

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 633 Session of 2019

INTRODUCED BY M. K. KELLER, BRIGGS, BERNSTINE, DUNBAR, KEEFER, MACKENZIE, MULLERY, MURT, NEILSON, PICKETT, ROTHMAN, RYAN, SCHLOSSBERG, SIMMONS, SNYDER, TOOHIL, EVERETT, POLINCHOCK, ZABEL, SCHWEYER, SCHMITT, DeLISSIO, VITALI, KENYATTA, FARRY, CIRESI, WEBSTER, PASHINSKI AND T. DAVIS, FEBRUARY 28, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 13, 2019

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. FOR OATH OF <--
16 COMPLIANCE, PERJURY, DISQUALIFICATION FROM OFFICE AND
17 COMMERCIAL USE AND FOR PLACE OF FILING, PROVIDING FOR MANNER
18 OF FILING AND FOR INABILITY TO FILE REPORTS OR STATEMENTS
19 ELECTRONICALLY BY DEADLINE AND FURTHER PROVIDING FOR LATE
20 FILING FEE AND CERTIFICATE OF FILING, FOR POWERS AND DUTIES
21 OF THE SUPERVISOR, FOR ADDITIONAL POWERS AND DUTIES OF THE
22 SECRETARY OF THE COMMONWEALTH AND FOR REPORTS BY BUSINESS
23 ENTITIES AND PUBLICATION BY SECRETARY OF THE COMMONWEALTH.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 1626 of the act of June 3, 1937 <--

1 ~~(P.L.1333, No.320), known as the Pennsylvania Election Code, is~~  
2 ~~amended by adding a subsection to read:~~

3 ~~Section 1626. Reporting by Candidate and Political~~  
4 ~~Committees and other Persons.~~

5 ~~\* \* \*~~

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

12 ~~(i) be made under oath or equivalent affirmation;~~

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

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

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

30 ~~Section 2. Sections 1628, 1631 and 1640 of the act are~~

1 ~~amended to read:~~

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

22 ~~Section 1631. Place of Filing.~~

23 ~~Any statement or report required by this article to be filed,~~  
24 ~~shall be done in the following manner:~~

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

1 ~~that manner.~~

2 ~~{(ii) All candidates and political committees, authorized by~~  
3 ~~candidates and created solely for the purpose of influencing the~~  
4 ~~election of such candidates, who must file reports with the~~  
5 ~~Secretary of the Commonwealth, shall also file copies of their~~  
6 ~~reports in the county in which the candidate resides.}~~

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

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

13 ~~(3) However, if any report of any political committee~~  
14 ~~concerns both candidates who file for nomination with the~~  
15 ~~Secretary of the Commonwealth and candidates who file with a~~  
16 ~~county board of elections, then such report shall be filed with~~  
17 ~~the Secretary of the Commonwealth.~~

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

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

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

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

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

1 ~~statements as required by this article.~~

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

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

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

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

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

29 ~~Section 3. This act shall apply to reports filed with the~~  
30 ~~Secretary of the Commonwealth on and after the effective date of~~

1 ~~this section.~~

2 ~~Section 4. This act shall take effect in 60 days.~~

3 SECTION 1. SECTION 1626(A) AND (H) OF THE ACT OF JUNE 3, <--  
4 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION  
5 CODE, ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A  
6 SUBSECTION TO READ:

7 SECTION 1626. REPORTING BY CANDIDATE AND POLITICAL  
8 COMMITTEES AND OTHER PERSONS.--

9 (A) EACH TREASURER OF A POLITICAL COMMITTEE AND EACH  
10 CANDIDATE FOR ELECTION TO PUBLIC OFFICE SHALL FILE WITH THE  
11 APPROPRIATE SUPERVISOR REPORTS OF RECEIPTS AND EXPENDITURES ON  
12 FORMS, DESIGNED BY THE SECRETARY OF THE COMMONWEALTH, IF THE  
13 AMOUNT RECEIVED OR EXPENDED OR LIABILITIES INCURRED SHALL EXCEED  
14 THE SUM OF TWO HUNDRED FIFTY DOLLARS (\$250). SHOULD SUCH AN  
15 AMOUNT NOT EXCEED TWO HUNDRED FIFTY DOLLARS (\$250), THEN THE  
16 CANDIDATE OR THE TREASURER OF THE COMMITTEE SHALL FILE A [SWORN]  
17 STATEMENT TO THAT EFFECT WITH THE APPROPRIATE SUPERVISOR RATHER  
18 THAN THE REPORT REQUIRED BY THIS SECTION.

