

AMENDMENTS TO HOUSE BILL NO. 633

Sponsor: REPRESENTATIVE M. K. KELLER

Printer's No. 628

1 Amend Bill, page 1, lines 14 and 15, by striking out "for
2 place of filing and for additional powers" in line 14 and all of
3 line 15 and inserting

4 for oath of compliance, perjury, disqualification from office
5 and commercial use and for place of filing, providing for
6 manner of filing and for inability to file reports or
7 statements electronically by deadline and further providing
8 for late filing fee and certificate of filing, for additional
9 powers and duties of the Secretary of the Commonwealth and
10 for reports by business entities and publication by Secretary
11 of the Commonwealth.

12 Amend Bill, page 1, lines 18 through 23; pages 2 through 4,
13 lines 1 through 30; page 5, lines 1 through 27; by striking out
14 all of said lines on said pages and inserting

15 Section 1. Section 1626(a) and (h) of the act of June 3,
16 1937 (P.L.1333, No.320), known as the Pennsylvania Election
17 Code, are amended and the section is amended by adding a
18 subsection to read:

19 Section 1626. Reporting by Candidate and Political
20 Committees and other Persons.--

21 (a) Each treasurer of a political committee and each
22 candidate for election to public office shall file with the
23 appropriate supervisor reports of receipts and expenditures on
24 forms, designed by the Secretary of the Commonwealth, if the
25 amount received or expended or liabilities incurred shall exceed
26 the sum of two hundred fifty dollars (\$250). Should such an
27 amount not exceed two hundred fifty dollars (\$250), then the
28 candidate or the treasurer of the committee shall file a [sworn]
29 statement to that effect with the appropriate supervisor rather
30 than the report required by this section.

31 * * *

32 (h) All reports or statements required to be filed pursuant
33 to this section shall be filed pursuant to [section 1630]
34 sections 1629 and 1631.1. All reports and statements required by

1 this section shall cover the campaign activity of a candidate
2 only from the last prior report or statement.

3 * * *

4 (k) All reports or statements required to be filed with the
5 Secretary of the Commonwealth may be filed electronically using
6 the electronic filing system developed by the Secretary of the
7 Commonwealth that is consistent with the purposes of this
8 subsection. A report or statement submitted electronically must:

9 (1) require an electronic signature from the treasurer or
10 assistant treasurer at the time of the filing of the report or
11 statement. In addition, a report filed by a political committee,
12 authorized by a candidate and created solely for the purpose of
13 influencing an election on behalf of that candidate must be
14 signed, using an electronic signature, stating that, to the best
15 of the candidate's knowledge, the political committee has not
16 violated a provision of this act; and

17 (2) be made subject to the penalties of 18 Pa.C.S. § 4904
18 (relating to unsworn falsification to authorities) as provided
19 in section 1629.

20 Section 2. Sections 1628, 1629 heading, (a) and (b) and
21 1631(1) of the act are amended to read:

22 Section 1628. Late Contributions and Independent
23 Expenditures.--Any candidate or political committee, authorized
24 by a candidate and created solely for the purpose of influencing
25 an election on behalf of that candidate, which receives any
26 contribution or pledge of five hundred dollars (\$500) or more,
27 and any person making an independent expenditure, as defined by
28 this act, of five hundred dollars (\$500) or more after the final
29 pre-election report has been deemed completed shall report such
30 contribution, pledge or expenditure to the appropriate
31 supervisor. Such report shall be sent by the candidate, chairman
32 or treasurer of the political committee within twenty-four (24)
33 hours of receipt of the contribution. It shall be the duty of
34 the supervisor to confirm the substance of such report. [The
35 report shall be made by telegram, mailgram, overnight mail or
36 facsimile transmission. Any] The reports filed with the
37 Secretary of the Commonwealth may be filed electronically in
38 accordance with section 1631.1. Any report that is not filed
39 electronically shall be filed by facsimile, electronic mail or
40 overnight mail courier service. Except for reports filed
41 electronically, a candidate in his own behalf, or chairman,
42 treasurer or candidate [in] on behalf of the political committee
43 may also comply with this section by appearing personally before
44 such supervisor and reporting such late contributions or
45 pledges.

46 Section 1629. [Oath of Compliance] Unsworn Falsification;
47 Perjury; Disqualification from Office; Commercial Use.--

48 [(a) Each report shall be subscribed and sworn to by the
49 individual submitting the report. In addition, any report filed
50 by a political committee, authorized by a candidate and created
51 solely for the purpose of influencing an election on behalf of

1 that candidate, must be accompanied by an affidavit from that
2 candidate which provides that, to the best of the candidate's
3 knowledge, the political committee has not violated any
4 provision of this act.]

5 (b) Any wilfully false, fraudulent or misleading statement
6 or entry made by any candidate or treasurer in any statement or
7 report [under oath] as required by this article, shall
8 constitute the crime of [perjury] unsworn falsification to
9 authorities, and be punishable as such according to the laws of
10 this Commonwealth.

