

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 598**      Session of  
2001

INTRODUCED BY KUKOVICH, BELL, BODACK, BOSCOLA, CONTI, COSTA,  
EARLL, HELFRICK, KASUNIC, LOGAN, MELLOW, MUSTO, O'PAKE,  
SCHWARTZ, WOZNIAK AND KITCHEN, MARCH 9, 2001

REFERRED TO STATE GOVERNMENT, MARCH 9, 2001

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 public financing for candidates for  
12 the office of Governor and Lieutenant Governor; establishing  
13 the Pennsylvania Fair Campaign Fund; providing qualifications  
14 for funding, for payments, for use of funds, for authorized  
15 expenditures, for limitation on contributions, for return of  
16 funds and for penalties; and making an appropriation.

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

19 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known  
20 as the Pennsylvania Election Code, is amended by adding an  
21 article to read:

ARTICLE XVI-A

Pennsylvania Gubernatorial Public Financing

24 Section 1601-A. Short Title.--This article shall be known

1 and may be cited as the Pennsylvania Gubernatorial Public  
2 Financing Act.

3 Section 1602-A. Definitions.--As used in this article:

4 (a) The word "candidate" means any of the following:

5 (1) an individual seeking nomination or election to the  
6 office of Governor or Lieutenant Governor who has filed a  
7 nomination petition or nomination paper;

8 (2) an individual who receives contributions or makes  
9 expenditures in connection with seeking nomination or election  
10 to the office of Governor or Lieutenant Governor; or

11 (3) an individual on behalf of whom a registration statement  
12 must be filed in accordance with section 1624.

13 (b) The word "commission" shall mean the State Ethics  
14 Commission.

15 (c) The word "contribution" shall mean a contribution as  
16 defined by section 1621.

17 (d) The word "expenditure" shall mean an expenditure as  
18 defined by section 1621.

19 (e) The word "fund" shall mean the Pennsylvania Fair  
20 Campaign Fund established in section 1605-A.

21 (f) The words "independent expenditure" shall mean an  
22 expenditure by a person made for the purpose of influencing an  
23 election without cooperation or consultation with any candidate  
24 or any political committee authorized by that candidate and  
25 which is not made in concert with or at the request or  
26 suggestion of any candidate or political committee or agent  
27 thereof.

28 (g) The words "major political party" shall mean a political  
29 party whose candidate for Governor received either the highest  
30 or second highest number of votes in the preceding gubernatorial

1 election.

2 Section 1603-A. Application and Administration of Article.--

3 (a) The provisions of this article shall be applicable to  
4 candidates for the offices of Governor and Lieutenant Governor.

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

11 (c) The provisions of this article shall be administered by  
12 the State Ethics Commission. The commission may adopt rules and  
13 regulations as may be required to implement the provisions of  
14 this article and to carry out its purpose.

15 Section 1604-A. Campaign Committee Required.--Each candidate  
16 for Governor or Lieutenant Governor shall form a campaign  
17 committee through which all campaign contributions shall be  
18 received and all campaign expenditures shall be disbursed.

19 Section 1605-A. Pennsylvania Fair Campaign Fund  
20 Established.--There is hereby established a special restricted  
21 receipts fund in the State Treasury to be known as the  
22 Pennsylvania Fair Campaign Fund. Payments shall be made into  
23 this fund pursuant to section 1606-A, and disbursements shall be  
24 made from the fund only upon the warrant of the commission and a  
25 warrant of the State Treasurer. As much of the moneys in the  
26 fund as are necessary to make payments to candidates as provided  
27 in this article are appropriated from the Pennsylvania Fair  
28 Campaign Fund on a continuing basis for the purpose of such  
29 payments.

30 Section 1606-A. Funding the Pennsylvania Fair Campaign.--

1       (a) Beginning with tax years commencing January 1, 2001, and  
2 thereafter, each individual subject to the tax imposed by  
3 Article III of the act of March 4, 1971 (P.L.6, No.2), known as  
4 the "Tax Reform Code of 1971," whose tax liability for the year  
5 is five dollars (\$5) or more may designate five dollars (\$5) of  
6 his personal income taxes to be paid into the fund. In the case  
7 of married taxpayers filing a joint return, each spouse may  
8 designate five dollars (\$5) to be paid into the fund if their  
9 tax liability is ten dollars (\$10) or more. All of these  
10 designated tax revenues shall be paid into the fund. The check-  
11 off and instructions shall be prominently displayed on the first  
12 page of the return form. The instructions shall readily indicate  
13 that these designations neither increase nor decrease an  
14 individual's tax liability.

