

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 317 Session of
2007INTRODUCED BY RAFFERTY, ERICKSON, CORMAN, O'PAKE, COSTA, WAUGH
AND BROWNE, MARCH 9, 2007

AS AMENDED ON THIRD CONSIDERATION, DECEMBER 11, 2007

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," further providing FOR PUBLIC BUILDINGS TO BE USED <—
12 WHERE POSSIBLE, FOR ORGANIZATION OF STATE COMMITTEE, for
13 affidavit of circulator and, FOR OBJECTIONS TO NOMINATION <—
14 PETITIONS AND PAPERS, FOR ABSENTEE ELECTOR FILES AND LISTS,
15 for filing fees and certificates of filing AND FOR <—
16 ADVERTISING.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 ~~Section 1. Section 909 of the act of June 3, 1937 (P.L.1333, <—~~
20 ~~No.320), known as the Pennsylvania Election Code, amended~~
21 ~~February 19, 1986 (P.L.29, No.11), is amended to read:~~

22 SECTION 1. SECTION 527 OF THE ACT OF JUNE 3, 1937 (P.L.1333, <—
23 NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, AMENDED JULY
24 1, 1987 (P.L.178, NO.20) AND MAY 12, 2006 (P.L.178, NO.45), IS

1 AMENDED TO READ:

2 SECTION 527. PUBLIC BUILDINGS TO BE USED WHERE POSSIBLE;
3 PORTABLE POLLING PLACES.--(A) IN SELECTING POLLING PLACES, THE
4 COUNTY BOARD OF ELECTIONS SHALL, WHEREVER POSSIBLE AND
5 PRACTICABLE, SELECT SCHOOLHOUSES, MUNICIPAL BUILDINGS OR ROOMS,
6 OR OTHER PUBLIC BUILDINGS FOR THAT PURPOSE. ANY BOARD OF PUBLIC
7 EDUCATION OR SCHOOL DIRECTORS, OR COUNTY OR THE MUNICIPAL
8 AUTHORITIES SHALL, UPON REQUEST OF THE COUNTY BOARD, MAKE
9 ARRANGEMENTS FOR THE USE OF SCHOOL PROPERTY, OR OF COUNTY OR
10 MUNICIPAL PROPERTY FOR POLLING PLACES. NO BOARD OF PUBLIC
11 EDUCATION OR SCHOOL DIRECTORS MAY REQUEST THE COUNTY BOARD TO
12 EXEMPT ANY OF THEIR SCHOOLHOUSES UNDER THIS ACT. IN SELECTING
13 POLLING PLACES, THE COUNTY BOARD OF ELECTIONS SHALL MAKE EVERY
14 EFFORT TO SELECT POLLING PLACES THAT PROVIDE ALL ELECTORS WITH
15 AN ENVIRONMENT THAT IS FREE FROM INTIMIDATION AND VIOLENCE.

16 IN THE EVENT NO AVAILABLE PUBLIC BUILDING AS CONTEMPLATED
17 UNDER THIS SECTION IS SITUATED WITHIN THE BOUNDARIES OF ANY
18 ELECTION DISTRICT, THE COUNTY BOARD OF ELECTIONS MAY, NOT LESS
19 THAN TWENTY DAYS PRIOR TO ANY ELECTION, DESIGNATE AS THE POLLING
20 PLACE FOR SUCH ELECTION DISTRICT ANY SUCH PUBLIC BUILDING
21 SITUATED IN ANOTHER ELECTION DISTRICT WITHIN THE SAME OR
22 IMMEDIATELY ADJACENT WARD, OR, IF THERE ARE NO WARDS, THEN
23 WITHIN THE SAME BOROUGH OR TOWNSHIP AS THE CASE MAY BE, PROVIDED
24 SUCH OTHER BUILDING IS LOCATED IN AN ELECTION DISTRICT WHICH IS
25 IMMEDIATELY ADJACENT TO THE BOUNDARY OF THE ELECTION DISTRICT
26 FOR WHICH IT IS TO BE THE POLLING PLACE AND IS DIRECTLY
27 ACCESSIBLE THEREFROM BY PUBLIC STREET OR THOROUGHFARE. TWO OR
28 MORE POLLING PLACES MAY BE LOCATED IN THE SAME PUBLIC BUILDING
29 UNDER THIS SECTION. A POLLING PLACE MAY BE SELECTED AND
30 DESIGNATED HEREUNDER LESS THAN TWENTY DAYS PRIOR TO ANY

