
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1695 Session of
2015

INTRODUCED BY GOODMAN, ACOSTA, BULLOCK, COHEN, D. COSTA,
FREEMAN, HARHAI, HARKINS, W. KELLER, MURT, NEILSON, O'BRIEN,
PASHINSKI, SCHLOSSBERG, SCHWEYER, THOMAS AND TRUITT,
NOVEMBER 19, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 19, 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 definitions, for reporting by candidate and
13 political committees and other persons and for late
14 contributions and independent expenditures and providing for
15 independent expenditures and electioneering communications.

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

18 Section 1. The General Assembly finds and declares as
19 follows:

20 (1) The Commonwealth has a compelling interest in:

21 (i) Providing voters with relevant information about
22 where political campaign money comes from and how it is
23 spent so that voters can make informed choices in

1 elections.

2 (ii) Reducing the risk or appearance of undue
3 influence by ensuring political spending is
4 comprehensively disclosed.

5 (iii) Promoting compliance by candidates and
6 political groups with campaign finance laws.

7 (2) Under existing law, a person that purchases
8 political advertisements that expressly advocate for the
9 election or defeat of a candidate is subject to disclosure
10 requirements, but a person that purchases advertisements to
11 influence elections without expressly advocating for a
12 candidate is not subject to disclosure requirements.

13 (3) As a result, Pennsylvania has seen a proliferation
14 of advertisements featuring candidates that are distributed
15 during the campaign season and are intended to influence
16 elections but are not required to be reported under existing
17 law.

18 (4) Disclosure of expenditures intended to influence
19 elections should begin at an amount that is reasonable and
20 intended to promote full disclosure of the expenditures.

21 (5) It is the intent of the General Assembly to subject
22 all persons that make expenditures to influence elections,
23 whether through express advocacy or election-targeted issue
24 advocacy, to disclosure requirements.

25 Section 2. Section 1621(e) of the act of June 3, 1937
26 (P.L.1333, No.320), known as the Pennsylvania Election Code,
27 added October 4, 1978 (P.L.893, No.171), is amended and the
28 section is amended by adding subsections to read:

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

1 * * *

2 (e) The words "independent expenditure" shall mean an
3 expenditure by a person [made for the purpose of influencing an
4 election], other than a political committee or candidate,
5 expressly advocating the election or defeat of a clearly
6 identified candidate, made without cooperation or consultation
7 with any candidate or any political committee authorized by that
8 candidate and which is not made in concert with or at the
9 request or suggestion of any candidate or political committee or
10 agent thereof.

11 * * *

12 (n) The words "electioneering communication" shall mean a
13 communication by a person, other than a political committee or
14 candidate, that is publicly distributed within 90 days before a
15 primary, municipal or general election and refers to a clearly
16 identified candidate. The term does not include:

17 (1) A communication distributed by a means other than by any
18 communications media.

19 (2) Any membership communication.

20 (3) A communication appearing in a news article, opinion or
21 commentary, provided that the communication is not distributed
22 via any communications media owned or controlled by any
23 candidate, political committee or the person purchasing the
24 communication.

25 (4) A communication made in any candidate debate or forum or
26 which solely promotes such a debate or forum and is made by or
27 on behalf of the person sponsoring the debate or forum.

28 (5) Any other communication exempted by regulation by the
29 Secretary of the Commonwealth that is consistent with this
30 article.

1 (o) The words "clearly identified candidate" shall mean that
2 the name, a photograph or a drawing of the candidate appears or
3 the identity of the candidate is otherwise apparent by
4 unambiguous reference.

5 (p) The words "communications media" shall mean television,
6 radio, newspaper or other periodical, sign, publicly accessible
7 Internet website, mail or telephone.

8 (q) The words "membership communication" shall mean a
9 newsletter or periodical, telephone call or other routine
10 communication distributed solely to the members, shareholders or
11 employees of an organization or institution.

12 (r) The words "responsible party" shall mean a natural
13 person who shares or exercises discretion or control over the
14 activities of any entity required to file reports in accordance
15 with section 1626(g). The term includes an officer, director,
16 partner, proprietor or other natural person who exercises
17 discretion or control over the activities of an entity.

18 (s) The word "sign" shall mean any outdoor billboard, panel
19 or similar display having an area of at least 90 square feet.

