

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 317 Session of
2007

INTRODUCED BY RAFFERTY, ERICKSON, CORMAN, O'PAKE, COSTA AND
WAUGH, MARCH 9, 2007

REFERRED TO STATE GOVERNMENT, MARCH 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," further providing for filing fees and
12 certificates of filing.

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

15 Section 1. Section 1632(a) and (b) of the act of June 3,
16 1937 (P.L.1333, No.320), known as the Pennsylvania Election
17 Code, amended or added October 4, 1978 (P.L.893, No.171) and
18 July 11, 1980 (P.L.591, No.127), are amended to read:

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

20 (a) A late filing fee for each report or statement of
21 expenditures and contributions which is not filed within the
22 prescribed period shall be imposed as follows. Such fee shall be

1 [ten dollars (\$10)] twenty dollars (\$20) for each day or part of
2 a day [excluding Saturdays, Sundays and holidays] that a report
3 is overdue for the first ten (10) days. An additional fee of
4 [ten dollars (\$10)] fifty dollars (\$50) is due for each [of the
5 first six (6) days] additional day that a report is overdue
6 after the initial ten-day period. The maximum fee payable with
7 respect to a single report is [two hundred fifty dollars (\$250)]
8 one thousand dollars (\$1,000). A supervisor shall receive an
9 overdue report or statement even if any late filing fee due has
10 not been paid but the report or statement shall not be
11 considered filed until all fees have been paid upon the receipt
12 by the supervisor of an overdue report. No further late filing
13 fees shall be incurred notwithstanding the fact that the report
14 or statement is not considered filed. The late filing fee is the
15 personal liability of the candidate or treasurer of a political
16 committee and cannot be paid from contributions to the candidate
17 or committee, nor may such fee be considered an expenditure. A
18 report or statement of expenditures and contributions shall be
19 deemed to have been filed within the prescribed time if the
20 letter transmitting the report or statement which is received by
21 the supervisor is transmitted by first class mail and is
22 postmarked by the United States Postal Service on the day prior
23 to the final day on which the report or statement is to be
24 received: Provided, That this sentence shall not be applicable
25 to the reporting requirements contained in section 1628.

26 (b) No person may be a candidate for a public office until
27 all reports and statements of contributions and expenditures
28 required to be filed by any person who was previously a
29 candidate for public office and any treasurer of any committee
30 authorized by such person for the previous candidacy have been

1 filed and all fines paid. No person shall be deemed elected to a
2 public office under the laws of this Commonwealth or enter upon
3 the duties thereof, or receive any salary or emoluments
4 therefrom until all of the reports and statements of
5 contributions and expenditures required to be filed by any
6 candidate and treasurers of committees authorized by such
7 candidate and due before the person may take office, have been
8 filed. No candidate may be sworn in until the appropriate
9 supervisor certifies that all required reports have been filed,
10 and no official of the Commonwealth or any of its political
11 subdivisions may issue a commission or administer an oath of
12 office until that official has received this certification. No
13 certification shall be issued until the supervisor has received
14 post election reports of any candidate and treasurer of
15 committees authorized by such candidate.

16 * * *

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