19 \* \* \*

20 (H) ALL REPORTS OR STATEMENTS REQUIRED TO BE FILED PURSUANT  
21 TO THIS SECTION SHALL BE FILED PURSUANT TO [SECTION 1630]  
22 SECTIONS 1629 AND 1631.1. ALL REPORTS AND STATEMENTS REQUIRED BY  
23 THIS SECTION SHALL COVER THE CAMPAIGN ACTIVITY OF A CANDIDATE  
24 ONLY FROM THE LAST PRIOR REPORT OR STATEMENT.

25 \* \* \*

26 (K) ALL REPORTS OR STATEMENTS REQUIRED TO BE FILED WITH THE  
27 SECRETARY OF THE COMMONWEALTH MAY BE FILED ELECTRONICALLY USING  
28 THE ELECTRONIC FILING SYSTEM DEVELOPED BY THE SECRETARY OF THE  
29 COMMONWEALTH THAT IS CONSISTENT WITH THE PURPOSES OF THIS  
30 SUBSECTION. A REPORT OR STATEMENT SUBMITTED ELECTRONICALLY MUST:

1 (1) REQUIRE AN ELECTRONIC SIGNATURE FROM THE TREASURER OR  
2 ASSISTANT TREASURER AT THE TIME OF THE FILING OF THE REPORT OR  
3 STATEMENT. IN ADDITION, A REPORT FILED BY A POLITICAL COMMITTEE,  
4 AUTHORIZED BY A CANDIDATE AND CREATED SOLELY FOR THE PURPOSE OF  
5 INFLUENCING AN ELECTION ON BEHALF OF THAT CANDIDATE MUST BE  
6 SIGNED, USING AN ELECTRONIC SIGNATURE, STATING THAT, TO THE BEST  
7 OF THE CANDIDATE'S KNOWLEDGE, THE POLITICAL COMMITTEE HAS NOT  
8 VIOLATED A PROVISION OF THIS ACT; AND

9 (2) BE MADE SUBJECT TO THE PENALTIES OF 18 PA.C.S. § 4904  
10 (RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES) AS PROVIDED  
11 IN SECTION 1629.

12 SECTION 2. SECTIONS 1628, 1629 HEADING, (A) AND (B) AND  
13 1631(1) OF THE ACT ARE AMENDED TO READ:

14 SECTION 1628. LATE CONTRIBUTIONS AND INDEPENDENT  
15 EXPENDITURES.--ANY CANDIDATE OR POLITICAL COMMITTEE, AUTHORIZED  
16 BY A CANDIDATE AND CREATED SOLELY FOR THE PURPOSE OF INFLUENCING  
17 AN ELECTION ON BEHALF OF THAT CANDIDATE, WHICH RECEIVES ANY  
18 CONTRIBUTION OR PLEDGE OF FIVE HUNDRED DOLLARS (\$500) OR MORE,  
19 AND ANY PERSON MAKING AN INDEPENDENT EXPENDITURE, AS DEFINED BY  
20 THIS ACT, OF FIVE HUNDRED DOLLARS (\$500) OR MORE AFTER THE FINAL  
21 PRE-ELECTION REPORT HAS BEEN DEEMED COMPLETED SHALL REPORT SUCH  
22 CONTRIBUTION, PLEDGE OR EXPENDITURE TO THE APPROPRIATE  
23 SUPERVISOR. SUCH REPORT SHALL BE SENT BY THE CANDIDATE, CHAIRMAN  
24 OR TREASURER OF THE POLITICAL COMMITTEE WITHIN TWENTY-FOUR (24)  
25 HOURS OF RECEIPT OF THE CONTRIBUTION. IT SHALL BE THE DUTY OF  
26 THE SUPERVISOR TO CONFIRM THE SUBSTANCE OF SUCH REPORT. [THE  
27 REPORT SHALL BE MADE BY TELEGRAM, MAILGRAM, OVERNIGHT MAIL OR  
28 FACSIMILE TRANSMISSION. ANY] THE REPORTS FILED WITH THE  
29 SECRETARY OF THE COMMONWEALTH MAY BE FILED ELECTRONICALLY IN  
30 ACCORDANCE WITH SECTION 1631.1. ANY REPORT THAT IS NOT FILED

