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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 971

Session of  
1977

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INTRODUCED BY COHEN, HOEFFEL, DeWEESE, SCIRICA, GARZIA, SCANLON,  
GIAMMARCO, O'KEEFE, FLAHERTY, KATZ, O'DONNELL, BORSKI,  
HARPER, COLE, WHITE, BROWN, ZWIKL, PRATT AND SWEET,  
APRIL 25, 1977

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 25, 1977

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AN ACT

1 Relating to public financing of elections, creating a Fair  
2 Political Practices Commission, granting it powers and duties  
3 and imposing penalties.

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4       The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6       Section 1.   Statement of intent.

7       The people have a right to expect from their elected  
8 representatives at all levels of government, integrity, honesty,  
9 and fairness in their dealings. The people further have a right,  
10 in order to vote knowledgeably, to true and timely disclosure of  
11 the identity of financial backers and the extent of the  
12 financial support for both candidates and measures. Adequate  
13 communication between candidates for public office and voters is  
14 costly. Frequently candidates have inadequate funds for a  
15 substantial campaign, even though they have extensive potential  
16 support at the polls. As a result candidates and key supporters  
17 spend excessive amounts of their time raising campaign funds,  
18 and still voters are inadequately informed about candidates'  
19 qualifications and positions on the issues. Individuals and  
20 interests who make large contributions frequently have  
21 disproportionate access to public officials and influence in  
22 governmental decision-making. Under the present system of  
23 financing campaigns there is a great disparity between  
24 candidates and campaign resources, without regard to candidates'  
25 merits or positions. Candidates with wealth or wealthy  
26 supporters have a great advantage in seeking public office. The  
27 size and source of political contributions should be strictly  
28 regulated to diminish the disproportionate political influence  
29 purchased with large campaign contributions. Spending in  
30 political campaigns should also be limited to prevent candidates

1 and others with vast financial resources from gaining unfair  
2 campaign advantage. Substantial public funds should be provided  
3 to qualified candidates in the primary and general election to  
4 partially defray campaign costs and provide for adequate  
5 communication with the voters. These provisions shall be broadly  
6 construed so that its ends are achieved.

7 Section 2. Severability.

8 If any provision of this act or the application therefor to  
9 any person or circumstance, is held invalid, the validity of the  
10 remainder of this act and the application of such provision to  
11 the remainder of this act and the application of such provision  
12 to other persons and circumstances shall not be affected  
13 thereby.

14 Section 3. Applicability.

15 These provisions shall apply to candidates and elected  
16 officials for and in all Statewide offices and the General  
17 Assembly of Pennsylvania.

18 Section 4. Definitions.

19 The following words and phrases when used in this act shall  
20 have, unless the context clearly indicates otherwise, the  
21 meanings given to them in this section:

22 "Campaign period." Includes the day which an individual  
23 becomes a candidate for elective office through the closing date  
24 of the next campaign statement with respect to contributions  
25 received or expenditures made for the purposes of influencing  
26 voters in any single primary, general or special election.

27 "Campaign statement." An itemized report signed under  
28 penalty of perjury which is prepared on a form prescribed by the  
29 commission, and which provides the information prescribed in  
30 section 6.

1 "Candidate." An individual listed on the ballot, or who has  
2 qualified to have write-in votes on his behalf counted by  
3 election officials, for nomination or for election to any  
4 elective office, or who receives a contribution or makes an  
5 expenditure or gives his consent for any other person to receive  
6 a contribution or make an expenditure with a view to bringing  
7 about his nomination or election to any elective office, whether  
8 or not the specific elective office for which he will seek  
9 nomination or election is known at the time the contribution is  
10 received or the expenditure is made. The term "candidate" does  
11 not include any person within the meaning of section 301(b) of  
12 the Federal Election Campaign Act of 1971.

13 "Clerk." A city or county clerk.

14 "Closing date." The date through which a campaign statement  
15 is required to be complete. A campaign statement shall reflect  
16 all contributions and expenditures received or made through the  
17 closing date.

18 "Commission." The Fair Political Practices Commission  
19 established by this act.

20 "Committee." Any person or combination of persons who  
21 receives contributions or makes expenditures for the purpose of  
22 influencing or attempting to influence the action of the voters  
23 for or against the nomination or election of one or more  
24 candidates, or the passage or defeat of any measure, including  
25 any committee or subcommittee of a political party, whether  
26 national, State or local, if:

27 (1) contributions received total \$200 or more in a  
28 calendar year; or

29 (2) expenditures made total \$200 or more in a calendar  
30 year.

1 "Contribution." Any payment, gift, subscription, assessment,  
2 contract, payment for services, dues, advance, forbearance,  
3 loan, pledge or promise of money or anything of value, whether  
4 or not legally enforceable, to a candidate, committee or  
5 individual, or holder of an elective office, made for the  
6 purpose of influencing the nomination or election of any  
7 candidate, or for the qualification, passage, or defeat of any  
8 ballot measure.

9 The term "contribution" includes the purchase of tickets for  
10 events such as dinners, luncheons, rallies, and similar fund  
11 raising events; the candidate's own money or property used on  
12 behalf of his candidacy; the granting of discounts or rebates  
13 not available to the general public; or the granting of  
14 discounts or rebates by television and radio stations and  
15 newspapers not extended on an equal basis to all candidates for  
16 the same office; and any payments provided for the benefit of  
17 any candidate, including any payments for the services of any  
18 person serving as an agent of a candidate or committee by a  
19 person other than the candidate or committee, or a person whose  
20 expenditures the candidates or committee must report under this  
21 act. The term "contribution" further includes any transfer of  
22 anything of value received by a committee from another  
23 committee.

24 The term "contribution" shall not include:

25 (1) services provided without compensation by  
26 individuals volunteering a portion or all of their time on  
27 behalf of a candidate or political committee;

28 (2) the use of real or personal property and the cost of  
29 invitations, food and beverages, voluntarily provided by an  
30 individual to a candidate in rendering voluntary personal

1 services on the individual's residential premises for  
2 candidate related activities;

3 (3) amounts received pursuant to a pledge or promise to  
4 the extent such amounts have been previously reported as a  
5 contribution. However, the fact that such amounts have been  
6 received shall be indicated in the appropriate campaign  
7 statements.

8 "Controlled committee." Any committee that is under the  
9 direction or control of any candidate.

10 "Cumulative amount." The amount contributed or expended  
11 since the closing date of the most recent campaign statement  
12 which has been filed pursuant to section 6. If the person filing  
13 the campaign statement has not previously filed a campaign  
14 statement pursuant to section 6, the cumulative amount is the  
15 amount contributed or expended since the effective date of this  
16 act.

17 "Election." Any primary, general, special, recall election  
18 or convention for purpose of nominating a candidate held in this  
19 State.

20 "Elective office." All Statewide offices, all seats in the  
21 Pennsylvania General Assembly. A person who is appointed to fill  
22 a vacancy in an office which is ordinarily elective holds an  
23 elective office.

24 "Eligible nominee." A person qualified to have his name  
25 printed on a general or special runoff election ballot as a  
26 nominee of a political party, or as an independent nominee.

