

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1721 Session of
2007

INTRODUCED BY LEVDANSKY, STEIL, JOSEPHS, RUBLEY, McCALL,
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R. TAYLOR, VITALI, WAGNER AND WALKO, JULY 9, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 9, 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," providing for definitions; creating the
12 Pennsylvania State Board of Elections and defining its powers
13 and duties; providing for a fair campaign code, for
14 regulations at polling places, for independent expenditures,
15 for political action committees and affiliated committees,
16 for in-kind contributions, for committee organizations, for
17 reporting by candidates and political committees, for
18 quarterly reports, for funding limitations and use and for
19 transfers; making an appropriation; and making repeals.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 Section 1. Section 102 of the act of June 3, 1937 (P.L.1333,
23 No.320), known as the Pennsylvania Election Code, is amended by
24 adding a clause to read:

25 Section 102. Definitions.--The following words, when used in

1 this act, shall have the following meanings, unless otherwise
2 clearly apparent from the context:

3 * * *

4 (z.5) The words "State board" or "State board of elections"
5 shall mean the Pennsylvania State Board of Elections established
6 by this act.

7 Section 2. Section 201 of the act, amended October 8, 2004
8 (P.L.807, No.97), is repealed:

9 [Section 201. Powers and Duties of the Secretary of the
10 Commonwealth.--The Secretary of the Commonwealth shall exercise
11 in the manner provided by this act all powers granted to him by
12 this act, and shall perform all the duties imposed upon him by
13 this act, which shall include the following:

14 (a) To determine, in accordance with the provisions of this
15 act, the forms of nomination petitions and papers, expense
16 accounts and all other forms and records, the form of which he
17 is required to determine under the provisions of this act.

18 (b) To examine and reexamine voting machines, and to approve
19 or disapprove them for use in this State, in accordance with the
20 provisions of this act.

21 (c) To certify to county boards of elections for primaries
22 and elections the names of the candidates for President and
23 Vice-President of the United States, presidential electors,
24 United States senators, representatives in Congress and all
25 State offices, including senators, representatives, and judges
26 of all courts of record, and delegates and alternate delegates
27 to National Conventions, and members of State committees, and
28 the form and wording of constitutional amendments or other
29 questions to be submitted to the electors of the State at large.

30 (d) To receive and determine, as hereinafter provided, the

1 sufficiency of nomination petitions, certificates and papers of
2 candidates for President of the United States, presidential
3 electors, United States senators, representatives in Congress
4 and all State offices, including senators, representatives and
5 judges of all courts of record, and delegates and alternate
6 delegates to National Conventions and members of State
7 committees.

8 (e) To receive such reports from county boards of elections
9 as are required by this act, and to demand such additional
10 reports on special matters as he may deem necessary.

11 (e.1) To receive from county boards of elections information
12 on voting system errors or difficulties or other election data
13 pursuant to regulation.

14 (f) To receive from county boards of elections the returns
15 of primaries and elections, to canvass and compute the votes
16 cast for candidates and upon questions as required by the
17 provisions of this act; to proclaim the results of such
18 primaries and elections, and to issue certificates of election
19 to the successful candidates at such elections, except in cases
20 where that duty is imposed by law on another officer or board.

21 (f.1) To develop a voluntary professional certification and
22 poll worker training program for county election officials in
23 consultation with county boards of elections.

24 (f.2) To order a county board to conduct a recount or
25 recanvass of an election under section 1404 for a public office
26 which appears on the ballot in every election district in this
27 Commonwealth or for a ballot question which appears on the
28 ballot in every election district in this Commonwealth.

29 (g) To perform such other duties as may be prescribed by
30 law.

1 (h) To establish a system for the remedy of complaints
2 regarding the administration of the provisions of Title III of
3 the Help America Vote Act of 2002 (Public Law 107-252, 42 U.S.C.
4 § 15481 et seq.)]

5 Section 3. Section 201.1 of the act, added February 19, 1986
6 (P.L.29, No.11), is repealed:

7 [Section 201.1. Explanation of Ballot Question.--Whenever a
8 proposed constitutional amendment or other State-wide ballot
9 question shall be submitted to the electors of the Commonwealth
10 in referendum, the Attorney General shall prepare a statement in
11 plain English which indicates the purpose, limitations and
12 effects of the ballot question on the people of the
13 Commonwealth. The Secretary of the Commonwealth shall include
14 such statement in his publication of a proposed constitutional
15 amendment as required by Article XI of the Constitution of
16 Pennsylvania. The Secretary of the Commonwealth shall certify
17 such statement to the county boards of elections who shall
18 publish such statement as a part of the notice of elections
19 required by section 1201 or any other provision of this act. The
20 county board of elections shall also require that at least three
21 copies of such statement be posted in or about the voting room
22 outside the enclosed space with the specimen ballots and other
23 instructions and notices of penalties. In election questions
24 which affect only one county or portion thereof, the county
25 board of elections shall fulfill these requirements in the place
26 of the Attorney General and the Secretary of the Commonwealth.]

27 Section 4. Sections 202 and 203 of the act are repealed:

28 [Section 202. Records and Documents to Be Open to Public
29 Inspection.--The records of the Secretary of the Commonwealth
30 and all returns, nomination petitions, certificates and papers,

1 other petitions, accounts, contracts, reports and other
2 documents and records in his custody shall be open to public
3 inspection, and may be inspected and copied by any qualified
4 elector of the State during ordinary business hours at any time
5 when they are not necessarily being used by the Secretary of the
6 Commonwealth, or his deputy or employes having duties to perform
7 in reference thereto: Provided, however, That such public
8 inspection thereof shall only be in the presence of the
9 Secretary of the Commonwealth, or his deputy or one of his
10 authorized employes, and shall be subject to proper regulation
11 for safekeeping of the records and documents, and subject to the
12 further provisions of this act.

13 Section 203. Preservation of Records.--All documents and
14 records in the office of the Secretary of the Commonwealth shall
15 be preserved therein for a period of two years, unless otherwise
16 provided in this act.]

17 Section 5. Section 204 of the act, amended or added December
18 9, 2002 (P.L.1246, No.150) and May 12, 2006 (P.L.178, No.45), is
19 repealed:

20 [Section 204. Voting Standards Development Board.--(a)
21 There is hereby established within the Department of State a
22 Voting Standards Development Board comprised of seven members
23 for the purpose of developing uniform and nondiscriminatory
24 standards that define what constitutes a vote.

25 (b) The board shall be comprised of the following members:

26 (1) The Secretary of the Commonwealth or his designee.

27 (2) Two county directors of election appointed by the
28 President pro tempore of the Senate, one of whom shall be from a
29 county in which votes are cast on paper ballots.

30 (3) One county director of elections appointed by the

1 Minority Leader of the Senate, who shall be from a county in
2 which votes are cast on punch card voting systems.

3 (4) Two county directors of election appointed by the
4 Speaker of the House of Representatives, one of whom shall be
5 from a county in which votes are cast on direct recording
6 electronic voting systems.

7 (5) One county director of elections appointed by the
8 Minority Leader of the House of Representatives, who shall be
9 from a county in which votes are cast on optical scan voting
10 systems.

11 (c) The Secretary of the Commonwealth shall serve as chair
12 of the board. Each member shall serve until the expiration of
13 his term. A vacancy shall be filled in the same manner as the
14 original appointment.

15 (d) The board shall meet as needed to fulfill the
16 requirements of this section.

17 (e) Four members of the board shall constitute a quorum, and
18 an affirmative vote of a majority of the members of the board is
19 required for the issuance of standards in accordance with
20 subsection (h).

21 (f) The board may establish any rules necessary for its
22 operation, consistent with the provisions of subsection (e).

