

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 352 Session of  
1997

INTRODUCED BY RHOADES, HECKLER, BRIGHTBILL, KUKOVICH, MOWERY,  
WOZNIAK AND KASUNIC, FEBRUARY 5, 1997

REFERRED TO STATE GOVERNMENT, FEBRUARY 5, 1997

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," limiting certain campaign contributions; further  
12 regulating political committees and political action  
13 committees; and further providing for expenditures and  
14 reports.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Section 1622 of the act of June 3, 1937  
18 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
19 amended or added October 4, 1978 (P.L.893, No.171) and July 11,  
20 1980 (P.L.591, No.127), is amended to read:

21 Section 1622. Organization of Political Committees;  
22 Treasurer and Assistant Treasurer; Records of Candidate and  
23 Committees.--

1       (a) Only one (1) candidate's political committee may be  
2 formed on behalf of a specified candidate and authorized by that  
3 candidate to receive and disburse funds on behalf of his  
4 candidacy. The staff of the candidate's political committee so  
5 formed shall not be shared with any other candidate's political  
6 committee, nor shall it share its staff with or utilize the  
7 staff of any political action committee.

8       (a.1) Every political committee shall have a treasurer and a  
9 chairman. No contribution shall be received nor shall any  
10 expenditure be made when there is a vacancy in either one of  
11 these offices. All money received and disbursed by a political  
12 committee must be done through the treasurer of the committee.

13       (b) [Every candidate who authorizes a committee or  
14 committees, to receive and disburse funds on behalf of this  
15 candidacy, shall name a sole treasurer, irrespective of the  
16 number of committees so authorized, to receive and disburse all  
17 funds for said committees.] Nothing herein shall be construed to  
18 prohibit a candidate from receiving or expending moneys on his  
19 behalf or a treasurer of a political party committee or a  
20 committee authorized to receive and distribute funds on behalf  
21 of more than one (1) candidate from receiving or expending  
22 moneys on behalf of said candidates, notwithstanding the  
23 appointment of a sole treasurer. A sole treasurer may delegate  
24 authority, in writing, to any number of assistant treasurers to  
25 receive and disburse moneys collected on behalf of a candidate  
26 for election. Nothing in this section shall prohibit authorized  
27 individuals from selling tickets or soliciting funds when funds  
28 are deposited in the campaign account of the candidate.

29       (c) Each candidate and committee shall keep records of the  
30 names and addresses of each person from whom a contribution of

1 over ten dollars (\$10) has been received and a record of all  
2 other information required to be reported pursuant to this act.  
3 All such records shall be retained by the candidate or treasurer  
4 for a period of three (3) years after such information is  
5 reported as required by this act.

6 (d) Any person receiving any contribution on behalf of a  
7 political committee or candidate shall turn such contributions  
8 over to the treasurer of that committee or the candidate within  
9 ten (10) days of its receipt.

10 Section 2. The act is amended by adding sections to read:

11 Section 1625.1. Political Action Committees.--

12 (a) Any political action committee which has given a  
13 contribution or pledge, regardless of amount, to any candidate  
14 shall be subject to the same registration and reporting  
15 provisions as are political committees.

16 (b) The registration statement required by section 1624  
17 shall be filed by a political action committee which has given a  
18 contribution or pledge, regardless of amount, to any candidate.

19 (c) Upon registration, each political action committee shall  
20 be assigned a registration number and shall enter that number,  
21 together with the full name of the political action committee  
22 and any acronym it may use, on all subsequent reports.

23 (d) The registration form for a political action committee  
24 shall include a clear and precise statement by the political  
25 action committee of the interests it represents, together with  
26 the names, addresses and relationships of other affiliated or  
27 connected organizations.

28 (e) Any given organization, together with its affiliated or  
29 connected organizations, shall be limited to one (1) political  
30 action committee.

1     (f) One (1) political action committee shall not share a  
2     staff with another political action committee, nor shall any  
3     person be an officer of more than one (1) political action  
4     committee.

5     Section 1625.2. Limitations on Contributions.--

6     (a) No person shall make contributions to any candidate for  
7     a Statewide office or to his authorized political committee with  
8     respect to any election which, in the aggregate, exceed one  
9     thousand dollars (\$1,000).

10    (b) No person shall make contributions to any candidate for  
11    an office other than a Statewide office or to his authorized  
12    political committee with respect to any election which, in the  
13    aggregate, exceed five hundred dollars (\$500).