27 "Expenditure." A payment, loan, pledge, or promise of  
28 payment or money or anything of value made for the purpose of  
29 influencing the nomination or election of any candidate, or for  
30 the qualification, passage, or defeat of any measure. The term

1 "expenditure" includes any transfer of anything of value made by  
2 one committee to another committee, except transfers between  
3 committees controlled by a single candidate.

4 The term "expenditure" shall not include:

5 (1) Amounts paid pursuant to a pledge or promise to the  
6 extent those amounts have been previously reported on an  
7 expenditure.

8 (2) Expenditures for communications by a person, other  
9 than a political party, to the person's members, employees,  
10 shareholders or immediate families.

11 (3) Expenditures for communication on any subject or  
12 issue provided the communication is not made for the purpose  
13 of influencing the nomination or election of any candidate.

14 (4) Expenditures for any news story, commentary, or  
15 editorial distributed through the facilities of any  
16 broadcasting station, newspaper, magazine or other periodical  
17 publication unless such facilities are owned or controlled by  
18 any political party, political committee or candidate.

19 (5) Expenditures for nonpartisan voter registration or  
20 get-out-the-vote drives.

21 "Filer." The person filing or required to file any statement  
22 or report under this act.

23 "Immediate family." Spouse, parents and dependents.

24 "Independent candidate." An individual who has qualified to  
25 have his name listed on the ballot and who is not a candidate of  
26 any major, minor or new political party.

27 "Independent committee." Any committee not under the  
28 direction or control of any candidate.

29 "Late contribution." Any contribution of \$500 or more  
30 received after the closing date of the last campaign statement



1 required to be filed prior to an election. No late contribution  
2 may be accepted after 12 noon of the Friday preceding the  
3 primary, general or special election.

4 "Legislative office." The office of State Senator and the  
5 office of State Representative.

6 "Loan." A transfer of money, property, or anything of value  
7 in exchange for an obligation to repay in whole or in part.

8 "Major political party." A political party qualified to have  
9 its name listed on the general election ballot which received  
10 25% or more of the popular vote cast at the preceding  
11 gubernatorial election. In the event that only one political  
12 party has received 25% or more of the popular vote cast at the  
13 preceding gubernatorial election, then the political party with  
14 the second highest vote shall be deemed a major party provided  
15 it receives 10% or more of the vote.

16 "Matchable contribution." A contribution or contributions or  
17 portion of a contribution made by any person, other than the  
18 candidate or a member of his immediate family, to a candidate or  
19 person subject to the candidate's control or direction, which  
20 when added to any previous contribution by that person to the  
21 candidate which has been certified by the commission for  
22 matching from the Campaign General Fund, totals \$250 or less  
23 with respect to a Statewide candidate and \$50 or less with  
24 respect to a legislative candidate. A matchable contribution  
25 must be made by an instrument in writing containing the name of  
26 the contributor.

27 "Minor political party." A political party qualified to have  
28 its name listed on the general election ballot and received 5%  
29 or more, but less than 25%, of the popular vote cast at the  
30 preceding gubernatorial general election.

1 "New party." A political party qualified to have its name  
2 listed on the general election ballot but received less than 5%  
3 of the popular vote cast at the preceding gubernatorial general  
4 election.

5 "Period covered by a campaign statement." The period  
6 beginning with the day after the closing date of the most recent  
7 campaign statement which has been filed, and ending with the  
8 closing date of the campaign statement in question. If the  
9 person filing the campaign statement has not previously filed a  
10 campaign statement, the period covered shall begin with the  
11 effective date of the act. Nothing in this act shall be  
12 interpreted to exempt any person from disclosing transactions  
13 which occurred prior to the effective date of this act according  
14 to the laws then in effect.

15 "Person." An individual, proprietorship, firm, partnership,  
16 joint venture, syndicate, business trust, labor organization,  
17 company, corporation, association, committee, and any other  
18 organization or group of persons acting jointly.

19 "Political party." Any political party which has a right,  
20 under law, to have the names of its candidates listed on the  
21 ballot.

22 "Pooled contribution." Any contribution consisting of funds  
23 derived from more than one individual.

24 "Qualified campaign expenditure." An expenditure by a  
25 candidate, or by any person authorized by the candidate to make  
26 expenditures on his behalf, to further the candidate's  
27 nomination or election to a State elective office during the  
28 year in which the primary or general election in which he is  
29 seeking nomination or election is held for services, material,  
30 facilities, or other things of value used during that year, or

1 in the case of a special election, for expenditures during the  
2 three month period prior to the special election or, if a  
3 candidate is in a runoff, for services, material, facilities, or  
4 other things of value used during the period.

5 "Qualified campaign expenditure" does not include:

6 (1) An expenditure in violation of any law of the United  
7 States or of this State.

8 (2) Payments made to a candidate or a relative of the  
9 candidate, or to a business entity in which the candidate or  
10 relatives of the candidate have a 10% or greater ownership  
11 interest.

12 (3) Payment to the extent clearly in excess of the fair  
13 market value of services, materials, facilities or other  
14 things of value received in exchange.

15 (4) That portion of any salary or wage to any individual  
16 in excess of \$750 per month.

17 (5) Payment from petty cash.

18 (6) Expenditures for food, drink or entertainment.

19 (7) Gifts, except brochures, buttons, signs, and other  
20 printed campaign material.

21 "Qualifying contribution." A contribution or contributions,  
22 made by any person other than the candidate or his immediate  
23 family, aggregating \$250 or less to a candidate for nomination  
24 for Statewide office, and \$50 or less to a candidate for  
25 nomination for the State Legislature. A qualifying contribution  
26 must be made by an instrument in writing containing the name and  
27 address of the contributor. A qualifying contribution may also  
28 be a matchable contribution.

29 "Question." Any constitutional amendment or other  
30 proposition which is submitted to a popular vote of any election

1 by action of a legislative body, or which is submitted or is  
2 intended to be submitted to a popular vote at an election by  
3 ballot question, referendum, or recall procedure whether or not  
4 it qualifies for the ballot.

5 "State elective office." The office of Governor, Lieutenant  
6 Governor, Treasurer, Auditor General, State Senator, and State  
7 Representative, and judges or justices of courts having  
8 Statewide appellate jurisdiction.

9 "Statewide elective office." The office of Governor,  
10 Lieutenant Governor, Treasurer and Auditor General, and judges  
11 of courts having Statewide appellate jurisdiction.

12 Section 5. Organization of committees.

13 (a) Every committee shall have a treasurer. No contribution  
14 and no expenditure shall be accepted or made by or on behalf of  
15 a committee at a time when there is a vacancy in the office of  
16 treasurer.

17 (b) No expenditure shall be made by or on behalf of a  
18 committee without the authorization of the treasurer or that of  
19 his designated agents.

20 (c) All contributions received by an individual acting as an  
21 agent of a candidate shall be reported promptly by such  
22 individual to a candidate or any of his designated agents. All  
23 contributions received by an individual acting as an agent of a  
24 committee shall be reported promptly by the recipient to the  
25 committee's treasurer or any of his designated agents.