23 (g) The members of the board shall receive no compensation
24 for their services on the board but shall be reimbursed by the
25 department for ordinary and necessary expenses incurred in the
26 performance of their duties.

27 (h) (1) The board shall have the power and duty to develop
28 uniform and nondiscriminatory standards that define what
29 constitutes a valid vote cast through a paper ballot and what
30 constitutes a valid vote through each type of electronic voting

1 system used in the Commonwealth. On or before July 1, 2003, the
2 board shall adopt standards for paper ballots and each type of
3 electronic voting system. The department shall cause these
4 standards to be published as a notice in the Pennsylvania
5 Bulletin.

6 (2) The standards adopted by the board and published by the
7 Department of State in the Pennsylvania Bulletin Volume 33
8 Number 31 on August 2, 2003, shall, for the general election in
9 2004 and any primary, municipal, special and general election in
10 2006 and 2007, have the force and effect of law.]

11 Section 6. Section 205 of the act, added December 9, 2002
12 (P.L.1246, No.150), is repealed:

13 [Section 205. State Plan Advisory Board.--(a) There is
14 hereby established within the Department of State a State Plan
15 Advisory Board comprised of fifteen members for the purpose of
16 advising the Secretary of the Commonwealth on the development of
17 the State Plan required by the Help America Vote Act of 2002
18 (Public Law 107-252, 42 U.S.C. § 15301 et seq.).

19 (b) The board shall be comprised of the following members:

20 (1) One director of elections from a county of the first
21 class.

22 (2) One director of elections from a county of the second
23 class.

24 (3) The chairperson of the political party with the highest
25 number of registered voters in the Commonwealth.

26 (4) The chairperson of the political party with the second
27 highest number of registered voters in the Commonwealth.

28 (5) Eleven members appointed by the Secretary of the
29 Commonwealth as follows:

30 (i) Seven directors of elections, one from a county of the

1 second class A and one each from a county of the third, fourth,
2 fifth, sixth, seventh and eighth class.

3 (ii) One representative of an organization of disabled
4 Pennsylvania veterans.

5 (iii) One representative of an organization of blind and
6 visually impaired Pennsylvanians.

7 (iv) Two representatives of the public at large, who shall
8 be registered electors of the Commonwealth.

9 (c) The board shall elect a chairman from among its members.
10 Each member appointed by the secretary shall serve for a term of
11 five years. A vacancy shall be filled in the same manner as the
12 original appointment.

13 (d) The board shall meet as needed to fulfill the
14 requirements of this section.

15 (e) Eight members of the board shall constitute a quorum. A
16 vote of the majority of the members of the board is required for
17 the issuance of recommendations in accordance with subsection
18 (h).

19 (f) The board may establish any rules necessary for its
20 operation consistent with the provisions of subsection (e).

21 (g) The members of the board shall receive no compensation
22 for their services on the board but shall be reimbursed by the
23 department for ordinary and necessary expenses incurred in the
24 performance of their duties.

25 (h) The board shall have the power and duty to advise the
26 Secretary of the Commonwealth on the development of the State
27 Plan, which the secretary must develop and submit to the Federal
28 Election Assistance Commission in accordance with the Help
29 America Vote Act of 2002. The board shall make recommendations
30 on all aspects of the State Plan described in section 254 of the

1 Help America Vote Act of 2002.]

2 Section 7. The act is amended by adding sections to read:

3 Section 206. The Pennsylvania State Board of Elections.--(a)

4 The Pennsylvania State board of elections is hereby established
5 as an independent board within the executive branch of the
6 Commonwealth. The State board of elections shall consist of six
7 members appointed by the Governor with the advice and consent of
8 two-thirds of all members of the Senate. No more than three
9 members of the State board appointed under this subsection may
10 be affiliated with the same political party. No two members
11 shall reside in the same county.

12 (b) Members of the State board of elections shall serve for
13 a term of six years except that of the members first appointed
14 (i) two of the members not affiliated with the same political
15 party shall be appointed for terms of two years; (ii) two of the
16 members not affiliated with the same political party shall be
17 appointed for four-year terms; and (iii) two of the members not
18 affiliated with the same political party shall be appointed for
19 six-year terms.

20 (c) No member shall be appointed to more than one full six-
21 year term; Provided, however, That a member of the State board
22 of elections may serve until his successor has been appointed
23 and qualified.

24 (d) Members shall be chosen on the basis of their maturity,
25 experience, integrity, impartiality and good judgment. Each
26 person appointed as a member of the State board of elections
27 shall be a citizen and legal resident of the Commonwealth for a
28 period of not less than one year.

29 (e) No individual, while a member or employe of the State
30 board shall:

1 (1) Hold public office or campaign for any public office.

2 (2) Hold office in any political party or political
3 committee.

4 (3) Actively participate in any political campaign.

5 (4) Directly or indirectly attempt to influence any decision
6 by a governmental body, other than a court of law, or as a
7 representative of the State board on a matter within the
8 jurisdiction of the State board.

9 (5) Be employed by the Commonwealth in any other capacity
10 whether or not for compensation.

11 (f) A majority of the State board by resolution, shall
12 declare vacant the position on the State board of any member who
13 takes part in activities prohibited by subsection (e). An
14 individual appointed to fill a vacancy occurring other than by
15 the expiration of a term of office shall be appointed for the
16 unexpired term of the member he succeeds and is eligible for
17 appointment to one full six-year term thereafter.

18 (g) The State board shall elect a chairman and a vice
19 chairman from among its members for a term of one year. No
20 member may serve as chairman more often than once during any
21 term of office to which he is appointed. The chairman and the
22 vice chairman shall not be affiliated with the same political
23 party. The vice chairman shall act as chairman in the absence or
24 disability of the chairman or in the event of a vacancy in such
25 office.

26 (h) The State board shall meet at least once a month and at
27 such other times as it deems necessary.

28 (i) Four members of the State board shall constitute a
29 quorum and the vote of a majority of the members present is
30 required for any action or recommendation of the State board.

1 The chairman and any four members of the State board may call a
2 meeting, provided advance written notice is mailed to each
3 member and to any person who requests notice of such meetings.

4 (j) Members of the State board shall be compensated at a
5 rate of seventeen thousand five hundred dollars (\$17,500) per
6 year and shall receive reimbursement for their actual and
7 necessary expenses while performing the business of the State
8 board of elections.

9 (k) The State board shall employ an executive director, a
10 general counsel and such other staff as is necessary to carry
11 out its duties pursuant to this act. The executive director
12 shall be responsible for the administrative operations of the
13 State board of elections and shall perform such other duties as
14 may be delegated or assigned to him by the members of the State
15 board, except the State board shall not delegate the making of
16 regulations to the executive director. A general counsel shall
17 be the chief legal officer of the State board and shall have the
18 same powers and duties as prescribed in Chapter 4 of the act of
19 October 15, 1980 (P.L.950, No.164), known as the "Commonwealth
20 Attorneys Act." The State board of elections may obtain the
21 services of experts and consultants as necessary to carry out
22 its duties pursuant to this act.

23 Section 207. Powers and Duties of the Pennsylvania State
24 Election Board.--The Pennsylvania State Election Board shall
25 exercise in the manner provided by this act all powers granted
26 to it by this act, and shall perform all the duties imposed upon
27 it by this act, which shall include the following:

28 (1) The State board of elections shall assume all the powers
29 and duties which this act, or any other act, imposes upon the
30 Secretary of the Commonwealth or the Department of State

1 relating to the conduct of elections and voter registration. The
2 Secretary of the Commonwealth shall, however, retain those
3 responsibilities placed on the office by Article XI of the
4 Constitution of Pennsylvania.

5 (2) To issue instructions and promulgate rules and
6 regulations relating to the administration of and the insurance
7 of uniformity in the election process, election campaign
8 practices and campaign financing practices consistent with the
9 provisions of law.