1 ELECTRONICALLY SHALL BE FILED BY FACSIMILE, ELECTRONIC MAIL OR  
2 OVERNIGHT MAIL COURIER SERVICE. EXCEPT FOR REPORTS FILED  
3 ELECTRONICALLY, A CANDIDATE IN HIS OWN BEHALF, OR CHAIRMAN,  
4 TREASURER OR CANDIDATE [IN] ON BEHALF OF THE POLITICAL COMMITTEE  
5 MAY ALSO COMPLY WITH THIS SECTION BY APPEARING PERSONALLY BEFORE  
6 SUCH SUPERVISOR AND REPORTING SUCH LATE CONTRIBUTIONS OR  
7 PLEDGES.

8 SECTION 1629. [OATH OF COMPLIANCE] UNSWORN FALSIFICATION;  
9 PERJURY; DISQUALIFICATION FROM OFFICE; COMMERCIAL USE.--

10 [(A) EACH REPORT SHALL BE SUBSCRIBED AND SWORN TO BY THE  
11 INDIVIDUAL SUBMITTING THE REPORT. IN ADDITION, ANY REPORT FILED  
12 BY A POLITICAL COMMITTEE, AUTHORIZED BY A CANDIDATE AND CREATED  
13 SOLELY FOR THE PURPOSE OF INFLUENCING AN ELECTION ON BEHALF OF  
14 THAT CANDIDATE, MUST BE ACCOMPANIED BY AN AFFIDAVIT FROM THAT  
15 CANDIDATE WHICH PROVIDES THAT, TO THE BEST OF THE CANDIDATE'S  
16 KNOWLEDGE, THE POLITICAL COMMITTEE HAS NOT VIOLATED ANY  
17 PROVISION OF THIS ACT.]

18 (B) ANY WILFULLY FALSE, FRAUDULENT OR MISLEADING STATEMENT  
19 OR ENTRY MADE BY ANY CANDIDATE OR TREASURER IN ANY STATEMENT OR  
20 REPORT [UNDER OATH] AS REQUIRED BY THIS ARTICLE, SHALL  
21 CONSTITUTE THE CRIME OF [PERJURY] UNSWORN FALSIFICATION TO  
22 AUTHORITIES, AND BE PUNISHABLE AS SUCH ACCORDING TO THE LAWS OF  
23 THIS COMMONWEALTH.

24 \* \* \*

25 SECTION 1631. PLACE OF FILING.--

26 ANY STATEMENT OR REPORT REQUIRED BY THIS ARTICLE TO BE FILED,  
27 SHALL BE DONE IN THE FOLLOWING MANNER:

28 (1) (I) ANY CANDIDATE, INDIVIDUAL, OR COMMITTEE REQUIRED TO  
29 FILE A REPORT CONCERNING ANY CANDIDATE SHALL FILE THAT STATEMENT  
30 OR REPORT IN THE OFFICE OF THE SUPERVISOR WITH WHOM THE



1 CANDIDATE FILED A NOMINATION PAPER, NOMINATION CERTIFICATE,  
2 NOMINATION PETITIONS OR WITH THE SUPERVISOR WITH WHOM THE  
3 CANDIDATE WOULD HAVE FILED SUCH IF HE HAD SOUGHT NOMINATION IN  
4 THAT MANNER.

5 (II) ALL CANDIDATES AND POLITICAL COMMITTEES, AUTHORIZED BY  
6 CANDIDATES AND CREATED SOLELY FOR THE PURPOSE OF INFLUENCING THE  
7 ELECTION OF SUCH CANDIDATES, WHO MUST FILE REPORTS OR STATEMENTS  
8 WITH THE SECRETARY OF THE COMMONWEALTH, AND WHO DO NOT FILE  
9 ELECTRONICALLY, SHALL ALSO FILE COPIES OF THEIR REPORTS OR  
10 STATEMENTS IN THE COUNTY IN WHICH THE CANDIDATE RESIDES.

11 (III) ALL CANDIDATES AND POLITICAL COMMITTEES, AUTHORIZED BY  
12 CANDIDATES AND CREATED SOLELY FOR THE PURPOSE OF INFLUENCING THE  
13 ELECTION OF SUCH CANDIDATES, WHO MUST FILE REPORTS OR STATEMENTS  
14 WITH THE SECRETARY OF THE COMMONWEALTH AS REQUIRED BY THIS  
15 SUBSECTION AND WHO FILE ELECTRONICALLY, ARE NOT REQUIRED TO FILE  
16 COPIES OF REPORTS OR STATEMENTS IN THE COUNTY IN WHICH THE  
17 CANDIDATE RESIDES.

