
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1982 Session of
2015

INTRODUCED BY DeLISSIO, DERMODY, HANNA, GOODMAN, CARROLL,
YOUNGBLOOD, STURLA, FRANKEL, MARKOSEK, PETRARCA, McNEILL,
D. COSTA, SCHWEYER, BULLOCK, DeLUCA, DEAN, GIBBONS, FREEMAN,
PASHINSKI, SCHLOSSBERG, READSHAW, TRUITT, D. MILLER,
SANTARSIERO, DAVIS AND KAVULICH, APRIL 11, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 11, 2016

AN ACT

1 Providing for the disclosure and reporting of independent
2 expenditures for certain political communication and for a
3 penalty.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Political
8 Communication Disclosure and Reporting Act.

9 Section 2. Findings and declarations.

10 The General Assembly finds and declares as follows:

11 (1) The timely disclosure of the person that pays for a
12 communication to the citizens of this Commonwealth that
13 attempts to influence the outcome of an election is essential
14 to maintaining the integrity of the electoral process.

15 (2) The General Assembly has a compelling interest in
16 ensuring that the citizens of this Commonwealth know who pays
17 for communication that attempts to influence the outcome of

1 an election.

2 (3) Certain communications that make reference to an
3 elected official, whether or not the elected official is a
4 candidate at the time the communication is made, are presumed
5 to attempt to influence the outcome of an election.

6 (4) The use of an individual's name or likeness in a
7 communication that is made in close proximity to an election
8 is presumed to attempt to influence the outcome of the
9 election, regardless of whether the communication explicitly
10 advocates for or against the individual.

11 Section 3. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Candidate." An individual who seeks nomination, election or
16 reelection to elective office. An individual shall be deemed to
17 be seeking nomination, election, reelection or retention if he
18 has done either of the following:

19 (1) Received a contribution or made an expenditure or
20 has given his consent for any other person or committee to
21 receive a contribution or make an expenditure for the purpose
22 of influencing his nomination, election, reelection or
23 retention to elective office, whether or not the individual
24 has made known the specific office for which he will seek
25 nomination, election, reelection or retention at the time the
26 contribution is received or the expenditure is made.

27 (2) Taken the action necessary under the laws of this
28 Commonwealth to qualify himself for nomination, election,
29 reelection or retention to elective office.

30 "Communications medium." The term includes a newspaper,

1 magazine, book, newsletter, pamphlet, circular, flyer, brochure,
2 letter, electronic mail, billboard, telephone, radio,
3 television, recording, computer software, digital communications
4 network, social media post, transit ad, audiovisual work or
5 global communications network.

6 "Contribution." The term shall have the meaning given to it
7 under section 1621 of the act of June 3, 1937 (P.L.1333,
8 No.320), known as the Pennsylvania Election Code.

9 "Department." The Department of State of the Commonwealth.

10 "Elected official." An individual who holds an elective
11 office.

12 "Election." A general, special, municipal or primary
13 election. The term shall include any election at which a
14 question appears on the ballot.

15 "Election Code." The act of June 3, 1937 (P.L.1333, No.320),
16 known as the Pennsylvania Election Code.

17 "Elective office." A position in a governmental body to
18 which an individual is required under the Constitution of
19 Pennsylvania or by State law to be elected by the public.

20 "Expenditure." The term shall have the meaning given to it
21 under section 1621 of the act of June 3, 1937 (P.L.1333,
22 No.320), known as the Pennsylvania Election Code.

23 "Governmental body." The executive, legislative or judicial
24 branch of the Commonwealth or a political subdivision of the
25 Commonwealth.

26 "Independent expenditure." Any of the following:

27 (1) An expenditure made for a political communication
28 which was not approved, authorized, requested or suggested by
29 the candidate or elected official referred to, pictured or
30 mentioned in the communication, the candidate's political

1 committee or a representative of the candidate or elected
2 official or the candidate's political committee.

3 (2) An expenditure made for a political communication
4 that promotes the success or defeat of a ballot question.

5 "Name" or "likeness." Any attribute of an individual that
6 serves to identify the individual to an ordinary, reasonable
7 viewer or listener, including name, signature, photograph, image
8 or voice or a substantially similar imitation of one or more of
9 those attributes.

10 "Political committee." The term shall have the meaning given
11 to it under section 1621 of the act of June 3, 1937 (P.L.1333,
12 No.320), known as the Pennsylvania Election Code.

