

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1796 Session of
2007

INTRODUCED BY SHAPIRO, GERBER, STEIL, BOYD, BRENNAN, CARROLL,
DALEY, DePASQUALE, FRANKEL, FREEMAN, GALLOWAY, GIBBONS,
GOODMAN, GRUCELA, HARHAI, HORNAMAN, JOSEPHS, KING, KULA,
LEACH, LENTZ, LONGIETTI, MAHONEY, McILVAINE SMITH, MELIO,
MURT, MUSTIO, PAYTON, PETRARCA, READSHAW, ROAE, RUBLEY,
SANTONI, SHIMKUS, SIPTROTH, M. SMITH, SWANGER, TANGRETTI,
THOMAS, TRUE, VULAKOVICH, WOJNAROSKI, YOUNGBLOOD, YUDICHAK,
CALTAGIRONE AND MANDERINO, AUGUST 22, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 22, 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 limitations on contributions to a
12 candidate; and further providing for reporting by candidate
13 and political committees and other persons, for annual
14 reports by political committees and candidates and for late
15 contributions and independent expenditures.

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

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

21 Section 1625.1. Limitations on Contributions.--

1 (a) (1) An individual's aggregate contributions to a
2 candidate shall not exceed two thousand three hundred dollars
3 (\$2,300) for each election.

4 (2) An individual's aggregate contributions to a candidate
5 shall not exceed an amount equal to the limit under paragraph
6 (1) multiplied by three for each election whenever at least one
7 of the candidate's opponents expends at least two hundred fifty
8 thousand dollars (\$250,000) of his own funds to finance his
9 campaign.

10 (b) (1) A political action committee's aggregate
11 contributions to a candidate shall not exceed five thousand
12 dollars (\$5,000) for each election.

13 (2) A political action committee's aggregate contributions
14 to a candidate shall not exceed an amount equal to the limit
15 under paragraph (1) multiplied by three for each election
16 whenever at least one of the candidate's opponents expends at
17 least two hundred fifty thousand dollars (\$250,000) of his own
18 funds to finance his campaign.

19 (c) Aggregate contributions include the value of in-kind
20 contributions.

21 (d) The limitation on contributions shall be applied
22 separately to each primary election, general election or special
23 election.

24 (e) (1) The Secretary of the Commonwealth shall adjust the
25 limitation on contributions by individuals under subsection (a)
26 for inflation in each odd-numbered year beginning with the first
27 odd-numbered year after the end of the year during which this
28 section takes effect. The adjustment shall be equal to the
29 adjustment applicable to contributions made by individuals to
30 candidates for Federal office under 2 U.S.C. § 441a(a)(1)(A).

1 (2) Each adjustment shall remain in effect for the two-year
2 period beginning the first day following the date of the general
3 election in the even-numbered year preceding the adjustment and
4 ending on the date of the general election in the even-numbered
5 year following the adjustment.

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

8 (f) As used in this section, the term "candidate" means a
9 candidate for an office for which the Secretary of the
10 Commonwealth is the supervisor. The term includes a candidate's
11 political committee.

12 Section 2. Section 1626(d), (e) and (i) of the act, amended
13 or added July 21, 1979 (P.L.189, No.63), July 11, 1980 (P.L.600,
14 No.128) and July 10, 1981 (P.L.256, No.84), are amended to read:

15 Section 1626. Reporting by Candidate and Political
16 Committees and other Persons.--

17 * * *

18 (d) Pre-election reports by all candidates [for offices to
19 be voted for by the electors of the State at large] and all
20 political committees, which have [expended money] received
21 contributions or made expenditures for the purpose of
22 influencing [the election of such candidate] an election, shall
23 be filed not later than [the sixth Tuesday before and the second
24 Friday before an election, provided that the initial pre-
25 election report shall be complete as of fifty (50) days prior to
26 the election and the subsequent pre-election report shall be
27 complete as of fifteen (15) days prior to the election. Pre-
28 election reports by all other candidates and political
29 committees which have received contributions or made
30 expenditures for the purpose of influencing an election shall be

1 filed not later than the second Friday before an election,
2 provided that such report be complete as of fifteen (15) days
3 prior to the election.] twenty (20) days before an election and
4 shall be complete as of thirty (30) days before the election.