1 ELECTION, WITH THE APPROVAL OF A COURT OF COMPETENT
2 JURISDICTION.

3 (B) IN THE EVENT NO AVAILABLE PUBLIC BUILDING AS
4 CONTEMPLATED UNDER SUBSECTION (A) IS SITUATED WITHIN THE
5 BOUNDARIES OF A BOROUGH WHICH CONSTITUTES A SINGLE ELECTION
6 DISTRICT, THE COUNTY BOARD OF ELECTIONS MAY, NOT LESS THAN TEN
7 DAYS PRIOR TO ANY ELECTION, DESIGNATE AS THE POLLING PLACE FOR
8 SUCH ELECTION DISTRICT A MUNICIPAL BUILDING OWNED BY THAT
9 BOROUGH AND LOCATED IN AN ADJOINING SECOND CLASS TOWNSHIP:
10 PROVIDED, THAT THE MUNICIPAL BUILDING WHICH IS TO SERVE AS THE
11 POLLING PLACE IS LOCATED IN AN ELECTION DISTRICT IMMEDIATELY
12 ADJACENT TO THE BOUNDARY OF SUCH BOROUGH AND IS DIRECTLY
13 ACCESSIBLE FROM THE BOROUGH BY PUBLIC STREET OR THOROUGHFARE.
14 SUCH MUNICIPAL BUILDING MAY BE DESIGNATED AS THE POLLING PLACE
15 FOR AN ELECTION LESS THAN TEN DAYS PRIOR TO THAT ELECTION, WITH
16 THE APPROVAL OF A COURT OF COMPETENT JURISDICTION.

17 (C) THE BOARD, IN ITS DISCRETION, MAY PROCURE AND PROVIDE
18 PORTABLE OR MOVABLE POLLING PLACES OF ADEQUATE SIZE AND
19 FACILITIES FOR ANY OR ALL ELECTION DISTRICTS.

20 SECTION 2. SECTION 804 OF THE ACT, AMENDED DECEMBER 22, 1971
21 (P.L.613, NO.165), IS AMENDED TO READ:

22 SECTION 804. ORGANIZATION OF STATE COMMITTEE; RULES.--EACH
23 POLITICAL PARTY SHALL BE DIRECTED BY A STATE COMMITTEE, TO BE
24 CHOSEN IN SUCH A MANNER AND FOR SUCH A TERM OF OFFICE AS PARTY
25 RULES MAY PROVIDE. THE MEMBERS OF THE STATE COMMITTEE SHALL MEET
26 FOR ORGANIZATION NOT LATER THAN THE SIXTH WEDNESDAY FOLLOWING
27 THEIR ELECTION, AT SUCH HOUR AND PLACE AS SHALL BE DESIGNATED BY
28 THE STATE CHAIRMAN OF EACH POLITICAL PARTY. THE STATE COMMITTEE
29 OF EACH POLITICAL PARTY MAY MAKE SUCH RULES FOR GOVERNMENT OF
30 THE PARTY IN THE STATE, NOT INCONSISTENT WITH LAW, AS IT MAY

1 DEEM EXPEDIENT; AND MAY ALSO REVOKE, ALTER OR RENEW, IN ANY
2 MANNER NOT INCONSISTENT WITH LAW, ANY PRESENT OR FUTURE RULES OF
3 SUCH POLITICAL PARTY. SUCH RULES SHALL BE POSTED AND MAINTAINED
4 ON AN INTERNET WEBSITE OF THE COMMITTEE. NO SUCH RULES SHALL BE
5 EFFECTIVE UNTIL A CERTIFIED COPY THEREOF HAS BEEN FILED IN THE
6 OFFICE OF THE SECRETARY OF THE COMMONWEALTH AND POSTED ON THE
7 COMMITTEE'S INTERNET WEBSITE.