18 \* \* \*

19 SECTION 3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

20 SECTION 1631.1. MANNER OF FILING.--

21 (A) ALL REPORTS AND STATEMENTS REQUIRED TO BE FILED WITH THE  
22 SECRETARY OF THE COMMONWEALTH PURSUANT TO SECTIONS 1626, 1627,  
23 1628 AND 1641 MAY BE FILED WITH THE SECRETARY OF THE  
24 COMMONWEALTH USING THE ELECTRONIC FILING SYSTEM DEVELOPED BY THE  
25 SECRETARY OF THE COMMONWEALTH.

26 (B) ANY REPORT OR STATEMENT FILED UNDER THIS SECTION SHALL  
27 BE MADE SUBJECT TO THE PENALTIES OF 18 PA.C.S. § 4904 (RELATING  
28 TO UNSWORN FALSIFICATION TO AUTHORITIES).

29 (C) IN ADDITION TO THE REQUIREMENT UNDER SUBSECTION (B), A  
30 REPORT OR STATEMENT FILED ELECTRONICALLY SHALL ALSO:

1 (1) INCLUDE THE ELECTRONIC SIGNATURE OF THE TREASURER OR  
2 ASSISTANT TREASURER OF THE POLITICAL COMMITTEE SERVING AT THE  
3 TIME OF THE FILING OF THE REPORT OR STATEMENT; AND

4 (2) FOR A REPORT OR STATEMENT FILED BY A CANDIDATE OR A  
5 CANDIDATE'S POLITICAL COMMITTEE, INCLUDE THE ELECTRONIC  
6 SIGNATURE OF THE CANDIDATE, STATING THAT, TO THE BEST OF THE  
7 CANDIDATE'S KNOWLEDGE, THE POLITICAL COMMITTEE HAS NOT VIOLATED  
8 A PROVISION OF THIS ACT.

9 (D) (1) A PRINCIPAL MAY AUTHORIZE ANOTHER PERSON TO PREPARE  
10 THE CONTENTS OF ANY REPORT OR STATEMENT THAT IS FILED  
11 ELECTRONICALLY, INCLUDING ENTRY OF DATA INTO THE ELECTRONIC  
12 FILING SYSTEM AS PROVIDED UNDER SUBSECTION (A).

13 (2) EACH PRINCIPAL AUTHORIZING ANOTHER TO ACT UNDER CLAUSE  
14 (1) MUST:

15 (I) REVIEW THE CONTENTS OF THE REPORT OR STATEMENT PREPARED  
16 UNDER CLAUSE (1); AND

17 (II) FILE WITH THE ELECTRONIC FILING SYSTEM THE APPROVAL OF  
18 THE CONTENTS OF THE REPORT OR STATEMENT AND VERIFICATION OF ITS  
19 ACCURACY, IN ACCORDANCE WITH SUBSECTION (B). THE APPROVAL SHALL  
20 BE TRANSMITTED PERSONALLY BY THE PRINCIPAL AND NOT ON THE  
21 PRINCIPAL'S BEHALF BY ANY OTHER PERSON.

22 (3) NO REPORT OR STATEMENT THAT IS FILED ELECTRONICALLY  
23 SHALL BE CONSIDERED COMPLETE OR FILED UNTIL ALL NECESSARY  
24 APPROVALS AND VERIFICATIONS SHALL HAVE BEEN SUBMITTED BY EACH  
25 PRINCIPAL REQUIRED TO FILE.

26 (4) AS USED IN THIS SUBSECTION, "PRINCIPAL" SHALL MEAN ANY  
27 PERSON REQUIRED TO FILE ANY REPORT OR STATEMENT ELECTRONICALLY  
28 WITH THE SECRETARY OF THE COMMONWEALTH IN ACCORDANCE WITH THIS  
29 SECTION.

30 (E) ANY REPORT OR STATEMENT FILED WITH THE SECRETARY OF THE

1 COMMONWEALTH, WHICH IS NOT FILED ELECTRONICALLY, SHALL BE FILED  
2 ON FORMS DEVELOPED BY THE SECRETARY OF THE COMMONWEALTH.

