
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1068 Session of
2018

INTRODUCED BY COSTA, TARTAGLIONE, FONTANA, LEACH, BREWSTER,
BROWNE, RAFFERTY, SABATINA, SCHWANK AND BLAKE, MARCH 12, 2018

REFERRED TO STATE GOVERNMENT, MARCH 12, 2018

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 definitions, for contributions or expenditures
13 by national banks, corporations or unincorporated
14 associations and for advertising.

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

17 Section 1. Section 1621(e) and (f) of the act of June 3,
18 1937 (P.L.1333, No.320), known as the Pennsylvania Election
19 Code, are amended and the section is amended by adding
20 subsections to read:

21 Section 1621. Definitions.--As used in this article, the
22 following words have the following meanings:

23 * * *

24 (e) The words "independent expenditure" shall mean an

1 expenditure by a person, other than a political committee or
2 candidate, expressly advocating the election or defeat of a
3 clearly identified candidate for nomination or election or
4 clearly identified ballot question appearing on the ballot in
5 every election district in this Commonwealth, made for the
6 purpose of influencing an election without cooperation or
7 consultation with any candidate or any political committee
8 authorized by that candidate and which is not made in concert
9 with or at the request or suggestion of any candidate or
10 political committee or agent thereof.

11 (f) The word "lobbyist" shall mean any person who is
12 registered pursuant to the provisions of [the act of September
13 30, 1961 (P.L.1778, No.712), known as the "Lobbying Registration
14 and Regulation Act."] 65 Pa.C.S. Ch. 13A (relating to lobbying
15 disclosure).

16 * * *

17 (n) The words "chief executive officer" shall mean the
18 highest ranking officer or decision-making individual with
19 authority over a corporation's affairs.

20 (o) The words "clearly identified" shall mean:

21 (1) with respect to a candidate, the name of the candidate
22 appears;

23 (2) with respect to a candidate, a photograph, drawing or
24 other image of the candidate appears; or

25 (3) with respect to a candidate or ballot question, the
26 identity of the candidate or ballot question is apparent by
27 unambiguous reference.

28 (p) The words "electioneering communication" shall mean a
29 broadcast, cable, mail, satellite or print communication by a
30 person, other than a political committee or candidate, that

1 refers to a clearly identified candidate or clearly identified
2 ballot question appearing on the ballot in every election
3 district in this Commonwealth and is publicly distributed within
4 ninety (90) days before an election in which the candidate is
5 seeking election or reelection or the ballot question appears on
6 the ballot. The term does not include any of the following
7 communications:

8 (1) A communication that is disseminated through a means
9 other than a broadcast station, radio station, cable television
10 system or satellite system, newspaper, magazine, periodical,
11 billboard advertisement or mail.

12 (2) A communication to less than one hundred (100)
13 recipients.

14 (3) A news story, commentary, letter to the editor, news
15 release, column, op-ed or editorial broadcast by a television
16 station, radio station, cable television system or satellite
17 system or printed in a newspaper, magazine or other periodical
18 in general circulation.

19 (4) Expenditures or independent expenditures or
20 contributions that must otherwise be reported under this
21 article.

22 (5) A communication from a membership organization
23 exclusively to its members and their families, otherwise known
24 as a membership communication.

25 (6) Bona fide candidate debates or forums and advertising or
26 promotion of the same.

27 (7) E-mail communications.

28 (8) Internet communications which are not paid
29 advertisements.

30 (g) The words "electioneering communication expenditure"

1 shall mean any expenditure made by a person, other than a
2 political committee or a candidate, as payment for an
3 electioneering communication.

4 (r) The words "foreign national" shall mean:

5 (1) a foreign principal; or

6 (2) an individual who is not a citizen of the United States
7 or a national of the United States and who is not lawfully
8 admitted for permanent residence.

9 (s) The words "foreign owner" shall mean a foreign national
10 or a corporation wherein a foreign national holds, owns,
11 controls or otherwise has directly or indirectly acquired
12 beneficial ownership of equity or voting shares in an amount
13 that is equal to or greater than fifty (50) per cent of the
14 total equity or outstanding voting shares.

15 (t) The words "foreign-influenced corporation" shall mean a
16 corporation for which:

17 (1) a foreign owner holds, owns, controls or otherwise has
18 directly or indirectly acquired beneficial ownership of equity
19 or voting shares in an amount that is equal to or greater than
20 five (5) per cent of the total equity or outstanding voting
21 shares; or

22 (2) foreign owners hold, own, control or otherwise have
23 directly or indirectly acquired beneficial ownership of equity
24 or voting shares in an amount that is equal to or greater than
25 twenty (20) per cent of the total equity or outstanding voting
26 shares.

27 (u) The words "foreign principal" shall mean:

28 (1) a government of a foreign country;

29 (2) a foreign political party; or

30 (3) a partnership, association, corporation, organization or

1 other combination of persons organized under the laws of or
2 having its principal place of business in a foreign country.

3 (v) The words "independent expenditure political action
4 committee" shall mean a political action committee that only
5 receives contributions to make independent expenditures.

6 Section 2. Sections 1633 and 1638 of the act are amended by
7 adding subsections to read:

8 Section 1633. Contributions or Expenditures by National
9 Banks, Corporations or Unincorporated Associations.--* * *

10 (e) (1) No foreign-influenced corporation shall make an
11 independent expenditure, an electioneering communication
12 expenditure or a contribution to an independent expenditure
13 political action committee.

14 (2) A corporation that makes an independent expenditure, an
15 electioneering communication expenditure or a contribution to an
16 independent expenditure political action committee shall, within
17 seven (7) business days after making the expenditure or
18 contribution, file with the appropriate supervisor, a statement
19 of certification, signed by the chief executive officer under
20 penalty of perjury, avowing that, after due inquiry, the
21 corporation was not a foreign-influenced corporation on the date
22 the expenditure or contribution was made.

23 Section 1638. Advertising.--

24 * * *

25 (c) (1) Unless the person making an independent expenditure
26 or electioneering communication, transmitted through paid radio,
27 television or Internet advertising, has received a statement of
28 certification as prescribed under section 1633(e) from each
29 contributing corporation that is among the top five (5)
30 contributors when ranked in order of amount of contribution made

1 to the person for the twelve-month period immediately preceding
2 the date of the communication, the advertisement shall include
3 the following statement:

4 Some of the funds used to pay for this message may have
5 been provided by foreign-influenced corporations.

6 (2) The person making the independent expenditure or
7 electioneering communication under this section shall be
8 entitled to rely on the statement of certification provided by
9 the contributor, unless the person has actual knowledge that the
10 certification is false.

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