8 SECTION 3. SECTION 909 OF THE ACT, AMENDED FEBRUARY 19, 1986
9 (P.L.29, NO.11), IS AMENDED TO READ:

10 Section 909. Petition May Consist of Several Sheets;
11 Affidavit of Circulator.--Said nomination petition may be on one
12 or more sheets, and different sheets must be used for signers
13 resident in different counties. If more than one sheet is used,
14 they shall be bound together when offered for filing if they are
15 intended to constitute one petition, and each sheet shall be
16 numbered consecutively beginning with number one, at the foot of
17 each page. In cases of petitions for delegate or alternate
18 delegate to National conventions, each sheet shall contain a
19 notation indicating the presidential candidate to whom he is
20 committed or the term "uncommitted." Each sheet shall have
21 appended thereto the affidavit of the circulator of each sheet,
22 setting forth--(a) that he or she is a qualified elector duly
23 registered and enrolled as a member of the designated party of
24 the State, or of the political district, as the case may be,
25 referred to in said petition, unless said petition relates to
26 the nomination of a candidate for the office of school director
27 in a district where that office is elective, for a court of
28 common pleas, for the Philadelphia Municipal Court [or], for the
29 Traffic Court of Philadelphia or for [justice of the peace]
30 magisterial district judge, in which event the circulator need

1 not be a duly registered and enrolled member of the designated
2 party; (b) his residence, giving city, borough or township, with
3 street and number, if any; (c) that the signers thereto signed
4 with full knowledge of the contents of the petition; (d) that
5 their respective residences are correctly stated therein; (e)
6 that they all reside in the county named in the affidavit; (f)
7 that each signed on the date set opposite his name; and (g)
8 that, to the best of affiant's knowledge and belief, the signers
9 are qualified electors and duly registered and enrolled members
10 of the designated party of the State, or of the political
11 district, as the case may be.

12 SECTION 4. SECTION 977 OF THE ACT, AMENDED FEBRUARY 13, 1998 <—
13 (P.L.72, NO.18), IS AMENDED TO READ:

14 SECTION 977. OBJECTIONS TO NOMINATION PETITIONS AND
15 PAPERS.--(A) ALL NOMINATION PETITIONS AND PAPERS RECEIVED AND
16 FILED WITHIN THE PERIODS LIMITED BY THIS ACT SHALL BE DEEMED TO
17 BE VALID, UNLESS, WITHIN SEVEN DAYS AFTER THE LAST DAY FOR
18 FILING SAID NOMINATION PETITION OR PAPER, A PETITION IS
19 PRESENTED TO THE COURT SPECIFICALLY SETTING FORTH THE OBJECTIONS
20 THERETO, AND PRAYING THAT THE SAID PETITION OR PAPER BE SET
21 ASIDE. A COPY OF SAID PETITION SHALL, WITHIN SAID PERIOD, BE
22 SERVED ON THE OFFICER OR BOARD WITH WHOM SAID NOMINATION
23 PETITION OR PAPER WAS FILED.

24 (B) UPON THE PRESENTATION OF SUCH A PETITION, THE COURT
25 SHALL MAKE AN ORDER FIXING A TIME FOR HEARING WHICH SHALL NOT BE
26 LATER THAN TEN DAYS AFTER THE LAST DAY FOR FILING SAID
27 NOMINATION PETITION OR PAPER, AND SPECIFYING THE TIME AND MANNER
28 OF NOTICE THAT SHALL BE GIVEN TO THE CANDIDATE OR CANDIDATES
29 NAMED IN THE NOMINATION PETITION OR PAPER SOUGHT TO BE SET
30 ASIDE. ON THE DAY FIXED FOR SAID HEARING, THE COURT SHALL

1 PROCEED WITHOUT DELAY TO HEAR SAID OBJECTIONS, AND SHALL GIVE
2 SUCH HEARING PRECEDENCE OVER OTHER BUSINESS BEFORE IT, AND SHALL
3 FINALLY DETERMINE SAID MATTER NOT LATER THAN FIFTEEN (15) DAYS
4 AFTER THE LAST DAY FOR FILING SAID NOMINATION PETITIONS OR
5 PAPERS.

6 (C) IF THE COURT SHALL FIND THAT SAID NOMINATION PETITION OR
7 PAPER IS DEFECTIVE UNDER THE PROVISIONS OF SECTION 976, OR DOES
8 NOT CONTAIN A SUFFICIENT NUMBER OF GENUINE SIGNATURES OF
9 ELECTORS ENTITLED TO SIGN THE SAME UNDER THE PROVISIONS OF THIS
10 ACT, OR WAS NOT FILED BY PERSONS ENTITLED TO FILE THE SAME, IT
11 SHALL BE SET ASIDE.