3 SECTION 1631.2. INABILITY TO FILE REPORTS OR STATEMENTS  
4 ELECTRONICALLY BY DEADLINE.--

5 (A) ALL REPORTS OR STATEMENTS FILED ELECTRONICALLY WITH THE  
6 SECRETARY OF THE COMMONWEALTH UNDER SECTION 1631.1 ARE SUBJECT  
7 TO THE FOLLOWING:

8 (1) IF A CANDIDATE OR POLITICAL COMMITTEE CANNOT FILE A  
9 REPORT OR STATEMENT ELECTRONICALLY ON THE DAY THE REPORT OR  
10 STATEMENT IS DUE BECAUSE OF THE UNAVAILABILITY OF THE DEPARTMENT  
11 OF STATE'S ELECTRONIC FILING SYSTEM AT THE TIME THE CANDIDATE OR  
12 POLITICAL COMMITTEE ATTEMPTS TO FILE THE REPORT OR STATEMENT,  
13 THE PRINCIPAL SHALL IMMEDIATELY NOTIFY THE DEPARTMENT OF STATE  
14 IN A MANNER DESIGNATED BY THE SECRETARY OF THE COMMONWEALTH. IF  
15 THE WEBSITE IS UNAVAILABLE AND THE CANDIDATE OR POLITICAL  
16 COMMITTEE HAS NOTIFIED THE DEPARTMENT, THE CANDIDATE OR  
17 POLITICAL COMMITTEE SHALL HAVE UNTIL 11:59 O'CLOCK P.M. ON THE  
18 NEXT DAY FOLLOWING THE DEADLINE TO FILE THE REPORT OR STATEMENT  
19 ELECTRONICALLY AND THE PRINCIPAL SHALL FILE A STATEMENT  
20 AFFIRMING THAT THE PRINCIPAL WAS UNABLE TO FILE THE REPORT OR  
21 STATEMENT ON TIME BECAUSE OF THE UNAVAILABILITY OF THE  
22 DEPARTMENT OF STATE'S ELECTRONIC FILING SYSTEM AT THE TIME THE  
23 PRINCIPAL ATTEMPTED TO FILE THE REPORT OR STATEMENT ON THE DAY  
24 THE REPORT OR STATEMENT WAS DUE. THE AFFIRMATION STATEMENT SHALL  
25 BE DUE AT THE SAME TIME AS THE STATEMENT OR REPORT FILED UNDER  
26 THIS SUBSECTION. THE REPORT OR STATEMENT SHALL NOT BE CONSIDERED  
27 FILED UNTIL THE AFFIRMATION STATEMENT IS FILED.

28 (2) IF A CANDIDATE OR POLITICAL COMMITTEE IS UNABLE TO FILE  
29 ELECTRONICALLY AS REQUIRED UNDER CLAUSE (1) BECAUSE THE  
30 DEPARTMENT OF STATE'S ELECTRONIC FILING SYSTEM REMAINS

1 UNAVAILABLE, THE PRINCIPAL SHALL NOTIFY THE DEPARTMENT OF STATE  
2 EACH DAY A REPORT OR STATEMENT CANNOT BE FILED DUE TO THE  
3 UNAVAILABILITY OF THE DEPARTMENT OF STATE'S ELECTRONIC FILING  
4 SYSTEM. THE CANDIDATE OR POLITICAL COMMITTEE SHALL HAVE UNTIL  
5 11:59 O'CLOCK P.M. ON THE NEXT DAY TO ELECTRONICALLY FILE THE  
6 REPORT OR STATEMENT OR NOTIFY THE DEPARTMENT OF STATE A SECOND  
7 TIME OF THE INACCESSIBILITY OF THE DEPARTMENT'S ELECTRONIC  
8 FILING SYSTEM. THE PRINCIPAL SHALL FILE A STATEMENT AFFIRMING  
9 THAT THE PRINCIPAL WAS UNABLE TO FILE THE REPORT OR STATEMENT ON  
10 TIME BECAUSE OF THE UNAVAILABILITY OF THE DEPARTMENT OF STATE'S  
11 ELECTRONIC FILING SYSTEM. THE AFFIRMATION STATEMENT SHALL BE  
12 DUE AT THE SAME TIME AS THE STATEMENT OR REPORT FILED UNDER THIS  
13 SUBSECTION. THE REPORT OR STATEMENT SHALL NOT BE CONSIDERED  
14 FILED UNTIL THE AFFIRMATION STATEMENT IS FILED.