10 (3) To determine the forms of nomination petitions and
11 papers, expense accounts and all other forms and records, in
12 accordance with this act.

13 (4) To examine and reexamine voting machines and electronic
14 voting systems, and to approve or disapprove them for use in
15 this Commonwealth, in accordance with the provisions of this
16 act.

17 (5) To receive and determine, as hereinafter provided, the
18 sufficiency of nomination petitions, certificates and papers of
19 candidates for President of the United States, presidential
20 electors, United States senators, representatives in Congress
21 and all State offices, including senators, representatives and
22 judges of all courts of record, and delegates and alternate
23 delegates to National Conventions and members of State
24 committees.

25 (6) To certify to county boards of elections for primaries
26 and elections the names of the candidates for President and
27 Vice-President of the United States, presidential electors,
28 United States senators, representatives in Congress and all
29 State offices, including senators, representatives, and judges
30 of all courts of record, and delegates and alternate delegates

1 to National Conventions, and members of State committees, and
2 the form and wording of constitutional amendments or other
3 questions to be submitted to the electors of the State at large.

4 (7) To receive such reports from county boards of elections
5 as are required by this act, and to demand such additional
6 reports on special matters as it may deem necessary.

7 (8) To receive from county boards of elections the returns
8 of primaries and elections, to canvass and compute the votes
9 cast for candidates and upon questions as required by the
10 provisions of this act; to proclaim the results of such
11 primaries and elections, and to issue certificates of election
12 to the successful candidates at such elections, except in cases
13 where that duty is imposed by law on another officer or board.

14 (9) To serve as the State clearing house for information in
15 respect to the administration of elections and pursuant to that
16 duty, the State board shall enter into contracts for the purpose
17 of conducting independent studies of the administration of
18 elections. Studies made under this paragraph shall be published
19 by the State board and copies made available to the General
20 Assembly and to the general public upon payment of the cost of
21 duplication. Nothing in this paragraph shall be construed to
22 authorize the State board to include comments or recommendations
23 in any study. If the need arises for any comment or
24 recommendations, they shall be included as an appendix to such
25 study.

26 (10) To conduct any investigation necessary to carry out the
27 provisions of this act.

28 (11) To conduct private or public hearings.

29 (12) To administer oaths or affirmations, subpoena
30 witnesses, compel their attendance, examine them under oath or

1 affirmation and require the production of any books, records,
2 documents or other evidence it may deem relevant or material.

3 (13) To seek immunity in accordance with the provisions of
4 42 Pa.C.S. § 5946 (relating to competency of certain witnesses
5 where political subdivision is a party), in any investigation
6 relating to any crime or offense with respect to which, by
7 express provisions of statute, a competent authority is
8 authorized to confer immunity; Provided, however, That such
9 immunity shall be conferred only after the Attorney General and
10 appropriate district attorney are afforded the opportunity to be
11 heard respecting any objections which either may have to the
12 conferring thereof.

13 (14) To institute or direct a county board of elections to
14 institute such judicial proceedings as may be necessary to
15 enforce compliance with any provision of this act or any
16 regulation promulgated thereunder including, but not limited to,
17 application, on notice served upon the respondent in the manner
18 directed by the court at least six hours prior to the time of
19 return thereon, to the court of common pleas, for an order
20 prohibiting the continued or threatened violation thereof of for
21 such other or further relief as the court may deem just and
22 proper.

23 (15) To develop an electronic reporting system to process
24 the statements of campaign receipts, contributions, transfers
25 and expenditures required to be filed with the State board of
26 elections pursuant to the provisions of this act.

27 (16) To establish a training program on the electronic
28 reporting system required in subsection 16 and make it available
29 to any candidate or committee.

30 (17) To recommend legislation and administrative measures as

1 it finds appropriate to promote uniform, fair, honest and
2 efficiently administered elections.

3 (18) To monitor the adequacy and effectiveness of the
4 election laws and report thereon at least annually to the
5 Governor and the General Assembly.

6 (19) To compile the information required with respect to the
7 operation of the National Voter Registration Act of 1993 (Public
8 Law 103-31, 42 U.S.C. § 1973gg et Seq.) and report the
9 information annually to the Governor, the General Assembly and
10 the Federal Election Commission together with an assessment of
11 the operation of such acts and any recommendations for change
12 and improvements in compliance.

13 (20) To take all appropriate steps to encourage the broadest
14 possible voter participation in elections including the
15 administration of a program of voter registration form
16 distribution by participating State agencies as prescribed by
17 the "Pennsylvania Voter Registration Act."

18 (21) To provide written advice to any person upon his
19 request with respect to such person's duties under this act.
20 Such advice shall be provided within five working days of the
21 request, provided the time may be extended for good cause. It
22 shall be evidence of good faith conduct in any civil or criminal
23 proceeding, if the requester, at least five working days prior
24 to the alleged violation requested written advice from the State
25 board in good faith, disclosed truthfully all the material facts
26 and committed the acts either in reliance of the advice or
27 because of the failure of the State board to provide advice
28 within five days of the requests or such later extended time.

29 (22) To perform such duties as may be prescribed by law.
30 Section 208. Explanation of Ballot Question.--Whenever a

1 proposed constitutional amendment or other State-wide ballot
2 question shall be submitted to the electors of the Commonwealth
3 in referendum, the State board shall prepare a statement in
4 plain English which indicates the purpose, limitations and
5 effects of the ballot question on the people of the
6 Commonwealth. The State board of elections shall certify the
7 statement to the Secretary of the Commonwealth who shall include
8 it in his publication of a proposed constitutional amendment as
9 required by Article XI of the Constitution of Pennsylvania. The
10 State board shall certify such statement to the county boards of
11 elections who shall publish such statement as a part of the
12 notice of elections required by section 1201 or any other
13 provision of this act. The county board of elections shall also
14 require that at least three copies of such statement be posted
15 in or about the voting room outside the enclosed space with the
16 specimen ballots and other instructions and notices of
17 penalties. In election questions which affect only one county or
18 portion thereof, the county board of elections shall fulfill
19 these requirements in the place of the Attorney General and the
20 Secretary of the Commonwealth.

21 Section 209. Records and Documents to be Open to Public
22 Inspection.--The records of the State board of elections and all
23 returns, nomination petitions, certificates and papers, other
24 petitions, accounts, contracts, reports and other documents and
25 records in its custody shall be open to public inspection, and
26 may be inspected and copied by any qualified elector of the
27 State during ordinary business hours at any time when they are
28 not necessarily being used by the State board, or its Executive
29 Director or one of his authorized employes, and shall be subject
30 to proper regulation for safekeeping of the records and

1 documents, and subject to the further provisions of this act.

2 Section 210. Preservation of Records.--All documents and
3 records in the office of the State board of elections shall be
4 preserved therein for a period of five years, unless otherwise
5 provided in this act.

6 Section 211. State Board of Elections; Enforcement Powers.--

7 (a) The State board of elections shall have jurisdiction of,
8 and be responsible for, the execution and enforcement of the
9 provisions of Articles XVI and XVI-A of this act and other
10 statutes governing campaigns, elections and related procedures.

11 (b) Whenever the State board of elections or other board of
12 elections shall determine, on its own initiative or upon
13 complaint, or otherwise, that there is substantial reason to
14 believe a violation of this act or regulation promulgated
15 thereunder has occurred, it shall expeditiously make an
16 investigation which may include investigation of reports and
17 statements made or failed to be made by the complainant and any
18 political committee supporting his candidacy if the complainant
19 is a candidate or, if the complaint was made by an officer or
20 member of a political committee, of reports and statements made
21 or failed to be made by such political committee and any
22 candidates supported by it. A county board of elections shall
23 have jurisdiction over campaign expense reports or statements
24 filed in its office; Provided however, That the State board of
25 elections, in lieu of making such an investigation, may direct
26 the appropriate county board of elections to conduct an
27 investigation. The State board of elections may request, and
28 shall receive, the assistance of the Pennsylvania State Police
29 in any investigation it shall conduct.