12 (D) IF THE OBJECTIONS RELATE TO MATERIAL ERRORS OR DEFECTS
13 APPARENT ON THE FACE OF THE NOMINATION PETITION OR PAPER, THE
14 COURT, AFTER HEARING, MAY, IN ITS DISCRETION, PERMIT AMENDMENTS
15 WITHIN SUCH TIME AND UPON SUCH TERMS AS TO PAYMENT OF COSTS, AS
16 THE SAID COURT MAY SPECIFY.

17 (E) IF THE OBJECTIONS RELATE TO WHETHER A FATAL DEFECT
18 EXISTS IN THE STATEMENT OF FINANCIAL INTERESTS APPENDED TO THE
19 PETITION AS REQUIRED UNDER 65 PA.C.S. § 1104(B) (RELATING TO
20 STATEMENT OF FINANCIAL INTERESTS REQUIRED TO BE FILED), THEN,
21 NOTWITHSTANDING THE PROVISIONS OF 65 PA.C.S. § 1104(B), THE
22 COURT MAY PERMIT AMENDMENT OF THE STATEMENT OF FINANCIAL
23 INTERESTS TO CORRECT NONFRAUDULENT ERRORS OR OMISSIONS IN THE
24 CONTENT OF THE STATEMENT OF FINANCIAL INTERESTS SO LONG AS THE
25 STATEMENT OF FINANCIAL INTERESTS WAS FILED WITH THE STATE ETHICS
26 COMMISSION OR THE GOVERNING AUTHORITY OF THE POLITICAL
27 SUBDIVISION, AS REQUIRED UNDER LAW.

28 (F) IN CASE ANY SUCH PETITION IS DISMISSED, THE COURT SHALL
29 MAKE SUCH ORDER AS TO THE PAYMENT OF THE COSTS OF THE
30 PROCEEDINGS, INCLUDING WITNESS FEES, AS IT SHALL DEEM JUST. IF A

1 PERSON SHALL SIGN ANY NOMINATION PETITIONS OR PAPERS FOR A
2 GREATER NUMBER OF CANDIDATES THAN HE IS PERMITTED UNDER THE
3 PROVISIONS OF THIS ACT, IF SAID SIGNATURES BEAR THE SAME DATE,
4 THEY SHALL, UPON OBJECTIONS FILED THERETO, NOT BE COUNTED ON ANY
5 PETITION OR PAPER AND IF THEY BEAR DIFFERENT DATES, THEY SHALL
6 BE COUNTED IN THE ORDER OF THEIR PRIORITY OF DATE, FOR ONLY SO
7 MANY PERSONS AS THERE ARE CANDIDATES TO BE NOMINATED OR ELECTED.

8 (G) THE OFFICE OF THE PROTHONOTARY OF THE COMMONWEALTH COURT
9 AND THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH AND THE
10 VARIOUS OFFICES OF PROTHONOTARY OF THE COURT OF COMMON PLEAS
11 SHALL BE OPEN BETWEEN THE HOURS OF EIGHT-THIRTY O'CLOCK A.M. AND
12 FIVE O'CLOCK P.M. ON THE LAST DAY TO WITHDRAW AFTER FILING
13 NOMINATION PETITIONS AND ON THE LAST DAY TO FILE OBJECTIONS TO
14 NOMINATION PETITIONS.

