
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2130 Session of
2009

INTRODUCED BY SHAPIRO, JOSEPHS, BRIGGS, CARROLL, CREIGHTON,
DEASY, DePASQUALE, DeWEESE, FRANKEL, FREEMAN AND GIBBONS,
DECEMBER 18, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, DECEMBER 18, 2009

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," in primary and election expenses, further
12 providing for definitions; providing for limitations on
13 contributions; further providing for reporting by candidate
14 and political committees and other persons, for annual
15 reports by political committees and candidates and for late
16 contributions and independent expenditures; and providing for
17 restrictions on contributions by certain contracting parties
18 and for voters' right to disclosure.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 1621 of the act of June 3, 1937
22 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
23 amended by adding subsections to read:

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

1 * * *

2 (n) The words "communications medium" include, but are not
3 limited to, a newspaper, magazine, book, newsletter, billboard,
4 telephone, radio, television, recording, computer software,
5 digital communications network, transit ad, audiovisual work or
6 global communication network.

7 (o) The words "name" or "likeness" shall mean any attribute
8 of a candidate that serves to identify that candidate to an
9 ordinary, reasonable viewer or listener, including, but not
10 limited to, name, signature, photograph, image, likeness, voice
11 or a substantially similar imitation of one or more thereof.

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

13 Section 1625.1. Limitations on Contributions.--

14 (a) (1) An individual's aggregate contributions to a
15 candidate or a candidate's political committee shall not exceed
16 two thousand four hundred dollars (\$2,400) for each election.

17 (2) An individual's aggregate contributions to a candidate
18 shall not exceed an amount equal to the limit under paragraph
19 (1) multiplied by three for each election whenever at least one
20 of the candidates makes a contribution or expenditure of at
21 least two hundred fifty thousand dollars (\$250,000) of his own
22 funas to finance his campaign.

23 (b) (1) A political action committee's aggregate
24 contributions to a candidate or a candidate's political
25 committee shall not exceed five thousand dollars (\$5,000) for
26 each election.

27 (2) A political action committee's aggregate contributions
28 to a candidate or a candidate's political committee shall not
29 exceed an amount equal to the limit under paragraph (1)
30 multiplied by three for each election whenever at least one of

1 the candidates expends at least two hundred fifty thousand
2 dollars (\$250,000) of his own funds to finance his campaign.

3 (c) Aggregate contributions include the value of in-kind
4 contributions.

5 (d) The limitation on contributions shall be applied
6 separately to each primary election, general election or special
7 election.

8 (e) (1) The Secretary of the Commonwealth shall adjust the
9 limitation on contributions by individuals under subsection (a)
10 for inflation in each odd-numbered year beginning with the first
11 odd-numbered year after the end of the year during which this
12 section takes effect. The adjustment shall be equal to the
13 adjustment applicable to contributions made by individuals to
14 candidates for Federal office under section 315(a)(1)(A) of the
15 Federal Election Campaign Act of 1971 (Public Law 92-225, 2
16 U.S.C. § 441a(a)(1)(A)).

17 (2) Each adjustment shall remain in effect for the two-year
18 period beginning the first day following the date of the general
19 election in the even-numbered year preceding the adjustment and
20 ending on the date of the general election in the even-numbered
21 year following the adjustment.

22 (3) The secretary shall publish the adjustment as a notice
23 in the Pennsylvania Bulletin.

24 Section 3. Section 1626(d), (e) and (i) of the act, amended
25 or added July 21, 1979 (P.L.189, No.63), July 11, 1980 (P.L.600,
26 No.128) and July 10, 1981 (P.L.256, No.84), are amended to read:

27 Section 1626. Reporting by Candidate and Political
28 Committees and other Persons.--

29 * * *

30 (d) Pre-election reports by all candidates [for offices to

1 be voted for by the electors of the State at large] and all
2 political committees, which have [expended money] received
3 contributions or made expenditures for the purpose of
4 influencing [the election of such candidate] an election, shall
5 be filed not later than the sixth Tuesday before and the second
6 Friday before an election, provided that the initial pre-
7 election report shall be complete as of fifty (50) days prior to
8 the election and the subsequent pre-election report shall be
9 complete as of fifteen (15) days prior to the election. Pre-
10 election reports by all other candidates and political
11 committees which have received contributions or made
12 expenditures for the purpose of influencing an election shall be
13 filed not later than the second Friday before an election,
14 provided that such report be complete as of fifteen (15) days
15 prior to the election.

16 (e) All candidates or political committees, required to file
17 under this section, shall also file a post-election report not
18 later than thirty (30) days after an election which shall be
19 complete as of twenty (20) days after the election. [In the case
20 of a special election the post-election report shall be complete
21 as of ten (10) days after such special election.]

22 * * *

23 (i) (1) An expenditure from a candidate's political
24 committee to another political committee shall be reported as a
25 contribution by the political committee receiving the
26 contribution but need not be reported by the contributing
27 candidate's political committee until the time required by law
28 for that candidate's political committee to report[: Provided,
29 however, That if].