26 "Promptly" as used in this section means not later than five  
27 days within receipt of a contribution or contributions, and  
28 immediately if the contribution was received less than five days  
29 before the closing date. All contributions shall be segregated  
30 from and may not be commingled with any personal funds of the

1 recipient or any other person.

2 (d) It shall be the duty of each candidate, treasurer and  
3 elected officer to keep such detailed accounts, records, bills  
4 and receipts as shall be required by regulations adopted by the  
5 commission to expedite the performance of all obligations  
6 imposed by this act.

7 (e) Every committee so defined by this act shall file with  
8 the commission a statement of organization within ten days after  
9 it is formed as a committee. Each such committee in existence on  
10 the date of enactment of this act shall file a statement with  
11 the commission within 30 days after the effective date of this  
12 act. The commission shall assign an identification number to  
13 each committee which files a statement of organization and shall  
14 notify the committee of the number. The commission shall send a  
15 copy of statements filed pursuant to this section to the clerk  
16 of each county which he deems appropriate.

17 (f) The statement of organization required by this section  
18 shall include:

19 (1) The name, street address and telephone number, if  
20 any, of the committee.

21 (2) The name, street address and phone number of each  
22 person, if any, with which the committee is affiliated or  
23 connected.

24 (3) The full name, street address and telephone number,  
25 if any, of the treasurer and other principal officers.

26 (4) The full name and office sought by each candidate  
27 and the title and ballot number, if any, of each measure,  
28 which the committee supports or opposes.

29 (5) A statement whether the committee is independent or  
30 controlled, and if it is controlled, the name of each

1 candidate or committee by which it is controlled, or with  
2 which it acts jointly.

3 (6) The disposition of surplus funds which will be made  
4 in the event of dissolution.

5 (7) Such other information as shall be required by the  
6 rules or regulations of the commission consistent with the  
7 purposes and provisions of this act.

8 (g) Whenever there is a change in any of the information  
9 contained in a statement of organization, an amendment shall be  
10 filed with the commission within ten days to reflect the change.

11 Section 6. Campaign statements.

12 (a) Each candidate and all of his controlled committees  
13 shall together file a single campaign statement for each of the  
14 designated filing periods and all other committees shall also  
15 file campaign statements as prescribed below. Each campaign  
16 statement required by this section shall contain the following  
17 information:

18 (1) Under the heading "receipts," the total amount of  
19 contributions received and under the heading "expenditures,"  
20 the total amount of expenditures made during the period  
21 covered by the campaign statement and the cumulative amount  
22 of such totals (provided that if any loans have been repaid  
23 during the period covered by the campaign statement, the  
24 amount of such repayment shall be subtracted from the total  
25 amount of contributions received and expenditures made, and  
26 provided further that forgiveness of a loan or payment of a  
27 loan by a third party shall not be included in such totals in  
28 addition to the amount of the original loan).

29 (2) The total amount of contributions received during  
30 the period covered by the campaign statement from persons who

1 have given \$50 or more.

2 (3) The total amount of contributions received during  
3 the period covered by the campaign statement from persons who  
4 have given less than \$50.

5 (4) The total amount of expenditures made during the  
6 period covered by the campaign statement to persons who have  
7 received \$50 or more.

8 (5) The total amount of expenditures disbursed during  
9 the period covered by the campaign statement to persons who  
10 have received less than \$50.

11 (6) The balance of cash and cash equivalents on hand at  
12 the beginning and the end of the period covered by the  
13 campaign statement.

14 (7) The full name of each person from whom a  
15 contribution or contributions totaling \$50 or more in the  
16 aggregate have been received during the campaign period with  
17 his street address, occupation, and the name of his employer,  
18 if any, or the principal place of business, if he is self-  
19 employed, the amount he contributed, the date on which each  
20 contribution was received during the period covered by the  
21 campaign statement and the cumulative amount he contributed  
22 for that election. In the case of committees which are listed  
23 as contributors, the campaign statement shall also contain  
24 the number assigned to the committee by the commission or if  
25 no such number has been assigned, the full name and street  
26 address of the treasurer of the committee. Loans received  
27 shall be set forth in a separate schedule and the foregoing  
28 information shall be stated in regard to the lender and any  
29 person who is liable directly, indirectly, or contingently on  
30 the loan, together with the date and amount of the loan and,

1 if the loan has been repaid, the date of repayment and by who  
2 paid.

3 (8) The full name and street address of each person to  
4 whom an expenditure or expenditures totaling \$50 or more in  
5 the aggregate have been made during the campaign period,  
6 together with the amount of each separate expenditure to each  
7 person during the period covered by the campaign statement; a  
8 brief description of the consideration for which the  
9 expenditure was made; the full name and street address of the  
10 person providing the consideration for which any expenditure  
11 was made if different from the payee; and in the case of  
12 committees which are listed, the number assigned to each such  
13 committee by the commission or if no such number has been  
14 assigned, the full name and street address of the treasurer  
15 of the committee.

16 (9) In a campaign statement filed by a committee  
17 supporting or opposing more than one candidate or measure,  
18 the amount of expenditures for or against each candidate or  
19 measure during the period covered by the campaign statement  
20 and the cumulative amount of expenditures for or against each  
21 such candidate or measure.

22 (10) The full name, residential and business addresses  
23 and telephone numbers of the filer or, in the case of a  
24 campaign statement filed by a committee, the name and  
25 telephone number of the committee and the committee's street  
26 address and telephone number.

27 (11) In a campaign statement filed by a candidate, the  
28 full name and street address of any committee, of which he  
29 has knowledge, which has received contributions or made  
30 expenditures on behalf of his candidacy, along with the full



1 name, street address and telephone number of the treasurer of  
2 such committee.

3 (b) The information required to be reported in section 5 (a)  
4 through (f) shall be reported on the front page of the campaign  
5 statement.

6 Section 7. Late contributions.

7 Each late contribution shall be reported by filing with the  
8 filing officer within 48 hours of its receipt the full name,  
9 street address, occupation, and the name of employer, if any, or  
10 the principal place of business is self-employed, of the  
11 contributor. Filing of a report of late contributions must be by  
12 telegram or mailgram. Late contributions shall be reported on  
13 subsequent campaign statements without regard to reports filed  
14 pursuant to this section.

15 Section 8. Records.

16 Each candidate and committee shall keep records of the name  
17 and address of each person from whom a contribution of \$20 or  
18 more has been received.

19 Section 9. Campaign statement schedule.

20 Each candidate and each independent committee supporting or  
21 opposing a candidate or candidates shall file campaign  
22 statements according to the following schedule:

23 (1) A campaign statement, the closing date of which  
24 shall be the 35th day prior to the primary, shall be filed no  
25 later than the 30th day prior to the primary.

26 (2) A campaign statement, the closing date of which  
27 shall be the 14th day prior to the primary, shall be filed no  
28 later than the 10th day prior to the primary.

