

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 389 Session of 2015

INTRODUCED BY PILEGGI, AUMENT, BAKER, BLAKE, COSTA, FARNESE, FONTANA, RAFFERTY, SCHWANK, SMITH, SMUCKER, TARTAGLIONE, TEPLITZ, VOGEL, WARD, WHITE, WILLIAMS, YAW, YUDICHAK, ALLOWAY AND BROWNE, FEBRUARY 3, 2015

REFERRED TO STATE GOVERNMENT, FEBRUARY 3, 2015

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, providing for reports required,
 13 further providing for late contributions and independent
 14 expenditures, providing for manner of filing and for
 15 inability to file reports or statements electronically by
 16 deadline, and further providing for late filing fee and
 17 certificate of filing.

18 The General Assembly of the Commonwealth of Pennsylvania
 19 hereby enacts as follows:

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

23 Section 1624. Registration.--

24 * * *

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 a section to read:

21 Section 1626.2. Reports Required.--Any political committee
22 or candidate who receives contributions in an aggregate amount
23 of ten thousand dollars (\$10,000) in a calendar year or incurs
24 expenditures of ten thousand dollars (\$10,000) in a calendar
25 year shall file the reports required under sections 1626, 1627
26 and 1630 with the Secretary of the Commonwealth in each of the
27 reporting cycles for the remainder of the calendar year and in
28 the following calendar year.

29 Section 2.1. Section 1628 of the act, amended February 13,
30 1998 (P.L.72, No.18), is amended to read:

1 Section 1628. Late Contributions and Independent
2 Expenditures.--Any candidate or political committee, authorized
3 by a candidate and created solely for the purpose of influencing
4 an election on behalf of that candidate, which receives any
5 contribution or pledge of five hundred dollars (\$500) or more,
6 and any person making an independent expenditure, as defined by
7 this act, of five hundred dollars (\$500) or more after the final
8 pre-election report has been deemed completed shall report such
9 contribution, pledge or expenditure to the appropriate
10 supervisor. Such report shall be sent by the candidate, chairman
11 or treasurer of the political committee within twenty-four (24)
12 hours of receipt of the contribution. It shall be the duty of
13 the supervisor to confirm the substance of such report. [The
14 report] A report filed with the Secretary of the Commonwealth
15 shall be filed electronically. Other reports shall be made by
16 telegram, mailgram, overnight mail or facsimile transmission.
17 Any candidate in his own behalf, or chairman, treasurer or
18 candidate in behalf of the political committee, except a
19 candidate required to file with the Secretary of the
20 Commonwealth, may also comply with this section by appearing
21 personally before such supervisor and reporting such late
22 contributions or pledges.

23 Section 2.2. The act is amended by adding sections to read:

24 Section 1631.1. Manner of Filing.--

25 (a) Beginning February 1, 2016, all required campaign
26 finance reports and statements shall be filed electronically
27 with the Secretary of the Commonwealth.

28 (b) A campaign finance report or statement filed
29 electronically shall:

30 (1) be made under oath or equivalent affirmation and subject

1 to the penalties for perjury;

2 (2) include the electronic signature of the treasurer or
3 assistant treasurer of the political committee serving at the
4 time of the filing of the campaign finance report or statement;
5 and

6 (3) for a report or statement filed by a political committee
7 authorized by a candidate and created solely for the purpose of
8 influencing an election on behalf of that candidate, include the
9 electronic signature of the candidate, made under oath or
10 equivalent affirmation stating that, to the best of the
11 candidate's knowledge, the political committee has not violated
12 a provision of this act.

13 Section 1631.2. Inability to File Reports or Statements
14 Electronically by Deadline.--

15 (a) For reports or statements filed under section 1631.1, if
16 a candidate or political committee cannot file a report or
17 statement between five o'clock P.M. and midnight on the day a
18 report or statement is due because of the unavailability of the
19 Department of State's electronic filing system at the time the
20 candidate or political committee attempts to file the report or
21 statement, the candidate, committee treasurer or assistant
22 treasurer shall immediately notify the department. The candidate
23 or political committee has until twelve o'clock noon on the day
24 following the deadline to file the report or statement
25 electronically. Additionally, the candidate or committee
26 treasurer will be required to file a statement affirming that
27 the candidate, committee treasurer or assistant treasurer was
28 unable to file the report or statement on time because of the
29 unavailability of the Department of State's electronic filing
30 system at the time the candidate, treasurer or assistant

1 treasurer attempted to file the report or statement. The
2 affirmation statement is due at the same time as the statement
3 or report filed under this subsection. The report or statement
4 shall not be considered filed until the affirmation statement is
5 filed.

6 (b) If a candidate or political committee is unable to file
7 as required by subsection (a) because the Department of State's
8 electronic filing system remains unavailable, the candidate,
9 committee treasurer or assistant treasurer shall notify the
10 department each day a report or statement cannot be filed due to
11 the unavailability of the department's electronic filing system.
12 The candidate or political committee has until twelve o'clock
13 noon the following day to electronically file the report or
14 statement, or again to notify the Department of State of the
15 inaccessibility of the department's electronic filing system.
16 The candidate, committee treasurer or assistant treasurer is
17 required to file a statement affirming that the candidate or
18 committee treasurer was unable to file the report or statement
19 on time because of the unavailability of the Department of
20 State's electronic filing system. The affirmation statement is
21 due at the same time as the statement or report filed under this
22 subsection. The report or statement may not be considered filed
23 until the affirmation statement is filed.

24 (c) For cause shown, the Secretary of the Commonwealth may
25 waive late filing fees for reports or statements filed as
26 required under this section.

27 (d) The words "unavailability of the Department of State's
28 electronic filing system" shall mean a failure of the system
29 within the Department of State's technical environment that does
30 not allow access to the system by an individual. The term shall

1 not include:

2 (1) a network issue between the user's computer and the
3 Department of State's environment; or

4 (2) a part of the user's computer or internal network.

5 Section 3. Section 1632(a) of the act, amended July 11, 1980
6 (P.L.591, No.127), is amended to read:

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

8 (a) A late filing fee for each report or statement of
9 expenditures and contributions which is not filed within the
10 prescribed period shall be imposed as follows. Such fee shall be
11 [ten dollars (\$10)] twenty-five dollars (\$25) for each day or
12 part of a day excluding Saturdays, Sundays and holidays that a
13 report is overdue. An additional fee of [ten dollars (\$10)]
14 twenty-five dollars (\$25) is due for each of the first [six (6)]
15 five (5) days that a report is overdue. The maximum fee payable
16 with respect to a single report is [two hundred fifty dollars
17 (\$250)] five hundred dollars (\$500). A supervisor shall receive
18 an overdue report or statement even if any late filing fee due
19 has not been paid but the report or statement shall not be
20 considered filed until all fees have been paid upon the receipt
21 by the supervisor of an overdue report. No further late filing
22 fees shall be incurred notwithstanding the fact that the report
23 or statement is not considered filed. The late filing fee is the
24 personal liability of the candidate or treasurer of a political
25 committee and cannot be paid from contributions to the candidate
26 or committee, nor may such fee be considered an expenditure. A
27 report or statement of expenditures and contributions shall be
28 deemed to have been filed within the prescribed time if the
29 letter transmitting the report or statement which is received by
30 the supervisor is transmitted by first class mail and is

1 postmarked by the United States Postal Service on the day prior
2 to the final day on which the report or statement is to be
3 received: Provided, That this sentence shall not be applicable
4 to the reporting requirements contained in section 1628.

5 * * *

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