

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1900 Session of
2007

INTRODUCED BY GOODMAN, McCALL, BELFANTI, BIANCUCCI, BLACKWELL,
BRENNAN, BUXTON, CALTAGIRONE, CARROLL, CASORIO, COHEN,
CONKLIN, COSTA, DeLUCA, DePASQUALE, DERMODY, DeWEESE, EACHUS,
FABRIZIO, FRANKEL, FREEMAN, GEORGE, GERBER, GERGELY, GIBBONS,
GRUCELA, HALUSKA, HANNA, HARHAI, HARHART, HORNAMAN, KING,
KORTZ, KOTIK, LEACH, LENTZ, LEVDANSKY, MAHONEY, MANN,
MARKOSEK, McGEEHAN, MELIO, MUNDY, OLIVER, PARKER, PETRARCA,
PETRONE, PRESTON, RAMALEY, READSHAW, SABATINA, SANTONI, SEIP,
SHAPIRO, SIPTROTH, M. SMITH, SOLOBAY, STABACK, STURLA, SURRA,
TANGRETTI, WALKO, WANSACZ, WATERS, WHEATLEY, WILLIAMS,
WOJNAROSKI, YEWIC, YOUNGBLOOD, YUDICHAK AND J. WHITE,
OCTOBER 4, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 4, 2007

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated
2 Statutes, prohibiting political cyberfraud.

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

5 Section 1. Title 25 of the Pennsylvania Consolidated
6 Statutes is amended by adding a part to read:

7 PART XI

8 VIOLATIONS AND PENALTIES

9 Chapter

10 71. (Reserved)

11 73. Prohibited Actions

12 CHAPTER 71

13 (Reserved)

1 CHAPTER 73

2 PROHIBITED ACTIONS

3 Sec.

4 7301. Definitions.

5 7302. Political cyberfraud.

6 § 7301. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Domain name." Any alphanumeric designation that is
11 registered with or assigned by any domain name registrar, domain
12 name registry or other domain registration authority as part of
13 an electronic address on the Internet.

14 "Political cyberfraud." A knowing and willful act concerning
15 a political website that is committed with the intent to deny a
16 person access to a political website, deny a person the
17 opportunity to register a domain name for a political website or
18 cause a person reasonably to believe that a political website
19 has been posted by a person other than the person who posted the
20 website, and would cause a reasonable person, after reading the
21 website, to believe the site actually represents the views of
22 the proponent or opponent of a ballot measure. The term includes
23 any of the following acts:

24 (1) Intentionally diverting or redirecting access to a
25 political website to another person's website by the use of a
26 similar domain name, meta-tags or other electronic measures.

27 (2) Intentionally preventing or denying exit from a
28 political website by the use of frame hyperlinks,
29 mousetrapping, pop-up screens or other electronic measures.

30 (3) Registering a domain name that is similar to another

1 domain name for a political website.

2 (4) Intentionally preventing the use of a domain name
3 for a political website by registering and holding the domain
4 name or by reselling it to another with the intent of
5 preventing its use, or both.

6 "Political website." A website that urges or appears to urge
7 the support or opposition of a ballot measure.

8 § 7302. Political cyberfraud.

9 (a) Prohibition.--It shall be unlawful for a person, with
10 the intent to mislead, deceive or defraud, to commit an act of
11 political cyberfraud or to direct, order, authorize or cause
12 another to commit an act of political cyberfraud.

13 (b) Grading.--A violation of subsection (a) shall constitute
14 a misdemeanor of the first degree.

15 (c) Applicability.--This section shall not apply to a domain
16 name registrar, registry or registration authority.

17 (d) Transfer.--In addition to any other remedies available
18 under law, a court may order the transfer of a domain name as
19 part of the relief awarded for a violation of this section.

20 (e) District attorneys.--The district attorneys of the
21 several counties shall have the authority to investigate and to
22 institute criminal proceedings for a violation of this section.

23 Section 2. This act shall take effect in 60 days.