11 * * *

12 Section 1631. Place of Filing.--

13 Any statement or report required by this article to be filed,
14 shall be done in the following manner:

15 (1) (i) Any candidate, individual, or committee required to
16 file a report concerning any candidate shall file that statement
17 or report in the office of the supervisor with whom the
18 candidate filed a nomination paper, nomination certificate,
19 nomination petitions or with the supervisor with whom the
20 candidate would have filed such if he had sought nomination in
21 that manner.

22 (ii) All candidates and political committees, authorized by
23 candidates and created solely for the purpose of influencing the
24 election of such candidates, who must file reports or statements
25 with the Secretary of the Commonwealth, and who do not file
26 electronically, shall also file copies of their reports or
27 statements in the county in which the candidate resides.

28 (iii) All candidates and political committees, authorized by
29 candidates and created solely for the purpose of influencing the
30 election of such candidates, who must file reports or statements
31 with the Secretary of the Commonwealth as required by this
32 subsection and who file electronically, are not required to file
33 copies of reports or statements in the county in which the
34 candidate resides.

35 * * *

36 Section 3. The act is amended by adding sections to read:

37 Section 1631.1. Manner of Filing.--

38 (a) All reports and statements required to be filed with the
39 Secretary of the Commonwealth pursuant to sections 1626, 1627,
40 1628 and 1641 may be filed with the Secretary of the
41 Commonwealth using the electronic filing system developed by the
42 Secretary of the Commonwealth.

43 (b) Any report or statement filed under this section shall
44 be made subject to the penalties of 18 Pa.C.S. § 4904 (relating
45 to unsworn falsification to authorities).

46 (c) In addition to the requirement under subsection (b), a
47 report or statement filed electronically shall also:

48 (1) include the electronic signature of the treasurer or
49 assistant treasurer of the political committee serving at the
50 time of the filing of the report or statement; and

51 (2) for a report or statement filed by a candidate or a

1 candidate's political committee, include the electronic
2 signature of the candidate, stating that, to the best of the
3 candidate's knowledge, the political committee has not violated
4 a provision of this act.

5 (d) (1) A principal may authorize another person to prepare
6 the contents of any report or statement that is filed
7 electronically, including entry of data into the electronic
8 filing system as provided under subsection (a).

9 (2) Each principal authorizing another to act under clause
10 (1) must:

11 (i) review the contents of the report or statement prepared
12 under clause (1); and

13 (ii) file with the electronic filing system the approval of
14 the contents of the report or statement and verification of its
15 accuracy, in accordance with subsection (b). The approval shall
16 be transmitted personally by the principal and not on the
17 principal's behalf by any other person.

18 (3) No report or statement that is filed electronically
19 shall be considered complete or filed until all necessary
20 approvals and verifications shall have been submitted by each
21 principal required to file.

22 (4) As used in this subsection, "principal" shall mean any
23 person required to file any report or statement electronically
24 with the Secretary of the Commonwealth in accordance with this
25 section.

26 (e) Any report or statement filed with the Secretary of the
27 Commonwealth, which is not filed electronically, shall be filed
28 on forms developed by the Secretary of the Commonwealth.

29 Section 1631.2. Inability to File Reports or Statements
30 Electronically by Deadline.--

31 (a) All reports or statements filed electronically with the
32 Secretary of the Commonwealth under section 1631.1 are subject
33 to the following:

34 (1) If a candidate or political committee cannot file a
35 report or statement electronically on the day the report or
36 statement is due because of the unavailability of the Department
37 of State's electronic filing system at the time the candidate or
38 political committee attempts to file the report or statement,
39 the principal shall immediately notify the Department of State
40 in a manner designated by the Secretary of the Commonwealth. If
41 the website is unavailable and the candidate or political
42 committee has notified the department, the candidate or
43 political committee shall have until 11:59 o'clock P.M. on the
44 next day following the deadline to file the report or statement
45 electronically and the principal shall file a statement
46 affirming that the principal was unable to file the report or
47 statement on time because of the unavailability of the
48 Department of State's electronic filing system at the time the
49 principal attempted to file the report or statement on the day
50 the report or statement was due. The affirmation statement shall
51 be due at the same time as the statement or report filed under

1 this subsection. The report or statement shall not be considered
2 filed until the affirmation statement is filed.

3 (2) If a candidate or political committee is unable to file
4 electronically as required under clause (1) because the
5 Department of State's electronic filing system remains
6 unavailable, the principal shall notify the Department of State
7 each day a report or statement cannot be filed due to the
8 unavailability of the Department of State's electronic filing
9 system. The candidate or political committee shall have until
10 11:59 o'clock P.M. on the next day to electronically file the
11 report or statement or notify the Department of State a second
12 time of the inaccessibility of the department's electronic
13 filing system. The principal shall file a statement affirming
14 that the principal was unable to file the report or statement on
15 time because of the unavailability of the Department of State's
16 electronic filing system. The affirmation statement shall be
17 due at the same time as the statement or report filed under this
18 subsection. The report or statement shall not be considered
19 filed until the affirmation statement is filed.