29 (3) A campaign statement, the closing date of which  
30 shall be the 35th day prior to the special, general, or

runoff election, shall be filed by each candidate who has been nominated in the primary and by each committee supporting or opposing any candidate, or ballot question no later than the 30th day prior to the special, general, or runoff election.

(4) A campaign statement, the closing date of which shall be the 14th day prior to the special, general, or runoff election, shall be filed by each candidate who has been nominated in the primary and by each committee supporting or opposing any candidate, or ballot question, no later than the 10th day prior to the special, general or runoff election.

(5) A campaign statement, the closing date of which shall be the 31st day following the special, general, or runoff election, shall be filed by each candidate who has been nominated in the primary and by each committee supporting or opposing any candidate, or ballot question, no later than the 38th day following the special, general, or runoff election. Candidates who lose the primary, and independent committees supporting such candidates shall file closing campaign statements in accordance with this section.

#### Section 10. Time of filing.

(a) Not later than 35 days after a ballot measure has qualified for the ballot, each proponent shall file a campaign statement, the closing date of which shall be the 28th day following the qualification of the measure.

(b) If any proposed ballot measure does not qualify for the ballot, each proponent shall file a campaign statement within 35 days after the final deadline for circulating the petition, the closing date of which shall be the 28th day following the

1 deadline.

2 Section 11. Verification.

3 (a) A campaign statement filed by a committee shall be  
4 verified by the campaign treasurer. The verification shall state  
5 that the campaign treasurer has used all reasonable diligence in  
6 its preparation, and that to his knowledge it is true and  
7 complete.

8 (b) The candidate shall verify in writing under penalty of  
9 perjury that he has read his own campaign statement and the  
10 campaign statement of each committee subject to his control and  
11 that the statements are true and complete as far as his  
12 knowledge is concerned.

13 Section 12. Campaign statements; candidates.

14 (a) Campaign statements of candidates for Governor,  
15 Lieutenant Governor, Auditor General, Treasurer and judges or  
16 justices of courts having Statewide appellate jurisdiction, of  
17 committees supporting such candidates, of State central  
18 committees of political parties, and of committees supporting or  
19 opposing Statewide ballot questions: one original and one copy  
20 with the commission, one copy with the county clerk in each of  
21 the two most populous counties in the State.

22 (b) Campaign statements for candidates to the State  
23 Legislature, and of committees supporting such candidates: one  
24 original and one copy with the commission and one copy with the  
25 clerk of the county in which the candidate resides.

26 (c) Campaign statements of candidates and persons holding  
27 any elective office not mentioned above which is voted upon in  
28 more than one county, or committees supporting such candidates,  
29 and of committees supporting or opposing measures to be voted  
30 upon in more than one county but not Statewide: one original

1 with the county clerk of the most populous county.

2 (d) Campaign statements of candidates and persons holding  
3 office not mentioned above, or committees supporting such  
4 candidates, and of committees supporting or opposing measures to  
5 be voted upon in not more than one county: one original with the  
6 county clerk and, if the candidates or measures are to be voted  
7 upon within a single city, one copy with the clerk of that city.  
8 Section 13. Mailing of campaign statements.

9 When the campaign statement or copies thereof required to be  
10 filed with any officer or agency under the provisions of this  
11 act have been sent by first-class registered mail, addressed to  
12 such officer or agency, it shall be deemed to have been received  
13 by the officer or agency on the date of the deposit in the  
14 United States mail provided it is postmarked at least one day  
15 prior to the date it is due. It shall be presumed until the  
16 contrary is established that the date shown by the post office  
17 cancellation mark on the envelope containing the statement is  
18 the date it was deposited in the United States mail.

19 Section 14. Prohibitions.

20 (a) No contribution or expenditure of more than \$20 shall be  
21 made in cash. Any contribution of more than \$20, other than an  
22 in-kind contribution, shall be made by a written instrument  
23 containing the name of the donor and the name of the payee.

24 (b) No person shall make an anonymous contribution or  
25 contributions to a candidate, committee or any other person of  
26 more than \$20. An anonymous contribution of more than \$20 shall  
27 not be kept by the intended recipient but instead shall be  
28 promptly paid to the Secretary of State for deposit in the  
29 Campaign General Fund as established in section 27.

30 (c) No contribution shall be made, directly or indirectly,

1 by any person in a name other than the name by which such person  
2 is identified for legal purposes.

3 (d) No person shall make a contribution in the name of  
4 another person, and no person shall knowingly accept a  
5 contribution made by one person in the name of another person.

6 (e) No expenditure shall be made, other than overhead or  
7 normal operating expenses, by an agent or independent  
8 contractor, including but not limited to an advertising agency,  
9 on behalf of or for the benefit of any candidate or committee  
10 unless it is reported by the candidate or committee as if the  
11 expenditure were made directly by the candidate or committee.  
12 The agent or independent contractor shall make known to the  
13 candidate or committee all information required to be reported  
14 by this section.

15 Section 15. Public information.

16 (a) Campaign statements are to be open for public inspection  
17 and reproduction, commencing as soon as practicable, but not  
18 later than the second business day following the day on which  
19 they were received, during regular business hours and from 9  
20 A.M. to 5 P.M. on the Saturday and Sunday preceding a Statewide  
21 election.

22 (b) Copies of statements or parts of statements shall be  
23 provided by responsible officials at a charge not to exceed 10¢  
24 per page.

25 (c) Statements open to the public under this act shall not  
26 be copied or used for purposes of commercial or election  
27 campaign solicitation or harassment by a government agency or  
28 any other person.

29 (d) Campaign statements shall be preserved for a period of  
30 four years by the officers with whom they are filed.

(e) No fee or charge shall be collected by any officer for the filing of any campaign statement, or for the forms upon which statements are to be prepared.

#### Section 16. Duties of commission.

(a) The commission shall prescribe and supply appropriate forms required by section 15. Such forms shall require only the information required by this act. These forms shall be furnished through the city and county clerks to all candidates and committees, and to all other persons required to report.

(b) The commission shall prepare and publish one or more manuals explaining the duties of persons and committees under section 15.

#### Section 17. Joint duties of commission and county.

The commission and county clerks shall:

(1) Determine whether required statements and declarations have been filed with their respective offices and, if so, whether they conform on their face with the requirements of this act.

(2) Notify promptly all persons and committees who have failed to file a statement in the form and at the time required by this act.

#### Section 18. Secretary of State duties.

The Secretary of State shall forward within three days of their receipt to the clerk of the most populous county within his district a copy of the campaign statement of each person who is required to file by section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. §. 439(a)). These campaign statements shall be open for public inspection and reproduction.

#### Section 19. Limitation of total expenditures.

(a) The total expenditure per candidate in any election for

1 Statewide office shall not exceed 15¢ multiplied by the  
2 population of the Commonwealth based upon the last official  
3 Federal census report as determined and published by regulation  
4 from time to time by the commission.