15       (b) The General Assembly shall appropriate money to the Fair  
16 Campaign Fund sufficient to fully fund all requirements of this  
17 article including the administrative, investigative and  
18 enforcement responsibilities of the State Ethics Commission.  
19 Upon notice by the commission, the General Assembly shall  
20 appropriate to the commission out of the General Fund such  
21 additional sums as may be required to carry out the purposes of  
22 this article if the sums first appropriated become inadequate.

23       Section 1607-A. Certification of Moneys in Fund.--By June 30  
24 of each year, the State Treasurer shall certify to the  
25 commission the current balance available in the fund.

26       Section 1608-A. Qualification for Funding.--

27       (a) Any candidate for the offices of Governor and Lieutenant  
28 Governor may apply for funding under this article if the  
29 candidate meets the contributory thresholds established in  
30 subsection (b) and otherwise conforms to the requirements of

1 this article. No candidate shall be obligated to apply for  
2 funding under this article and if any candidate elects not to  
3 apply, the provisions of this article pertaining to limits on  
4 expenditures or the use of his personal funds shall be  
5 inapplicable to the person and his candidacy. Any candidate  
6 electing to receive funding under this article shall declare his  
7 intention to do so and specify the office for which he is a  
8 candidate. No candidate for the office of Governor, nominated at  
9 a primary election, may elect to receive funding under this  
10 article for a general election unless the candidate elected to  
11 receive funding under this article for the primary election. Any  
12 candidate who for any reason has his name withdrawn from the  
13 ballot, after receipt of funds under this article, shall return  
14 to the fund all unspent money received from the fund.

15 (b) (1) In order to qualify for funding in a general  
16 election, a candidate for Governor must receive subsequent to  
17 the date of that candidate's primary election but prior to the  
18 date of the candidate's general election two hundred thousand  
19 dollars (\$200,000) in qualifying contributions.

20 (2) In order to qualify for funding in a primary election, a  
21 candidate must receive, prior to the date of the primary  
22 election but after becoming a candidate, the following amounts:

<u>Office</u>	<u>Qualifying Contributions Required</u>
<u>(i) Governor</u>	<u>\$100,000</u>
<u>(ii) Lieutenant Governor</u>	<u>50,000</u>

26 (3) Definition:

27 (i) The term "qualifying contribution" includes any  
28 contribution which has all of the following characteristics:

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

30 (B) Made by a written instrument which indicates the

1 contributor's full name and mailing address and is not intended  
2 to be returned to the contributor or transferred to another  
3 political committee or candidate.

4 (ii) If a contributor receives goods or services of value in  
5 return for his contribution, the qualifying contribution shall  
6 be calculated as the original contribution, minus the fair  
7 market value of the goods or services received.

8 (c) Each candidate who elects to apply for funding under  
9 this article shall provide evidence that the candidate has  
10 raised the qualifying contributions required by this section  
11 which evidence shall be verified and certified as correct by the  
12 auditors of the State Ethics Commission.

13 (d) A candidate who has accepted public funding under this  
14 article may apply to the commission for a waiver of the funding  
15 limits set forth in section 1610-A and/or the spending limits  
16 contained in section 1613-A if the amount of independent  
17 expenditures for communications advocating the defeat of the  
18 candidate or election of his opponent require the candidate  
19 applying for the waiver to spend above the limits specified in  
20 section 1613-A in order to answer the communications paid for by  
21 the independent expenditures. The commission shall issue  
22 regulations setting guidelines for granting or denying requests  
23 for a waiver submitted under this section.

24 (e) The commission shall conduct a complete audit of all  
25 candidates receiving funds under this article. Such audits shall  
26 be conducted the year following the election for which funds  
27 were distributed. The Secretary of the Commonwealth shall  
28 provide the commission at no cost all reports of contributions  
29 and expenditures filed pursuant to Article XVI by candidates for  
30 Governor and Lieutenant Governor, their political committees and

1 all other political committees who have contributed to such  
2 candidates.

