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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1038 Session of  
2018

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INTRODUCED BY COSTA, FEBRUARY 9, 2018

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REFERRED TO STATE GOVERNMENT, FEBRUARY 9, 2018

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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 residual funds.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 1630 of the act of June 3, 1937  
16 (P.L.1333, No.320), known as the Pennsylvania Election Code, is  
17 amended to read:

18 Section 1630. Residual Funds.--

19 (a) In the event that a candidate or political committee  
20 terminates its financial activity as such, then the disbursement  
21 of any residual funds remaining in such an account shall be made  
22 in the following manner:

23 (1) any such funds may be used for any expenditure as

1 defined by this article; [and]

2 (2) may be returned, pro rata, to the contributors by the  
3 candidate or treasurer of the political committee[. A final  
4 report must be made by the next January 31 in accordance with  
5 section 1627.]; or

6 (3) may be donated to a nonprofit organization.

7 (b) A final report must be made by the next January 31 in  
8 accordance with section 1627.

9 (c) For purposes of this section:

10 (1) "Affiliated" means serving as an officer of, on the  
11 board of directors of, as a paid employee of or a contractor of  
12 a nonprofit organization.

13 (2) "Family member" means a spouse or child.

14 (3) "Nonprofit organization" means an organization that is  
15 qualified by the Internal Revenue Service as meeting the  
16 requirements of section 501(c)(3) of the Internal Revenue Code  
17 of 1986 (Public Law 99-514, 26 U.S.C. 501(c)(3)) organized under  
18 the laws of this Commonwealth and is not affiliated with a  
19 candidate or the chairman or treasurer of a political committee,  
20 including a family member, of the candidate, chairman or  
21 treasurer.

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