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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1394 Session of  
2012

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INTRODUCED BY BROWNE, BAKER, RAFFERTY, WASHINGTON, ALLOWAY,  
FARNESE, ERICKSON, SMUCKER, FONTANA, COSTA, EARLL, PIPPY,  
WOZNIAK, VANCE, MENSCH AND PILEGGI, JANUARY 23, 2012

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REFERRED TO STATE GOVERNMENT, JANUARY 23, 2012

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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 company finance reports and  
12 for additional powers and duties of the Secretary of the  
13 Commonwealth.

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

16 Section 1. Section 1626 of the act of June 3, 1937  
17 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
18 added October 8, 1978 (P.L.893, No.171), is amended by adding a  
19 subsection to read:

20 Section 1626. Reporting by Candidate and Political  
21 Committees and other Persons.--

22 \* \* \*

23 (k) (1) All campaign finance reports required to be filed

1 with the Secretary of the Commonwealth shall be filed  
2 electronically using the electronic filing system developed by  
3 the secretary that is consistent with the purposes of this  
4 subsection. A campaign finance report submitted electronically  
5 must:

6 (i) be made under oath or equivalent affirmation;

7 (ii) require an electronic signature from the treasurer or  
8 assistant treasurer at the time of the filing of the campaign  
9 finance report. In addition, any report filed by a political  
10 committee, authorized by a candidate and created solely for the  
11 purpose of influencing an election on behalf of that candidate  
12 must be signed, using an electronic signature, under oath or  
13 equivalent affirmation by the candidate that, to the best of the  
14 candidate's knowledge, the political committee has not violated  
15 any provision of this act; and

16 (iii) be made subject to the penalties for perjury.

17 (2) Any candidate or political committee not able to file  
18 electronically the report or statement required by this  
19 subsection shall request an exemption from the secretary. The  
20 candidate or political committee upon approval of the secretary  
21 shall file reports and statements on forms developed by the  
22 secretary.

23 Section 2. Section 1628 of the act, amended February 13,  
24 1998 (P.L.72, No.18), is amended to read:

25 Section 1628. Late Contributions and Independent  
26 Expenditures.--Any candidate or political committee, authorized  
27 by a candidate and created solely for the purpose of influencing  
28 an election on behalf of that candidate, which receives any  
29 contribution or pledge of five hundred dollars (\$500) or more,  
30 and any person making an independent expenditure, as defined by

1 this act, of five hundred dollars (\$500) or more after the final  
2 pre-election report has been deemed completed shall report such  
3 contribution, pledge or expenditure to the appropriate  
4 supervisor. Such report shall be sent by the candidate, chairman  
5 or treasurer of the political committee within twenty-four (24)  
6 hours of receipt of the contribution. It shall be the duty of  
7 the supervisor to confirm the substance of such report. The  
8 report is to be filed electronically in a manner prescribed by  
9 the Secretary of the Commonwealth. The report shall be made by  
10 telegram, mailgram, overnight mail or facsimile transmission.  
11 Any candidate in his own behalf, or chairman, treasurer or  
12 candidate in behalf of the political committee may also comply  
13 with this section by appearing personally before such supervisor  
14 and reporting such late contributions or pledges.

15 Section 3. Section 1640 of the act, added October 4, 1978  
16 (P.L.893, No.171), is amended to read:

17 Section 1640. Additional Powers and Duties of the Secretary  
18 of the Commonwealth.--The Secretary of the Commonwealth shall  
19 have the following additional powers and duties:

20 (1) To serve as the State clearing house for information  
21 concerning the administration of this act.

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

24 (3) To develop the prescribed forms required by the  
25 provisions of this article for the making of the reports and  
26 statements required to be filed with the supervisor.

27 (4) To prepare a manual setting forth recommended uniform  
28 methods of bookkeeping and reporting which shall be furnished by  
29 the supervisor to the person required to file such reports and  
30 statements as required by this article.

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

6 (6) To maintain a searchable computer database and  
7 electronic reporting system that contains the information  
8 necessary for the proper administration of this article,  
9 including information on contributions and expenditures by all  
10 candidates and all political committees and distribution of  
11 moneys, and including public access through personal computer  
12 and the Internet. The database must be designed with an  
13 emergency recovery system to ensure that campaign expense  
14 records are not lost in the case of an emergency, natural  
15 disaster or other event that could cause the system to  
16 malfunction.

17 (7) To establish a training program on the electronic  
18 reporting system and make it available to any candidate or  
19 committee.

20 (8) To cause all information contained in the statement  
21 filed with the Secretary of the Commonwealth, which is not on  
22 such electronic reporting system, to be entered into the system  
23 as soon as practicable, but in no event later than four (4)  
24 business days after its receipt by the secretary.

25 (9) The department shall issue to the registrant an  
26 electronic receipt that includes a confirmation number and the  
27 date and time of filing.

28 Section 4. This act shall take effect in 60 days.