15 SECTION 5. SECTION 1302.3 OF THE ACT, AMENDED DECEMBER 11,
16 1968 (P.L.1183, NO.375), IS AMENDED TO READ:

17 SECTION 1302.3. ABSENTEE ELECTORS FILES AND LISTS.--(A) THE
18 COUNTY BOARD OF ELECTIONS SHALL MAINTAIN AT ITS OFFICE A FILE
19 CONTAINING THE DUPLICATE ABSENTEE VOTER'S TEMPORARY REGISTRATION
20 CARDS OF EVERY REGISTERED ELECTOR TO WHOM AN ABSENTEE BALLOT HAS
21 BEEN SENT. SUCH DUPLICATE ABSENTEE VOTER'S TEMPORARY
22 REGISTRATION CARDS SHALL BE FILED BY ELECTION DISTRICTS AND
23 WITHIN EACH ELECTION DISTRICT IN EXACT ALPHABETICAL ORDER AND
24 INDEXED. THE REGISTRATION CARDS SO FILED SHALL CONSTITUTE THE
25 REGISTERED ABSENTEE VOTERS FILE FOR THE PRIMARY OR ELECTION OF
26 (DATE OF PRIMARY OR ELECTION) AND SHALL BE KEPT ON FILE FOR A
27 PERIOD COMMENCING THE TUESDAY PRIOR TO THE DAY OF THE PRIMARY OR
28 ELECTION UNTIL THE DAY FOLLOWING THE PRIMARY OR ELECTION OR THE
29 DAY THE COUNTY BOARD OF ELECTIONS CERTIFIES THE RETURNS OF THE
30 PRIMARY OR ELECTION, WHICHEVER DATE IS LATER. SUCH FILE SHALL BE

1 OPEN TO PUBLIC INSPECTION AT ALL TIMES SUBJECT TO REASONABLE
2 SAFEGUARDS, RULES AND REGULATIONS.

3 (B) THE COUNTY BOARD OF ELECTIONS SHALL POST IN A
4 CONSPICUOUS PUBLIC PLACE AT ITS OFFICE A MASTER LIST ARRANGED IN
5 ALPHABETICAL ORDER BY ELECTION DISTRICTS SETTING FORTH THE NAME
6 AND RESIDENCE, AND AT PRIMARIES, THE PARTY ENROLLMENT, OF [(1)
7 EVERY MILITARY ELECTOR TO WHOM AN ABSENTEE BALLOT IS BEING SENT,
8 EACH SUCH NAME TO BE PREFIXED WITH AN "M"; (2)] EVERY BEDRIDDEN
9 OR HOSPITALIZED VETERAN OUTSIDE THE COUNTY OF HIS RESIDENCE WHO
10 IS NOT REGISTERED AND TO WHOM AN ABSENTEE BALLOT IS BEING SENT,
11 EACH SUCH NAME TO BE PREFIXED WITH A "V"; AND [(3)] EVERY
12 REGISTERED ELECTOR WHO HAS FILED HIS APPLICATION FOR AN ABSENTEE
13 BALLOT TOO LATE FOR THE EXTRACTION OF HIS ORIGINAL REGISTRATION
14 CARD AND TO WHOM A BALLOT IS BEING SENT AND EVERY QUALIFIED
15 ELECTOR WHO HAS FILED HIS APPLICATION FOR AN ABSENTEE BALLOT AND
16 IS ENTITLED, UNDER PROVISIONS OF [THE PERMANENT REGISTRATION LAW
17 AS NOW OR HEREINAFTER ENACTED BY THE GENERAL ASSEMBLY] LAW, TO
18 ABSENTEE REGISTRATION PRIOR TO OR CONCURRENTLY WITH THE TIME OF
19 VOTING, EACH SUCH NAME TO BE PREFIXED WITH A "C." THIS LIST
20 SHALL BE KNOWN AS THE [MILITARY,] VETERANS AND EMERGENCY
21 CIVILIANS ABSENTEE VOTERS FILE FOR THE PRIMARY OR ELECTION OF
22 (DATE OF PRIMARY OR ELECTION) AND SHALL BE POSTED FOR A PERIOD
23 COMMENCING THE TUESDAY PRIOR TO THE DAY OF THE PRIMARY OR
24 ELECTION UNTIL [THE DAY FOLLOWING THE PRIMARY OR ELECTION OR]
25 THE DAY ON WHICH THE COUNTY BOARD OF ELECTIONS CERTIFIES THE
26 RETURNS OF THE PRIMARY OR ELECTION, WHICHEVER DATE IS LATER.
27 SUCH FILE SHALL BE OPEN TO PUBLIC INSPECTION AT ALL TIMES
28 SUBJECT TO REASONABLE SAFEGUARDS, RULES AND REGULATIONS. [THIS]
29 EXCEPT AS PROVIDED IN SUBSECTION (B.1), THIS POSTED LIST SHALL
30 NOT CONTAIN ANY MILITARY ADDRESS OR REFERENCES TO ANY MILITARY

1 ORGANIZATION. UPON WRITTEN REQUEST, THE COUNTY BOARD SHALL
2 FURNISH A COPY OF SUCH LIST TO ANY CANDIDATE OR PARTY COUNTY
3 CHAIRMAN.