30 (c) If, after an investigation, the State board of elections

1 or county board of elections finds reasonable grounds to believe
2 that a violation warranting criminal prosecution has taken
3 place, it shall forthwith refer the matter to the proper law
4 enforcement officer in accordance with section 1642 (a) and (b)
5 and shall make available to such law enforcement officer all
6 relevant papers, documents, testimony and findings relevant to
7 its investigation. In the case where the State board has
8 directed the county board to conduct an investigation, the
9 county board shall report their findings to the State board who
10 may refer the matter in accordance with this subsection.

11 (d) The State board of elections or in the case of reports
12 filed originally at the county, the county board of elections
13 may, where appropriate, commence a judicial proceeding with
14 respect to the filing or failure to file any statement of
15 receipts, expenditures or contributions, under the provisions of
16 this act. The State board of elections may direct the
17 appropriate board of elections to commence the proceeding.

18 (e) The State board of elections may promulgate rules and
19 regulations consistent with law to effectuate the provisions of
20 this section.

21 Section 212. Fair Campaign Code.--(a) In addition to the
22 powers and duties elsewhere enumerated in this act, the State
23 board of elections, after holding public hearings, shall adopt a
24 "fair campaign code" setting forth ethical standards of conduct
25 for persons, political parties and committees engaged in
26 election campaigns.

27 (b) Copies of the code shall be provided to each candidate,
28 political party or political committee, no later than March 31
29 of each year, upon request, by the board of elections with which
30 the candidate, political party or political committee must file

1 campaign expense reports pursuant to Article XVI of this act.

2 (c) All candidates who voluntarily agree to adhere to the
3 code shall file a signed copy of the code with the State board
4 of elections or county board of elections as the case may be.

5 Section 213. Powers and Duties of State Board of Elections
6 Respecting Elections and Crimes Against Elective Franchise.--
7 Authority is hereby conferred upon the State board of elections
8 to appoint a special investigator to institute investigation of
9 cases arising under this act, and to appoint such additional
10 special investigators and employes as it may deem necessary, and
11 fix their compensation, within the limits of appropriation
12 available therefor and assign enforcing this act. Moneys
13 appropriated for carrying out the provisions of this section
14 shall be paid out of the State Treasury upon certification of
15 the State board.

16 The State board or any of its special investigators shall
17 have power to issue subpoenas or subpoenas duces tecum,
18 administer oaths and examine witnesses under oath, for the
19 purpose of investigating any matter within the jurisdiction
20 herein prescribed for the purpose of aiding the State board in
21 enforcing the provisions of this act. Such subpoenas shall be
22 issued in the name of the State board of elections. Such
23 subpoenas may be served by any special investigator or by any
24 police officer or peace officer.

25 Any person who shall omit, neglect or refuse to obey a
26 subpoena attested in the name of the State board of elections or
27 who shall refuse to testify under or in pursuance thereof shall
28 be forwarded to the court for contempt proceedings.

29 Any special investigator may call upon any member of the
30 police, sheriff, deputy sheriff, constable or other public

1 officer, or any person, to assist him in carrying out the
2 provisions of this section. Any officer or person who shall fail
3 to render the assistance so demanded or who shall willfully
4 hinder or delay such special investigator in the exercise of any
5 power or the performance of any duty shall be guilty of a
6 misdemeanor of the third degree.

7 Section 8. Section 1220(d) is amended to read:

8 Section 1220. Regulations in Force at Polling Places.--* * *

9 (d) All persons, except election officers, clerks, machine
10 inspectors, overseers, watchers, persons in the course of
11 voting, persons lawfully giving assistance to voters,
12 investigators or other representatives or members of the county
13 or State board of elections, and peace and police officers, when
14 permitted by the provisions of this act, must remain at least
15 ten (10) feet distant from the polling place during the progress
16 of the voting.

17 * * *

18 Section 9. Section 1621(d), (e) and (l) of the act, added
19 October 4, 1978 (P.L.893, No.171) and July 21, 1979 (P.L.189,
20 No.63), are amended and the section is amended by adding clauses
21 to read:

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

24 * * *

25 (d) The word "expenditure" shall mean:

26 (1) The payment, distribution, loan or advancement of money
27 or any valuable thing by a candidate, political committee or
28 other person for the purpose of influencing the outcome of an
29 election; Provided, however, That such payment, distribution,
30 loan or advancement of money or any valuable thing must be made

1 only for legitimate and verifiable campaign expenses and not for
2 any inherently personal purpose. "Inherently personal purpose"
3 means a purpose that, by its nature, confers a personal benefit,
4 including a home mortgage, rent, utility payment, clothing
5 purchase, noncampaign automobile expense, country club
6 membership, vacation or a trip of a noncampaign nature,
7 household food items, tuition payments, admission to a sporting
8 event, concert, theater or other form of entertainment.

9 (2) The payment, distribution, loan, advance or transfer of
10 money or other valuable thing between or among political
11 committees;

12 (3) The providing of a service or other valuable thing for
13 the purpose of influencing the outcome of a nomination or
14 election of any person to any public office to be voted for in
15 this Commonwealth; or

16 (4) The payment or providing of money or other valuable
17 thing by any person other than a candidate or political
18 committee, to compensate any person for services rendered to a
19 candidate or political committee.

20 (5) The term "expenditure" shall not include campaign
21 expenditures made by a candidate for which the candidate is
22 reimbursed by his or her political committee within the
23 reporting period the expenditure was made. Such expenditure made
24 by the candidate is subject, however, to the requirements of
25 section 1626(c).

26 (e) [The words "independent expenditure" shall mean an
27 expenditure by a person made for the purpose of influencing an
28 election without cooperation or consultation with any candidate
29 or any political committee authorized by that candidate and
30 which is not made in concert with or at the request or

1 suggestion of any candidate or political committee or agent
2 thereof.]

3 The words "independent expenditure" shall mean an expenditure
4 by a person for a communication expressly advocating the
5 election or defeat of a clearly identified candidate which is
6 not made with the cooperation or prior consent of, in
7 consultation or concert with or at the request or suggestion of
8 a candidate or any agent or authorized committee of the
9 candidate. Mere knowledge alone of the occurrence of an
10 expenditure shall not preclude it from being an independent
11 expenditure. For purposes of this definition:

12 (1) The word "agent" shall mean any person who has actual
13 oral or written authority, either express or implied, to make or
14 to authorize the making of expenditures on behalf of a
15 candidate, or shall mean any person who has been placed in a
16 position within the campaign organization where it would
17 reasonably appear that in the ordinary course of campaign-
18 related activities he may authorize expenditures.

19 (2) The words "clearly identified candidate" shall mean that
20 the name of the candidate appears, a photograph or drawing of
21 the candidate appears or the identity of the candidate is
22 otherwise apparent by unambiguous reference.

23 (3) The words "expressly advocating" shall mean any
24 communication that advocates the election or defeat of a
25 candidate by:

26 (i) containing the name of the candidate, a picture of the
27 candidate or expressions such as "vote for", "elect", "support",
28 "vote against", "defeat" or "reject" or a campaign slogan or
29 words that in context can have no reasonable meaning other than
30 to advocate the election or defeat of one or more clearly

1 identified candidates;

2 (ii) referring to one or more clearly identified candidates
3 in a paid advertisement that is transmitted through radio or
4 television within 60 calendar days preceding the date of an
5 election of the candidate; or

6 (iii) expressing unmistakable and unambiguous support for or
7 opposition to one or more clearly identified candidates when
8 taken as a whole and with limited reference to external events
9 such as the proximity to an election.