15 (B) THE DEPARTMENT OF STATE MAY PROVIDE FOR AN ALTERNATIVE  
16 METHOD OF ELECTRONIC FILING IF THE DEPARTMENT'S ELECTRONIC  
17 FILING SYSTEM REMAINS UNAVAILABLE.

18 (C) FOR CAUSE SHOWN, THE SECRETARY OF THE COMMONWEALTH MAY  
19 WAIVE LATE FILING FEES FOR REPORTS OR STATEMENTS FILED AFTER THE  
20 DEADLINE BUT WHICH ARE THE SUBJECT OF NOTIFICATIONS AS  
21 PRESCRIBED BY THIS SECTION.

22 (D) AS USED IN THIS SECTION, "UNAVAILABILITY OF THE  
23 DEPARTMENT OF STATE'S ELECTRONIC FILING SYSTEM" SHALL MEAN A  
24 FAILURE OF THE SYSTEM WITHIN THE DEPARTMENT OF STATE'S TECHNICAL  
25 ENVIRONMENT THAT DOES NOT ALLOW ACCESS TO THE SYSTEM BY AN  
26 INDIVIDUAL. THE TERM DOES NOT INCLUDE:

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

29 (2) A FAILURE OF ANY PART OF THE USER'S COMPUTER OR INTERNAL  
30 NETWORK.

1 SECTION 4. SECTION 1632(A) OF THE ACT IS AMENDED TO READ:  
2 SECTION 1632. LATE FILING FEE; CERTIFICATE OF FILING.--  
3 (A) A LATE FILING FEE FOR EACH REPORT OR STATEMENT OF  
4 EXPENDITURES AND CONTRIBUTIONS WHICH IS NOT FILED WITHIN THE  
5 PRESCRIBED PERIOD SHALL BE IMPOSED AS FOLLOWS. SUCH FEE SHALL BE  
6 TEN DOLLARS (\$10) FOR EACH DAY OR PART OF A DAY EXCLUDING  
7 SATURDAYS, SUNDAYS AND HOLIDAYS THAT A REPORT OR STATEMENT IS  
8 OVERDUE. AN ADDITIONAL FEE OF TEN DOLLARS (\$10) IS DUE FOR EACH  
9 OF THE FIRST SIX (6) DAYS THAT A REPORT OR STATEMENT IS OVERDUE.  
10 THE MAXIMUM FEE PAYABLE WITH RESPECT TO A SINGLE REPORT OR  
11 STATEMENT IS TWO HUNDRED FIFTY DOLLARS (\$250). A SUPERVISOR  
12 SHALL RECEIVE AN OVERDUE REPORT OR STATEMENT EVEN IF ANY LATE  
13 FILING FEE DUE HAS NOT BEEN PAID BUT THE REPORT OR STATEMENT  
14 SHALL NOT BE CONSIDERED FILED UNTIL ALL FEES HAVE BEEN PAID UPON  
15 THE RECEIPT BY THE SUPERVISOR OF AN OVERDUE REPORT. NO FURTHER  
16 LATE FILING FEES SHALL BE INCURRED NOTWITHSTANDING THE FACT THAT  
17 THE REPORT OR STATEMENT IS NOT CONSIDERED FILED. THE LATE FILING  
18 FEE IS THE PERSONAL LIABILITY OF THE CANDIDATE OR TREASURER OF A  
19 POLITICAL COMMITTEE AND CANNOT BE PAID FROM CONTRIBUTIONS TO THE  
20 CANDIDATE OR COMMITTEE, NOR MAY SUCH FEE BE CONSIDERED AN  
21 EXPENDITURE. A REPORT OR STATEMENT OF EXPENDITURES AND  
22 CONTRIBUTIONS SHALL BE DEEMED TO HAVE BEEN FILED WITHIN THE  
23 PRESCRIBED TIME IF THE LETTER TRANSMITTING THE REPORT OR  
24 STATEMENT WHICH IS RECEIVED BY THE SUPERVISOR IS TRANSMITTED BY  
25 FIRST CLASS MAIL AND IS POSTMARKED BY THE UNITED STATES POSTAL  
26 SERVICE ON THE DAY PRIOR TO THE FINAL DAY ON WHICH THE REPORT OR  
27 STATEMENT IS TO BE RECEIVED: PROVIDED, THAT THIS SENTENCE SHALL  
28 NOT BE APPLICABLE TO THE REPORTING REQUIREMENTS CONTAINED IN  
29 SECTION 1628.

