

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1620 Session of
1999

INTRODUCED BY LEVDANSKY, MASLAND, DeWEESE, VITALI, BATTISTO,
FREEMAN, CURRY, TRELLO, HANNA, MARKOSEK, GRUCELA, RUFFING,
MELIO, SCRIMENTI, TIGUE, LAUGHLIN, MICHLOVIC, M. COHEN,
STEELMAN, STURLA, RAMOS, VAN HORNE, TANGRETTI, KAISER,
JOSEPHS, GORDNER, EACHUS, DALEY AND WILLIAMS, JUNE 9, 1999

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 9, 1999

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," providing for definitions; creating the
12 Pennsylvania State Board of Elections and defining its powers
13 and duties; providing for a fair campaign code, for
14 regulations at polling places, for independent expenditures,
15 for political action committees and affiliated committees,
16 for in-kind contributions, for committee organizations, for
17 reporting by candidates and political committees, for
18 quarterly reports, for contribution limitations and
19 independent expenditures, for partnership contributions and
20 for powers and duties; creating the Pennsylvania Fair
21 Campaign Fund and its administration; providing for funding
22 limitations and use and for transfers; making an
23 appropriation; and making repeals.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 102 of the act of June 3, 1937 (P.L.1333,
27 No.320), known as the Pennsylvania Election Code, is amended by

1 adding a clause to read:

2 Section 102. Definitions.--The following words, when used in
3 this act, shall have the following meanings, unless otherwise
4 clearly apparent from the context:

5 * * *

6 (z.5) The words "State board" or "State board of elections"
7 shall mean the Pennsylvania State Board of Elections.

8 Section 2. Sections 201, 201.1, 202 and 203 of the act are
9 repealed.

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

11 Section 201. The Pennsylvania State Board of Elections.--(a)
12 The Pennsylvania State board of elections is hereby established
13 as an independent board within the executive branch of the
14 Commonwealth. The State board of elections shall consist of six
15 members appointed by the Governor with the advice and consent of
16 two-thirds of all members of the Senate. No more than three
17 members of the State board appointed under this subsection may
18 be affiliated with the same political party. No two members
19 shall reside in the same county.

20 (b) Members of the State board of elections shall serve for
21 a term of six years except that of the members first appointed
22 (i) two of the members not affiliated with the same political
23 party shall be appointed for terms of two years; (ii) two of the
24 members not affiliated with the same political party shall be
25 appointed for four-year terms; and (iii) two of the members not
26 affiliated with the same political party shall be appointed for
27 six-year terms.

28 (c) No member shall be appointed to more than one full six-
29 year term; Provided, however, That a member of the State board
30 of elections may serve until his successor has been appointed

1 and qualified.

2 (d) Members shall be chosen on the basis of their maturity,
3 experience, integrity, impartiality and good judgment and shall
4 be chosen from among individuals, who, at the time of their
5 appointment, are not elected or appointed officers or employees
6 in the executive, legislative or judicial branch of the
7 government of the Commonwealth of Pennsylvania or any of its
8 political subdivisions. Each person appointed as a member of the
9 State board of elections shall be a citizen and legal resident
10 of the Commonwealth for a period of not less than one year.

11 (e) No individual, while a member or employee of the State
12 board shall:

13 (1) Hold public office or campaign for any public office.

14 (2) Hold office in any political party or political
15 committee.

16 (3) Actively participate in any political campaign.

17 (4) Directly or indirectly attempt to influence any decision
18 by a governmental body, other than a court of law, or as a
19 representative of the State board on a matter within the
20 jurisdiction of the State board.

21 (5) Be employed by the Commonwealth in any other capacity
22 whether or not for compensation.

23 (f) A majority of the State board by resolution, shall
24 declare vacant the position on the State board of any member who
25 takes part in activities prohibited by subsection (e). An
26 individual appointed to fill a vacancy occurring other than by
27 the expiration of a term of office shall be appointed for the
28 unexpired term of the member he succeeds and is eligible for
29 appointment to one full six-year term thereafter.

30 (g) The State board shall elect a chairman and a vice

1 chairman from among its members for a term of one year. No
2 member may serve as chairman more often than once during any
3 term of office to which he is appointed. The chairman and the
4 vice chairman shall not be affiliated with the same political
5 party. The vice chairman shall act as chairman in the absence or
6 disability of the chairman or in the event of a vacancy in such
7 office.

8 (h) The State board shall meet at least once a month and at
9 such other times as it deems necessary.

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

16 (j) Members of the State board shall be compensated at a
17 rate of seventeen thousand five hundred dollars (\$17,500) per
18 year and shall receive reimbursement for their actual and
19 necessary expenses while performing the business of the State
20 board of elections.

21 (k) The State board shall employ an executive director, a
22 general counsel and such other staff as is necessary to carry
23 out its duties pursuant to this act. The executive director
24 shall be responsible for the administrative operations of the
25 State board of elections and shall perform such other duties as
26 may be delegated or assigned to him by the members of the State
27 board, except the State board shall not delegate the making of
28 regulations to the executive director. A general counsel shall
29 be the chief legal officer of the State board and shall have the
30 same powers and duties as prescribed in Chapter 4 of the act of

1 October 15, 1980 (P.L.950, No.164), known as the "Commonwealth
2 Attorneys Act." The State board of elections may obtain the
3 services of experts and consultants as necessary to carry out
4 its duties pursuant to this act.

5 Section 202. Powers and Duties of the Pennsylvania State
6 Election Board.--The Pennsylvania State Election Board shall
7 exercise in the manner provided by this act all powers granted
8 to it by this act, and shall perform all the duties imposed upon
9 it by this act, which shall include the following:

10 (1) The State board of elections shall assume all the powers
11 and duties which this act, or any other act, imposes upon the
12 Secretary of the Commonwealth or the Department of State
13 relating to the conduct of elections and voter registration. The
14 Secretary of the Commonwealth shall, however, retain those
15 responsibilities placed on the office by Article XI of the
16 Constitution of Pennsylvania.

17 (2) To issue instructions and promulgate rules and
18 regulations relating to the administration of the election
19 process, election campaign practices and campaign financing
20 practices consistent with the provisions of law.

21 (3) To determine the forms of nomination petitions and
22 papers, expense accounts and all other forms and records, in
23 accordance with this act.

24 (4) To examine and reexamine voting machines and electronic
25 voting systems, and to approve or disapprove them for use in
26 this Commonwealth, in accordance with the provisions of this
27 act.

28 (5) To receive and determine, as hereinafter provided, the
29 sufficiency of nomination petitions, certificates and papers of
30 candidates for President of the United States, presidential

1 electors, United States senators, representatives in Congress
2 and all State offices, including senators, representatives and
3 judges of all courts of record, and delegates and alternate
4 delegates to National Conventions and members of State
5 committees.

6 (6) To certify to county boards of elections for primaries
7 and elections the names of the candidates for President and
8 Vice-President of the United States, presidential electors,
9 United States senators, representatives in Congress and all
10 State offices, including senators, representatives, and judges
11 of all courts of record, and delegates and alternate delegates
12 to National Conventions, and members of State committees, and
13 the form and wording of constitutional amendments or other
14 questions to be submitted to the electors of the State at large.

15 (7) To receive such reports from county boards of elections
16 as are required by this act, and to demand such additional
17 reports on special matters as it may deem necessary.

18 (8) To receive from county boards of elections the returns
19 of primaries and elections, to canvass and compute the votes
20 cast for candidates and upon questions as required by the
21 provisions of this act; to proclaim the results of such
22 primaries and elections, and to issue certificates of election
23 to the successful candidates at such elections, except in cases
24 where that duty is imposed by law on another officer or board.

25 (9) To serve as the State clearing house for information in
26 respect to the administration of elections and pursuant to that
27 duty, the State board shall enter into contracts for the purpose
28 of conducting independent studies of the administration of
29 elections. Studies made under this paragraph shall be published
30 by the State board and copies made available to the General

1 Assembly and to the general public upon payment of the cost of
2 duplication. Nothing in this paragraph shall be construed to
3 authorize the State board to include comments or recommendations
4 in any study. If the need arises for any comment or
5 recommendations, they shall be included as an appendix to such
6 study.

7 (10) To visit county boards of elections, examine their
8 procedures and records and direct that any such procedures be
9 modified in any manner consistent with the provisions of this
10 act.

11 (11) To conduct any investigation necessary to carryout the
12 provisions of this act.

13 (12) To conduct private or public hearings.

14 (13) To administer oaths or affirmations, subpoena
15 witnesses, compel their attendance, examine them under oath or
16 affirmation and require the production of any books, records,
17 documents or other evidence it may deem relevant or material.