20 Section 3. Section 1626(g) of the act, added October 4, 1978
21 (P.L.893, No.171), is amended to read:

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

24 * * *

25 (g) Every person, other than a political committee or
26 candidate, who makes independent expenditures [expressly
27 advocating the election or defeat of a clearly identified
28 candidate, or question appearing on the ballot, other than by
29 contribution to a political committee or candidate, in an
30 aggregate amount in excess of one hundred dollars (\$100) during

1 a calendar year shall file with the appropriate supervisor, on a
2 form prepared by the Secretary of the Commonwealth, a report
3 which shall include the same information required of a candidate
4 or political committee receiving such a contribution and,
5 additionally, the name of the candidate or question supported or
6 opposed. Reports required by this subsection shall be filed on
7 dates on which reports by political committees making
8 expenditures are required to report under this section.] or
9 electioneering communications in an aggregate amount exceeding
10 one thousand dollars (\$1,000) during a calendar year shall file
11 a report, on a form prepared by the Secretary of the
12 Commonwealth, with the appropriate supervisor. The following
13 shall apply:

14 (1) The report shall include the following information:

15 (i) Relating to the person making the independent
16 expenditure or electioneering communication:

17 (A) The full name and mailing address of the person.

18 (B) If the person is not an individual, the full name and
19 mailing address of its officers, one of whom shall be an
20 individual named as its treasurer.

21 (C) A concise statement of the person's purposes or goals.

22 (D) The name, office sought and party affiliation of any
23 candidate whom the person is supporting or opposing and, if the
24 person is supporting the entire ticket of any party, the name of
25 the party.

26 (E) If the person files reports with the Federal Election
27 Commission or any out-of-State agency, a statement to that
28 effect, including the name of the agency.

29 (ii) Relating to other independent expenditures or
30 electioneering communications:

1 (A) The full name and mailing address of each person to whom
2 any independent expenditure or electioneering communication has
3 been made during the calendar year in an aggregate amount in
4 excess of one hundred dollars (\$100).

5 (B) The amount, date and purpose of each independent
6 expenditure or electioneering communication.

7 (C) The name of and office sought by each candidate on whose
8 behalf the independent expenditure or electioneering
9 communication was made.

10 (iii) The full name and mailing address of each person who
11 has made contributions to the person making the independent
12 expenditure or electioneering communication during the calendar
13 year in an aggregate amount in excess of one hundred dollars
14 (\$100), the total of all contributions from the person during
15 the calendar year, and the amount and date of all contributions
16 from the person during the calendar year.

17 (iv) If the person that made a contribution under
18 subparagraph (iii) is not an individual, the following
19 information:

20 (A) The full name and mailing address of any person who,
21 directly or otherwise, owns a legal or equitable interest of
22 fifty percent or greater in the entity.

23 (B) One responsible party, if the aggregate amount of
24 contributions made by such entity during the election period
25 exceeds one thousand two hundred dollars (\$1,200).

26 (v) The aggregate amount of all contributions made to the
27 person that made the independent expenditure or electioneering
28 communication.

29 (2) Reports required by this subsection shall be filed on
30 dates on which reports by political committees making

1 expenditures are required to be reported under this section.

2 (3) If a person is required to file another report under
3 this section, the person shall not be required to file a report
4 under this subsection if all of the information has already been
5 filed in the other report. The Secretary of the Commonwealth
6 shall promulgate regulations that exempt a person from reporting
7 duplicative information under this article.

8 * * *

9 Section 4. Section 1628 of the act, amended February 13,
10 1998 (P.L.72, No.18), is amended to read:

11 Section 1628. Late Contributions [and], Independent
12 Expenditures and Electioneering Communications.--Any candidate
13 or political committee, authorized by a candidate and created
14 solely for the purpose of influencing an election on behalf of
15 that candidate, which receives any contribution or pledge of
16 five hundred dollars (\$500) or more, and any person making an
17 independent expenditure[, as defined by this act,] or
18 electioneering communication of five hundred dollars (\$500) or
19 more after the final preelection report has been deemed
20 completed shall report such contribution, pledge or expenditure
21 to the appropriate supervisor. Such report shall be sent by the
22 candidate, chairman or treasurer of the political committee
23 within twenty-four (24) hours of receipt of the contribution. It
24 shall be the duty of the supervisor to confirm the substance of
25 such report. The report shall be made by telegram, mailgram,
26 overnight mail or facsimile transmission. Any candidate in his
27 own behalf, or chairman, treasurer or candidate in behalf of the
28 political committee may also comply with this section by
29 appearing personally before such supervisor and reporting such
30 late contributions or pledges.

1 Section 5. The act is amended by adding a section to read:

2 Section 1643. Independent Expenditures and Electioneering

3 Communications.--All independent expenditures and electioneering

4 communications shall prominently include the statement:

5 Paid for by (name of person paying for the independent

6 expenditure or electioneering communication). Learn more

7 about (name of person paying for the independent expenditure

8 or electioneering communication) at www.dos.pa.gov.

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