10 The word "expressly advocating" does not include the publication
11 or distribution of a communication that:

12 (A) Presents information in an educational manner solely
13 about the voting record or position on a campaign issue of two
14 (2) or more candidates.

15 (B) Is not made in coordination with a candidate, political
16 party or agent of the candidate or party, or a candidate's agent
17 or a person who is coordinating with a candidate or a
18 candidate's agent.

19 (C) Does not contain a phrase such as "vote for," "reelect,"
20 "support," "vote against," "defeat," or "reject" or other slogan
21 or words along with the name or picture of the candidate that in
22 context can have no reasonable meaning other than to urge the
23 election or defeat of one or more clearly identified candidates.

24 (4) The words "made with the cooperation or prior consent
25 of, in consultation or concert with or at the request or
26 suggestion of a candidate or any agent or authorized committee
27 of the candidate" shall mean any arrangement, coordination or
28 direction by the candidate or his agent prior to the
29 publication, distribution, display or broadcast of the
30 communication. An expenditure shall be presumed to be so made

1 when it is:

2 (i) Based on information about the candidate's plans,
3 projects or needs provided to the expending person by the
4 candidate or by the candidate's agents, with a view toward
5 having an expenditure made.

6 (ii) Made by or through any person who is or has been
7 authorized to raise or expend funds, who is or has been an
8 officer of an authorized committee, including a political party
9 committee, or who is or has been receiving any form of
10 compensation from the candidate, the candidate's committee or
11 agent.

12 * * *

13 (1) The words "Political Action Committee" shall mean any
14 political committee as defined in subsection (h) which receives
15 contributions and makes expenditures to, or on behalf of, any
16 candidate other than a candidate's own authorized political
17 committees or the political committees of any State, county,
18 city, borough, township, ward or other regularly constituted
19 party committee of any political party or political body. A
20 political action committee which is established, maintained or
21 controlled by a sponsoring organization such as a corporation,
22 labor organization, membership association or trade association
23 shall include in its registered name the full name of its
24 sponsoring organization.

25 * * *

26 (n) The words "affiliate" or "affiliated committee" shall
27 include:

28 (1) Any committee established or authorized by a candidate
29 as part of his or her campaign for the same election for office.

30 (2) Any committee established, financed, maintained or

1 controlled by the same corporation, labor organization, person
2 or group of persons, including any parent, subsidiary, branch,
3 division, department or local unit thereof. Local units may
4 include, in appropriate cases, a franchisee, licensee or
5 regional association.

6 (o) The words "in-kind contribution" shall mean a
7 contribution of goods, services, property or any valuable thing
8 offered free or at less than the usual and normal charge for
9 such goods or services, but shall not include any legal or
10 accounting services rendered to or on behalf of any political
11 committee of a political party, an authorized committee of a
12 candidate or any other political committee, if such services are
13 solely for the purpose of ensuring compliance with this article.
14 Such legal or accounting services, however, shall be reported
15 pursuant to section 1631.

16 Section 10. Section 1622(b) of the act, added October 4,
17 1978 (P.L.893, No.171), is amended to read:

18 Section 1622. Organization of Political Committees;
19 Treasurer and Assistant Treasurer; Records of Candidate and
20 Committees.--

21 * * *

22 (b) Every candidate [who authorizes a committee or
23 committees,] for public office must authorize a political
24 committee to receive and disburse funds on behalf of this
25 candidacy, and shall name a sole treasurer[, irrespective of the
26 number of committees so authorized,] to receive and disburse all
27 funds for said [committees.] committee. No more than one such
28 committee shall be formed per office sought. Nothing herein
29 shall be construed to prohibit a candidate from receiving or
30 expending moneys on his behalf or a treasurer of a political

1 party committee or a committee authorized to receive and
2 distribute funds on behalf of more than one (1) candidate from
3 receiving or expending moneys on behalf of said candidates,
4 notwithstanding the appointment of a sole treasurer. A sole
5 treasurer may delegate authority, in writing, to any number of
6 assistant treasurers to receive and disburse moneys collected on
7 behalf of a candidate for election. Nothing in this section
8 shall prohibit authorized individuals from selling tickets or
9 soliciting funds when funds are deposited in the campaign
10 account of the candidate.

11 * * *

12 Section 11. Section 1626(a), (b), (d), (e) and (g) of the
13 act, amended or added October 4, 1978 (P.L.893, No.171), July
14 11, 1980 (P.L.600, No.128) and July 10, 1981 (P.L.256, No.84),
15 are amended and the section is amended by adding a subsection to
16 read:

17 Section 1626. Reporting by Candidate and Political
18 Committees and other Persons.--

19 (a) Each treasurer of a political committee and each
20 candidate for election to public office shall file with the
21 appropriate supervisor reports of receipts and expenditures on
22 forms, designed by the [Secretary of the Commonwealth] State
23 board of elections, if the amount received or expended or
24 liabilities incurred shall exceed the sum of two hundred fifty
25 dollars (\$250). Should such an amount not exceed two hundred
26 fifty dollars (\$250), then the candidate or, in the case of a
27 political committee, the treasurer of the committee shall file a
28 sworn statement to that effect with the appropriate supervisor
29 rather than the report required by this section[.]: Provided,
30 however, That if the amount received or expended by a candidate

1 does not exceed two hundred fifty dollars (\$250) he or she may
2 comply with this section by signing an affidavit to that effect
3 on his/her political committee's report or statement.

4 (b) Each report shall include the following information:

5 (1) The full name, mailing address, specific occupation and
6 specific name of the employer, if any, or the principal place of
7 business, if self-employed, of each person who has made one or
8 more contributions to or for such committee or candidate within
9 the reporting period in an aggregate amount or value in excess
10 of [two hundred fifty dollars (\$250)] one hundred dollars
11 (\$100), together with the amount and date of such contributions.
12 The accuracy of the information furnished to the candidate or
13 committee shall be the responsibility of the contributor.

14 (2) The full name and mailing address of each person [who]
15 and political committee that has made one or more contributions
16 to or for such committee or candidate within the reporting
17 period in an aggregate amount or value in excess of fifty
18 dollars (\$50), together with the amount and date of such
19 contributions. The accuracy of the information furnished by the
20 contributor shall be the responsibility of the contributor.

21 (3) The total sum of individual contributions made to or for
22 such committee or candidate during the reporting period and not
23 reported under clauses (1) and (2): Provided, however, That when
24 individual contributions under fifty dollars (\$50) made to one
25 single fundraising event in which the total sum raised was two
26 thousand five hundred dollars (\$2,500) or more the report must
27 list the names and addresses of all contributors to that
28 fundraiser.

29 (4) Each and every expenditure, the date made, the full name
30 and address of the person to whom made and the purpose for which

1 such expenditure was made.

2 (5) Any unpaid debts and liabilities, with the nature and
3 amount of each, the date incurred and the full name and address
4 of the person owed.

5 (6) The account shall include any unexpended balance of
6 contributions or other receipts appearing from the last account
7 filed.

8 * * *

9 (d) [Pre-election reports] Reports by candidates for all
10 public offices to be voted for [by the electors of the State at
11 large] and all political committees, which have expended money
12 for the purpose of influencing the election of such candidate,
13 shall be filed not later than the sixth Tuesday before and the
14 second Friday before an election, provided that the initial pre-
15 election report [of each month and] shall be complete as of
16 fifty (50) days prior to the election and the subsequent pre-
17 election report shall be complete as of fifteen (15) days prior
18 to the election. [Pre-election reports by all other candidates
19 and political committees which have received contributions or
20 made expenditures for the purpose of influencing an election
21 shall be filed not later than the second Friday before an
22 election, provided that such report be complete as of fifteen
23 (15) days prior to the election.]