18 (14) To seek immunity in accordance with the provisions of
19 42 Pa.C.S. § 5946 (relating to competency of certain witnesses
20 where political subdivision is a party), in any investigation
21 relating to any crime or offense with respect to which, by
22 express provisions of statute, a competent authority is
23 authorized to confer immunity; Provided, however, That such
24 immunity shall be conferred only after the Attorney General and
25 appropriate district attorney are afforded the opportunity to be
26 heard respecting any objections which either may have to the
27 conferring thereof; and provided, further, that if either the
28 Attorney General or any such appropriate district attorney shall
29 object to the conferring of immunity, immunity may be conferred
30 only by unanimous vote of all six members of the State board.

1 (15) To institute or direct a county board of elections to
2 institute such judicial proceedings as may be necessary to
3 enforce compliance with any provision of this act or any
4 regulation promulgated thereunder including, but not limited to,
5 application, on notice served upon the respondent in the manner
6 directed by the court at least six hours prior to the time of
7 return thereon, to the court of common pleas, for an order
8 prohibiting the continued or threatened violation thereof of for
9 such other or further relief as the court may deem just and
10 proper.

11 (16) To develop an electronic reporting system to process
12 the statements of campaign receipts, contributions, transfers
13 and expenditures required to be filed with the State board of
14 elections pursuant to the provisions of this act.

15 (17) To establish a training program on the electronic
16 reporting system required in subsection 16 and make it available
17 to any candidate or committee.

18 (18) To recommend legislation and administrative measures as
19 it finds appropriate to promote fair, honest and efficiently
20 administered elections.

21 (19) To monitor the adequacy and effectiveness of the
22 election laws and report thereon at least annually to the
23 Governor and the General Assembly.

24 (20) To compile the information required with respect to the
25 operation of the National Voter Registration Act of 1993 (Public
26 Law 103-31, 42 U.S.C. § 1973gg et Seq.) and the act of June 30,
27 1995 (P.L.170, No.25), known as the "Pennsylvania Voter
28 Registration Act," and report the information annually to the
29 Governor, the General Assembly and the Federal Election
30 Commission together with an assessment of the operation of such

1 acts and any recommendations for change and improvements in
2 compliance.

3 (21) To take all appropriate steps to encourage the broadest
4 possible voter participation in elections including the
5 administration of a program of voter registration form
6 distribution by participating State agencies as prescribed by
7 the "Pennsylvania Voter Registration Act."

8 (22) To provide written advice to any person upon his
9 request with respect to such person's duties under this act.
10 Such advice shall be provided within five working days of the
11 request, provided the time may be extended for good cause. It
12 shall be evidence of good faith conduct in any civil or criminal
13 proceeding, if the requester, at least five working days prior
14 to the alleged violation requested written advice from the State
15 board in good faith, disclosed truthfully all the material facts
16 and committed the acts either in reliance of the advice or
17 because of the failure of the State board to provide advice
18 within five days of the requests or such later extended time.

19 (23) To perform such duties as may be prescribed by law.

20 Section 203. Explanation of Ballot Question.--Whenever a
21 proposed constitutional amendment or other State-wide ballot
22 question shall be submitted to the electors of the Commonwealth
23 in referendum, the State board shall prepare a statement in
24 plain English which indicates the purpose, limitations and
25 effects of the ballot question on the people of the
26 Commonwealth. The State board of elections shall certify the
27 statement to the Secretary of the Commonwealth who shall include
28 it in his publication of a proposed constitutional amendment as
29 required by Article XI of the Constitution of Pennsylvania. The
30 State board shall certify such statement to the county boards of

1 elections who shall publish such statement as a part of the
2 notice of elections required by section 1201 or any other
3 provision of this act. The county board of elections shall also
4 require that at least three copies of such statement be posted
5 in or about the voting room outside the enclosed space with the
6 specimen ballots and other instructions and notices of
7 penalties. In election questions which affect only one county or
8 portion thereof, the county board of elections shall fulfill
9 these requirements in the place of the Attorney General and the
10 Secretary of the Commonwealth.

11 Section 204. Records and Documents to be Open to Public
12 Inspection.--The records of the State board of elections and all
13 returns, nomination petitions, certificates and papers, other
14 petitions, accounts, contracts, reports and other documents and
15 records in his custody shall be open to public inspection, and
16 may be inspected and copied by any qualified elector of the
17 State during ordinary business hours at any time when they are
18 not necessarily being used by the State board, or its Executive
19 Director or one of his authorized employes, and shall be subject
20 to proper regulation for safekeeping of the records and
21 documents, and subject to the further provisions of this act.

22 Section 205. Preservation of Records.--All documents and
23 records in the office of the State board of elections shall be
24 preserved therein for a period of five years, unless otherwise
25 provided in this act.

26 Section 206. State Board of Elections; Enforcement Powers.--
27 (a) The State board of elections shall have jurisdiction of,
28 and be responsible for, the execution and enforcement of the
29 provisions of Articles XVI and XVI-A of this act and other
30 statutes governing campaigns, elections and related procedures.

1 (b) Whenever the State board of elections or other board of
2 elections shall determine, on its own initiative or upon
3 complaint, or otherwise, that there is substantial reason to
4 believe a violation of this act or regulation promulgated
5 thereunder has occurred, it shall expeditiously make an
6 investigation which may include investigation of reports and
7 statements made or failed to be made by the complainant and any
8 political committee supporting his candidacy if the complainant
9 is a candidate or, if the complaint was made by an officer or
10 member of a political committee, of reports and statements made
11 or failed to be made by such political committee and any
12 candidates supported by it. A county board of elections shall
13 have jurisdiction over campaign expense reports or statements
14 filed in its office; Provided however, That the State board of
15 elections, in lieu of making such an investigation, may direct
16 the appropriate county board of elections to conduct an
17 investigation. The State board of elections may request, and
18 shall receive, the assistance of the Pennsylvania State Police
19 in any investigation it shall conduct.

20 (c) If, after an investigation, the State board of elections
21 or county board of elections finds reasonable grounds to believe
22 that a violation warranting criminal prosecution has taken
23 place, it shall forthwith refer the matter to the proper law
24 enforcement officer in accordance with section 1642 (a) and (b)
25 and shall make available to such district attorney all relevant
26 papers, documents, testimony and findings relevant to its
27 investigation. In the case where the State board has directed
28 the county board to conduct an investigation, the county board
29 shall report their findings to the State board who may refer the
30 matter in accordance with this subsection.

1 (d) The State board of elections or in the case of reports
2 filed originally at the county, the county board of elections
3 may, where appropriate, commence a judicial proceeding with
4 respect to the filing or failure to file any statement of
5 receipts, expenditures or contributions, under the provisions of
6 this act. The State board of elections may direct the
7 appropriate board of elections to commence the proceeding.

8 (e) The State board of elections may promulgate rules and
9 regulations consistent with law to effectuate the provisions of
10 this section.

11 Section 207. Fair Campaign Code.--(a) In addition to the
12 powers and duties elsewhere enumerated in this act, the State
13 board of elections, after holding public hearings, shall adopt a
14 "fair campaign code" setting forth ethical standards of conduct
15 for persons, political parties and committees engaged in
16 election campaigns.

17 (b) Copies of the code shall be provided to each candidate,
18 political party or political committee, no later than March 31
19 of each year, upon request, by the board of elections with which
20 the candidate, political party or political committee must file
21 campaign expense reports pursuant to Article XVI of this act.

22 (c) All candidates who voluntarily agree to adhere to the
23 code shall file a signed copy of the code with the State board
24 of elections or county board of elections as the case may be.

25 Section 208. Powers and Duties of State Board of Elections
26 Respecting Elections and Crimes Against Elective Franchise.--
27 Authority is hereby conferred upon the State board of elections
28 to appoint a special investigator to institute investigation of
29 cases arising under this act, and to appoint such additional
30 special investigators and employes as it may deem necessary, and

1 fix their compensation, within the limits of appropriation
2 available therefor and assign enforcing this act. Moneys
3 appropriated for carrying out the provisions of this section
4 shall be paid out of the State Treasury upon certification of
5 the State board.

6 The State board or any of its special investigators shall
7 have power to issue subpoenas or subpoenas duces tecum,
8 administer oaths and examine witnesses under oath, for the
9 purpose of investigating any matter within the jurisdiction
10 herein prescribed for the purpose of aiding the State board in
11 enforcing the provisions of this act. Such subpoenas shall be
12 issued in the name of the State board of elections. Such
13 subpoenas may be served by any special investigator or by any
14 police officer or peace officer.

15 Any person who shall omit, neglect or refuse to obey a
16 subpoena attested in the name of the State board of elections or
17 who shall refuse to testify under or in pursuance thereof shall
18 be forwarded to the court for contempt proceedings.

19 Any special investigator may call upon any member of the
20 police, sheriff, deputy sheriff, constable or other public
21 officer, or any person, to assist him in carrying out the
22 provisions of this section. Any officer or person who shall fail
23 to render the assistance so demanded or who shall willfully
24 hinder or delay such special investigator in the exercise of any
25 power or the performance of any duty shall be guilty of a
26 misdemeanor of the third degree.