30 (2) If the amount of the contribution exceeds two hundred

1 fifty dollars (\$250) to a single political committee or one
2 thousand dollars (\$1,000) in aggregate contributions to more
3 than one political committee for any primary, general or special
4 election, then receipts and expenditures shall be reported by
5 the contributing committee at the same time as required by law
6 for the committee receiving same[.], except that this clause
7 shall not apply to a political committee reporting under section
8 1627(a)(1).

9 * * *

10 Section 4. Section 1627 heading and subsection (a) of the
11 act, amended July 11, 1980 (P.L.591, No.127), are amended to
12 read:

13 Section 1627. Quarterly and Annual Reports.--

14 (a) (1) Each candidate's political committee shall file
15 quarterly reports on January 31, April 15, July 15 and October
16 15 of each year. Each report shall be complete as of the last
17 day of the previous month. Such reports shall be filed quarterly
18 at this time until there is no balance or debt in the report of
19 the candidate's political committee. Such reports shall be
20 cumulative. However, if there has been no change in the account,
21 then the candidate's political committee shall file a statement
22 to that effect with the appropriate supervisor. Each form
23 designated by the Secretary of the Commonwealth for filing a
24 report or statement required by section 1626(e) shall contain a
25 block which may be marked by the candidate's political committee
26 designating it a termination report or statement. However, no
27 candidate's political committee may terminate by way of a
28 statement where the unpaid balance indicated in the previous
29 report was greater than two hundred fifty dollars (\$250). Each
30 quarterly report shall cover the campaign activity of a

1 candidate's political committee from the last prior report or
2 statement.

3 (2) All political committees and candidates, including those
4 committees and candidates filing reports under section 1626 (d)
5 and (e), except those filing quarterly reports or statements
6 under clause (1), shall file a report on January 31 of each year
7 which shall be complete as of December 31 of the prior year.
8 Such reports shall be filed annually at this time until there is
9 no balance or debt in the report of the candidate or political
10 committee. Such reports shall be cumulative. However, if there
11 has been no change in the account, then the candidate or
12 political committee shall file a statement to that effect with
13 the appropriate supervisor. Each form designated by the
14 Secretary of the Commonwealth for filing a report or statement
15 required by section 1626(e) shall contain a block which may be
16 marked by the candidate or political committee designating it a
17 termination report or statement. If such report or statement is
18 so designated, or if an authorized candidate elects to file no
19 report or statement pursuant to section 1626.1, no annual report
20 need be filed under this section unless contributions were
21 received or expenditures made subsequent to the time period for
22 filing of such termination report. However, no candidate or
23 political committee may terminate by way of a statement where
24 the unpaid balance indicated in the previous report was greater
25 than two hundred fifty dollars (\$250). In the case of annual
26 reports said report shall cover the campaign activity of a
27 candidate or political committee from the last prior report or
28 statement.

29 * * *

30 Section 5. Section 1628 of the act, amended February 13,

1 1998 (P.L.72, No.18), is amended to read:

2 Section 1628. Late Contributions and Independent
3 Expenditures.--Any candidate or political committee, authorized
4 by a candidate and created solely for the purpose of influencing
5 an election on behalf of that candidate, which receives any
6 contribution or pledge of [five hundred dollars (\$500)] two
7 hundred fifty dollars (\$250) or more, and any person making an
8 independent expenditure, as defined by this act, of [five
9 hundred dollars (\$500)] two hundred fifty dollars (\$250) or more
10 after the final pre-election report has been deemed completed
11 shall report such contribution, pledge or expenditure to the
12 appropriate supervisor. Such report shall be sent by the
13 candidate, chairman or treasurer of the political committee
14 within twenty-four (24) hours of receipt of the contribution. It
15 shall be the duty of the supervisor to confirm the substance of
16 such report. The report shall be made by telegram, mailgram,
17 overnight mail or facsimile transmission. Any candidate in his
18 own behalf, or chairman, treasurer or candidate in behalf of the
19 political committee may also comply with this section by
20 appearing personally before such supervisor and reporting such
21 late contributions or pledges.

22 Section 6. The act is amended by adding sections to read:

23 Section 1634.2. Restrictions on Contributions by Certain
24 Contracting Parties.--No public official or employe of the
25 executive, legislative or judicial branch of the Commonwealth
26 shall award a contract permitted to be awarded without
27 competitive bids to any company, firm or individual if an
28 officer, director, controlling shareholder, partner or executive
29 employe of the contracting company or firm or the contracting
30 individual makes any contribution to the officeholder or

1 candidate for the office that authorizes that contract. This
2 contribution prohibition shall also apply to the spouse and
3 dependent children of the executive employe or individual as
4 well as to any political action committee controlled by the
5 contracting company, firm or individual.

6 Section 1638.1. Voters' Right to Disclosure.--All parties to
7 any contract, whether written or unwritten, to intentionally or
8 knowingly use the name or likeness of a candidate in a
9 communications medium broadcasted, displayed, distributed or
10 otherwise disseminated to members of the general public in this
11 Commonwealth thirty (30) or fewer days prior to an election
12 shall be subject to the provisions of this act applicable to a
13 political action committee unless one or more of the parties to
14 the contract is a candidate or a political committee.

15 Section 7. This act shall take effect January 1, 2011.