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

11 * * *

12 (i) (1) An expenditure from a candidate's political
13 committee to another political committee shall be reported as a
14 contribution by the political committee receiving the
15 contribution but need not be reported by the contributing
16 candidate's political committee until the time required by law
17 for that candidate's political committee to report[: Provided,
18 however, That if]_.

19 (2) If the amount of the contribution exceeds two hundred
20 fifty dollars (\$250) to a single political committee or one
21 thousand dollars (\$1,000) in aggregate contributions to more
22 than one political committee for any primary, general or special
23 election, then receipts and expenditures shall be reported by
24 the contributing committee at the same time as required by law
25 for the committee receiving same[.], except that this clause
26 shall not apply to a political committee reporting under section
27 1627(a)(1).

28 * * *

29 Section 3. Section 1627(a) of the act, amended July 11, 1980
30 (P.L.591, No.127), is amended to read:

1 Section 1627. Quarterly and Annual Reports.--

2 (a) (1) Each candidate's political committee having the
3 Secretary of the Commonwealth as its supervisor shall file
4 quarterly reports on January 31, April 15, July 15 and October
5 15 of each year. Each report shall be complete as of the last
6 day of the previous month. Such reports shall be filed quarterly
7 at this time until there is no balance or debt in the report of
8 the candidate's political committee. Such reports shall be
9 cumulative. However, if there has been no change in the account,
10 then the candidate's political committee shall file a statement
11 to that effect with the Secretary of the Commonwealth. Each form
12 designated by the Secretary of the Commonwealth for filing a
13 report or statement required by section 1626(e) shall contain a
14 block which may be marked by the candidate's political committee
15 designating it a termination report or statement. However, no
16 candidate's political committee may terminate by way of a
17 statement where the unpaid balance indicated in the previous
18 report was greater than two hundred fifty dollars (\$250). Each
19 quarterly report shall cover the campaign activity of a
20 candidate's political committee from the last prior report or
21 statement.

22 (2) All political committees and candidates, including those
23 committees and candidates filing reports under section 1626 (d)
24 and (e), except those filing quarterly reports or statements
25 under clause (1), shall file a report on January 31 of each year
26 which shall be complete as of December 31 of the prior year.
27 Such reports shall be filed annually at this time until there is
28 no balance or debt in the report of the candidate or political
29 committee. Such reports shall be cumulative. However, if there
30 has been no change in the account, then the candidate or

1 political committee shall file a statement to that effect with
2 the appropriate supervisor. Each form designated by the
3 Secretary of the Commonwealth for filing a report or statement
4 required by section 1626(e) shall contain a block which may be
5 marked by the candidate or political committee designating it a
6 termination report or statement. If such report or statement is
7 so designated, or if an authorized candidate elects to file no
8 report or statement pursuant to section 1626.1, no annual report
9 need be filed under this section unless contributions were
10 received or expenditures made subsequent to the time period for
11 filing of such termination report. However, no candidate or
12 political committee may terminate by way of a statement where
13 the unpaid balance indicated in the previous report was greater
14 than two hundred fifty dollars (\$250). In the case of annual
15 reports said report shall cover the campaign activity of a
16 candidate or political committee from the last prior report or
17 statement.

18 * * *

19 Section 4. Section 1628 of the act, amended February 13,
20 1998 (P.L.72, No.18), is amended to read:

21 Section 1628. Late Contributions and Independent
22 Expenditures.--Any candidate or political committee, authorized
23 by a candidate and created solely for the purpose of influencing
24 an election on behalf of that candidate, which receives any
25 contribution or pledge of [five hundred dollars (\$500)] one
26 hundred dollars (\$100) or more, and any person making an
27 independent expenditure, as defined by this act, of [five
28 hundred dollars (\$500)] one hundred dollars (\$100) or more after
29 the final pre-election report has been deemed completed shall
30 report such contribution, pledge or expenditure to the

1 appropriate supervisor. Such report shall be sent by the
2 candidate, chairman or treasurer of the political committee
3 within twenty-four (24) hours of receipt of the contribution. It
4 shall be the duty of the supervisor to confirm the substance of
5 such report. The report shall be made by telegram, mailgram,
6 overnight mail or facsimile transmission. Any candidate in his
7 own behalf, or chairman, treasurer or candidate in behalf of the
8 political committee may also comply with this section by
9 appearing personally before such supervisor and reporting such
10 late contributions or pledges.

11 Section 5. This act shall take effect in 60 days.