee, its
10 affiliate or agent, to any candidate for the office of Senator
11 or Representative in the General Assembly, court of common pleas
12 or a county or local office, or the candidate's authorized
13 political committee or agent, shall not exceed two thousand
14 dollars (\$2,000) for each election. Furthermore, for each
15 election no candidate for such office, or the candidate's
16 authorized political committee or agent, shall accept or receive
17 more than two thousand dollars (\$2,000) in aggregate
18 contributions, including in-kind contributions, from a single
19 political action committee or agent or candidate's political
20 committee.

21 (d) Aggregate contributions, including in-kind
22 contributions, from a single political action committee, its
23 affiliate or agent or candidate's political committee to any
24 candidate for Statewide office, or the candidate's authorized
25 political committee or agent, shall not exceed ten thousand
26 dollars (\$10,000) for each election. Furthermore, for each
27 election, no candidate, or the candidate's authorized political
28 committee or agent, shall accept or receive more than ten
29 thousand dollars (\$10,000) in aggregate contributions, including
30 in-kind contributions, from a single political action committee,

1 its affiliate or agent or candidate's political committee.

2 (e) Aggregate contributions, including in-kind
3 contributions, from a single political party committee, its
4 affiliate or agent to any candidate for the office of Senator or
5 Representative in the General Assembly, court of common pleas or
6 a county or local office, or the candidate's authorized
7 political committee or agent, shall not exceed five thousand
8 dollars (\$5,000) per election. Furthermore, no candidate for the
9 office of Senator or Representative in the General Assembly,
10 court of common pleas or a county or local office, or the
11 candidate's authorized political committee or agent, shall
12 accept or receive more than five thousand dollars (\$5,000) in
13 aggregate contributions from any single political party
14 committee, its affiliate or agent.

15 (f) Aggregate contributions, including in-kind
16 contributions, from a single political party committee, its
17 affiliate or agent to any candidate for Statewide office, or the
18 candidate's authorized political committee or agent, shall not
19 exceed one hundred thousand dollars (\$100,000) per election.
20 Furthermore, no candidate for Statewide office, or the
21 candidate's authorized political committee or agent, shall
22 accept or receive more than one hundred thousand dollars
23 (\$100,000) in aggregate contributions from any single political
24 party committee, its affiliate or agent.

25 (g) Aggregate contributions, including in-kind
26 contributions, from a single political party committee, its
27 affiliate or agent to any political action committee, its
28 affiliate or agent or political party committee, its affiliate
29 or agent, or any other political committee, its affiliate or
30 agent, shall not exceed twenty thousand dollars (\$20,000) per

1 election. Furthermore, no political action committee or
2 political committee shall accept or receive more than twenty
3 thousand dollars (\$20,000) in aggregate contributions from any
4 single political party committee, its affiliate or agent.

5 (h) Aggregate contributions, including in-kind
6 contributions, from any person or a single political action
7 committee, its affiliate or agent or any single candidate's
8 political committee, its affiliate or agent to a single
9 political action committee, its affiliate or agent shall not
10 exceed five thousand dollars (\$5,000) during any calendar year.
11 Furthermore, for each election, no political action committee,
12 its affiliate or agent shall accept or receive more than five
13 thousand dollars (\$5,000) in aggregate contributions, including
14 in-kind contributions, from a single political action committee,
15 its affiliate or agent during any calendar year.

16 (i) Aggregate contributions, including in-kind
17 contributions, from any person, a single candidate's political
18 committee, its affiliate or agent or a single political action
19 committee, its affiliate or agent or any other political
20 committee to a single political party committee shall not exceed
21 twenty thousand dollars (\$20,000) for each election.

22 Furthermore, no single political party committee shall accept or
23 receive more than twenty thousand dollars (\$20,000) in aggregate
24 contributions from any single candidate's political committee or
25 agent or a single political action committee, its affiliate or
26 agent or any political committee.

27 (j) No person shall make contributions, including in-kind
28 contributions, in accordance with this section aggregating more
29 than twenty-five thousand dollars (\$25,000) for each election.

30 (k) For the purposes of subsections (a), (b), (c), (d), (e),

(f), (g), (h), (i) and (j), a contribution given to a candidate's authorized political committee is the same as contributing to the candidate.

(l) For purposes of this section, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made is considered to be made for the next election to be held.

(m) The provisions of this section shall be applicable to a contribution made for the purpose of influencing any election to all public offices of this Commonwealth except Federal offices.

(n) Notwithstanding any other provision of law, all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization or any other person, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, or any person, or by any group of persons, shall be considered to have been made by a single political committee, except that nothing in this subsection shall prohibit transfers between political committees of funds raised through joint fundraising efforts.

(o) Nothing in this section shall prohibit a municipality, including a city of the first class, from instituting lower limitations on contributions to candidates for local offices.

(p) The dollar limits provided under this section shall be adjusted annually at a rate equal to the average percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area as published by the Bureau of Labor Statistics of the United States Department of Labor, or any successor agency, occurring in the prior calendar year. The base year shall be 2009 2010. The



1 average shall be calculated and certified annually by the
2 Secretary of the Commonwealth by adding the percentage increase
3 in each of the three areas and dividing by three. The
4 calculation and resulting new figures shall be submitted for
5 publication in a March issue of the Pennsylvania Bulletin.

