

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 120 Session of 2013

INTRODUCED BY PILEGGI, SMUCKER, COSTA, BAKER, TARTAGLIONE, FONTANA, FARNESE, WASHINGTON, ROBBINS, MENSCH, ERICKSON, SCHWANK, RAFFERTY, ALLOWAY, YAW, WILLIAMS, WHITE, WARD, LEACH, YUDICHAK, WAUGH, TEPLITZ, BRUBAKER, EICHELBERGER, FERLO, TOMLINSON, BROWNE AND SMITH, JANUARY 14, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, APRIL 15, 2013

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," in primary and election expenses, further
12 providing for registration; and providing for monthly
13 reporting and, for manner of filing AND FOR INABILITY TO FILE <--
14 REPORTS OR STATEMENTS ELECTRONICALLY BY DEADLINE; AND FURTHER
15 PROVIDING FOR LATE FILING FEE AND CERTIFICATE OF FILING.

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

18 Section 1. Section 1624(b) of the act of June 3, 1937
19 (P.L.1333, No.320), known as the Pennsylvania Election Code,
20 added October 4, 1978 (P.L.893, No.171), is amended to read:

21 Section 1624. Registration.--

22 \* \* \*

1 (b) Each registration statement shall contain the following  
2 information:

3 (1) The name, addresses and phone numbers of the political  
4 committee.

5 (2) The name, address and phone number of the committee's  
6 treasurer.

7 (3) The name, address and phone number of the committee's  
8 chairman.

9 (4) The names, addresses and relationships of other  
10 affiliated or connected organizations.

11 (5) The candidates, if any, and their names and addresses.

12 (6) The ballot question, if any, which the committee intends  
13 to support or oppose.

14 (7) The banks, safety deposit boxes or other repositories  
15 and their addresses used by the committee.

16 (8) The proposed period of operation of the committee.

17 (9) The Internet website address if the Internet website is  
18 used to solicit and receive campaign contributions.

19 \* \* \*

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

21 Section 1626.2. Monthly Reporting.--Any political committee  
22 or candidate who receives contributions in an aggregate amount  
23 of ~~ten~~ ONE HUNDRED thousand dollars ~~(\$10,000)~~ (\$100,000) in a <--  
24 calendar ~~month~~ YEAR or incurs expenditures of ~~ten~~ ONE HUNDRED <--  
25 thousand dollars ~~(\$10,000)~~ (\$100,000) in a calendar ~~month~~ YEAR <--  
26 shall file a report within thirty ~~(30)~~ days of the last day of <--  
27 ~~that month~~ THE REPORTS REQUIRED UNDER SECTIONS 1626, 1627 AND <--  
28 1630 with the Secretary of the Commonwealth IN EACH OF THE <--  
29 CYCLES IN THE FOLLOWING CALENDAR YEAR.

30 Section 1631.1. Manner of Filing. All Statewide candidates <--

1 ~~and candidates for Senator or Representative in the General~~  
2 ~~Assembly shall file all their reports electronically with the~~  
3 ~~Secretary of the Commonwealth.~~

4 SECTION 1631.1. MANNER OF FILING.--

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5 (A) ALL REQUIRED CAMPAIGN FINANCE REPORTS SHALL BE FILED  
6 ELECTRONICALLY WITH THE SECRETARY OF THE COMMONWEALTH.

7 (B) A CAMPAIGN FINANCE REPORT FILED ELECTRONICALLY SHALL:

8 (1) BE MADE UNDER OATH OR EQUIVALENT AFFIRMATION AND SUBJECT  
9 TO THE PENALTIES FOR PERJURY;

10 (2) INCLUDE THE ELECTRONIC SIGNATURE OF THE TREASURER OR  
11 ASSISTANT TREASURER OF THE POLITICAL COMMITTEE SERVING AT THE  
12 TIME OF THE FILING OF THE CAMPAIGN FINANCE REPORT; AND

13 (3) FOR A REPORT FILED BY A POLITICAL COMMITTEE AUTHORIZED  
14 BY A CANDIDATE AND CREATED SOLELY FOR THE PURPOSE OF INFLUENCING  
15 AN ELECTION ON BEHALF OF THAT CANDIDATE, INCLUDE THE ELECTRONIC  
16 SIGNATURE OF THE CANDIDATE, MADE UNDER OATH OR EQUIVALENT  
17 AFFIRMATION STATING THAT, TO THE BEST OF THE CANDIDATE'S  
18 KNOWLEDGE, THE POLITICAL COMMITTEE HAS NOT VIOLATED A PROVISION  
19 OF THIS ACT.