27 Section 4. Section 1220(d) is amended and the section is
28 amended by adding a subsection to read:

29 Section 1220. Regulations in Force at Polling Places.--* * *

30 (d) All persons, except election officers, clerks, machine

1 inspectors, overseers, watchers, persons in the course of
2 voting, persons lawfully giving assistance to voters,
3 investigators or other representatives or members of the county
4 or State board of elections, and peace and police officers, when
5 permitted by the provisions of this act, must remain at least
6 ten (10) feet distant from the polling place during the progress
7 of the voting.

8 * * *

9 (g) After the polls close, investigators or other
10 representatives of members of the State or county board shall be
11 permitted within the enclosed space in addition to other persons
12 permitted by this act; Provided, however, That no member of the
13 county board of elections who is a candidate for office or any
14 other candidate shall be allowed in a polling place on election
15 day except for the purpose of casting his own ballot.

16 Section 5. Section 1621(d), (e) and (l) of the act, added
17 October 4, 1978 (P.L.893, No.171) and July 21, 1979 (P.L.189,
18 No.63), are amended and the section is amended by adding clauses
19 to read:

20 Section 1621. Definitions.--As used in this article, the
21 following words have the following meanings:

22 * * *

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

24 (1) The payment, distribution, loan or advancement of money
25 or any valuable thing by a candidate, political committee or
26 other person for the purpose of influencing the outcome of an
27 election; Provided, however, That such payment, distribution,
28 loan or advancement of money or any valuable thing must be made
29 only for legitimate and verifiable campaign expenses and not for
30 any inherently personal purpose.

1 (2) The payment, distribution, loan, advance or transfer of
2 money or other valuable thing between or among political
3 committees;

4 (3) The providing of a service or other valuable thing for
5 the purpose of influencing the outcome of a nomination or
6 election of any person to any public office to be voted for in
7 this Commonwealth; or

8 (4) The payment or providing of money or other valuable
9 thing by any person other than a candidate or political
10 committee, to compensate any person for services rendered to a
11 candidate or political committee. As used in this subsection,
12 "inherently personal purpose" means a purpose that, by its
13 nature, confers a personal benefit, including a home mortgage,
14 rent, utility payment, clothing purchase, noncampaign automobile
15 expense, country club membership, vacation or a trip of a
16 noncampaign nature, household food items, tuition payments,
17 admission to a sporting event, concert, theater or other form of
18 entertainment.

19 (5) The term "expenditure" shall not include campaign
20 expenditures made by a candidate for which the candidate is
21 reimbursed by his or her political committee within the
22 reporting period the expenditure was made. Such expenditure made
23 by the candidate is subject, however, to the requirements of
24 section 1626(c).

25 (e) [The words "independent expenditure" shall mean an
26 expenditure by a person made for the purpose of influencing an
27 election without cooperation or consultation with any candidate
28 or any political committee authorized by that candidate and
29 which is not made in concert with or at the request or
30 suggestion of any candidate or political committee or agent

1 thereof.]

2 The words "independent expenditure" shall mean an expenditure
3 by a person for a communication expressly advocating the
4 election or defeat of a clearly identified candidate which is
5 not made with the cooperation or prior consent of, in
6 consultation or concert with or at the request or suggestion of
7 a candidate or any agent or authorized committee of the
8 candidate. Mere knowledge alone of the occurrence of an
9 expenditure shall not preclude it from being an independent
10 expenditure. For purposes of this definition:

11 (1) The word "agent" shall mean any person who has actual
12 oral or written authority, either express or implied, to make or
13 to authorize the making of expenditures on behalf of a
14 candidate, or shall mean any person who has been placed in a
15 position within the campaign organization where it would
16 reasonably appear that in the ordinary course of campaign-
17 related activities he may authorize expenditures.

18 (2) The words "clearly identified candidate" shall mean that
19 the name of the candidate appears, a photograph or drawing of
20 the candidate appears or the identity of the candidate is
21 otherwise apparent by unambiguous reference.

22 (3) The words "expressly advocating" shall mean any
23 communication that advocates the election or defeat of a
24 candidate by:

25 (i) containing the name of the candidate, a picture of the
26 candidate or expressions such as "vote for", "elect", "support",
27 "vote against", "defeat" or "reject" or a campaign slogan or
28 words that in context can have no reasonable meaning other than
29 to advocate the election or defeat of one or more clearly
30 identified candidates;

(ii) referring to one or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate; or

(iii) expressing unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to external events such as the proximity to an election.

The word "expressly advocating" does not include the publication or distribution of a communication that:

(A) Presents information in an educational manner solely about the voting record or position on a campaign issue of two (2) or more candidates.

(B) Is not made in coordination with a candidate, political party or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.

(C) Does not contain a phrase such as "vote for," "reelect," "support," "vote against," "defeat," or "reject" or other slogan or words along with the name or picture of the candidate that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.

(4) The words "made with the cooperation or prior consent of, in consultation or concert with or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" shall mean any arrangement, coordination or direction by the candidate or his agent prior to the publication, distribution, display or broadcast of the communication. An expenditure shall be presumed to be so made when it is:

1 (i) Based on information about the candidate's plans,
2 projects or needs provided to the expending person by the
3 candidate or by the candidate's agents, with a view toward
4 having an expenditure made.

5 (ii) Made by or through any person who is or has been
6 authorized to raise or expend funds, who is or has been an
7 officer of an authorized committee, including a political party
8 committee, or who is or has been receiving any form of
9 compensation from the candidate, the candidate's committee or
10 agent.

11 * * *

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

24 * * *

25 (n) The words "affiliate" or "affiliated committee" shall
26 include:

27 (1) Any committee established or authorized by a candidate
28 as part of his or her campaign for the same election for office.

29 (2) Any committee established, financed, maintained or
30 controlled by the same corporation, labor organization, person

1 or group of persons, including any parent, subsidiary, branch,
2 division, department or local unit thereof. Local units may
3 include, in appropriate cases, a franchisee, licensee or
4 regional association.

5 (o) The words "in-kind contribution" shall mean a
6 contribution of goods, services, property or any valuable thing
7 offered free or at less than the usual and normal charge for
8 such goods or services, but shall not include any legal or
9 accounting services rendered to or on behalf of any political
10 committee of a political party, an authorized committee of a
11 candidate or any other political committee, if such services are
12 solely for the purpose of ensuring compliance with this article.
13 Such legal or accounting services, however, shall be reported
14 pursuant to section 1631.

15 Section 6. Section 1622(b) of the act, added October 4, 1978
16 (P.L.893, No.171), is amended to read:

17 Section 1622. Organization of Political Committees;
18 Treasurer and Assistant Treasurer; Records of Candidate and
19 Committees.--

20 * * *

21 (b) Every candidate [who authorizes a committee or
22 committees,] for public office must authorize a political
23 committee to receive and disburse funds on behalf of this
24 candidacy, and shall name a sole treasurer[, irrespective of the
25 number of committees so authorized,] to receive and disburse all
26 funds for said [committees.] committee. No more than one such
27 committee shall be formed per office sought. Nothing herein
28 shall be construed to prohibit a candidate from receiving or
29 expending moneys on his behalf or a treasurer of a political
30 party committee or a committee authorized to receive and

1 distribute funds on behalf of more than one (1) candidate from
2 receiving or expending moneys on behalf of said candidates,
3 notwithstanding the appointment of a sole treasurer. A sole
4 treasurer may delegate authority, in writing, to any number of
5 assistant treasurers to receive and disburse moneys collected on
6 behalf of a candidate for election. Nothing in this section
7 shall prohibit authorized individuals from selling tickets or
8 soliciting funds when funds are deposited in the campaign
9 account of the candidate.

10 * * *

11 Section 7. Section 1626(a), (b), (d), (e) and (g) of the
12 act, amended or added October 4, 1978 (P.L.893, No.171), July
13 11, 1980 (P.L.600, No.128) and July 10, 1981 (P.L.256, No.84),
14 are amended and the section is amended by adding a subsection to
15 read:

16 Section 1626. Reporting by Candidate and Political
17 Committees and other Persons.--

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

1 comply with this section by signing an affidavit to that effect
2 on his/her political committee's report or statement.

3 (b) Each report shall include the following information:

4 (1) The full name, mailing address, specific occupation and
5 specific name of the employer, if any, or the principal place of
6 business, if self-employed, of each person who has made one or
7 more contributions to or for such committee or candidate within
8 the reporting period in an aggregate amount or value in excess
9 of [two hundred fifty dollars (\$250)] one hundred dollars

10 (\$100), together with the amount and date of such contributions.
11 The accuracy of the information furnished to the candidate or
12 committee shall be the responsibility of the contributor.

13 (2) The full name and mailing address of each person [who]
14 and political committee that has made one or more contributions
15 to or for such committee or candidate within the reporting
16 period in an aggregate amount or value in excess of fifty
17 dollars (\$50), together with the amount and date of such
18 contributions. The accuracy of the information furnished by the
19 contributor shall be the responsibility of the contributor.