3 (f) The auditors shall conduct their audit in accord with  
4 sound accounting principles and shall make findings of any  
5 possible violations of this article. All audited candidates and  
6 their committees shall furnish any records to the accountants  
7 which the accountants deem necessary for the completion of their  
8 work.

9 (g) The commission shall make public the report of the  
10 auditors and shall provide a copy to the Attorney General for  
11 the institution of such criminal proceedings as he or she shall  
12 deem necessary.

13 Section 1609-A. Funding Formula.--

14 (a) Every candidate who qualifies for funding for an  
15 election pursuant to section 1608-A shall receive matching  
16 payments from the fund in the amount of two dollars (\$2) for  
17 each dollar of qualifying contribution.

18 (b) The two dollars (\$2) for each dollar of qualifying  
19 contributions provided by this section shall be provided both  
20 for qualifying contributions raised which exceed the threshold  
21 amounts specified in section 1608-A and for those qualifying  
22 contributions which are attributable to meeting the threshold  
23 amounts necessary to qualify for funding under this article.

24 (c) (1) Only those qualifying contributions made during the  
25 period between the date of becoming a candidate and the date of  
26 the primary election shall be eligible for matching payments  
27 from the fund for the primary election.

28 (2) Only those qualifying contributions made during the  
29 period between the primary election and the general election of  
30 the year in which that candidate runs for office shall be

1 eligible for matching payments from the fund for the general  
2 election.

3 (d) Matching funds shall not be provided for any qualifying  
4 contributions unless the reporting requirements required by the  
5 commission are satisfied.

6 Section 1610-A. Limitations on Funding.--

7 (a) Every candidate who qualifies for and receives funding  
8 pursuant to the formula established by this article shall be  
9 entitled to receive no more than the maximum amount specified in  
10 subsection (b) for the office the candidate is seeking.

11 (b) (1) The maximum amount of funding available for each  
12 candidate for Governor at a general election under this article  
13 shall be five million two hundred thousand dollars (\$5,200,000).

14 (2) The maximum amount of funding available for the primary  
15 election for each candidate under this article shall be as  
16 follows:

<u>Office</u>	<u>Maximum Pennsylvania Fair</u>
	<u>Campaign Funding</u>
<u>(i) Governor</u>	<u>\$2,600,000</u>
<u>(ii) Lieutenant Governor</u>	<u>600,000</u>

21 Section 1611-A. Time of Payments.--Beginning ninety (90)  
22 days prior to the relevant election, the commission shall make  
23 payments authorized by this article at least every two (2)  
24 weeks. However, except for the final payment, no payment shall  
25 be due or paid if the payment does not equal at least five  
26 thousand dollars (\$5,000).

27 Section 1612-A. Use of Funds by Candidates.--

28 (a) Funds distributed to candidates pursuant to this article  
29 may be used only for the election for which they are distributed  
30 and only for the purposes set forth in this article except that



1 no fund moneys may be used:

2 (1) To transfer to other candidates or to committees of  
3 other candidates or to political committees.

4 (2) To pay for expenditures incurred as follows:

5 (i) after the date of the primary election in the case of an  
6 unsuccessful primary candidate; or

7 (ii) after the date of the general election in the case of  
8 all other candidates.

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

13 Section 1613-A. Expenditures.--

14 (a) Expenditures made by a candidate for Governor, for all  
15 purposes and from all sources, including but not limited to  
16 amounts of funds distributed under this article, proceeds of  
17 loans, gifts, contributions from any source or personal funds,  
18 subsequent to the date of the primary election but prior to the  
19 date of the general election, may not exceed eight million  
20 dollars (\$8,000,000).

21 (b) Expenditures made by a candidate prior to the date of  
22 the primary election may not exceed the following unless  
23 otherwise provided:

<u>Office</u>	<u>Total Expenditure Limits</u>
<u>(1) Governor</u>	<u>\$4,000,000</u>
<u>(2) Lieutenant Governor</u>	<u>1,000,000</u>

27 (c) The expenditure limits of this section apply only to  
28 candidates who receive public funding pursuant to this article,  
29 except that a candidate who accepts public funding but whose  
30 political party opponent in a general election elects not to

1 apply for the public funding shall not be bound by the  
2 expenditure limits of this section. A candidate who accepts  
3 public funding shall be eligible to qualify for those fair  
4 campaign funds which would have otherwise been available to the  
5 opponent who has chosen not to apply for funding from the fund.