24 (e) All candidates or political committees, required to file
25 under this section, shall also file [a] an initial post-election
26 report not later than thirty (30) days after an election which
27 shall be complete as of twenty (20) days after the election[.]
28 and a subsequent post-election report on January 31 of the year
29 after the election which shall be complete as of December 31 of
30 the prior year. Candidates defeated in the primary election must

1 file the initial post-election report by the deadline specified
2 in this subsection and continue to file reports in accordance
3 with section 1627. In the case of a special election the initial
4 post-election report shall be complete as of ten (10) days after
5 such special election.

6 * * *

7 [(g) Every person, other than a political committee or
8 candidate, who makes independent expenditures expressly
9 advocating the election or defeat of a clearly identified
10 candidate, or question appearing on the ballot, other than by
11 contribution to a political committee or candidate, in an
12 aggregate amount in excess of one hundred dollars (\$100) during
13 a calendar year shall file with the appropriate supervisor, on a
14 form prepared by the Secretary of the Commonwealth, a report
15 which shall include the same information required of a candidate
16 or political committee receiving such a contribution and,
17 additionally, the name of the candidate or question supported or
18 opposed. Reports required by this subsection shall be filed on
19 dates on which reports by political committees making
20 expenditures are required to report under this section.]

21 * * *

22 (k) All reports filed with the State board of elections
23 shall be filed via electronic media in the manner prescribed by
24 the State board. All such reports shall be accompanied by the
25 affidavit prescribed by section 1629 of this act. Any candidate
26 or political committee not able to file the report or statement
27 required by this section using electronic media shall request an
28 exemption from the State board of elections. The candidate or
29 political committee upon approval of the State board of
30 elections shall file reports and statements on forms developed

1 by the State board.

2 Section 12. Section 1627 of the act, amended July 11, 1980
3 (P.L.591, No.127) and July 11, 1980 (P.L.625, No.129), is
4 amended to read:

5 Section 1627. [Annual Reports] Quarterly Reports;
6 Termination of Committees.--

7 (a) All political committees and candidates, [including
8 those committees and candidates] not filing reports under
9 section 1626 (d) and (e), shall file [a report on January 31 of
10 each year which shall be complete as of December 31 of the prior
11 year. Such reports shall be filed annually at this time until
12 there is no balance or debt in the report of the candidate or
13 political committee. Such reports shall be cumulative. However,
14 if there has been no change in the account, then the candidate
15 or political committee shall file a statement to that effect
16 with the appropriate supervisor. Each form designated by the
17 Secretary of the Commonwealth for filing a report or statement
18 required by section 1626(e) shall contain a block which may be
19 marked by the candidate or political committee designating it a
20 termination report or statement. If such report or statement is
21 so designated, or if an authorized candidate elects to file no
22 report or statement pursuant to section 1626.1, no annual report
23 need be filed under this section unless contributions were
24 received or expenditures made subsequent to the time period for
25 filing of such termination report. However, no candidate or
26 political committee may terminate by way of a statement where
27 the unpaid balance indicated in the previous report was greater
28 than two hundred fifty dollars (\$250). In the case of annual
29 reports said report shall cover the campaign activity of a
30 candidate or political committee from the last prior report or

1 statement.] quarterly reports. Such reports shall be filed on
2 the fifteenth day following the last day of the third, sixth,
3 ninth and twelfth month of each year and shall be complete as of
4 the end of such months. Reports must be filed until such time
5 that there is no balance or debt in the report of the candidate
6 or political committee. Such reports shall be cumulative. A
7 report must be filed even if there was no change in the account
8 since the last filing. Each form designated by the State board
9 of elections for filing a report required by section 1626(e)
10 shall contain a block which may be marked by the candidate or
11 political committee designating it a termination report or
12 statement. No candidate or political committee may terminate
13 unless such candidate or committee has a zero balance. No
14 candidate or committee may terminate by way of a statement. In
15 the case of quarterly reports, said report shall cover the
16 campaign activity of a candidate or political committee from the
17 last prior report or statement. Once terminated, a political
18 committee must comply with sections 1623 and 1624 before
19 receiving contributions or making expenditures.

20 [(b) Any political committee required to be registered under
21 this act and not reporting under section 1626 shall file an
22 annual report under this section. However, if a political
23 committee makes aggregate expenditures as defined in section
24 1621 in an amount less than two hundred fifty dollars (\$250) or
25 incurs aggregate debt in an amount less than two hundred fifty
26 dollars (\$250) during the calendar year to influence an
27 election, it need not file an annual report; provided that this
28 exception shall not be applicable to a candidate's political
29 committee or to a State or county committee of a political party
30 or political body or to a political action committee of a

1 corporation or unincorporated association.]

2 Section 13. Section 1628 of the act, amended February 13,
3 1998 (P.L.72, No.18), is amended to read:

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

24 Section 14. The act is amended by adding a section to read:

25 Section 1628.1. Independent Expenditures.--

26 (a) An expenditure not defined under section 1621 as an
27 independent expenditure shall be an in-kind contribution to the
28 candidate and an expenditure by the candidate, unless otherwise
29 exempted.

30 (b) The financing of the dissemination, distribution or

1 republication, in whole or in part, of any broadcast or any
2 written, graphic or other form of campaign materials prepared by
3 the candidate, his campaign committees or their authorized
4 agents shall be considered a contribution for the purpose of
5 contribution limitations and reporting responsibilities by the
6 person making the expenditure but shall not be considered an
7 expenditure by the candidate or his authorized committees unless
8 made with the cooperation or with the prior consent of, or in
9 consultation with, or at the request or suggestion of, a
10 candidate or any authorized agent or committee thereof.

11 (c) Every person who makes an independent expenditure
12 aggregating in excess of two hundred fifty dollars (\$250) during
13 a calendar year in any election shall file a signed statement
14 and a copy of the material paid for with the independent
15 expenditure in accordance with the provisions of section 1631
16 within twenty-four (24) hours of making the expenditure. In
17 addition, the person who makes an independent expenditure shall
18 send a copy of the material submitted to each candidate for
19 whose benefit the expenditures were made in that race by
20 overnight mail, facsimile or courier service.

21 (d) The signed statement submitted by the person making the
22 expenditure shall include the following information:

23 (1) The reporting person's name, mailing address, occupation
24 and name of employer, if any, or in the case of a separate
25 segregated committee, the name and address of the connected
26 organization.

27 (2) The name and mailing address of the person to whom the
28 expenditure was made.

29 (3) The amount, date and purpose of each expenditure.

30 (4) A statement which indicated whether the expenditure was

1 in support of or in opposition to a candidate, together with the
2 candidate's name and office sought.

3 (5) A notarized certification under penalty of perjury as to
4 whether the expenditure was made with the cooperation or prior
5 consent of, in consultation or concert with or at the request or
6 suggestion of any candidate or any authorized committee or agent
7 of any candidate.

8 (6) The identification of each person who made a
9 contribution in excess of two hundred dollars (\$200) to the
10 person filing the report, which contribution was made for the
11 purpose of furthering the reported independent expenditure.

12 (e) Within twenty-four (24) hours of receipt of the material
13 described in subsection (d), each candidate for whose benefit
14 the expenditure was made shall file a statement under the
15 provisions of section 1631 if either of the following apply:

16 (1) the materials expressly advocate the election of his
17 candidacy; or

18 (2) the materials expressly advocate the defeat of his
19 opponent.

20 (f) The statement submitted by each candidate for whose
21 benefit the expenditure was made shall identify the date of the
22 expenditure as provided for by the expending person and include
23 a notarized certification under penalty of perjury as to whether
24 the expenditure was made in cooperation, consultation or concert
25 with the person making the expenditure or at the request or
26 suggestion of the candidate or any authorized committee or agent
27 of the candidate. The statement shall be signed by each
28 candidate for whose benefit the expenditure was made.