20 (3) The total sum of individual contributions made to or for
21 such committee or candidate during the reporting period and not
22 reported under clauses (1) and (2): Provided, however, That when
23 individual contributions under fifty dollars (\$50) made to one
24 single fundraising event in which the total sum raised was two
25 thousand five hundred dollars (\$2,500) or more the report must
26 list the names and addresses of all contributors to that
27 fundraiser.

28 (4) Each and every expenditure, the date made, the full name
29 and address of the person to whom made and the purpose for which
30 such expenditure was made.

1 (5) Any unpaid debts and liabilities, with the nature and
2 amount of each, the date incurred and the full name and address
3 of the person owed.

4 (6) The account shall include any unexpended balance of
5 contributions or other receipts appearing from the last account
6 filed.

7 * * *

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

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

1 in this subsection and continue to file reports in accordance
2 with section 1627. In the case of a special election the initial
3 post-election report shall be complete as of ten (10) days after
4 such special election.

5 * * *

6 [(g) Every person, other than a political committee or
7 candidate, who makes independent expenditures expressly
8 advocating the election or defeat of a clearly identified
9 candidate, or question appearing on the ballot, other than by
10 contribution to a political committee or candidate, in an
11 aggregate amount in excess of one hundred dollars (\$100) during
12 a calendar year shall file with the appropriate supervisor, on a
13 form prepared by the Secretary of the Commonwealth, a report
14 which shall include the same information required of a candidate
15 or political committee receiving such a contribution and,
16 additionally, the name of the candidate or question supported or
17 opposed. Reports required by this subsection shall be filed on
18 dates on which reports by political committees making
19 expenditures are required to report under this section.]

20 * * *

21 (k) All reports filed with the State board of elections
22 shall be filed via electronic media in the manner prescribed by
23 the State board. All such reports shall be accompanied by the
24 affidavit prescribed by section 1629 of this act. Any candidate
25 or political committee not able to file the report or statement
26 required by this section using electronic media shall request an
27 exemption from the State board of elections. The candidate or
28 political committee upon approval of the State board of
29 elections shall file reports and statements on forms developed
30 by the State board.

1 Section 8. Section 1627 of the act, amended July 11, 1980
2 (P.L.591, No.127) and July 11, 1980 (P.L.625, No.129), is
3 amended to read:

4 Section 1627. [Annual Reports] Quarterly Reports;
5 Termination of Committees.--

6 (a) All political committees and candidates, [including
7 those committees and candidates] not filing reports under
8 section 1626 (d) and (e), shall file [a report on January 31 of
9 each year which shall be complete as of December 31 of the prior
10 year. Such reports shall be filed annually at this time until
11 there is no balance or debt in the report of the candidate or
12 political committee. Such reports shall be cumulative. However,
13 if there has been no change in the account, then the candidate
14 or political committee shall file a statement to that effect
15 with the appropriate supervisor. Each form designated by the
16 Secretary of the Commonwealth for filing a report or statement
17 required by section 1626(e) shall contain a block which may be
18 marked by the candidate or political committee designating it a
19 termination report or statement. If such report or statement is
20 so designated, or if an authorized candidate elects to file no
21 report or statement pursuant to section 1626.1, no annual report
22 need be filed under this section unless contributions were
23 received or expenditures made subsequent to the time period for
24 filing of such termination report. However, no candidate or
25 political committee may terminate by way of a statement where
26 the unpaid balance indicated in the previous report was greater
27 than two hundred fifty dollars (\$250). In the case of annual
28 reports said report shall cover the campaign activity of a
29 candidate or political committee from the last prior report or
30 statement.] quarterly reports. Such reports shall be filed on

1 the fifteenth day following the last day of the third, sixth,
2 ninth and twelfth month of each year and shall be complete as of
3 the end of such months. Reports must be filed until such time
4 that there is no balance or debt in the report of the candidate
5 or political committee. Such reports shall be cumulative. A
6 report must be filed even if there was no change in the account
7 since the last filing. Each form designated by the State board
8 of elections for filing a report required by section 1626(e)
9 shall contain a block which may be marked by the candidate or
10 political committee designating it a termination report or
11 statement. No candidate or political committee may terminate
12 unless such candidate or committee has a zero balance. No
13 candidate or committee may terminate by way of a statement. In
14 the case of quarterly reports, said report shall cover the
15 campaign activity of a candidate or political committee from the
16 last prior report or statement. Once terminated, a political
17 committee must comply with sections 1623 and 1624 before
18 receiving contributions or making expenditures.

19 [(b) Any political committee required to be registered under
20 this act and not reporting under section 1626 shall file an
21 annual report under this section. However, if a political
22 committee makes aggregate expenditures as defined in section
23 1621 in an amount less than two hundred fifty dollars (\$250) or
24 incurs aggregate debt in an amount less than two hundred fifty
25 dollars (\$250) during the calendar year to influence an
26 election, it need not file an annual report; provided that this
27 exception shall not be applicable to a candidate's political
28 committee or to a State or county committee of a political party
29 or political body or to a political action committee of a
30 corporation or unincorporated association.]

1 Section 9. The act is amended by adding a section to read:

2 Section 1627.1. Limitations on Certain Contributions.--

3 (a) Aggregate contributions, including in-kind
4 contributions, from any person to any candidate for the office
5 of Senator or Representative in the General Assembly, court of
6 common pleas or a county or local office, his authorized
7 committee or agent shall not exceed two hundred dollars (\$200)
8 for each election. Furthermore, for each election, no such
9 candidate, his authorized committee or agent shall accept or
10 receive more than two hundred dollars (\$200) in aggregate
11 contributions, including in-kind contributions from any person.

12 (b) Aggregate contributions, including in-kind
13 contributions, from any person to any candidate for Statewide
14 office, his authorized committee or agent shall not exceed one
15 thousand dollars (\$1,000) for each election. Furthermore, for
16 each election, no candidate, his authorized committee or agent
17 shall accept or receive more than one thousand dollars (\$1,000)
18 in aggregate contributions, including in-kind contributions from
19 any person.

20 (c) Aggregate contributions, including in-kind
21 contributions, from a single political action committee, its
22 affiliate or agent or candidate's political committee, its
23 affiliate or agent to any candidate for the office of Senator or
24 Representative in the General Assembly, court of common pleas or
25 a county or local office, his authorized committee or agent
26 shall not exceed one thousand dollars (\$1,000) for each
27 election. Furthermore, for each election, no candidate for such
28 office, his authorized committee or agent shall accept or
29 receive more than one thousand dollars (\$1,000) in aggregate
30 contributions, including in-kind contributions, from single

1 political action committee or agent or candidate's political
2 committee.

3 (d) Aggregate contributions, including in-kind
4 contributions, from single political action committee, its
5 affiliate or agent or candidate's political committee to any
6 candidate for Statewide office, his authorized committee or
7 agent shall not exceed five thousand dollars (\$5,000) for each
8 election. Furthermore, for each election, no candidate, his
9 authorized committee or agent shall accept or receive more than
10 five thousand dollars (\$5,000) in aggregate contributions,
11 including in-kind contributions, from a single political action
12 committee, its affiliate or agent or candidate's political
13 committee.

14 (e) Aggregate contributions, including in-kind
15 contributions, from a single political party committee, its
16 affiliate or agent to any candidate for the office of Senator or
17 Representative in the General Assembly, court of common pleas or
18 a county or local office, his authorized committee or agent,
19 shall not exceed five thousand dollars (\$5,000) per election.
20 Furthermore, no candidate for the office of Senator or
21 Representative in the General Assembly, court of common pleas or
22 a county or local office, his authorized committee or agent,
23 shall accept or receive more than five thousand dollars (\$5,000)
24 in aggregate contributions from any single political party
25 committee, its affiliate or agent.

26 (f) Aggregate contributions, including in-kind
27 contributions, from a single political party committee, its
28 affiliate or agent to any candidate for Statewide office, his
29 authorized committee or agent, or any political action
30 committee, its affiliate or agent or political party committee,

its affiliate or agent, or any other political committee, its affiliate or agent, shall not exceed twenty thousand dollars (\$20,000) per election. Furthermore, no candidate for Statewide office, his authorized committee or agent or any political action committee or political committee shall accept or receive more than twenty thousand dollars (\$20,000) in aggregate contributions from any single political party committee, its affiliate or agent.

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

(h) Aggregate contributions from any person, a single candidate's political committee, its affiliate or agent or a single political action committee, its affiliate or agent or any other political committee to a single political party committee shall not exceed twenty thousand dollars (\$20,000) in a calendar year. Furthermore, no single political party committee shall accept or receive more than twenty thousand dollars (\$20,000) in aggregate contributions from any single candidate's political committee or agent or a single political action committee, its affiliate or agent or any political committee.

(i) No person shall make contributions in accordance with

1 this section aggregating more than twenty-five thousand dollars
2 (\$25,000) in any calendar year.