30 \* \* \*

1 SECTION 5. SECTIONS 1639(3), 1640 AND 1641(A) OF THE ACT ARE  
2 AMENDED TO READ:

3 SECTION 1639. POWERS AND DUTIES OF THE SUPERVISOR.--IT SHALL  
4 BE THE DUTY OF THE SUPERVISOR TO:

5 \* \* \*

6 (3) MAKE THE REPORTS AND STATEMENTS FILED WITH HIM OR HER  
7 AVAILABLE FOR PUBLIC INSPECTION AND COPYING, COMMENCING AS SOON  
8 AS PRACTICABLE BUT NOT LATER THAN THE END OF THE SECOND DAY  
9 FOLLOWING THE DAY DURING WHICH IT WAS RECEIVED, AND TO PROVIDE  
10 COPIES OF ANY SUCH REPORT OR PARTS THEREOF, AS REQUESTED BY ANY  
11 PERSON, AT THE EXPENSE OF SUCH PERSON, AT THE RATE NOT TO EXCEED  
12 THE ACTUAL COST OF REPRODUCTION. COUNTY VOTER REGISTRATION  
13 OFFICES SHALL, UPON REQUEST BY ANY PERSON, OBTAIN FROM THE  
14 ELECTRONIC REPORTING SYSTEM MAINTAINED BY THE SECRETARY OF THE  
15 COMMONWEALTH, AND PROVIDE FOR REVIEW, ANY CAMPAIGN FINANCE  
16 REPORT REQUIRED TO BE FILED ELECTRONICALLY WITH THE SECRETARY OF  
17 THE COMMONWEALTH.

18 \* \* \*

19 SECTION 1640. ADDITIONAL POWERS AND DUTIES OF THE SECRETARY  
20 OF THE COMMONWEALTH.--THE SECRETARY OF THE COMMONWEALTH SHALL  
21 HAVE THE FOLLOWING ADDITIONAL POWERS AND DUTIES:

22 (1) TO SERVE AS THE STATE CLEARING HOUSE FOR INFORMATION  
23 CONCERNING THE ADMINISTRATION OF THIS ACT.

24 (2) TO PRESCRIBE SUITABLE RULES AND REGULATIONS TO CARRY OUT  
25 THE PROVISIONS OF THIS ACT.

26 (3) TO DEVELOP THE PRESCRIBED FORMS REQUIRED BY THE  
27 PROVISIONS OF THIS ARTICLE FOR THE MAKING OF THE REPORTS AND  
28 STATEMENTS REQUIRED TO BE FILED WITH THE SUPERVISOR.

29 (4) TO PREPARE A MANUAL SETTING FORTH RECOMMENDED UNIFORM  
30 METHODS OF BOOKKEEPING AND REPORTING WHICH SHALL BE FURNISHED BY

1 THE SUPERVISOR TO THE PERSON REQUIRED TO FILE SUCH REPORTS AND  
2 STATEMENTS AS REQUIRED BY THIS ARTICLE.

3 (5) TO EXAMINE THE CONTRIBUTIONS TO STATE LEGISLATIVE AND  
4 STATEWIDE CANDIDATES AND PUBLISH A LIST OF ALL THOSE POLITICAL  
5 COMMITTEES WHO HAVE CONTRIBUTED TO CANDIDATES AND WHO HAVE  
6 FAILED TO FILE REPORTS AS REQUIRED BY THIS ACT WITHIN SIX (6)  
7 DAYS OF THEIR FAILURE TO COMPLY.

8 (6) TO MAINTAIN A SEARCHABLE COMPUTER DATABASE AND  
9 ELECTRONIC REPORTING SYSTEM THAT CONTAINS THE INFORMATION  
10 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS ARTICLE,  
11 INCLUDING INFORMATION ON CONTRIBUTIONS AND EXPENDITURES BY ALL  
12 CANDIDATES AND ALL POLITICAL COMMITTEES AND DISTRIBUTION OF  
13 MONEY, AND INCLUDING PUBLIC ACCESS THROUGH THE INTERNET. THE  
14 DATABASE MUST BE DESIGNED WITH AN EMERGENCY RECOVERY SYSTEM TO  
15 ENSURE THAT CAMPAIGN EXPENSE RECORDS ARE NOT LOST IN THE CASE OF  
16 AN EMERGENCY, NATURAL DISASTER OR OTHER EVENT THAT COULD CAUSE  
17 THE SYSTEM TO MALFUNCTION.