20 (b) The Department of State may provide for an alternative
21 method of electronic filing if the department's electronic
22 filing system remains unavailable.

23 (c) For cause shown, the Secretary of the Commonwealth may
24 waive late filing fees for reports or statements filed after the
25 deadline but which are the subject of notifications as
26 prescribed by this section.

27 (d) As used in this section, "unavailability of the
28 Department of State's electronic filing system" shall mean a
29 failure of the system within the Department of State's technical
30 environment that does not allow access to the system by an
31 individual. The term does not include:

32 (1) a network issue between the user's computer and the
33 Department of State's environment; or

34 (2) a failure of any part of the user's computer or internal
35 network.

36 Section 4. Section 1632(a) of the act is amended to read:

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

38 (a) A late filing fee for each report or statement of
39 expenditures and contributions which is not filed within the
40 prescribed period shall be imposed as follows. Such fee shall be
41 ten dollars (\$10) for each day or part of a day excluding
42 Saturdays, Sundays and holidays that a report or statement is
43 overdue. An additional fee of ten dollars (\$10) is due for each
44 of the first six (6) days that a report or statement is overdue.
45 The maximum fee payable with respect to a single report or
46 statement is two hundred fifty dollars (\$250). A supervisor
47 shall receive an overdue report or statement even if any late
48 filing fee due has not been paid but the report or statement
49 shall not be considered filed until all fees have been paid upon
50 the receipt by the supervisor of an overdue report. No further
51 late filing fees shall be incurred notwithstanding the fact that

1 the report or statement is not considered filed. The late filing
2 fee is the personal liability of the candidate or treasurer of a
3 political committee and cannot be paid from contributions to the
4 candidate or committee, nor may such fee be considered an
5 expenditure. A report or statement of expenditures and
6 contributions shall be deemed to have been filed within the
7 prescribed time if the letter transmitting the report or
8 statement which is received by the supervisor is transmitted by
9 first class mail and is postmarked by the United States Postal
10 Service on the day prior to the final day on which the report or
11 statement is to be received: Provided, That this sentence shall
12 not be applicable to the reporting requirements contained in
13 section 1628.

14 * * *

15 Section 5. Sections 1640 and 1641(a) of the act are amended
16 to read:

17 Section 1640. Additional Powers and Duties of the Secretary
18 of the Commonwealth.--The Secretary of the Commonwealth shall
19 have the following additional powers and duties:

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

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

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

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

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

36 (6) To maintain a searchable computer database and
37 electronic reporting system that contains the information
38 necessary for the proper administration of this article,
39 including information on contributions and expenditures by all
40 candidates and all political committees and distribution of
41 money, and including public access through the Internet. The
42 database must be designed with an emergency recovery system to
43 ensure that campaign expense records are not lost in the case of
44 an emergency, natural disaster or other event that could cause
45 the system to malfunction.

46 (7) To establish a training program on the electronic
47 reporting system and make it available to a candidate or
48 political committee.

49 (8) To ensure all information contained in a statement or
50 report filed, that is not on the electronic reporting system, be
51 entered into the electronic reporting system as soon as

1 practicable but no later than four (4) business days after its
2 receipt by the Secretary of the Commonwealth.

3 (9) The Department of State shall issue to the registrant an
4 electronic receipt that includes a confirmation number and the
5 date and time of filing.

6 Section 1641. Reports by Business Entities; Publication by
7 Secretary of the Commonwealth.--

8 (a) Any business entity including but not limited to a
9 corporation, company, association, partnership or sole
10 proprietorship, which has been awarded non-bid contracts from
11 the Commonwealth or its political subdivisions during the
12 preceding calendar year, shall report electronically in
13 accordance with section 1631.1 by February 15 of each year to
14 the Secretary of the Commonwealth an itemized list of all
15 political contributions known to the business entity by virtue
16 of the knowledge possessed by every officer, director,
17 associate, partner, limited partner or individual owner that has
18 been made by:

19 (1) any officer, director, associate, partner, limited
20 partner, individual owner or members of their immediate family
21 when the contributions exceed an aggregate of one thousand
22 dollars (\$1,000) by any individual during the preceding year; or

23 (2) any employe or members of his immediate family whose
24 political contribution exceeded one thousand dollars (\$1,000)
25 during the preceding year.

26 For the purposes of this subsection, "immediate family" means a
27 person's spouse and any unemancipated child.

28 * * *

29 Section 6. The Secretary of the Commonwealth shall transmit
30 notice to the Legislative Reference Bureau for publication in
31 the Pennsylvania Bulletin when the electronic filing system
32 developed by the Secretary of the Commonwealth is available for
33 use.

34 Section 7. This act shall take effect 120 days after
35 publication in the Pennsylvania Bulletin of the notice under
36 section 6.