3 (j) A gift, subscription, loan, advance or deposit of money
4 or anything of value to a candidate shall be considered a
5 contribution both by the original source of the contribution and
6 by any intermediary or conduit if the intermediary or conduit:

7 (1) exercises any direction over the making of the
8 contribution; or

9 (2) solicits the contribution or arranges for the
10 contribution made and directly or indirectly makes the candidate
11 aware of such intermediary or conduit's role in soliciting or
12 arranging the contribution for the candidate.

13 (k) For purposes of subsection (j), a contribution shall not
14 be considered to be a contribution by an intermediary or conduit
15 to the candidate if:

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

19 (2) in the case of an individual, the candidate has
20 expressly authorized the intermediary or conduit to engage in
21 fundraising, or the individual occupies a significant position
22 within the candidate's campaign organization; or

23 (3) in the case of a political committee, the intermediary
24 or conduit is the authorized committee of the candidate.

25 (l) No candidate for Statewide office who accepts public
26 funding in accordance with Article XVI-A may contribute more
27 than \$25,000 per election from their personal funds. No
28 candidate for the offices of Senator or Representative in the
29 General Assembly who accepts public funding in accordance with
30 Article XVI-A may contribute more than ten thousand dollars

1 (\$10,000) per election from their personal funds.

2 (m) The provisions of this section are applicable to any
3 contribution made for the purpose of influencing any election to
4 all public offices except Federal offices.

5 (n) For purposes of this section, any contribution made to a
6 candidate in a year other than the calendar year in which the
7 election is held with respect to which such contribution is
8 made, is considered to be made during the calendar year in which
9 such election is held.

10 Section 10. Section 1628 of the act, amended February 13,
11 1998 (P.L.72, No.18), is amended to read:

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

1 such late contributions or pledges.

2 Section 11. The act is amended by adding a section to read:

3 Section 1628.1. Independent Expenditures.--

4 (a) An expenditure not defined under section 1621 as an
5 independent expenditure shall be an in-kind contribution to the
6 candidate and an expenditure by the candidate, unless otherwise
7 exempted.

8 (b) The financing of the dissemination, distribution or
9 republication, in whole or in part, of any broadcast or any
10 written, graphic or other form of campaign materials prepared by
11 the candidate, his campaign committees or their authorized
12 agents shall be considered a contribution for the purpose of
13 contribution limitations and reporting responsibilities by the
14 person making the expenditure but shall not be considered an
15 expenditure by the candidate or his authorized committees unless
16 made with the cooperation or with the prior consent of, or in
17 consultation with, or at the request or suggestion of, a
18 candidate or any authorized agent or committee thereof.

19 (c) Every person who makes an independent expenditure
20 aggregating in excess of two hundred fifty dollars (\$250) during
21 a calendar year in any election shall file a signed statement
22 and a copy of the material paid for with the independent
23 expenditure in accordance with the provisions of section 1631
24 within twenty-four (24) hours of making the expenditure. In
25 addition, the person who makes an independent expenditure shall
26 send a copy of the material submitted to each candidate for
27 whose benefit the expenditures were made in that race by
28 overnight mail, facsimile or courier service.

29 (d) The signed statement submitted by the person making the
30 expenditure shall include the following information:

1 (1) The reporting person's name, mailing address, occupation
2 and name of employer, if any, or in the case of a separate
3 segregated committee, the name and address of the connected
4 organization.

5 (2) The name and mailing address of the person to whom the
6 expenditure was made.

7 (3) The amount, date and purpose of each expenditure.

8 (4) A statement which indicated whether the expenditure was
9 in support of or in opposition to a candidate, together with the
10 candidate's name and office sought.

11 (5) A notarized certification under penalty of perjury as to
12 whether the expenditure was made with the cooperation or prior
13 consent of, in consultation or concert with or at the request or
14 suggestion of any candidate or any authorized committee or agent
15 of any candidate.

16 (6) The identification of each person who made a
17 contribution in excess of two hundred dollars (\$200) to the
18 person filing the report, which contribution was made for the
19 purpose of furthering the reported independent expenditure.

20 (e) Within twenty-four (24) hours of receipt of the material
21 described in subsection (d), each candidate for whose benefit
22 the expenditure was made shall file a statement under the
23 provisions of section 1631 if either of the following apply:

24 (1) the materials expressly advocate the election of his
25 candidacy; or

26 (2) the materials expressly advocate the defeat of his
27 opponent.

28 (f) The statement submitted by each candidate for whose
29 benefit the expenditure was made shall identify the date of the
30 expenditure as provided for by the expending person and include

a notarized certification under penalty of perjury as to whether the expenditure was made in cooperation, consultation or concert with the person making the expenditure or at the request or suggestion of the candidate or any authorized committee or agent of the candidate. The statement shall be signed by each candidate for whose benefit the expenditure was made.

(g) The statement submitted by a candidate shall identify the date of the expenditure as provided for by the expending person and include a notarized certification under penalty of perjury as to whether the expenditure was made in cooperation, consultation or concert with the person making the expenditure or at the request or suggestion of the candidate or any authorized committee or agent of the candidate. The statement shall be signed by the candidate.

(h) No expenditure by an authorized committee of a candidate on behalf of that candidate shall qualify as an independent expenditure.

(i) (1) Any person who does not report an expenditure of funds as required under subsection (e) commits a misdemeanor of the first degree and shall, upon conviction, be subject to a fine of not more than ten thousand dollars (\$10,000), or to imprisonment for up to five (5) years, or both.

(2) A person shall not be deemed elected to a public office under the laws of this Commonwealth, or enter upon the duties thereof, or receive any salary or emoluments therefrom, if the affidavit required in subsection (f) has not been submitted as described.

(3) Any candidate who does not submit the affidavit as required under subsection (f) commits a misdemeanor of the second degree and shall, upon conviction, be subject to a fine

1 of not more than five thousand dollars (\$5,000), or to
2 imprisonment for up to two (2) years, or both. All actions
3 pursuant to enforcement of this subsection shall be initiated in
4 the Commonwealth Court.

5 Section 12. Section 1632(a) and (c) of the act, amended or
6 added December 13, 1979 (P.L.551, No.124) and July 11, 1980
7 (P.L.591, No.127), are amended to read:

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

9 (a) A late filing fee for each report or statement of
10 expenditures and contributions which is not filed within the
11 prescribed period shall be imposed as follows. Such fee shall be
12 [ten dollars (\$10)] twenty dollars (\$20) for each [day] of the
13 first two days or part of a day excluding Saturdays, Sundays and
14 holidays that a report is overdue. An additional fee of [ten
15 dollars (\$10)] one hundred dollars (\$100) is due for each [of
16 the first six (6) days] additional day that a report is overdue.
17 The maximum fee payable with respect to a single report [is two
18 hundred fifty dollars (\$250)] shall not exceed the amount of
19 contributions received during the prescribed reporting period. A
20 supervisor shall receive an overdue report or statement even if
21 any late filing fee due has not been paid but the report or
22 statement shall not be considered filed until all fees have been
23 paid upon the receipt by the supervisor of an overdue report. No
24 further late filing fees shall be incurred once the report or
25 statement is filed notwithstanding the fact that the report or
26 statement is not considered filed. The late filing fee is the
27 [personal] liability of the candidate or treasurer of a
28 political committee [and cannot be paid from contributions to
29 the candidate or committee, nor may such fee be considered an
30 expenditure]. A report or statement of expenditures and

1 contributions shall be deemed to have been filed within the
2 prescribed time if the letter transmitting the report or
3 statement which is received by the supervisor is transmitted by
4 first class mail and is postmarked by the United States Postal
5 Service on the day prior to the final day on which the report or
6 statement is to be received: Provided, That this sentence shall
7 not be applicable to the reporting requirements contained in
8 section 1628.

9 * * *

10 [(c) No late filing fees shall be imposed under this section
11 for pre-election filings due any primary, special, or municipal
12 election held through November 6, 1979. Late filing fees paid
13 for any primary, special, or municipal election held through
14 November 6, 1979 shall be refunded after any candidate or
15 committee in violation has filed the required pre-primary, pre-
16 special, pre-municipal, post-primary, post-special, or post-
17 municipal election report. No late filing fee shall be imposed
18 under this section, for the required post-primary election
19 report for the primary election held May 15, 1979 where such
20 post-primary election report is filed on or before July 16,
21 1979. No late filing fee shall be imposed under this section for
22 the required pre-election or post-election report for the
23 municipal election held November 6, 1979 where such report is
24 filed on or before February 15, 1980: Provided, however, That no
25 one shall be issued a commission or take the oath of office
26 until all reports required on account of his or her candidacy
27 shall be filed. Any pre-election or post-election late filing
28 fees, collected for primary, special, or municipal elections
29 held on or before November 6, 1979, shall be refunded within
30 thirty (30) days.]