20 SECTION 1631.2. INABILITY TO FILE REPORTS OR STATEMENTS  
21 ELECTRONICALLY BY DEADLINE.--

22 (A) FOR REPORTS OR STATEMENTS FILED UNDER SECTION 1631.1, IF  
23 A CANDIDATE OR POLITICAL COMMITTEE CANNOT FILE A REPORT BETWEEN  
24 FIVE O'CLOCK P.M. AND MIDNIGHT ON THE DAY A REPORT OR STATEMENT  
25 IS DUE BECAUSE OF THE UNAVAILABILITY OF THE DEPARTMENT OF  
26 STATE'S ELECTRONIC FILING SYSTEM AT THE TIME THE CANDIDATE OR  
27 POLITICAL COMMITTEE ATTEMPTS TO FILE THE REPORT, THE CANDIDATE,  
28 COMMITTEE TREASURER OR ASSISTANT TREASURER SHALL IMMEDIATELY  
29 NOTIFY THE DEPARTMENT. THE CANDIDATE OR POLITICAL COMMITTEE  
30 WOULD THEN HAVE UNTIL TWELVE O'CLOCK NOON ON THE DAY FOLLOWING

1 THE DEADLINE TO FILE THE REPORT OR STATEMENT ELECTRONICALLY.  
2 ADDITIONALLY, THE CANDIDATE OR COMMITTEE TREASURER WILL BE  
3 REQUIRED TO FILE A STATEMENT AFFIRMING THAT THE CANDIDATE,  
4 COMMITTEE TREASURER OR ASSISTANT TREASURER WAS UNABLE TO FILE  
5 THE REPORT ON TIME BECAUSE OF THE UNAVAILABILITY OF THE  
6 DEPARTMENT OF STATE'S ELECTRONIC FILING SYSTEM AT THE TIME THE  
7 CANDIDATE, TREASURER OR ASSISTANT TREASURER ATTEMPTED TO FILE  
8 THE REPORT. THE AFFIRMATION STATEMENT IS DUE AT THE SAME TIME AS  
9 THE STATEMENT OR REPORT FILED UNDER THIS SUBSECTION. THE REPORT  
10 OR STATEMENT SHALL NOT BE CONSIDERED FILED UNTIL THE AFFIRMATION  
11 STATEMENT IS FILED.

12 (B) IF A CANDIDATE OR POLITICAL COMMITTEE IS UNABLE TO FILE  
13 AS REQUIRED BY SUBSECTION (A) BECAUSE THE DEPARTMENT OF STATE'S  
14 ELECTRONIC FILING SYSTEM REMAINS UNAVAILABLE, THE CANDIDATE,  
15 COMMITTEE TREASURER OR ASSISTANT TREASURER SHALL NOTIFY THE  
16 DEPARTMENT EACH DAY A REPORT CANNOT BE FILED DUE TO THE  
17 UNAVAILABILITY OF THE DEPARTMENT'S ELECTRONIC FILING SYSTEM. THE  
18 CANDIDATE OR POLITICAL COMMITTEE HAS UNTIL TWELVE O'CLOCK NOON  
19 THE FOLLOWING DAY TO ELECTRONICALLY FILE THE REPORT, OR AGAIN TO  
20 NOTIFY THE DEPARTMENT OF STATE OF THE INACCESSIBILITY OF THE  
21 DEPARTMENT'S ELECTRONIC FILING SYSTEM. THE CANDIDATE, COMMITTEE  
22 TREASURER OR ASSISTANT TREASURER IS REQUIRED TO FILE A STATEMENT  
23 AFFIRMING THAT THE CANDIDATE OR COMMITTEE TREASURER WAS UNABLE  
24 TO FILE THE REPORT ON TIME BECAUSE OF THE UNAVAILABILITY OF THE  
25 DEPARTMENT OF STATE'S ELECTRONIC FILING SYSTEM. THE AFFIRMATION  
26 STATEMENT IS DUE AT THE SAME TIME AS THE STATEMENT OR REPORT  
27 FILED UNDER THIS SUBSECTION. THE REPORT OR STATEMENT MAY NOT BE  
28 CONSIDERED FILED UNTIL THE AFFIRMATION STATEMENT IS FILED.