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

11 (c) At the beginning of each calendar year (commencing in  
12 1974), as there becomes available necessary data from the Bureau  
13 of Labor Statistics of the United States Department of Labor,  
14 the Secretary of Revenue shall certify to the Secretary of the  
15 Commonwealth and publish in the Pennsylvania Bulletin the  
16 percentage difference between the price index for the 12 months  
17 preceding the beginning of such calendar year and the price  
18 index for the base period. Subsections (a) and (b) shall be  
19 increased by such percentage difference. Each amount so  
20 increased shall be the amount in effect for such calendar year.  
21 The term "price index" shall mean the average over a calendar  
22 year of the consumer price index (all items - United States city  
23 average) published monthly by the United States Bureau of Labor  
24 Statistics. The term "base period" shall mean the calendar year  
25 1974.

26 (d) Expenditures made by a candidate in connection with the  
27 solicitation of contributions by such candidate equal to but not  
28 more than 20% of the candidate's expenditure limit designated in  
29 subsections (a) and (b) shall not be considered as expenditures  
30 for the purposes of this section.

(e) For purposes of this section, an expenditure is deemed made on behalf of a candidate if it is made by:

(1) an authorized committee or any other agent of the candidate for the purposes of making any expenditure; or

(2) any person authorized or requested by the candidate or authorized committee of the candidate or an agent of the candidate, to make the expenditure.

#### Section 20. Limitations on independent expenditures.

(a) No person may make any expenditure (other than an expenditure made by or on behalf of a candidate within the meaning of section 19) relative to a clearly identified candidate, which, when added to all other expenditures by such person advocating the election or defeat of such candidate in a single election exceeds \$1,000 with respect to a candidate seeking Statewide elective office, or \$400 with respect to a candidate seeking a legislative office. For purposes of this subsection "clearly identified" means:

(1) the candidate's name appears;

(2) a photograph or drawing of the candidate appears; or

(3) the identity of the candidate is apparent by clear inference or unambiguous reference.

(b) No person shall incur any debt for goods, services, materials, facilities or anything of value in furtherance of or in opposition to the election to or nomination for office of any candidate, which, when paid, will make his expenditures exceed any limit imposed by this act.

(c) Notwithstanding section 21(a), the State central committees, finance committee, legislative committee, and all other subcommittees of a single political party may make contributions to a candidate for elective office or expenditures



1 to further his election in connection with any general or  
2 special election not to exceed in the aggregate 15% of the total  
3 amount which the candidate may spend under section 19. The  
4 committee must have the candidate's approval for expenditures to  
5 further his election, but these expenditures shall not be  
6 regarded as expenditures by the candidate for purposes of the  
7 limitations in section 19.

8 (d) Expenditures for central committee activities which do  
9 not support or oppose the election of any candidate or  
10 candidates by name, clear inference, or unambiguous reference  
11 shall not be regarded as expenditures on behalf of or in  
12 opposition to a candidate.

13 Section 21. Limitations on contributions.

14 (a) No person may make a contribution or contributions  
15 directly or indirectly aggregating more than:

16 (1) One thousand dollars in value to a candidate for  
17 nomination for or election to a Statewide elective office  
18 with respect to each primary or general election or special  
19 runoff election.

20 (2) Two hundred fifty dollars in value to a candidate  
21 for nomination for or election to the State Legislature with  
22 respect to each primary or general election or special runoff  
23 election.

24 (3) One thousand dollars in value to any single  
25 committee in a calendar year.

26 (4) Two thousand five hundred dollars in value in any  
27 calendar year, in the aggregate, to the State central  
28 committee, county central committee, finance committee,  
29 legislative committee and all other subcommittees of a single  
30 political party.

1 (b) A contribution shall be regarded as made to a candidate,  
2 person or party if it is made to a person who is authorized to  
3 receive contributions or is the designated agent of the  
4 candidate, person or party.

5 (c) Contributions to any person except directly to the  
6 candidate or his controlled committees may not be earmarked or  
7 designated in any manner, formally or informally, by the  
8 contributor, for a particular candidate or candidates.

9 (d) No person shall make contributions aggregating more than  
10 \$5,000 in value to all candidates and their controlled  
11 committees for nomination for or election to State elective  
12 office with respect to each primary, general, special, or runoff  
13 election. If a person pools contributions each worth \$50 or  
14 less, as described in subsection (e), that person may make  
15 contributions aggregating up to, but no more than \$10,000 in  
16 value to all candidates for nomination for or election to State  
17 elective office in each primary, general, special or runoff  
18 election. No person shall make contributions aggregating more  
19 than \$2,500 to all committees not subject to the direction or  
20 control of any candidates in a calendar year.

21 (e) Notwithstanding subsection (a), a person may make a  
22 pooled contribution or contributions as provided in subsection

23 (d) directly or indirectly aggregating up to:

24 (1) One thousand five hundred dollars in value to a  
25 candidate for nomination for or election to a Statewide  
26 office with respect to each primary or general election or  
27 special runoff election.

28 (2) Five hundred dollars in value to a candidate for  
29 nomination for or election to the State Legislature with  
30 respect to each primary, general election or special runoff

1 election.

2 (f) A candidate may use his funds and property and those of  
3 his immediate family not to exceed in the aggregate 5% of his  
4 permissible expenditures to further his nomination for Statewide  
5 elective office with respect to each primary, general or special  
6 runoff election. A candidate may use his own funds and property,  
7 and those of his immediate family not to exceed in the aggregate  
8 10% of his permissible expenditures to further his election to  
9 State legislative office with respect to each single primary,  
10 general or special runoff election.

11 (g) For purposes of this section, contributions by dependent  
12 children shall be deemed to be made by their parents.

13 (h) A person who transfers or promises to transfer anything  
14 of value to another person on the understanding or arrangement  
15 that the other person will make a contribution to a candidate  
16 shall be regarded as himself making the contribution to the  
17 candidate. The value of contributions other than money shall be  
18 their fair market value at the time they are received.

19 (i) Contributions and expenditures by a person controlled or  
20 acting in concert with another person shall be regarded as  
21 contributions and expenditures by the latter for purposes of  
22 this act including expenditures by any parent, subsidiary,  
23 division, committee, department, branch or local unit of a  
24 person.

25 Section 22. Public funding; primary.

26 (a) Eligible candidates for nomination for State elective  
27 office in primaries may obtain payment from public funds for  
28 qualified campaign expenditures. No candidate may obtain public  
29 funds until he has qualified as an eligible candidate by  
30 demonstrating substantial voter support for his candidacy

1 pursuant to subsection (b). Payments shall not exceed 50% of the  
2 expenditure limit designated in section 20 and shall be made  
3 only in accordance with the provisions of this act. No public  
4 funds shall be used except as payment for qualified campaign  
5 expenditures actually and lawfully incurred.

6 (b) Eligible candidates are candidates for nomination for  
7 State elective office who obtain and submit to the commission an  
8 amount of dollars in qualifying contributions equal to 5% of the  
9 candidate's designated spending limit with respect to a  
10 Statewide elective office, and 10% of the candidate's designated  
11 spending limit with respect to a legislative office.

12 (c) No public funds shall be made available to any candidate  
13 prior to January 1 of the election year in which he is a  
14 candidate, except in the case of a special election when funds  
15 shall be made available three months prior to the special  
16 election.