4 (B.1) THE COUNTY BOARD SHALL ALSO MAINTAIN A LIST OF ALL
5 ABSENTEE BALLOTS WHICH ARE RECEIVED FROM ELECTORS QUALIFIED IN
6 ACCORDANCE WITH SECTION 1301(A), (B), (C) AND (D) AFTER FIVE
7 O'CLOCK P. M. ON THE FRIDAY BEFORE THE ELECTION BUT BEFORE EIGHT
8 O'CLOCK P. M. ON THE DAY OF THE ELECTION, AND THOSE RECEIVED UP
9 TO THE SEVENTH DAY FOLLOWING THE ELECTION AND WHICH CONTAIN
10 POSTMARKS DATED NO LATER THAN THE DAY PRECEDING THE ELECTION.
11 THIS LIST SHALL BE AVAILABLE FOR PUBLIC INSPECTION UPON WRITTEN
12 REQUEST AT THE OFFICE OF THE COUNTY BOARD OF ELECTIONS SUBJECT
13 TO REASONABLE SAFEGUARDS, RULES AND REGULATIONS. UPON WRITTEN
14 REQUEST, THE COUNTY BOARD SHALL FURNISH A COPY OF SUCH LIST TO
15 ANY CANDIDATE OR PARTY COUNTY CHAIRMAN.

16 (C) NOT LESS THAN FIVE DAYS PRECEDING THE ELECTION, THE
17 CHIEF CLERK SHALL PREPARE A LIST FOR EACH ELECTION DISTRICT
18 SHOWING THE NAMES AND POST OFFICE ADDRESSES OF ALL VOTING
19 RESIDENTS THEREOF TO WHOM OFFICIAL ABSENTEE BALLOTS SHALL HAVE
20 BEEN ISSUED. EACH SUCH LIST SHALL BE PREPARED IN DUPLICATE,
21 SHALL BE HEADED "PERSONS IN (GIVE IDENTITY OF ELECTION DISTRICT)
22 TO WHOM ABSENTEE BALLOTS HAVE BEEN ISSUED FOR THE ELECTION OF
23 (DATE OF ELECTION)," AND SHALL BE SIGNED BY HIM NOT LESS THAN
24 FOUR DAYS PRECEDING THE ELECTION. [HE] EXCEPT AS PROVIDED IN
25 SUBSECTION (B.1), HE SHALL POST THE ORIGINAL OF EACH SUCH LIST
26 IN A CONSPICUOUS PLACE IN THE OFFICE OF THE COUNTY ELECTION
27 BOARD AND SEE THAT IT IS KEPT SO POSTED UNTIL THE CLOSE OF THE
28 POLLS ON ELECTION DAY SUBJECT TO REASONABLE SAFEGUARDS, RULES
29 AND REGULATIONS. HE SHALL CAUSE THE DUPLICATE OF EACH SUCH LIST
30 TO BE DELIVERED TO THE JUDGE OF ELECTION IN THE ELECTION

1 DISTRICT IN THE SAME MANNER AND AT THE SAME TIME AS ARE PROVIDED
2 IN THIS ACT FOR THE DELIVERY OF OTHER ELECTION SUPPLIES, AND IT
3 SHALL BE THE DUTY OF SUCH JUDGE OF ELECTION TO POST SUCH
4 DUPLICATE LIST IN A CONSPICUOUS PLACE WITHIN THE POLLING PLACE
5 OF HIS DISTRICT AND SEE THAT IT IS KEPT SO POSTED THROUGHOUT THE
6 TIME THAT THE POLLS ARE OPEN. UPON WRITTEN REQUEST, HE SHALL
7 FURNISH A COPY OF SUCH LIST TO ANY CANDIDATE OR PARTY COUNTY
8 CHAIRMAN.