1 Section 13. Section 1633(a) of the act, amended November 26,
2 1978 (P.L.1313, No.318), is amended to read:

3 Section 1633. Contributions or Expenditures by National
4 Banks, Corporations or Unincorporated Associations.--

5 (a) It is unlawful for any National or State bank,
6 partnership or any corporation, incorporated under the laws of
7 this or any other state or any foreign country or any
8 unincorporated association, except those corporations formed
9 primarily for political purposes or as a political committee, to
10 make a contribution or expenditure in connection with the
11 election of any candidate or for any political purpose whatever
12 except in connection with any question to be voted on by the
13 electors of this Commonwealth. Furthermore, it shall be unlawful
14 for any candidate, political committee, or other person to
15 knowingly accept or receive any contribution prohibited by this
16 section, or for any officer or any director of any corporation,
17 bank, or any unincorporated association to consent to any
18 contribution or expenditure by the corporation, bank or
19 unincorporated association, as the case may be, prohibited by
20 this section.

21 * * *

22 Section 14. Section 1635 of the act added or amended October
23 4, 1978 (P.L.893, No.171) and July 11, 1980 (P.L.591, No.127),
24 is amended to read:

25 Section 1635. Independent Audit.--

26 (a) [Every two (2) years, the Secretary of the Commonwealth
27 shall contract for the services of a certified public accountant
28 or certified public accounting firm. Such contract shall be
29 awarded on a bid basis and no certified public accountant or
30 certified public accounting firm shall be eligible to obtain

1 such a contract for two (2) successive contract periods.] The
2 State board of elections shall employ as many auditors as are
3 necessary to perform auditing functions required by this act.

4 (b) The [Secretary of the Commonwealth] State board of
5 elections shall select by lottery, at a public drawing, forty
6 (40) days after each primary, general and municipal election
7 [three (3)] ten (10) per cent of all public offices for which
8 candidates must file nominating petitions or papers with the
9 [Secretary of the Commonwealth] State board of elections. For
10 the purpose of this subsection, a legislative or senatorial
11 district shall be considered a public office. Any public office
12 filled at a special election occurring other than at a primary,
13 general or municipal election shall be placed in the lottery of
14 public offices for audit at the next succeeding primary, general
15 or municipal election whichever occurs first. Any public office
16 filled at a special election held at the same time as any other
17 election shall be included in the lottery for that election.

18 (c) The [certified public accountant] State board shall
19 audit the reports of all candidates for each public office
20 selected in accordance with subsection (b) and those committees,
21 authorized and created solely for the purposes of influencing an
22 election on behalf of those candidates.

23 (d) The [accountants] State board shall conduct [their] its
24 audit in accord with sound accounting principles and shall make
25 findings of any possible violations of this act with respect to
26 campaign contributions or expenses. All audited candidates and
27 their committees shall furnish any records to the [accountants]
28 State board which the [accountants deem] State board deems
29 necessary for the completion of their work.

30 (e) The [accountant shall report his or her findings to the

1 Secretary of the Commonwealth who shall make public the report
2 of the accountants.] State board shall make public the report of
3 its findings. The results of the primary election audit shall
4 not be released to the public until after the general or
5 municipal election. Nothing in this subsection shall be
6 construed to prohibit the initiation of prosecution for criminal
7 violations by the appropriate agencies.

8 (f) The [accountants] State board shall also furnish a
9 report of [their] its findings to the Attorney General for the
10 institution of such criminal proceedings as he or she shall deem
11 necessary.

12 Section 15. Sections 1639(6), (7), (8), (9) and (10) and
13 1640 of the act, added October 4, 1978 (P.L.893, No.171), is
14 amended to read:

15 Section 1639. Powers and Duties of the Supervisor.--It shall
16 be the duty of the supervisor to:

17 * * *

18 [(6) Make from time to time inquiries and filed
19 investigations with respect to reports and statements filed
20 under the provisions of this article and with respect to alleged
21 failures to file any report or statement required under
22 provisions of this article.

23 (7) Report apparent violations of this article to the
24 appropriate law enforcement authorities.

25 (8)] (6) Collect any fines relating to the filing of late
26 reports and transmit all such fines collected to the appropriate
27 fiscal officer of the receiving supervisor.

28 [(9)] (7) Inform each candidate or committee which has
29 failed to file of that fact.

30 [(10)] (8) Publish a list of all those candidates and their

1 committees who have failed to file reports as required by this
2 act within six (6) days of their failure to comply.

3 Section 1640. Additional Powers and Duties of the [Secretary
4 of the Commonwealth] State Board of Elections.--The [Secretary
5 of the Commonwealth] State board of elections shall have the
6 following additional powers and duties:

7 [(1) To serve as the State clearing house for information
8 concerning the administration of this act.

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

11 (3)] (1) To develop the prescribed forms required by the
12 provisions of this article for the making of the reports and
13 statements required to be filed with the supervisor.

14 [(4)] (2) To prepare a manual setting forth recommended
15 uniform methods of bookkeeping and reporting which shall be
16 furnished by the supervisor to the person required to file such
17 reports and statements as required by this article.

18 [(5)] (3) To examine the contributions to State legislative
19 and Statewide candidates and publish a list of all those
20 political committees who have contributed to candidates and who
21 have failed to file reports as required by this act within six
22 (6) days of their failure to comply.

23 (4) The State board shall develop a computer data base and
24 electronic reporting system that shall contain all information
25 necessary for the proper administration of this act, including
26 information on contributions and expenditures by candidates and
27 their authorized committees and distribution of moneys, and
28 including direct access through personal computer and the
29 Internet.

30 (5) The State board shall make the electronic reporting

process available to any such candidate or committee which is required to file reports and statements in accordance with this act on self-executing computer diskettes; and make available materials to facilitate the task of compliance with the disclosure and recordkeeping requirements of this article.

(6) The State board shall cause all information contained in such a statement filed with the State board which is not on such electronic reporting system to be entered into such system as soon as practicable but in no event later than four business days after its receipt by the State board.

(7) (i) A list of campaign contributions and expenditures and reports must be made available for public inspection at the office of the supervisor no later than four business days after receipt.

(ii) The State board shall not require the viewer to provide any information or identification as a condition to view the computer data base.

(iii) The State board shall ensure that the documents and reports are available for copying or purchase at a reasonable cost, not to exceed the actual costs to the State board.

Section 16. Section 1641 of the act, amended July 12, 1980 (P.L.649, No.134), is amended to read:

Section 1641. Reports by Business Entities; Publication by [Secretary of the Commonwealth] State Board of Elections.--

(a) Any business entity including but not limited to a corporation, company, association, partnership or sole proprietorship, which has been awarded non-bid contracts of any value or contracts over \$50,000 from the Commonwealth or its political subdivisions during the preceding calendar year, any business entity or person applying for or receiving a permit to

1 operate a landfill from the Department of Environmental
2 Protection shall report by February 15 of each year to the
3 [Secretary of the Commonwealth] State board of elections an
4 itemized list of all political contributions known to the
5 business entity by virtue of the knowledge possessed by every
6 officer, director, associate, partner, limited partner or
7 individual owner that has been made by:

8 (1) any officer, director, associate, partner, limited
9 partner, individual owner or members of their immediate family
10 when the contributions exceed an aggregate of [one thousand
11 dollars (\$1,000)] five thousand dollars (\$5,000) by any
12 individual during the preceding year; or

13 (2) any employee or members of his immediate family whose
14 political [contribution] contributions exceeded [one thousand
15 dollars (\$1,000)] five thousand dollars (\$5,000) during the
16 preceding year.

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

19 (b) It shall be the duty of the [Secretary of the
20 Commonwealth] State board of elections to publish sixty (60)
21 days after February 15 of each year a complete itemized list of
22 all contributions given under the provisions of subsection (a).
23 This list shall be a matter of public record open to public
24 inspection and copies made available at cost to any individual
25 who requests them. The State board shall also make such data
26 available on electronic media and the Internet within the
27 deadline specified in this subsection.

28 (c) The Department of General Services shall provide
29 information regarding the requirements of this section to all
30 corporations, companies, associations, partnerships or sole

1 proprietorships receiving contracts from the Commonwealth prior
2 to the finalization of such contracts.

3 (d) The Department of General Services shall provide a list
4 of all corporations, companies, associations, partnerships or
5 sole proprietorships receiving nonbid contracts and contracts in
6 excess of fifty thousand dollars (\$50,000) from the Commonwealth
7 and the Department of Environmental Protection shall provide a
8 list of any person or business entity applying for or receiving
9 a landfill permit to the State board of elections no later than
10 January 31 of each year for the preceding calendar year.

11 (e) The State board of elections shall compare all data
12 received pursuant to this section and campaign expense reports
13 filed for the same period to determine that all filing
14 requirements of this act have been met. Results of this
15 comparison shall be made available at its office and on the
16 Internet within 60 days of February 15 of each year.

17 Section 17. The act is amended by adding an article to read:

18 ARTICLE XVI-A

19 Pennsylvania Fair Campaign Fund

20 Section 1601-A. Definitions.--As used in this article, the
21 following words have the following meanings:

22 "Declaration of candidacy" shall mean the point in a person's
23 campaign for political office at which that person becomes in
24 compliance with section 1622.