14    (c) Contributions by a candidate and his spouse for his own  
15    candidacy shall not be subject to the limitations set forth in  
16    subsections (a) and (b).

17    (d) No political action committee shall make contributions  
18    to any candidate for a Statewide office or to his authorized  
19    political committee with respect to any election which, in the  
20    aggregate, exceed five thousand dollars (\$5,000).

21    (e) No political action committee shall make contributions  
22    to any candidate for an office other than a Statewide office or  
23    to his authorized political committee with respect to any  
24    election which, in the aggregate, exceed one thousand dollars  
25    (\$1,000).

26    (f) A gift, subscription, loan, advance or deposit of money  
27    or anything of value to a candidate shall be considered a  
28    contribution both by the original source of the contribution and  
29    by any intermediary or conduit if the intermediary or conduit:

30    (1) exercises any control or any direction over the making

1 of the contribution; or

2 (2) solicits the contribution or arranges for the  
3 contribution to be made and directly or indirectly makes the  
4 candidate aware of such intermediary's or conduit's role in  
5 soliciting or arranging the contribution for such candidate.

6 (g) For purposes of subsection (f), a contribution shall not  
7 be considered to be a contribution by an intermediary or conduit  
8 to the candidate if:

9 (1) the intermediary or conduit has been retained by the  
10 candidate's committee for the purpose of fundraising and is  
11 reimbursed for expenses incurred in soliciting contributions;

12 (2) in the case of an individual, the candidate has  
13 expressly authorized the intermediary or conduit to engage in  
14 fundraising or the individual occupies a significant position  
15 within the candidate's campaign organization; or

16 (3) in the case of a political committee, the intermediary  
17 or conduit is an authorized committee of the candidate.

18 Section 3. Section 1633(a) of the act, amended November 26,  
19 1978 (P.L.1313, No.318), is amended to read:

20 Section 1633. Contributions or Expenditures by National  
21 Banks, Partnerships, Corporations or Unincorporated  
22 Associations.--

23 (a) It is unlawful for any National or State bank,  
24 partnership or any corporation, incorporated under the laws of  
25 this or any other state or any foreign country or any  
26 unincorporated association, except those corporations formed  
27 primarily for political purposes or as a political committee, to  
28 make a contribution or expenditure in connection with the  
29 election of any candidate or for any political purpose whatever  
30 except in connection with any question to be voted on by the

1 electors of this Commonwealth. Furthermore, it shall be unlawful  
2 for any candidate, political committee, or other person to  
3 knowingly accept or receive any contribution prohibited by this  
4 section, or for any partner or any officer or any director of  
5 any corporation, bank, partnership or any unincorporated  
6 association to consent to any contribution or expenditure by the  
7 corporation, bank or unincorporated association, as the case may  
8 be, prohibited by this section.

9 \* \* \*

10 Section 4. Section 1843 of the act, amended October 4, 1978  
11 (P.L.893, No.171) and November 26, 1978 (P.L.1313, No.318), is  
12 amended to read:

13 Section 1843. Contributions by Corporations, Partnerships or  
14 Unincorporated Associations.--Any corporation, partnership or  
15 unincorporated association, which shall pay, give or lend or  
16 agree to pay, give or lend any money belonging to such  
17 corporation, partnership or unincorporated association or in its  
18 custody or control, in violation of the provisions of section  
19 1633, shall be guilty of a misdemeanor, and, upon conviction  
20 thereof, shall be sentenced to pay a fine of not less than one  
21 thousand dollars (\$1,000) nor more than ten thousand dollars  
22 (\$10,000). Any director, officer, partner, agent or employe of  
23 any corporation, partnership or unincorporated association who  
24 shall on behalf of such corporation, partnership or  
25 unincorporated association pay, give or lend or authorize to be  
26 paid, given or lent any money belonging to such corporation,  
27 partnership or unincorporated association or in its custody or  
28 control in violation of the provisions of section 1633, shall be  
29 guilty of a misdemeanor, and, upon conviction thereof, shall be  
30 sentenced to pay a fine not exceeding ten thousand dollars

1 (\$10,000), or to undergo an imprisonment of not less than one  
2 (1) month nor more than two (2) years, or both, in the  
3 discretion of the court.

4 Section 5. This act shall take effect January 1, 1998.