17 Section 23. Qualifying contributions; requirements.

18 To have a contribution counted as a qualifying contribution  
19 for purposes of this act, candidates must report the  
20 contribution to the commission with the full name and  
21 residential address of the contributor, the amount of the  
22 contribution, and a signed declaration by the contributor, under  
23 penalty of perjury plainly stated on a declaration form  
24 prescribed by the commission, that the contributor made the  
25 contribution, that the funds involved belonged to him, that they  
26 were not given to him by another person for purposes of making  
27 the contribution, and he neither received nor was promised  
28 anything of value for making the contribution. No contribution  
29 or part of a contribution from any person will be considered a  
30 qualifying contribution if it is more than \$50, with respect to

1 a legislative candidate, or \$250 with respect to a Statewide  
2 candidate.

3 For the purpose of this act, the terms qualifying  
4 contribution and matchable contribution mean a gift of money  
5 made by a written instrument which identifies the person making  
6 the contribution, but does not include a subscription, loan  
7 advance or deposit of money, or in kind contribution, or  
8 anything else of value.

9 Section 24. Status of contributions.

10 (a) The commission shall promptly check reported  
11 contributions to determine that, on their face, they meet the  
12 requirements for qualifying contributions and shall keep a  
13 record of such contributions.

14 (b) The commission shall promptly notify a candidate for  
15 nomination when he qualifies under this act to receive public  
16 funds for qualified campaign expenditures.

17 Section 25. Matching funds for primary.

18 Each eligible candidate for nomination for State elective  
19 office shall be entitled to payment equal to \$1 for each \$1 of  
20 matchable contributions obtained and submitted to the commission  
21 in accordance with this act provided aggregate of all such  
22 payments matching contributions and qualified contributions does  
23 not exceed the spending limitation designated in section 19(b).

24 Section 26. Public funding; general elections.

25 (a) Each major political party nominee for State elective  
26 office shall be entitled to payment equal to \$1 for each \$1 of  
27 matchable contributions obtained and of his spending limit  
28 designated in section 19(b). These contributions must be  
29 accompanied by complete information about the contributor,  
30 pursuant to section 6, and must comply with the restrictions of

1 section 21. An eligible candidate in a general election may  
2 elect not to accept any payment or partial payment of public  
3 funds and instead raise private contributions subject to the  
4 restrictions outlined in this subsection which when added to the  
5 portion of public payments he has received does not exceed the  
6 expenditure limit designated in section 19(b).

7 (b) Each new party nominee and each independent candidate  
8 for State elective office not eligible under subsection (a) but  
9 who receives more than 5% of the vote at the most recent primary  
10 is entitled to partial reimbursement of qualified campaign  
11 expenditures made during that election campaign. This  
12 reimbursement shall equal a percentage of the funds available to  
13 a nominee of a major political party seeking the same office.  
14 This percentage shall be the ratio of the number of popular  
15 votes the new party candidate or independent candidate received  
16 in the primary to the average number of votes the major  
17 political party nominees received in the same primary for the  
18 same office.

19 (c) Each minor political party nominee for State elective  
20 office or independent candidate who received 5% or more of the  
21 vote running for the same office in the last primary is entitled  
22 to payment of qualified campaign expenditures equal to a  
23 percentage of the funds provided for a nominee of a major  
24 political party seeking the same office. This percentage shall  
25 be twice the ratio as the number of popular votes the minor  
26 party received in the preceding primary to the average number of  
27 votes the major political party nominees received in the primary  
28 for the same office provided that at no time shall the maximum  
29 proportionate reimbursement under this section exceed the  
30 maximum proportionate reimbursement available to a major

1 political party nominee.

2 (d) Notwithstanding any provisions of this section any  
3 candidate listed on the ballot in the general election is  
4 entitled to 10¢ of public funds for each \$1 of matchable  
5 contributions submitted to the commission in accordance with  
6 this act up to 50% of the candidate's spending limit pursuant to  
7 section 19 provided that the candidate has obtained and  
8 submitted to the commission an amount of money in qualifying  
9 contributions equal to 5% of the candidate's designated spending  
10 limit with respect to a Statewide elective office and 10% of the  
11 candidate's designated spending limit with respect to a  
12 legislative office. Any candidate who chooses to receive any  
13 public funds under this subsection shall not be eligible to  
14 receive any public funds under subsections (a), (b) and (c).

15 (e) The commission shall be responsible for implementing  
16 these provisions.

17 Section 27. Campaign general fund.

18 (a) There is hereby established a voluntary State income tax  
19 check-off system to provide for a Fair Elections Campaign Fund  
20 for the payment of qualified campaign expenditures.

21 (b) Effective for the taxable years commencing January,  
22 1977, each individual whose State income tax liability for any  
23 taxable year is \$5 or more may designate up to \$5 to be paid  
24 into the Fair Elections Campaign Fund. In the case of a joint  
25 return of a husband and wife having an income tax liability of  
26 \$10 or more each spouse may designate up to \$5 to be paid into  
27 said fund.

28 (c) The tax check-off authorized in subsection (a) shall be  
29 clearly and unambiguously printed on the first page of the State  
30 income tax form.

1 (d) The commission shall determine prior to January 1 of  
2 each year whether it has enough money at that time to meet all  
3 possible maximum amounts payable. If not, then payments shall be  
4 initially made proportionately from the amount available.  
5 However, 30 days prior to election, if any money remains, the  
6 commission shall pay all previously submitted qualifying amounts  
7 proportionally, if adequate funds for full payment are not  
8 available, then, the remaining money shall be applied to the  
9 bills in order of receipt.

10 If at any time prior to 30 days before the election  
11 sufficient moneys have come into the fund so that there is  
12 enough to pay all possible maximum amounts, then the commission  
13 should proceed accordingly and disregard provisions herein for  
14 proportionate payments.

15 Section 28. Administration of campaign funds.

16 (a) A candidate and his controlled committees, and all  
17 political committees shall establish one campaign bank account  
18 for each primary, general or special election. All contributions  
19 and payments in money, checks and other negotiable instruments  
20 converted into money, received by such candidate or a person  
21 subject to his control or direction or such committee shall be  
22 deposited in the account. All campaign expenditures, except  
23 petty cash expenditures, shall be made from the account by an  
24 instrument in writing stating the name of the payee.

25 Expenditures from the account shall only be made with the  
26 approval of the candidate, the treasurer, or a person authorized  
27 by the candidate or treasurer. Payments from a candidate's  
28 campaign account shall only be made for lawful campaign  
29 expenditures. Accounts shall be closed within 90 days after each  
30 primary, general or special election. Any balance in the account



1 shall be deposited in the Campaign General Fund to the extent  
2 that the candidate has received payments from the Campaign  
3 General Fund. Payments received from the Campaign General Fund  
4 for expenditures in one election shall not be used for  
5 expenditures in a subsequent election. To the extent that  
6 private funds remain after payments from the Campaign General  
7 Fund have been repaid in full they may be used for campaign  
8 expenditures in a subsequent election for the same office, or  
9 contributed to a political party campaign committee, provided  
10 that any such expenditures shall be subject to all the  
11 restrictions in section 19.