29 (C) FOR CAUSE SHOWN, THE SECRETARY OF THE COMMONWEALTH MAY  
30 WAIVE LATE FILING FEES FOR REPORTS OR STATEMENTS FILED AS

1 REQUIRED UNDER THIS SECTION.

2 (D) THE WORDS "UNAVAILABILITY OF THE DEPARTMENT OF STATE'S  
3 ELECTRONIC FILING SYSTEM" SHALL MEAN A FAILURE OF THE SYSTEM  
4 WITHIN THE DEPARTMENT OF STATE'S TECHNICAL ENVIRONMENT THAT DOES  
5 NOT ALLOW ACCESS TO THE SYSTEM BY AN INDIVIDUAL. THE TERM DOES  
6 NOT INCLUDE:

7 (1) A NETWORK ISSUE BETWEEN THE USER'S COMPUTER AND THE  
8 DEPARTMENT OF STATE'S ENVIRONMENT; OR

9 (2) ANY PART OF THE USER'S COMPUTER OR INTERNAL NETWORK.

10 SECTION 3. SECTION 1632(A) OF THE ACT, AMENDED JULY 11, 1980  
11 (P.L.591, NO.127), IS AMENDED TO READ:

12 SECTION 1632. LATE FILING FEE; CERTIFICATE OF FILING.--

13 (A) A LATE FILING FEE FOR EACH REPORT OR STATEMENT OF  
14 EXPENDITURES AND CONTRIBUTIONS WHICH IS NOT FILED WITHIN THE  
15 PRESCRIBED PERIOD SHALL BE IMPOSED AS FOLLOWS. SUCH FEE SHALL BE  
16 [TEN DOLLARS (\$10)] TWENTY-FIVE DOLLARS (\$25) FOR EACH DAY OR  
17 PART OF A DAY EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS THAT A  
18 REPORT IS OVERDUE. AN ADDITIONAL FEE OF [TEN DOLLARS (\$10)]  
19 TWENTY-FIVE DOLLARS (\$25) IS DUE FOR EACH OF THE FIRST [SIX (6)]  
20 FIVE (5) DAYS THAT A REPORT IS OVERDUE. THE MAXIMUM FEE PAYABLE  
21 WITH RESPECT TO A SINGLE REPORT IS [TWO HUNDRED FIFTY DOLLARS  
22 (\$250)] FIVE HUNDRED DOLLARS (\$500). A SUPERVISOR SHALL RECEIVE  
23 AN OVERDUE REPORT OR STATEMENT EVEN IF ANY LATE FILING FEE DUE  
24 HAS NOT BEEN PAID BUT THE REPORT OR STATEMENT SHALL NOT BE  
25 CONSIDERED FILED UNTIL ALL FEES HAVE BEEN PAID UPON THE RECEIPT  
26 BY THE SUPERVISOR OF AN OVERDUE REPORT. NO FURTHER LATE FILING  
27 FEES SHALL BE INCURRED NOTWITHSTANDING THE FACT THAT THE REPORT  
28 OR STATEMENT IS NOT CONSIDERED FILED. THE LATE FILING FEE IS THE  
29 PERSONAL LIABILITY OF THE CANDIDATE OR TREASURER OF A POLITICAL  
30 COMMITTEE AND CANNOT BE PAID FROM CONTRIBUTIONS TO THE CANDIDATE

1 OR COMMITTEE, NOR MAY SUCH FEE BE CONSIDERED AN EXPENDITURE. A  
2 REPORT OR STATEMENT OF EXPENDITURES AND CONTRIBUTIONS SHALL BE  
3 DEEMED TO HAVE BEEN FILED WITHIN THE PRESCRIBED TIME IF THE  
4 LETTER TRANSMITTING THE REPORT OR STATEMENT WHICH IS RECEIVED BY  
5 THE SUPERVISOR IS TRANSMITTED BY FIRST CLASS MAIL AND IS  
6 POSTMARKED BY THE UNITED STATES POSTAL SERVICE ON THE DAY PRIOR  
7 TO THE FINAL DAY ON WHICH THE REPORT OR STATEMENT IS TO BE  
8 RECEIVED: PROVIDED, THAT THIS SENTENCE SHALL NOT BE APPLICABLE  
9 TO THE REPORTING REQUIREMENTS CONTAINED IN SECTION 1628.

10 \* \* \*

11 Section 3 4. This act shall take effect in 60 days.

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