29 (g) The statement submitted by a candidate shall identify
30 the date of the expenditure as provided for by the expending

1 person and include a notarized certification under penalty of
2 perjury as to whether the expenditure was made in cooperation,
3 consultation or concert with the person making the expenditure
4 or at the request or suggestion of the candidate or any
5 authorized committee or agent of the candidate. The statement
6 shall be signed by the candidate.

7 (h) No expenditure by an authorized committee of a candidate
8 on behalf of that candidate shall qualify as an independent
9 expenditure.

10 (i) (1) Any person who does not report an expenditure of
11 funds as required under subsection (e) commits a misdemeanor of
12 the first degree and shall, upon conviction, be subject to a
13 fine of not more than ten thousand dollars (\$10,000), or to
14 imprisonment for up to five (5) years, or both.

15 (2) A person shall not be deemed elected to a public office
16 under the laws of this Commonwealth, or enter upon the duties
17 thereof, or receive any salary or emoluments therefrom, if the
18 affidavit required in subsection (f) has not been submitted as
19 described.

20 (3) Any candidate who does not submit the affidavit as
21 required under subsection (f) commits a misdemeanor of the
22 second degree and shall, upon conviction, be subject to a fine
23 of not more than five thousand dollars (\$5,000), or to
24 imprisonment for up to two (2) years, or both. All actions
25 pursuant to enforcement of this subsection shall be initiated in
26 the Commonwealth Court.

27 Section 15. Section 1632(a) and (c) of the act, amended or
28 added December 13, 1979 (P.L.551, No.124) and July 11, 1980
29 (P.L.591, No.127), are amended to read:

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

1 (a) A late filing fee for each report or statement of
2 expenditures and contributions which is not filed within the
3 prescribed period shall be imposed as follows. Such fee shall be
4 [ten dollars (\$10)] twenty dollars (\$20) for each [day] of the
5 first two days or part of a day excluding Saturdays, Sundays and
6 holidays that a report is overdue. An additional fee of [ten
7 dollars (\$10)] one hundred dollars (\$100) is due for each [of
8 the first six (6) days] additional day that a report is overdue.
9 The maximum fee payable with respect to a single report [is two
10 hundred fifty dollars (\$250)] shall not exceed the amount of
11 contributions received during the prescribed reporting period or
12 one thousand dollars (\$1,000), whichever is greater. A
13 supervisor shall receive an overdue report or statement even if
14 any late filing fee due has not been paid but the report or
15 statement shall not be considered filed until all fees have been
16 paid upon the receipt by the supervisor of an overdue report. No
17 further late filing fees shall be incurred once the report or
18 statement is filed notwithstanding the fact that the report or
19 statement is not considered filed. The late filing fee is the
20 [personal] liability of the candidate or treasurer of a
21 political committee [and cannot be paid from contributions to
22 the candidate or committee, nor may such fee be considered an
23 expenditure]. A report or statement of expenditures and
24 contributions shall be deemed to have been filed within the
25 prescribed time if the letter transmitting the report or
26 statement which is received by the supervisor is transmitted by
27 first class mail and is postmarked by the United States Postal
28 Service on the day prior to the final day on which the report or
29 statement is to be received: Provided, That this sentence shall
30 not be applicable to the reporting requirements contained in

1 section 1628.

2 * * *

3 [(c) No late filing fees shall be imposed under this section
4 for pre-election filings due any primary, special, or municipal
5 election held through November 6, 1979. Late filing fees paid
6 for any primary, special, or municipal election held through
7 November 6, 1979 shall be refunded after any candidate or
8 committee in violation has filed the required pre-primary, pre-
9 special, pre-municipal, post-primary, post-special, or post-
10 municipal election report. No late filing fee shall be imposed
11 under this section, for the required post-primary election
12 report for the primary election held May 15, 1979 where such
13 post-primary election report is filed on or before July 16,
14 1979. No late filing fee shall be imposed under this section for
15 the required pre-election or post-election report for the
16 municipal election held November 6, 1979 where such report is
17 filed on or before February 15, 1980: Provided, however, That no
18 one shall be issued a commission or take the oath of office
19 until all reports required on account of his or her candidacy
20 shall be filed. Any pre-election or post-election late filing
21 fees, collected for primary, special, or municipal elections
22 held on or before November 6, 1979, shall be refunded within
23 thirty (30) days.]

24 Section 16. Section 1633(a) of the act, amended November 26,
25 1978 (P.L.1313, No.318), is amended to read:

26 Section 1633. Contributions or Expenditures by National
27 Banks, Corporations or Unincorporated Associations.--

28 (a) It is unlawful for any National or State bank,
29 partnership or any corporation, incorporated under the laws of
30 this or any other state or any foreign country or any

1 unincorporated association, except those corporations formed
2 primarily for political purposes or as a political committee, to
3 make a contribution or expenditure in connection with the
4 election of any candidate or for any political purpose whatever
5 except in connection with any question to be voted on by the
6 electors of this Commonwealth. Furthermore, it shall be unlawful
7 for any candidate, political committee, or other person to
8 knowingly accept or receive any contribution prohibited by this
9 section, or for any officer or any director of any corporation,
10 bank, or any unincorporated association to consent to any
11 contribution or expenditure by the corporation, bank or
12 unincorporated association, as the case may be, prohibited by
13 this section.

14 * * *

15 Section 17. Section 1635 of the act, amended or added
16 October 4, 1978 (P.L.893, No.171) and July 11, 1980 (P.L.591,
17 No.127), is amended to read:

18 Section 1635. Independent Audit.--

19 (a) [Every two (2) years, the Secretary of the Commonwealth
20 shall contract for the services of a certified public accountant
21 or certified public accounting firm. Such contract shall be
22 awarded on a bid basis and no certified public accountant or
23 certified public accounting firm shall be eligible to obtain
24 such a contract for two (2) successive contract periods.] The
25 State board of elections shall employ as many auditors as are
26 necessary to perform auditing functions required by this act.

27 (b) The [Secretary of the Commonwealth] State board of
28 elections shall select by lottery, at a public drawing, forty
29 (40) days after each primary, general and municipal election
30 [three (3)] ten (10) per cent of all public offices for which

1 candidates must file nominating petitions or papers with the
2 [Secretary of the Commonwealth] State board of elections. For
3 the purpose of this subsection, a legislative or senatorial
4 district shall be considered a public office. Any public office
5 filled at a special election occurring other than at a primary,
6 general or municipal election shall be placed in the lottery of
7 public offices for audit at the next succeeding primary, general
8 or municipal election whichever occurs first. Any public office
9 filled at a special election held at the same time as any other
10 election shall be included in the lottery for that election.

11 (c) The [certified public accountant] State board shall
12 audit the reports of all candidates for each public office
13 selected in accordance with subsection (b) and those committees,
14 authorized and created solely for the purposes of influencing an
15 election on behalf of those candidates.

16 (d) The [accountants] State board shall conduct [their] its
17 audit in accord with sound accounting principles and shall make
18 findings of any possible violations of this act with respect to
19 campaign contributions or expenses. All audited candidates and
20 their committees shall furnish any records to the [accountants]
21 State board which the [accountants deem] State board deems
22 necessary for the completion of their work.

23 (e) The [accountant shall report his or her findings to the
24 Secretary of the Commonwealth who shall make public the report
25 of the accountants.] State board shall make public the report of
26 its findings. The results of the primary election audit shall
27 not be released to the public until after the general or
28 municipal election. Nothing in this subsection shall be
29 construed to prohibit the initiation of prosecution for criminal
30 violations by the appropriate agencies.

1 (f) The [accountants] State board shall also furnish a
2 report of [their] its findings to the Attorney General for the
3 institution of such criminal proceedings as he or she shall deem
4 necessary.