12 (b) The commission shall adopt regulations for the  
13 withdrawal of funds from a campaign account for petty cash  
14 expenditures, but in no event may an expenditure from a petty  
15 cash fund exceed \$25. A record of petty cash disbursements shall  
16 be kept in accordance with regulations established by the  
17 commission.

18 (c) Upon receiving contributions submitted as matchable  
19 contributions, the commission shall certify the amount of  
20 verified matchable contributions to the State Treasurer.  
21 Section 29. Auditing.

22 (a) The commission shall make random field investigations  
23 and audits with respect to campaign statements filed with the  
24 commission under this act. The commission may also carry out  
25 audits of any campaign statements that it deems necessary to  
26 carry out the purposes of this act.

27 (b) In addition to the random audits designated in  
28 subsection (a), within 180 days after the general election, the  
29 commission shall make a full audit and examination of campaign  
30 receipts and expenditures of all candidates who receive public

1 funds under this act, including but not limited to their  
2 receipts and use of public funds. For purposes of this section,  
3 audits of primary candidates who are not nominated may be  
4 commenced at any time following the primary; audits of nominees  
5 shall not be initiated until after the general election.

6 (c) The commission may direct the Auditor General to assist  
7 in the auditing designated in this section as the commission  
8 decides is necessary to fulfill the purposes of this act. Any  
9 report of the Auditor General pursuant to this section shall be  
10 sent to the commission and the Attorney General not later than  
11 four months after the first date for beginning the audit. The  
12 report of the Auditor General and the report of the commission  
13 shall be public documents and shall contain their findings in  
14 detail with respect to the accuracy and completeness of each  
15 campaign statement. Prior to making any reports, the Auditor  
16 General shall permit any candidate or committee to correct  
17 within 10 days any errors in its campaign statement. Such  
18 correction shall be noted in the report and shall not limit any  
19 liability for any violation of this act. The Auditor General is  
20 prohibited from initiating any auditing responsibilities  
21 designated in this act as within the jurisdiction of the  
22 commission without the authorization of the commission.

23 Section 30. Fair Political Practices Commission.

24 There is established a Fair Political Practices Commission  
25 composed of seven members appointed by the Governor with the  
26 advice and consent of a majority of those members elected to the  
27 Senate. The deans of the law school within the Commonwealth of  
28 Pennsylvania shall each submit to the Governor a list of names  
29 of at least three individuals. The Governor shall appoint at  
30 least five members of this commission from these lists.

1 Section 31. Terms of members of commission.

2 Members of the commission shall serve for terms of five  
3 years, except that the terms of the initial members shall be as  
4 follows:

5 (1) two individuals shall serve for four years;

6 (2) two individuals shall serve for two years; and

7 (3) one member shall serve for one year, one member  
8 shall serve for three years, and one member shall serve for  
9 five years.

10 Section 32. Limitation on service.

11 No individual shall be appointed to serve more than ten years  
12 on the commission.

13 Section 33. Prohibited activities of commission members.

14 No individual, while a member or employee of the commission,  
15 shall:

16 (1) hold or campaign for any other public office;

17 (2) hold office in any political party or political  
18 committee;

19 (3) participate in or contribute to any political  
20 campaign of any candidate for State elective office; or

21 (4) directly or indirectly attempt to influence any  
22 decision by a State governmental body, other than as a  
23 representative of the commission on a matter within the  
24 jurisdiction of the commission.

25 Section 34. Senatorial authority.

26 The Senate, by a majority vote shall declare vacant the  
27 position on the commission of any member who takes part in  
28 activities prohibited by section 33(4). An individual appointed  
29 to fill a vacancy occurring other than by the expiration of a  
30 term of office shall be appointed for the unexpired term of the

1 member he succeeds, and is eligible for appointment to one full  
2 five-year term thereafter. Any vacancy occurring on the  
3 commission shall be filled within 30 days in the manner in which  
4 that position was originally filled.

5 Section 35. Election of officers.

6 The commission shall elect a chairman and a vice-chairman.  
7 The vice-chairman shall act as chairman in the absence of the  
8 chairman or in the event of a vacancy in that position.

9 Section 36. Quorum.

10 Four members of the commission shall constitute a quorum and  
11 the votes of a majority of the members present is required for  
12 any action or recommendation of the commission. The chairman or  
13 any four members of the commission may call a meeting provided  
14 that advance written notice is mailed to each member and to any  
15 person who requests notice of such meetings.

16 Section 37. Compensation.

17 Members of the commission shall be compensated at a rate of  
18 \$100 per day and shall receive reimbursement for their actual  
19 and necessary expenses while performing the business of the  
20 commission.

21 Section 38. Staff and personnel.

22 The commission shall employ an executive director, a general  
23 counsel, and such other staff as are necessary to carry out its  
24 duties pursuant to this act. The executive director and general  
25 counsel serve at the pleasure of the commission. The executive  
26 director shall be responsible for the administrative operations  
27 of the commission and shall perform such other duties as may be  
28 delegated or assigned to him by the commission, except that the  
29 commission shall not delegate the making of regulations to the  
30 executive director. The general counsel shall be the chief legal

1 officer of the commission. The commission may obtain the  
2 services of experts and consultants as necessary to carry out  
3 its duties pursuant to this act. The comptroller, the Auditor  
4 General and the Attorney General shall make available to the  
5 commission such personnel, facilities, and other assistance as  
6 the commission may request.

7 Section 39. Additional duties of the commission.

8 In addition to other duties prescribed by law, the commission  
9 shall:

10 (1) Prescribe and publish, after notice and opportunity  
11 for public comment, rules and regulations to carry out the  
12 provisions of this act.

13 (2) Prescribe forms for statements and reports required  
14 to be filed by this act and furnish such forms to persons  
15 required to file such statements and reports.

16 (3) Prepare and publish a manual setting forth  
17 recommended uniform methods of accounting and reporting for  
18 use by persons required to file statements and reports by  
19 this act.

20 (4) Accept and file any information voluntarily supplied  
21 that exceeds the requirements of this act.

22 (5) Make statements and reports filed with the  
23 commission available for public inspection and copying during  
24 regular office hours and make copying facilities available  
25 free of charge or at a charge of not more than 10¢ per page.

26 (6) Compile and maintain an index of all reports and  
27 statements filed with the commission to facilitate public  
28 access to such reports and statements.

29 (7) Audit, as required by section 29, statements and  
30 reports filed with the commission.

1           (8) Preserve statements and reports filed with the  
2           commission for a period of four years from date of receipt.

3           (9) Issue, upon request, and publish advisory opinions  
4           on the requirements of this act; any opinion rendered by the  
5           commission, until amended or revoked, shall be binding on the  
6           commission in any subsequent charges concerning the person  
7           who requested the opinion and who acted in reliance on it in  
8           good faith, unless material facts were omitted or misstated  
9           by the person in the request for the opinion.

10          (10) Act as a primary civil and criminal enforcement  
11          agency for violations of the provisions of this act.