13 "Political communication." A message disseminated through a
14 communications medium which refers to an elected official or
15 uses the name or likeness of an elected official, or expressly
16 advocates for or against the election of a clearly identified
17 candidate or elected official or the success or defeat of a
18 ballot question. A message disseminated through a communications
19 medium within 60 days prior to an election that includes the
20 name or likeness of a candidate or elected official shall be
21 presumed to be a political communication, whether or not it
22 expressly advocates for or against the election of a clearly
23 identified candidate and whether or not it was approved,
24 authorized, requested or suggested by the candidate, the
25 candidate's political committee or a representative of the
26 candidate or the candidate's committee. The term shall not
27 include the following:

28 (1) A story, commentary or editorial published by a news
29 outlet regularly available to the public, regardless of the
30 communications medium used, unless the outlet is owned or

1 controlled by any of the following:

2 (i) An elected official.

3 (ii) A candidate, the candidate's political
4 committee or a representative of the candidate or the
5 candidate's political committee.

6 (iii) A political committee formed to promote the
7 success or defeat of a ballot question or a
8 representative of such political committee.

9 (iv) A political organization.

10 (2) A candidate debate or a candidate forum.

11 (3) A communication that costs less than \$1,000 to
12 produce and disseminate.

13 "Political organization." An organization not recognized as
14 a political party or political body under the act of June 3,
15 1937 (P.L.1333, No.320), known as the Pennsylvania Election
16 Code.

17 "Sponsor." A person who directly or indirectly pays for a
18 political communication.

19 Section 4. Registration requirements.

20 No political communication shall be disseminated in this
21 Commonwealth that is paid for or intended to be paid for by an
22 independent expenditure until the sponsor of the political
23 communication registers with the department on a form and in a
24 manner prescribed by the department.

25 Section 5. Disclosure and reporting of independent
26 expenditures.

27 (a) Disclosure requirements.--A political communication that
28 is paid for by an independent expenditure shall clearly state
29 the name of the sponsor and the person who published or
30 distributed the political communication and shall clearly and

1 conspicuously state that the communication is not authorized by
2 or made in concert with or requested by the candidate or elected
3 official or elected official mentioned, pictured or referred to
4 in the communication, the candidate's political committee or by
5 a representative of the candidate or elected official or the
6 candidate's political committee.

7 (b) Reporting requirements.--A person required to register
8 under section 3 shall file all reports of receipts and
9 expenditures required of political committees under the Election
10 Code. Notwithstanding any provision of the Election Code to the
11 contrary, an independent expenditure made for a political
12 communication after the final preelection report is filed shall
13 be reported to the department within 24 hours following the
14 making of the independent expenditure. The report may be filed
15 via electronic mail or in the same form and manner required for
16 the reporting of late contributions and independent expenditures
17 by a candidate or a candidate's political committee under
18 section 1628 of the Election Code.

19 (c) Content of report.--In addition to any other
20 requirements of the Election Code, the report required under
21 subsection (b) shall include all of the following:

22 (1) The name and address of the person filing the
23 report.

24 (2) The name and address of the sponsor.

25 (3) The name of the person making the independent
26 expenditure, if not the sponsor.

27 (4) The amount of the independent expenditure.

28 (5) The name and address of the person or entity
29 receiving the payment of the independent expenditure and the
30 date of the payment.

1 (6) The name and address of any person making a
2 contribution or other payment of money or other thing of
3 value of \$100 or more, in the aggregate, for the independent
4 expenditure or the provision of goods or services for such
5 expenditure.

6 (7) The date the political communication was first
7 published, broadcast, transmitted, mailed, erected or
8 otherwise distributed.

9 (8) The election to which the independent expenditure
10 pertains, if applicable.

11 (9) The name of each candidate or elected official
12 identified in the political communication, the office sought
13 by each candidate and the amount of the independent
14 expenditure attributable to each candidate or elected
15 official.

16 (10) If the political communication references a ballot
17 question, a description of the ballot question.

18 (11) Any other information required by the department.

19 (d) Copy of materials.--If requested by the department, the
20 sponsor shall provide the department with a copy of all
21 materials related to the independent expenditure, including
22 broadcast, cable or satellite schedules or scripts,
23 advertisements, pamphlets, circulars, flyers, brochures,
24 letterheads and other printed materials or matter.

25 (e) Failure to register or file report.--A person who fails
26 to register or file a report in accordance with this act commits
27 a misdemeanor and shall, upon conviction, be sentenced to pay a
28 fine of not more than \$5,000 or to imprisonment for not less
29 than one month nor more than two years, or both.

30 Section 6. Effective date.

1 This act shall take effect in 60 days.