6 (d) Notwithstanding any other provision of this article, a  
7 candidate who accepts public funding pursuant to the formula  
8 established, but whose major political party opponents in a  
9 primary election elect to not apply for the public funding,  
10 shall not be bound by the expenditure limits specified in this  
11 section. If there is more than one candidate in a political  
12 party in a primary election, the fair campaign funds which would  
13 have otherwise been available to each opponent who has elected  
14 to not apply for the public funding shall be divided equally  
15 among the candidates who accept public financing.

16 Section 1614-A. Annual Report.--The commission shall report  
17 annually to the Governor and the General Assembly on the  
18 operations of funding as provided by this article. This report  
19 shall include, but not be limited to, the revenues and  
20 expenditures in the fund, the amounts distributed to candidates,  
21 the results of any audits performed on candidates in compliance  
22 with this article and any prosecutions brought for violations of  
23 this article.

24 Section 1615-A. Return of Excess Funds.--

25 (a) All unexpended campaign funds in a candidate's and his  
26 authorized committees' possession sixty (60) days after a  
27 primary election shall be returned to the State board for  
28 deposit in the fund, up to the amount of the funds which were  
29 distributed to the candidate under this article for the primary  
30 election.

1     (b) All unexpended campaign funds in a candidate's and his  
2 authorized committees' possession sixty (60) days after a  
3 general election shall be returned to the State board for  
4 deposit in the fund, up to the amount of the funds which were  
5 distributed to the candidate under this article for the general  
6 election.

7     Section 1616-A. Limitations on Certain Contributions.--

8     (a) The provisions of this section apply to any contribution  
9 made for the purpose of influencing any election to the office  
10 of Governor or Lieutenant Governor regardless of whether the  
11 candidate for that office has applied for or received funding  
12 under this article.

13     (b) Aggregate contributions, including in-kind  
14 contributions, from any person or political committee to any  
15 candidate for Governor or Lieutenant Governor, his authorized  
16 committee or agent shall not exceed two thousand dollars  
17 (\$2,000) for the candidate's primary election and two thousand  
18 dollars (\$2,000) for the candidate's general election.  
19 Furthermore, for each election, no candidate, his authorized  
20 committee or agent shall accept or receive more than two  
21 thousand dollars (\$2,000) for the candidate's primary election  
22 and two thousand dollars (\$2,000) for the candidate's general  
23 election in aggregate contributions, including in-kind  
24 contributions, from any person.

25     (c) A gift, subscription, loan, advance or deposit of money  
26 or anything of value to a candidate shall be considered a  
27 contribution both by the original source of the contribution and  
28 by any intermediary or conduit if the intermediary or conduit:

29     (1) exercises any direction over the making of the  
30 contribution; or

1       (2) solicits the contribution or arranges for the  
2 contribution made and directly or indirectly makes the candidate  
3 aware of such intermediary or conduit's role in soliciting or  
4 arranging the contribution for the candidate.

5       (d) For purposes of subsection (c), a contribution shall not  
6 be considered to be a contribution by an intermediary or conduit  
7 to the candidate if:

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

11       (2) in the case of an individual, the candidate has  
12 expressly authorized the intermediary or conduit to engage in  
13 fundraising, or the individual occupies a significant position  
14 within the candidate's campaign organization; or

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

17       (e) No candidate for Governor or Lieutenant Governor who  
18 accepts public funding in accordance with this article may  
19 contribute from personal funds more than an aggregate of twenty-  
20 five thousand dollars (\$25,000) in connection with his or her  
21 primary and general election campaigns.

22       Section 1617-A. Interactive Gubernatorial Primary and  
23 General Election Debates; Participation by Candidates.--

24       (a) In any year in which a primary election is to be held to  
25 nominate candidates for the offices of Governor and Lieutenant  
26 Governor, there shall be held among the several candidates for  
27 each nomination a series of interactive primary debates in which  
28 all candidates who have filed nomination petitions in accordance  
29 with this act for these offices and have applied or intend to  
30 apply to receive money for election campaign expenses from the

1 fund shall participate and in which any other candidate for that  
2 nomination may elect to participate, provided that the other  
3 candidate notifies the commission of the candidate's intent to  
4 participate no later than twenty (20) days before the date of  
5 the debate. In any year in which no candidate or only one  
6 candidate for a nomination is required or elects to participate,  
7 no primary debate shall be required to be held under this  
8 subsection.