6 Section 5. Section 1628 of the act, amended February 13,
7 1998 (P.L.72, No.18), is amended to read:

8 Section 1628. Late Contributions and Independent
9 Expenditures.--Any candidate or political committee, authorized
10 by a candidate and created solely for the purpose of influencing
11 an election on behalf of that candidate, which receives any
12 contribution or pledge of five hundred dollars (\$500) or more,
13 and any person making an independent expenditure, as defined by
14 this act, of five hundred dollars (\$500) or more after the final
15 pre-election report has been deemed completed shall report such
16 contribution, pledge or expenditure to the appropriate
17 supervisor. Such report shall be sent by the candidate, chairman
18 or treasurer of the political committee within twenty-four (24)
19 hours of receipt of the contribution. It shall be the duty of
20 the supervisor to confirm the substance of such report. The
21 report shall be made by telegram, mailgram, overnight mail or
22 facsimile transmission[.], except that if such report is to be
23 filed with the Secretary of the Commonwealth it shall be filed
24 electronically in a manner prescribed by the Secretary of the
25 Commonwealth. Any candidate in his own behalf, or chairman,
26 treasurer or candidate in behalf of the political committee may
27 also comply with this section by appearing personally before
28 such supervisor and reporting such late contributions or
29 pledges.

30 Section 6. Section 1632(a) and (b) of the act, amended or

added October 4, 1978 (P.L.893, No.171) and July 11, 1980 (P.L.591, No.127), are amended to read:

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

(a) A late filing fee for each report or statement of expenditures and contributions which is not filed within the prescribed period shall be imposed as follows. Such fee shall be [ten dollars (\$10)] twenty dollars (\$20) for each day or part of a day excluding Saturdays, Sundays and holidays that a report is overdue for the first ten (10) days. An additional fee of [ten dollars (\$10)] fifty dollars (\$50) is due for each [of the first six (6) days] additional day that a report is overdue after the initial ten-day period. The maximum fee payable with respect to a single report is [two hundred fifty dollars (\$250)] one thousand dollars (\$1,000). A supervisor shall receive an overdue report or statement even if any late filing fee due has not been paid but the report or statement shall not be considered filed until all fees have been paid upon the receipt by the supervisor of an overdue report. No further late filing fees shall be incurred notwithstanding the fact that the report or statement is not considered filed. The late filing fee is the personal liability of the candidate or treasurer of a political committee and cannot be paid from contributions to the candidate or committee, nor may such fee be considered an expenditure. A report or statement of expenditures and contributions shall be deemed to have been filed within the prescribed time if the letter transmitting the report or statement which is received by the supervisor is transmitted by first class mail and is postmarked by the United States Postal Service on the day prior to the final day on which the report or statement is to be received: Provided, That this sentence shall not be applicable

1 to the reporting requirements contained in section 1628.

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

22 * * *

23 Section 7. Section 1640 of the act, added October 4, 1978
24 (P.L.893, No.171), is amended to read:

25 Section 1640. Additional Powers and Duties of the Secretary
26 of the Commonwealth.--

27 (a) The Secretary of the Commonwealth shall have the
28 following additional powers and duties:

29 (1) To serve as the State clearing house for information
30 concerning the administration of this act.

1 (2) To prescribe suitable rules and regulations to carry out
2 the provisions of this act.

3 (3) To develop the prescribed forms required by the
4 provisions of this article for the making of the reports and
5 statements required to be filed with the supervisor.

6 (4) To prepare a manual setting forth recommended uniform
7 methods of bookkeeping and reporting which shall be furnished by
8 the supervisor to the person required to file such reports and
9 statements as required by this article.

10 (5) To examine the contributions to State legislative and
11 Statewide candidates and publish a list of all those political
12 committees who have contributed to candidates and who have
13 failed to file reports as required by this act within six (6)
14 days of their failure to comply.


15 (6) To develop a computer database and electronic reporting
16 system that shall contain all information necessary for the
17 proper administration of this article, including information on
18 contributions and expenditures by all candidates and all
19 political committees and distribution of moneys, and including
20 direct access through personal computer and the Internet. The
21 database shall be designed with an emergency recovery system to
22 ensure that campaign expense records are not lost in the case of
23 an emergency, natural disaster or other such event that could
24 cause the system to malfunction.

25 (7) To establish a training program on the electronic
26 reporting system and make it available to any candidate or
27 committee.

28 (8) To make the electronic reporting process available to a
29 candidate or committee that is required to file reports and
30 statements in accordance with this act on self-executing

1 computer diskettes and make available materials to facilitate
2 the task of compliance with the disclosure and recordkeeping
3 requirements of this article.

4 (b) The Secretary of the Commonwealth may not require the
5 public to provide any information or identification as a
6 condition to access the database on the Internet unless the
7 public access is in the office of the Secretary of the
8 Commonwealth.

9 Section 8. This act shall take effect ~~as follows:~~ 

10 ~~(1) This section shall take effect immediately.~~

11 ~~(2) The amendment of section 1640 of the act shall take~~
12 ~~effect January 1, 2011.~~

13 ~~(3) The remainder of this act shall take effect in 60~~
14 ~~days.~~ JANUARY 1, 2011. 