25 "Fund" shall mean the Pennsylvania Fair Campaign Fund
26 established under section 1604-A.

27 "Major political party" shall mean a political party whose
28 candidate for Governor received either the highest or second
29 highest number of votes in the preceding gubernatorial election.

30 Section 1602-A. Application of Article.--(a) The provisions

of this article shall be applicable to candidates for the following offices who elect to apply for campaign funding under this article:

(1) Governor.

(2) Lieutenant Governor.

(3) Attorney General.

(4) Auditor General.

(5) State Treasurer.

(6) Supreme Court Justice.

(7) Superior Court Judge.

(8) Commonwealth Court Judge.

(9) Senator in the General Assembly.

(10) Representative in the General Assembly.

(b) For the purposes of this article insofar as it relates to funding of nominated candidates in the general election, a political party's or political body's nominated candidates for Governor and Lieutenant Governor shall be considered as one candidacy and the provisions specifically applicable to the Governor shall be applicable to the combined candidacy.

Section 1603-A. Administration.--The provisions of this article shall be administered by the State board.

Section 1604-A. Pennsylvania Fair Campaign Fund Established.--There is hereby established a special restricted receipts fund in the State Treasury to be known as the Pennsylvania Fair Campaign Fund. Payments shall be made into this fund pursuant to section 1605-A and disbursements shall be made from the fund only upon the warrant of the State board and a warrant of the State Treasurer. As much of the moneys in the fund as are necessary to make payments to candidates as provided in this article are appropriated from the Pennsylvania Fair

1 Campaign Fund to the State board on a continuing basis for the
2 purpose of such payments.

3 Section 1605-A. Funding the Pennsylvania Fair Campaign.--(a)
4 Beginning with tax years commencing January 1, 1999, and
5 thereafter, each individual subject to the tax imposed by
6 Article III of the act of March 4, 1971 (P.L.6, No.2), known as
7 the "Tax Reform Code of 1971," whose tax liability for the year
8 is two dollars and fifty cents (\$2.50) or more may designate two
9 dollars and fifty cents (\$2.50) of his personal income taxes to
10 be paid into the Pennsylvania Fair Campaign Fund. In the case of
11 married taxpayers filing a joint return, each spouse may
12 designate two dollars and fifty cents (\$2.50) to be paid into
13 the Pennsylvania Fair Campaign Fund if their tax liability is
14 five dollars (\$5) or more. All of these designated tax revenues
15 shall be paid into the fund. The check-off and instructions
16 shall be prominently displayed on the first page of the return
17 form. The instructions shall readily indicate that these
18 designations neither increase nor decrease an individual's tax
19 liability.

20 (b) The General Assembly shall each fiscal year appropriate
21 money to the Fair Campaign Fund. The sum appropriated to the
22 Fund for an election shall be equal to the maximum amount of
23 funding available specified in section 1609-A (a) for each
24 office appearing on the ballot multiplied by the number of
25 candidates eligible to receive public funding pursuant to this
26 act who appeared on the ballot at the last preceding election at
27 which such office was voted for minus the tax proceeds collected
28 in accordance with subsection (a).

29 Section 1606-A. Certification of Moneys in Fund.--By June 30
30 of each year, the State Treasurer shall certify to the State

1 board of elections the current balance available in the fund.

2 Section 1607-A. Qualification for Funding.--(a) Any
3 candidate for offices described in section 1602-A may apply for
4 funding under this article if the candidate meets the
5 contributory thresholds established in subsection (b) and
6 otherwise conforms to the requirements of this article. No
7 candidate shall be obligated to apply for funding under this
8 article and if any candidate elects not to apply, the provisions
9 of this article pertaining to limits on expenditures or the use
10 of his personal funds shall be inapplicable to the person and
11 his candidacy. Any candidate electing to receive funding under
12 this article shall declare his intention to do so and specify
13 the office for which he is a candidate. No candidate may elect
14 to receive funding under this article for a general or municipal
15 election unless the candidate elected to receive funding under
16 this article for the primary election. Any committee authorized
17 to receive contributions or make expenditures for the candidate
18 who has so declared shall abide by the provisions of section
19 1612-A. Any candidate who for any reason has his name withdrawn
20 from the ballot, after receipt of funds under this article,
21 shall return all moneys received to the fund as well as offering
22 back qualifying contributions for that office.

23 (b) (1) In order to qualify for funding in a general
24 election, a candidate must receive subsequent to the date of the
25 primary election but prior to the date of the general election
26 qualifying contributions of the following amounts:

27 Office Qualifying Contributions Required

28 (i) Governor/Lieutenant

29 Governor \$200,000

30 (ii) Lieutenant Governor 50,000 (for primary only)

1	<u>(iii) State Treasurer</u>	<u>50,000</u>
2	<u>(iv) Auditor General</u>	<u>50,000</u>
3	<u>(v) Attorney General</u>	<u>50,000</u>
4	<u>(vi) Supreme Court Justices</u>	<u>25,000</u>
5	<u>(vii) Superior Court Judges</u>	<u>25,000</u>
6	<u>(viii) Commonwealth Court Judges</u>	<u>25,000</u>
7	<u>(ix) Senator</u>	<u>10,000</u>
8	<u>(x) Representative</u>	<u>2,500</u>

9 (2) In order to qualify for funding in a primary election, a
10 candidate must receive prior to the date of the primary
11 election, but subsequent to the immediately preceding general or
12 municipal election, one-half of the amount specified in clause
13 (1) for the appropriate office.

14 (3) (i) The term "qualifying contribution" shall include
15 any contribution, as defined in section 1621(b), which has all
16 of the following characteristics:

17 (A) Made by an individual resident of Pennsylvania.

18 (B) Made by a written instrument which indicates the
19 contributor's full name and mailing residence and is not
20 intended to be returned to the contributor or transferred to
21 another political committee or candidate.

22 (ii) If a contributor receives goods or services of value in
23 return for his contribution, the qualifying contribution shall
24 be calculated as the original contribution, minus the fair
25 market value of the goods or services received.

26 (iii) Any contribution by an individual which exceeds one
27 hundred dollars (\$100) in the aggregate shall be deemed only a
28 one hundred dollar (\$100) qualifying contribution for the
29 purposes of this section and for the matching payment provisions
30 of section 1608-A.

1 (c) Each candidate who elects to apply for funding under
2 this article shall provide evidence that the candidate has
3 raised the qualifying contributions required by this section
4 which evidence shall be verified and certified as correct by the
5 auditors of the State board.

6 (d) A candidate who has accepted public funding under this
7 act may apply to the State Board of Elections for a waiver of
8 the contribution limits set forth in section 1627.1 and/or the
9 spending limits contained in section 1612-A if one or more of
10 the following conditions exist:

11 (1) there are insufficient funds in the Fair Campaign Fund
12 to provide funding to the candidate at the level specified in
13 section 1609-A(b) and/or;

14 (2) the amount of independent expenditures for
15 communications advocating the defeat of the candidate or
16 election of his opponent require the candidate applying for the
17 waiver to spend above the limits specified in section 1612-A in
18 order to answer the communications paid for by the independent
19 expenditure(s). The State board of elections shall issue
20 regulations setting guidelines for granting or denying waivers
21 submitted under this section.

22 Section 1608-A. Funding Formula.--(a) Every candidate who
23 qualifies for funding for an election pursuant to section 1607-A
24 shall receive matching payments from the fund in the amount of
25 two dollars (\$2) for each dollar of qualifying contribution as
26 defined in section 1607-A(b)(3).

27 (b) The two dollars (\$2) for each dollar of qualifying
28 contributions provided by this section shall be provided only
29 for qualifying contributions raised which exceed the threshold
30 amounts specified in section 1607-A(b) and not to those

1 qualifying contributions which are attributable to meeting the
2 threshold amounts necessary to qualify for funding under this
3 article.

4 (c) (1) Only those qualifying contributions made during the
5 period between a declaration of candidacy and the primary
6 election shall be eligible for matching payments from the fund
7 for the primary election.

8 (2) Only those qualifying contributions made during the
9 period between the primary election and the general election
10 shall be eligible for matching payments from the fund for the
11 general election.

12 (d) Matching funds shall not be provided for any qualifying
13 contributions unless the reporting requirements of section
14 1626(b) are satisfied.

15 Section 1609-A. Limitations on Funding.--(a) Every
16 candidate who qualifies for and receives funding pursuant to the
17 formula established in section 1608-A shall be entitled to
18 receive no more than the maximum amount specified in subsection
19 (b) for the office the candidate is seeking.