5 Section 18. Sections 1639(6), (7), (8), (9) and (10) and
6 1640 of the act, added October 4, 1978 (P.L.893, No.171), are
7 amended to read:

8 Section 1639. Powers and Duties of the Supervisor.--It shall
9 be the duty of the supervisor to:

10 * * *

11 [(6) Make from time to time inquiries and filed
12 investigations with respect to reports and statements filed
13 under the provisions of this article and with respect to alleged
14 failures to file any report or statement required under
15 provisions of this article.

16 (7) Report apparent violations of this article to the
17 appropriate law enforcement authorities.

18 (8)] (6) Collect any fines relating to the filing of late
19 reports and transmit all such fines collected to the appropriate
20 fiscal officer of the receiving supervisor.

21 [(9)] (7) Inform each candidate or committee which has
22 failed to file of that fact.

23 [(10)] (8) Publish a list of all those candidates and their
24 committees who have failed to file reports as required by this
25 act within six (6) days of their failure to comply.

26 Section 1640. Additional Powers and Duties of the [Secretary
27 of the Commonwealth] State Board of Elections.--The [Secretary
28 of the Commonwealth] State board of elections shall have the
29 following additional powers and duties:

30 [(1) To serve as the State clearing house for information

1 concerning the administration of this act.

2 (2) To prescribe suitable rules and regulations to carry out
3 the provisions of this act.

4 (3)] (1) To develop the prescribed forms required by the
5 provisions of this article for the making of the reports and
6 statements required to be filed with the supervisor.

7 [(4)] (2) To prepare a manual setting forth recommended
8 uniform methods of bookkeeping and reporting which shall be
9 furnished by the supervisor to the person required to file such
10 reports and statements as required by this article.

11 [(5)] (3) To examine the contributions to State legislative
12 and Statewide candidates and publish a list of all those
13 political committees who have contributed to candidates and who
14 have failed to file reports as required by this act within six
15 (6) days of their failure to comply.

16 (4) The State board shall develop a computer data base and
17 electronic reporting system that shall contain all information
18 necessary for the proper administration of this act, including
19 information on contributions and expenditures by candidates and
20 their authorized committees and distribution of moneys, and
21 including direct access through personal computer and the
22 Internet.

23 (5) The State board shall make the electronic reporting
24 process available to any such candidate or committee which is
25 required to file reports and statements in accordance with this
26 act on self-executing computer diskettes; and make available
27 materials to facilitate the task of compliance with the
28 disclosure and recordkeeping requirements of this article.

29 (6) The State board shall cause all information contained in
30 such a statement filed with the State board which is not on such

1 electronic reporting system to be entered into such system as
2 soon as practicable but in no event later than four business
3 days after its receipt by the State board.

4 (7) (i) A list of campaign contributions and expenditures
5 and reports must be made available for public inspection at the
6 office of the supervisor no later than four business days after
7 receipt.

8 (ii) The State board shall not require the viewer to provide
9 any information or identification as a condition to view the
10 computer data base.

11 (iii) The State board shall ensure that the documents and
12 reports are available for copying or purchase at a reasonable
13 cost, not to exceed the actual costs to the State board.

14 Section 19. Section 1641 of the act, amended July 12, 1980
15 (P.L.649, No.134), is amended to read:

16 Section 1641. Reports by Business Entities; Publication by
17 [Secretary of the Commonwealth] State Board of Elections.--

18 (a) Any business entity including but not limited to a
19 corporation, company, association, partnership or sole
20 proprietorship, which has been awarded non-bid contracts of any
21 value or contracts over \$50,000 from the Commonwealth or its
22 political subdivisions during the preceding calendar year, any
23 business entity or person applying for or receiving a permit to
24 operate a landfill from the Department of Environmental
25 Protection shall report by February 15 of each year to the
26 [Secretary of the Commonwealth] State board of elections an
27 itemized list of all political contributions known to the
28 business entity by virtue of the knowledge possessed by every
29 officer, director, associate, partner, limited partner or
30 individual owner that has been made by:

1 (1) any officer, director, associate, partner, limited
2 partner, individual owner or members of their immediate family
3 when the contributions exceed an aggregate of [one thousand
4 dollars (\$1,000)] five thousand dollars (\$5,000) by any
5 individual during the preceding year; or

6 (2) any employe or members of his immediate family whose
7 political [contribution] contributions exceeded [one thousand
8 dollars (\$1,000)] five thousand dollars (\$5,000) during the
9 preceding year.

10 For the purposes of this subsection, "immediate family" means a
11 person's spouse and any unemancipated child.

12 (b) It shall be the duty of the [Secretary of the
13 Commonwealth] State board of elections to publish sixty (60)
14 days after February 15 of each year a complete itemized list of
15 all contributions given under the provisions of subsection (a).
16 This list shall be a matter of public record open to public
17 inspection and copies made available at cost to any individual
18 who requests them. The State board shall also make such data
19 available on electronic media and the Internet within the
20 deadline specified in this subsection.

21 (c) The Department of General Services shall provide
22 information regarding the requirements of this section to all
23 corporations, companies, associations, partnerships or sole
24 proprietorships receiving contracts from the Commonwealth prior
25 to the finalization of such contracts.

26 (d) The Department of General Services shall provide a list
27 of all corporations, companies, associations, partnerships or
28 sole proprietorships receiving nonbid contracts and contracts in
29 excess of fifty thousand dollars (\$50,000) from the Commonwealth
30 and the Department of Environmental Protection shall provide a

1 list of any person or business entity applying for or receiving
2 a landfill permit to the State board of elections no later than
3 January 31 of each year for the preceding calendar year.

4 (e) The State board of elections shall compare all data
5 received pursuant to this section and campaign expense reports
6 filed for the same period to determine that all filing
7 requirements of this act have been met. Results of this
8 comparison shall be made available at its office and on the
9 Internet within 60 days of February 15 of each year.

10 Section 20. The sum of \$3,250,000 is hereby appropriated to
11 the Pennsylvania State Board of Elections for Fiscal Year 2007-
12 2008 and for every fiscal year thereafter subject to the
13 provisions of this section. Such appropriation cannot be reduced
14 but may be increased. The appropriation amount contained in this
15 section shall be adjusted annually at a rate equal to the
16 average percentage change in the All-Urban Consumer Price Index
17 for the Pittsburgh, Philadelphia and Scranton standard
18 metropolitan statistical areas as published by the Bureau of
19 Labor Statistics of the United States Department of Labor, or
20 any successor agency, occurring in the prior calendar year. The
21 base year shall be 2005. The average shall be calculated and
22 certified annually by the Pennsylvania State Board of Elections
23 by adding the percentage increase in each of the three areas and
24 dividing by three.

25 Section 21. All allocations, appropriations, equipment,
26 files, records and other material which are used, employed or
27 expended by the Department of State, in connection with the
28 conduct of elections, are hereby transferred to the Pennsylvania
29 State board of elections. Any personnel employed by the
30 Department of State in connection with its powers, duties or

1 functions relating to elections may be transferred to the
2 Pennsylvania State Board of Elections.

3 Section 22. Any act or any part of an act which imposes
4 duties on the Secretary of the Commonwealth or the Department of
5 State insofar as it relates to the conduct of any election is
6 repealed insofar as such act is inconsistent with the provisions
7 of this act.

8 Section 23. The provisions of this act are severable. If any
9 provision of this act or its application to any person or
10 circumstance is held invalid, the invalidity shall not affect
11 other provisions or applications of this act which can be given
12 effect without the invalid provision or application.

13 Section 24. This act shall take effect as follows:

14 (1) The addition of section 206 of the act shall take
15 effect immediately.

16 (2) The remainder of this act shall take effect in 120
17 days.