9 (b) In any year in which a general election is to be held  
10 for the offices of Governor and Lieutenant Governor, there shall  
11 be held a series of interactive debates in which all candidates  
12 who have received nominations for these offices at the primary  
13 or through the filing of nomination papers in accordance with  
14 this act and have applied or intend to apply to receive money  
15 for election campaign expenses from the fund shall participate  
16 and in which any other candidate for election may participate,  
17 provided that the other candidate notifies the commission of the  
18 candidate's intent to participate no later than twenty (20) days  
19 before the date of the debate.

20 Section 1618-A. Time and Contents; Sponsors.--

21 (a) There shall be two gubernatorial and two lieutenant  
22 gubernatorial primary debates. Each of the debates shall be at  
23 least one hour in duration. The first debate shall occur not  
24 earlier than the date on which the names of candidates to appear  
25 on the primary ballot are certified by the Secretary of the  
26 Commonwealth in accordance with section 916 and the second  
27 debate shall occur not later than the Tuesday preceding the  
28 primary election.

29 (b) There shall be three gubernatorial and three lieutenant  
30 gubernatorial debates. Each of the debates shall be at least one

1 (1) hour. The first debate shall occur not earlier than fifty  
2 (50) days before the date of the general election, and the  
3 second debate shall occur not later than the Tuesday preceding  
4 the election.

5 (c) Private organizations which are not affiliated with any  
6 political party or with any holder of or candidate for public  
7 office and which have not endorsed any candidate in the pending  
8 primary or general election for the office of Governor shall be  
9 eligible to sponsor one or more interactive gubernatorial  
10 primary debates or interactive gubernatorial election debates  
11 under subsection (a) or (b), respectively.

12 (d) The commission shall accept applications from eligible  
13 private organizations to sponsor one or more of the interactive  
14 debates. Applications to sponsor debates under subsection (a)  
15 shall be submitted to the commission no later than March 15 of  
16 any year in which a primary election is to be held to nominate  
17 candidates for the office of Governor and Lieutenant Governor,  
18 and applications to sponsor debates under subsection (b) shall  
19 be submitted to the commission no later than July 1 of any year  
20 in which a general election is to be held to fill the office of  
21 Governor.

22 (e) Where the number of eligible applicants to sponsor  
23 primary debates or election debates exceed the number prescribed  
24 under subsections (a) and (b), respectively, the commission  
25 shall select the private organizations from among the applicants  
26 within thirty (30) days of the last day for submitting those  
27 applications, as provided under this subsection. To the maximum  
28 extent practicable and feasible, the commission shall select a  
29 different private organization to sponsor each of the  
30 interactive gubernatorial debates, but shall not be precluded

1 from selecting the same private organization to sponsor more  
2 than one debate.

3 (f) The private organizations selected by the commission  
4 shall be responsible for selecting the date, time and location  
5 of the debates, subject to the limitations set forth in this  
6 section. The rules for conducting each debate shall be solely  
7 the responsibility of the private organizations so selected, but  
8 shall not be made final without consultation with both the  
9 chairman of the State committee of each political party in the  
10 case of primary debates, and with a representative designated by  
11 each of the participating candidates in the case of general  
12 election debates.

13 Section 1619-A. Failure of Candidate to Participate in  
14 Debates; Complaint; Hearing; Determination; Penalties.

15 (a) The commission shall have the power and duty, upon  
16 receipt of a complaint against a candidate for nomination for  
17 election or for election for the office of Governor or  
18 Lieutenant Governor who is required to participate in primary  
19 debates or election debates, respectively, to hold a hearing to  
20 determine whether that candidate has failed to participate in  
21 debates. If, at the conclusion of a hearing under this section,  
22 the commission determines by majority vote that a candidate  
23 required to participate under this act has failed to do so, the  
24 chairman shall immediately inform the candidate in writing of  
25 that determination, identifying in that writing the date and  
26 circumstances of the failure. If, after having found that a  
27 candidate required to participate in a primary or election  
28 debate has failed to do so, the commission further finds that  
29 the failure occurred under circumstances which were beyond the  
30 control of the candidate and were of such a nature that a

1 reasonable person, taking into account the purposes of this act  
2 and the relevant facts of the case, would find the failure  
3 justifiable or excusable, then the candidate shall not be  
4 subject to any penalty or liability for failing to participate.  
5 The candidate charged with failure to participate shall have the  
6 burden of showing justification or excuse.