9 Section ~~2~~ 6. Section 1632(a) and (b) of the act, amended or <—
10 added October 4, 1978 (P.L.893, No.171) and July 11, 1980
11 (P.L.591, No.127), are amended to read:

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

13 (a) A late filing fee for each report or statement of
14 expenditures and contributions which is not filed within the
15 prescribed period shall be imposed as follows. Such fee shall be
16 [ten dollars (\$10)] twenty dollars (\$20) for each day or part of
17 a day excluding Saturdays, Sundays and holidays that a report is
18 overdue for the first ten (10) days. An additional fee of [ten
19 dollars (\$10)] fifty dollars (\$50) is due for each [of the first
20 six (6) days] additional day that a report is overdue after the
21 initial ten-day period. The maximum fee payable with respect to
22 a single report is [two hundred fifty dollars (\$250)] one
23 thousand dollars (\$1,000). A supervisor shall receive an overdue
24 report or statement even if any late filing fee due has not been
25 paid but the report or statement shall not be considered filed
26 until all fees have been paid upon the receipt by the supervisor
27 of an overdue report. No further late filing fees shall be
28 incurred notwithstanding the fact that the report or statement
29 is not considered filed. The late filing fee is the personal
30 liability of the candidate or treasurer of a political committee

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

11 (b) No person may be a candidate for a public office until
12 all reports and statements of contributions and expenditures
13 required to be filed by any person who SUCH PERSON IF THE PERSON <—
14 was previously a candidate for public office and any treasurer
15 of any committee authorized by such person for the previous
16 candidacy have been filed and all fines paid. No person shall be
17 deemed elected to a public office under the laws of this
18 Commonwealth or enter upon the duties thereof, or receive any
19 salary or emoluments therefrom until all of the reports and
20 statements of contributions and expenditures required to be
21 filed by any candidate and treasurers of committees authorized
22 by such candidate and due before the person may take office,
23 have been filed. No candidate may be sworn in until the
24 appropriate supervisor certifies that all required reports have
25 been filed, and no official of the Commonwealth or any of its
26 political subdivisions may issue a commission or administer an
27 oath of office until that official has received this
28 certification. No certification shall be issued until the
29 supervisor has received post election reports of any candidate
30 and treasurer of committees authorized by such candidate.

1 * * *

2 SECTION 7. SECTION 1638(A) OF THE ACT, ADDED OCTOBER 4, 1978 <—
3 (P.L.893, NO.171), IS AMENDED TO READ:

4 SECTION 1638. ADVERTISING.--

5 (A) WHENEVER ANY PERSON MAKES AN EXPENDITURE FOR THE PURPOSE
6 OF FINANCING COMMUNICATIONS EXPRESSLY ADVOCATING THE ELECTION OR
7 DEFEAT OF A CANDIDATE, OR BALLOT QUESTIONS, THROUGH ANY
8 BROADCASTING STATION, NEWSPAPER, MAGAZINE, OUTDOOR ADVERTISING
9 FACILITY, DIRECT MAILING, E-MAIL, INTERNET ADVERTISING,
10 AUTOMATIC DIALING-ANNOUNCING DEVICE, TELEPHONE CALL WHICH
11 INCLUDES AN AUTOMATED MESSAGE, FACSIMILE OR ANY OTHER TYPE OF
12 GENERAL PUBLIC POLITICAL ADVERTISING, SUCH COMMUNICATION:

13 (1) IF AUTHORIZED BY THE CANDIDATE, HIS AUTHORIZED POLITICAL
14 COMMITTEE OR THEIR AGENTS, SHALL CLEARLY AND CONSPICUOUSLY STATE
15 THAT THE COMMUNICATION HAS BEEN AUTHORIZED.

16 (2) IF NOT AUTHORIZED BY A CANDIDATE, HIS AUTHORIZED
17 POLITICAL COMMITTEE, OR THEIR AGENTS, SHALL CLEARLY AND
18 CONSPICUOUSLY STATE THE NAME OF THE PERSON WHO MADE OR FINANCED
19 THE EXPENDITURE FOR THE COMMUNICATION, INCLUDING, IN THE CASE OF
20 A POLITICAL COMMITTEE THE NAME OF ANY AFFILIATED OR CONNECTED
21 ORGANIZATION.

22 * * *

23 ~~Section 3. This act shall take effect in 60 days.~~ <—

24 SECTION 8. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—