20 (b) (1) The maximum amount of funding available for each
21 candidate under this article shall be as follows:

<u>Office</u>	<u>Maximum Pennsylvania Fair</u>
	<u>Campaign Funding</u>
<u>(i) Governor/Lieutenant</u>	
<u>Governor</u>	<u>\$3,600,000</u>
<u>(ii) Attorney General</u>	<u>500,000</u>
<u>(iii) Auditor General, State</u>	
<u>Treasurer</u>	<u>500,000</u>
<u>(iv) Lieutenant Governor</u>	<u>500,000 (primary only)</u>
<u>(v) Supreme Court Justices</u>	<u>350,000</u>

1	<u>(vi) Superior Court Judges</u>	<u>350,000</u>
2	<u>(vii) Commonwealth Court Judges</u>	<u>350,000</u>
3	<u>(viii) Senator</u>	<u>80,000</u>
4	<u>(ix) Representative</u>	<u>25,000</u>

5 (2) The maximum amount of funding available for the primary
6 election for each candidate under this article shall be one-half
7 the appropriate figure in clause (1).

8 (c) Notwithstanding any other provisions of this article no
9 funding shall be provided to the following:

10 (1) Candidates in the general or municipal election who have
11 received the nomination of both major political parties and have
12 no opposition.

13 (2) Candidates in the primary election who are unopposed for
14 the nomination.

15 Section 1610-A. Time of Payments.--(a) Beginning ninety
16 (90) days prior to the relevant election, the State board of
17 elections shall make payments authorized by this article at
18 least every two (2) weeks. However, except for the final
19 payment, no payment shall be due or paid if the payment does not
20 equal at least five thousand dollars (\$5,000) in amount.

21 (b) If in the State board's opinion insufficient funds exist
22 in the fund to provide the anticipated full funding to eligible
23 candidates in a given election, the State board of elections
24 shall distribute the available funds to qualified candidates on
25 a pro-rata basis. In determining whether sufficient funds are
26 available, the State board of elections shall not take into
27 consideration the needs of any subsequent elections but shall
28 base the decision solely on the immediate election at hand.

29 Section 1611-A. Use of Funds by Candidates.--(a) Funds
30 distributed to candidates pursuant to this article may be used

1 only for the election for which they are distributed and only
2 for the purposes set forth in section 1621(d) except that no
3 fund moneys may be used:

4 (1) To transfer to other candidates or to committees of
5 other candidates or to political committees.

6 (2) To pay for expenditures incurred after the date of the
7 general election.

8 (b) Funds distributed to a candidate pursuant to this
9 article shall be placed in a single bank account. Expenditures
10 from this account shall be made only for campaign expenses
11 listed in subsection (a).

12 Section 1612-A. Expenditures.--(a) Expenditures made by a
13 candidate and his authorized committees, for all purposes and
14 from all sources, including, but not limited to, amounts of
15 funds distributed under this article, proceeds of loans, gifts,
16 contributions from any source or personal funds, subsequent to
17 the date of the primary election, but prior to the date of the
18 general election, may not exceed the amounts specified below:

<u>Office</u>	<u>Total Expenditure Limits</u>
<u>(1) Governor/Lieutenant</u>	
<u>Governor</u>	<u>\$7,000,000</u>
<u>(2) Lieutenant Governor</u>	<u>1,000,000</u>
	<u>(for primary only)</u>
<u>(3) Attorney General</u>	<u>1,000,000</u>
<u>(4) State Treasurer</u>	<u>1,000,000</u>
<u>(5) Auditor General</u>	<u>1,000,000</u>
<u>(6) Justices and Judges</u>	
<u>of the Supreme Court,</u>	
<u>Superior Court and</u>	
<u>Commonwealth Court</u>	<u>700,000</u>

1 (7) Senator 160,000

2 (8) Representative 50,000

3 (b) Expenditures made by a candidate and his authorized
4 committees, subsequent to January 1 but prior to the date of the
5 primary election, may not exceed one-half of the amount
6 specified in subsection (a).

7 (c) Notwithstanding any other provision of this article, a
8 candidate who accepts public funding pursuant to the formula
9 established in section 1608-A, but whose major political party
10 opponent in a general or municipal election elects not to apply
11 for the public funding, shall not be bound by the expenditure
12 limits specified in this section. A candidate who accepts public
13 funding shall be eligible to qualify for those fair campaign
14 funds which would have otherwise been available to the opponent.

15 (d) Notwithstanding any other provision of this article, a
16 candidate who accepts public funding pursuant to the formula
17 established in section 1608-A, but whose major political party
18 opponents in a primary election elect to not apply for the
19 public funding, shall not be bound by the expenditure limits
20 specified in this section. If there is more than one candidate
21 in a major political party in a primary election, the fair
22 campaign funds which would have otherwise been available to each
23 opponent who has elected to not apply for the public funding
24 shall be divided equally among the candidates who accept public
25 financing.

26 Section 1613-A. Annual Report.--The State board shall report
27 annually to the Governor and the General Assembly on the
28 operations of funding as provided by this article. This report
29 shall include, but not be limited to, the revenues and
30 expenditures in the fund, the amounts distributed to candidates,

1 the results of any audits performed on candidates in compliance
2 with this article and any prosecutions brought for violations of
3 this article.

4 Section 1614-A. Return of Excess Funds.--(a) All unexpended
5 campaign funds in a candidate's and his authorized committees'
6 possession sixty (60) days after a primary election shall be
7 returned to the secretary for deposit in the Pennsylvania Fair
8 Campaign Fund, up to the amount of the funds which were
9 distributed to the candidate under this article for the primary
10 election.

11 (b) All unexpended campaign funds in a candidate's and his
12 authorized committee's possession sixty (60) days after a
13 general or municipal election shall be returned to the State
14 board for deposit in the Pennsylvania Fair Campaign Fund, up to
15 the amount of the funds which were distributed to the candidate
16 under this article for the general or municipal election.

17 Section 1615-A. Penalties.--(a) A person who violates the
18 provisions of this article and who, as a result, obtains funds
19 under this article to which he is not entitled commits a
20 misdemeanor of the first degree and shall, upon conviction, be
21 subject to a fine not to exceed the greater of ten thousand
22 dollars (\$10,000), or three times the amount of funds wrongfully
23 obtained or to imprisonment for up to five years, or both.

24 (b) A person who violates section 1611-A or 1612-A commits a
25 misdemeanor of the first degree and shall, upon conviction, be
26 subject to a fine not to exceed the greater of ten thousand
27 dollars (\$10,000), or three times the amount of funds that were
28 wrongfully used or expended or to imprisonment for up to five
29 years, or both.

30 (c) Except as provided in subsections (a) and (b), a person

1 who violates any provision of this article commits a misdemeanor
2 of the third degree and shall, upon conviction, be subject to a
3 fine of not more than one thousand dollars (\$1,000), or to
4 imprisonment for up to one year, or both.

5 Section 18. Article XVI-A shall be applicable to returns of
6 taxpayers of calendar years commencing January 1, 1999, and
7 thereafter. Funding from the Pennsylvania Fair Campaign Fund
8 shall be provided to candidates for Statewide office beginning
9 with the general election of 2000 and in each municipal and
10 general election thereafter.

11 Section 19. The sum of \$3,250,000 is hereby appropriated to
12 the Pennsylvania State board of elections for Fiscal Year 1998-
13 1999 and for every fiscal year thereafter subject to the
14 provisions of this section. Such appropriation cannot be reduced
15 but may be increased. The dollar figures contained in sections
16 1627.1, 1607-A(b), 1609-A and 1612-A and the appropriation
17 amount contained in this section shall be adjusted annually at a
18 rate equal to the average percentage change in the All-Urban
19 Consumer Price Index for the Pittsburgh, Philadelphia and
20 Scranton standard metropolitan statistical areas as published by
21 the Bureau of Labor Statistics of the United States Department
22 of Labor, or any successor agency, occurring in the prior
23 calendar year. The base year shall be 1997. The average shall be
24 calculated and certified annually by the Pennsylvania State
25 Board of Elections by adding the percentage increase in each of
26 the three areas and dividing by three. The calculation and
27 resulting new figures shall be published for the dollar figures
28 contained in sections 1627.1, 1607-A, 1609-A and 1612-A in March
29 in the Pennsylvania Bulletin.

30 Section 20. All allocations, appropriations, equipment,

1 files, records and other material which are used, employed or
2 expended by the Department of State, in connection with the
3 conduct of elections, are hereby transferred to the Pennsylvania
4 State board of elections. Any personnel employed by the
5 Department of State in connection with its powers, duties or
6 functions relating to elections may be transferred to the
7 Pennsylvania State Board of Elections.

8 Section 21. Any act or any part of an act which imposes
9 duties on the Secretary of the Commonwealth or the Department of
10 State insofar as it relates to the conduct of any election is
11 repealed insofar as such act is inconsistent with the provisions
12 of this act.

13 Section 22. The provisions of this act are severable. If any
14 provision of this act or its application to any person or
15 circumstance is held invalid, the invalidity shall not affect
16 other provisions or applications of this act which can be given
17 effect without the invalid provision or application.

18 Section 23. This act shall take effect as follows:

19 (1) The addition of section 201 of the act shall take
20 effect immediately.

21 (2) The remainder of this act shall take effect in 120
22 days.