
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2298 Session of
2008

INTRODUCED BY DePASQUALE, HORNAMAN, GALLOWAY, BEAR, BENNINGTON,
BRENNAN, CALTAGIRONE, CARROLL, CRUZ, CUTLER, DALEY, GOODMAN,
HARHAI, HARRIS, MAHONEY, MANN, McILVAINE SMITH, MELIO,
PETRONE, READSHAW, REED, ROAE, RUBLEY, SIPTROTH, K. SMITH,
M. SMITH, TRUE AND YOUNGBLOOD, MARCH 10, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 10, 2008

AN ACT

1 Providing for banning of polling by Commonwealth agencies; and
2 imposing a penalty.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Commonwealth
7 Polling Ban Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Commonwealth agency." Any of the following:

13 (1) The Governor, Lieutenant Governor, Attorney General,
14 Auditor General, State Treasurer and the departments,
15 offices, boards, bureaus, authorities, commissions and other
16 agencies of the executive branch of the Commonwealth, whether

1 or not subject to the supervision and control of the
2 Governor.

3 (2) The legislative branch of the Commonwealth.

4 (3) Any court and any office of the unified judicial
5 system of the Commonwealth.

6 "Polling." Any survey or inquiry into public opinion
7 conducted by mail, telephone or in person or through written or
8 electronic mediums for the purpose of collecting data or
9 conducting an evaluation.

10 Section 3. Polling ban.

11 (a) Prohibited activity.--No Commonwealth agency may conduct
12 polling nor pay for such activity with Commonwealth funds,
13 employees or property, both real estate and materials, directly
14 or by contract.

15 (b) Reporting.--A Commonwealth agency employee and elected
16 official with knowledge of a violation of subsection (a) shall
17 file a complaint regarding such activity with the State Ethics
18 Commission.

19 Section 4. Exemptions.

20 The following polling activity is exempt from the provisions
21 of this act:

22 (1) Evaluations required by law of existing or proposed
23 Commonwealth agency programs and services.

24 (2) Evaluations of Commonwealth agencies conducted
25 internally or by other Commonwealth agencies where the
26 evaluations are released to the public.

27 (3) Polling by employees and members of the General
28 Assembly of constituents residing within a member's
29 legislative district, provided the information is made
30 available to the public and the polling is not paid for with

1 Commonwealth funds.

2 Section 5. Penalties.

3 (a) Reimbursement.--Commonwealth agency employees or elected
4 officials found by the State Ethics Commission to have engaged
5 in prohibited activity under section 3(a) shall reimburse the
6 agency for the full amount of the cost of the polling.

7 (b) Penalty.--Penalties for violations of this act by
8 Commonwealth agency employees or elected officials shall be
9 administered pursuant to 65 Pa.C.S. § 1109(a) (relating to
10 penalties).

11 Section 6. Effective date.

12 This act shall take effect immediately.