18 (7) TO ESTABLISH A TRAINING PROGRAM ON THE ELECTRONIC  
19 REPORTING SYSTEM AND MAKE IT AVAILABLE TO A CANDIDATE OR  
20 POLITICAL COMMITTEE.

21 (8) TO ENSURE ALL INFORMATION CONTAINED IN A STATEMENT OR  
22 REPORT FILED, THAT IS NOT ON THE ELECTRONIC REPORTING SYSTEM, BE  
23 ENTERED INTO THE ELECTRONIC REPORTING SYSTEM AS SOON AS  
24 PRACTICABLE BUT NO LATER THAN FOUR (4) BUSINESS DAYS AFTER ITS  
25 RECEIPT BY THE SECRETARY OF THE COMMONWEALTH.

26 (9) THE DEPARTMENT OF STATE SHALL ISSUE TO THE REGISTRANT AN  
27 ELECTRONIC RECEIPT THAT INCLUDES A CONFIRMATION NUMBER AND THE  
28 DATE AND TIME OF FILING.

29 SECTION 1641. REPORTS BY BUSINESS ENTITIES; PUBLICATION BY  
30 SECRETARY OF THE COMMONWEALTH.--

1 (A) ANY BUSINESS ENTITY INCLUDING BUT NOT LIMITED TO A  
2 CORPORATION, COMPANY, ASSOCIATION, PARTNERSHIP OR SOLE  
3 PROPRIETORSHIP, WHICH HAS BEEN AWARDED NON-BID CONTRACTS FROM  
4 THE COMMONWEALTH OR ITS POLITICAL SUBDIVISIONS DURING THE  
5 PRECEDING CALENDAR YEAR, SHALL REPORT ELECTRONICALLY IN  
6 ACCORDANCE WITH SECTION 1631.1 BY FEBRUARY 15 OF EACH YEAR TO  
7 THE SECRETARY OF THE COMMONWEALTH AN ITEMIZED LIST OF ALL  
8 POLITICAL CONTRIBUTIONS KNOWN TO THE BUSINESS ENTITY BY VIRTUE  
9 OF THE KNOWLEDGE POSSESSED BY EVERY OFFICER, DIRECTOR,  
10 ASSOCIATE, PARTNER, LIMITED PARTNER OR INDIVIDUAL OWNER THAT HAS  
11 BEEN MADE BY:

12 (1) ANY OFFICER, DIRECTOR, ASSOCIATE, PARTNER, LIMITED  
13 PARTNER, INDIVIDUAL OWNER OR MEMBERS OF THEIR IMMEDIATE FAMILY  
14 WHEN THE CONTRIBUTIONS EXCEED AN AGGREGATE OF ONE THOUSAND  
15 DOLLARS (\$1,000) BY ANY INDIVIDUAL DURING THE PRECEDING YEAR; OR

16 (2) ANY EMPLOYEE OR MEMBERS OF HIS IMMEDIATE FAMILY WHOSE  
17 POLITICAL CONTRIBUTION EXCEEDED ONE THOUSAND DOLLARS (\$1,000)  
18 DURING THE PRECEDING YEAR.

19 FOR THE PURPOSES OF THIS SUBSECTION, "IMMEDIATE FAMILY" MEANS A  
20 PERSON'S SPOUSE AND ANY UNEMANCIPATED CHILD.

21 \* \* \*

22 SECTION 6. THE SECRETARY OF THE COMMONWEALTH SHALL TRANSMIT  
23 NOTICE TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN  
24 THE PENNSYLVANIA BULLETIN WHEN THE ELECTRONIC FILING SYSTEM  
25 DEVELOPED BY THE SECRETARY OF THE COMMONWEALTH IS AVAILABLE FOR  
26 USE.

27 SECTION 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

28 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
29 IMMEDIATELY:

30 (I) SECTION 6 OF THIS ACT.



1                   (II) THIS SECTION.

2                   (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT 120 DAYS  
3 AFTER PUBLICATION IN THE PENNSYLVANIA BULLETIN OF THE NOTICE  
4 UNDER SECTION 6.