

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 859 Session of 2017

INTRODUCED BY M. K. KELLER, BRIGGS, BLOOM, CARROLL, D. COSTA, COX, DELOZIER, DIAMOND, DUNBAR, EVERETT, FITZGERALD, A. HARRIS, PHILLIPS-HILL, JAMES, W. KELLER, MACKENZIE, MARSICO, MOUL, NEILSON, O'BRIEN, READSHAW, REESE, SCHLOSSBERG, SCHWEYER, SIMMONS, SOLOMON, TAYLOR, WARD AND WHEELAND, MARCH 16, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 16, 2017

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 reporting by candidate and political committees
 13 and other persons, for late contributions and independent
 14 expenditures, for place of filing and for additional powers
 15 and duties of the Secretary of the Commonwealth.

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

18 Section 1. Section 1626 of the act of June 3, 1937
 19 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
 20 amended by adding a subsection to read:

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

1 * * *

2 (k) (1) All campaign finance reports required to be filed
3 with the Secretary of the Commonwealth shall be filed
4 electronically using the electronic filing system developed by
5 the Secretary of the Commonwealth that is consistent with the
6 purposes of this subsection. A campaign finance report submitted
7 electronically shall:

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

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

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

19 (2) A candidate or political committee not able to file
20 electronically the report or statement required by this
21 subsection shall request an exemption from the Secretary of the
22 Commonwealth. The candidate or political committee upon approval
23 of the Secretary of the Commonwealth shall file reports and
24 statements on forms developed by the Secretary of the
25 Commonwealth.

26 Section 2. Sections 1628, 1631 and 1640 of the act are
27 amended to read:

28 Section 1628. Late Contributions and Independent
29 Expenditures.--Any candidate or political committee, authorized
30 by a candidate and created solely for the purpose of influencing

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

18 Section 1631. Place of Filing.--

19 Any statement or report required by this article to be filed,
20 shall be done in the following manner:

21 (1) (i) Any candidate, individual, or committee required to
22 file a report concerning any candidate shall file that statement
23 or report in the office of the supervisor with whom the
24 candidate filed a nomination paper, nomination certificate,
25 nomination petitions or with the supervisor with whom the
26 candidate would have filed such if he had sought nomination in
27 that manner.

28 [(ii) All candidates and political committees, authorized by
29 candidates and created solely for the purpose of influencing the
30 election of such candidates, who must file reports with the

1 Secretary of the Commonwealth, shall also file copies of their
2 reports in the county in which the candidate resides.]

3 (2) (i) Any statement or report concerning an issue to be
4 voted on by the electors of the State at large shall be filed
5 with the Secretary of the Commonwealth.

6 (ii) Any statement or report concerning any other issue to
7 be voted on by the electors of this Commonwealth shall be filed
8 in the county wherein the electors reside.

9 (3) However, if any report of any political committee
10 concerns both candidates who file for nomination with the
11 Secretary of the Commonwealth and candidates who file with a
12 county board of elections, then such report shall be filed with
13 the Secretary of the Commonwealth.

14 Section 1640. Additional Powers and Duties of the Secretary
15 of the Commonwealth.--The Secretary of the Commonwealth shall
16 have the following additional powers and duties:

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

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

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

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

28 (5) To examine the contributions to State legislative and
29 Statewide candidates and publish a list of all those political
30 committees who have contributed to candidates and who have

1 failed to file reports as required by this act within six (6)
2 days of their failure to comply.

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

14 (7) To establish a training program on the electronic
15 reporting system and make it available to any candidate or
16 committee.

17 (8) To cause all information contained in such a statement
18 filed with the Secretary of the Commonwealth, which is not on
19 the electronic reporting system, to be entered into the system
20 as soon as practicable, but not later than four (4) business
21 days after its receipt by the Secretary of the Commonwealth.

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

25 Section 3. This act shall take effect in 60 days.