12          (11) Prepare and publish from time to time special  
13          reports listing those candidates for whom reports were filed  
14          as required by this act and those candidates for whom such  
15          reports were not filed as required.

16          (12) Prepare and publish, prior to June 1 of each year,  
17          an annual report summarizing the activities of the  
18          commission.

19   Section 40. Investigation upon complaint; prosecution and  
20                   penalties.

21          (a) Upon a complaint signed under penalty of perjury by any  
22          person or upon its own motion, the commission shall investigate  
23          any alleged violation of this act. All commission proceedings  
24          and records relating to preliminary investigation shall be  
25          confidential until a final determination is made by the  
26          commission unless the person alleged to be in violation of this  
27          act requests that the proceedings be public. The executive  
28          director shall notify any person under investigation by the  
29          commission of the investigation and of the nature of the alleged  
30          violation within five days of the commencement of the

1 investigation. Within 15 days of the filing of a sworn complaint  
2 by a person alleging a violation, and every 30 days thereafter  
3 until the matter is terminated, the executive director shall  
4 notify the complainant of the action taken to date by the  
5 commission together with the reasons for such action or  
6 nonaction.

7 (b) If a preliminary investigation fails to indicate  
8 probable cause for belief that this act has been violated, the  
9 commission shall terminate the investigation and so notify the  
10 complainant and the person who had been under investigation.

11 (c) If the preliminary investigation indicates probable  
12 cause for belief that this act has been violated, the commission  
13 shall initiate appropriate proceedings to determine whether  
14 there has in fact been a violation of this act. All proceedings  
15 of the commission pursuant to this subsection shall be by closed  
16 session attended only by those persons necessary to the  
17 investigation of the alleged violation, unless the person  
18 alleged to be in violation of this act requests an open session.  
19 The commission shall have the powers possessed by the courts of  
20 this State to issue subpoenas and cause them to be served and  
21 enforced. All testimony shall be under oath which shall be  
22 administered by a member of the commission. Any person who  
23 appears before the commission shall have all of the due process  
24 rights, privileges, and responsibilities of a witness appearing  
25 before the courts of this State. All witnesses summoned before  
26 the commission shall receive reimbursement as paid in like  
27 circumstances in the courts of this State. Any person whose name  
28 is mentioned during a proceeding of the commission and who may  
29 be adversely affected thereby shall be notified and may appear  
30 personally before the commission on his own behalf or file a

1 written statement for incorporation into the record of the  
2 proceeding. The commission shall cause a record to be made of  
3 all proceedings pursuant to this subsection. At the conclusion  
4 of proceedings concerning an alleged violation, the commission  
5 shall immediately begin deliberations on the evidence and then  
6 proceed to determine by majority vote of the members present  
7 whether there has been a violation of this act. The findings of  
8 the commission concerning a violation and the record of the  
9 proceedings shall be made public by the commission as soon as  
10 practicable after the determination has been made.

11 (d) The commission, upon a finding pursuant to this section  
12 that there has been a violation of this act, may begin civil or  
13 criminal prosecution for the imposition of civil or criminal  
14 penalties provided by this act or may issue an order requiring  
15 the violator to:

16 (1) cease and desist violation of this act;

17 (2) file any report, statement, or other information as  
18 required by this act; or

19 (3) pay a civil penalty of not more than \$1,000 for each  
20 violation of this act.

21 Section 41. Appeal to courts.

22 Any action by the commission made pursuant to this act shall  
23 be subject to appeal to a court of competent jurisdiction upon  
24 the petition of any interested person filed within 30 days after  
25 the action for which appeal is sought. The court shall enter a  
26 judgment enforcing, modifying, or setting aside the order of the  
27 commission or it may remand the proceedings to the commission  
28 for such further action as it may direct.

29 Section 42. Sanctions.

30 (a) The Attorney General and the commission have concurrent



1 jurisdiction to enforce the criminal provisions of this act. The  
2 district attorney of any county in which a violation occurs has  
3 concurrent powers and responsibilities with the Attorney General  
4 and the commission.

5 (b) It is unlawful for any person who receives any payment  
6 under this act, or to whom any portion of any such payment is  
7 transferred, knowingly and willfully to use, or authorize the  
8 use of, such payment or such portion for any purpose other than  
9 for qualified campaign expenses.

10 (c) It is unlawful for any person knowingly and willfully to  
11 furnish any false, fictitious or fraudulent evidence, books or  
12 information to the commission, relevant to a certification by  
13 the commission for eligibility for public funds or the obtaining  
14 or use of public funds.

15 (d) It is unlawful for any person knowingly and willfully to  
16 give or accept any kickback or any illegal payment in connection  
17 with any qualified campaign expense of a candidate, or his  
18 controlled committees, who receives payment under this act.

19 (e) Anyone found in violation of subsection (b), (c) or (d)  
20 shall be fined not more than \$10,000 or imprisoned for not more  
21 than five years, or both.

22 (f) Any person who knowingly and willfully violates any  
23 other provisions of this act shall be fined not more than  
24 \$10,000 or three times the amount the person failed to properly  
25 report, contribute, expend or otherwise use, or imprisoned for  
26 not more than two years, or subject to a civil penalty of at  
27 least \$500 for each violation or up to three times the amount  
28 involved in the violation, whichever is greater.

29 (g) No person convicted knowingly or willfully of a  
30 violation of subsections (b) through (f) shall be eligible to

1 have his name listed on the ballot or to have write-in votes  
2 counted on his behalf for a period of four years following the  
3 date of conviction, unless the court at the time of sentencing  
4 determines specifically that this provision shall not be  
5 applicable. A plea of nolo contendere shall be deemed a  
6 conviction for purposes of this section.

7 (h) Prosecution for violation of this act must be commenced  
8 within five years after the date on which the violation  
9 occurred.

10 (i) Any resident before filing a civil action under this act  
11 must exhaust the administrative remedies provided by this act.  
12 Any resident after exhausting his administrative remedies, or if  
13 it is futile to do so, may bring a civil action to compel the  
14 commission to fulfill its responsibilities under this act, or  
15 may bring a civil action against any persons to compel their  
16 compliance with the provisions of this act.

17 (j) The court may award to a plaintiff or defendant other  
18 than a public agency or an official maintaining an action in his  
19 official capacity, who prevails in a civil action under  
20 subsection (i) the reasonable costs of litigation, including  
21 reasonable attorney's fees, against an opposing party, if the  
22 court determines that the opposing party's claim was brought  
23 without reasonable cause.

24 Section 43. Late filing penalties.

25 If any person files a campaign statement after any deadline  
26 imposed by this act he shall, in addition to any other penalties  
27 or remedies established by this act, be liable in the amount of  
28 no more than \$10 per day after the deadline until the statement  
29 is filed. Any funds received under this section shall be  
30 deposited in the Campaign General Fund.

1 Section 44. Reimbursement.

2 Candidates and other persons responsible for procuring a  
3 primary candidacy in violation of this act shall repay to the  
4 Campaign General Fund any amount received by the candidate from  
5 the Campaign General Fund as a result of the violation.

6 Section 45. Effective date.

7 This act shall take effect immediately.