7 (b) The campaign of any candidate or former candidate who  
8 shall have been required to participate in a primary debate or  
9 election debate under this article, but who has been found to  
10 have failed to do so without reasonable justification or excuse,  
11 shall be liable for return of moneys previously received for use  
12 by the candidate to pay primary election campaign expenses or  
13 general election campaign expenses, respectively. The commission  
14 shall determine the total amount of moneys for election campaign  
15 expenses in that year by the commission to the candidate under  
16 this article, as appropriate, and shall notify the campaign  
17 treasurer of the candidate of the liability as of the date of  
18 the notice, for the repayment of those moneys plus interest on  
19 the unpaid amount of that liability from that date at the rate  
20 of one (1) per cent for each month or fractional a part of a  
21 month during which that amount remains unpaid.

22 Section 1620-A. Penalties.--

23 (a) A person who violates the provisions of this article and  
24 who, as a result, obtains funds under this article to which he  
25 is not entitled commits a misdemeanor of the first degree and  
26 shall, upon conviction, be subject to a fine not to exceed the  
27 greater of ten thousand dollars (\$10,000), or three (3) times  
28 the amount of funds wrongfully obtained or to imprisonment for  
29 up to five (5) years, or both.

30 (b) A person who violates section 1612-A or 1613-A commits a



1 misdemeanor of the first degree and shall, upon conviction, be  
2 subject to a fine not to exceed the greater of ten thousand  
3 dollars (\$10,000), or three (3) times the amount of funds that  
4 were wrongfully used or expended or to imprisonment for up to  
5 five (5) years, or both.

6 (c) Except as provided in subsections (a) and (b), a person  
7 who violates any provision of this article commits a misdemeanor  
8 of the third degree and shall, upon conviction, be subject to a  
9 fine of not more than one thousand dollars (\$1,000), or to  
10 imprisonment for up to one (1) year, or both.

11 (d) All fines and penalties assessed pursuant to this  
12 article shall be deposited in the Pennsylvania Fair Campaign  
13 Fund.

14 Section 1621-A. Severability.--The provisions of this  
15 article are severable. If any provision of this article or its  
16 application to any person or circumstance is held invalid, the  
17 invalidity shall not affect other provisions or applications of  
18 this article which can be given effect without the invalid  
19 provision or application.

20 Section 1622-A. Applicability.--Funding from the  
21 Pennsylvania Fair Campaign Fund shall be provided to candidates  
22 for Statewide office beginning with the primary election of 2002  
23 and in each gubernatorial primary and election thereafter.

24 Section 2. (a) The sum of \$750,000 is hereby appropriated  
25 to the State Ethics Commission for fiscal year 2000-2001 to  
26 implement the requirements of Article XVI-A of the act of June  
27 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election  
28 Code.

29 (b) The dollar figures contained in this act shall be  
30 adjusted annually at a rate equal to the average percentage

1 change in the All-Urban Consumer Price Index for the Pittsburgh,  
2 Philadelphia and Scranton standard metropolitan statistical  
3 areas as published by the Bureau of Labor Statistics of the  
4 United States Department of Labor, or any successor agency,  
5 occurring in the prior calendar year. The base year shall be  
6 2001. The average shall be calculated and certified annually by  
7 the commission by adding the percentage increase in each of the  
8 three areas and dividing by three. The calculation and resulting  
9 new dollar figures shall be published in March in the  
10 Pennsylvania Bulletin. The checkoff referred to in section 1606-  
11 A of the Pennsylvania Election Code shall be rounded to the  
12 nearest dollar.

13 Section 3. This act shall be retroactive to January 1, 2001.

14 Section 4. This act shall take effect immediately.