

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 711 Session of 2021

INTRODUCED BY STAMBAUGH, CIRESI, SCHLEGEL CULVER, T. DAVIS,
DUNBAR, GROVE, HAMM, KINKEAD, RYAN, SOLOMON AND WHEELAND,
MARCH 1, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 1, 2021

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 oath of compliance, perjury,
15 disqualification from office and commercial use and for place
16 of filing, providing for manner of filing and for inability
17 to file reports or statements electronically by deadline and
18 further providing for late filing fee and certificate of
19 filing, for powers and duties of the supervisor, for
20 additional powers and duties of the Secretary of the
21 Commonwealth and for reports by business entities and
22 publication by Secretary of the Commonwealth.

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

25 Section 1. Section 1626(a) and (h) of the act of June 3,
26 1937 (P.L.1333, No.320), known as the Pennsylvania Election
27 Code, are amended and the section is amended by adding a

1 subsection to read:

2 Section 1626. Reporting by Candidate and Political
3 Committees and other Persons.--

4 (a) Each treasurer of a political committee and each
5 candidate for election to public office shall file with the
6 appropriate supervisor reports of receipts and expenditures on
7 forms, designed by the Secretary of the Commonwealth, if the
8 amount received or expended or liabilities incurred shall exceed
9 the sum of two hundred fifty dollars (\$250). Should such an
10 amount not exceed two hundred fifty dollars (\$250), then the
11 candidate or the treasurer of the committee shall file a [sworn]
12 statement to that effect with the appropriate supervisor rather
13 than the report required by this section.

14 * * *

15 (h) All reports or statements required to be filed pursuant
16 to this section shall be filed pursuant to [section 1630]
17 sections 1629 and 1631.1. All reports and statements required by
18 this section shall cover the campaign activity of a candidate
19 only from the last prior report or statement.

20 * * *

21 (k) All reports or statements required to be filed with the
22 Secretary of the Commonwealth may be filed electronically using
23 the electronic filing system developed by the Secretary of the
24 Commonwealth that is consistent with the purposes of this
25 subsection. A report or statement submitted electronically must:
26 (1) require an electronic signature from the treasurer or
27 assistant treasurer at the time of the filing of the report or
28 statement. In addition, a report filed by a political committee,
29 authorized by a candidate and created solely for the purpose of
30 influencing an election on behalf of that candidate must be

1 signed, using an electronic signature, stating that, to the best
2 of the candidate's knowledge, the political committee has not
3 violated a provision of this act; and

4 (2) be made subject to the penalties of 18 Pa.C.S. § 4904
5 (relating to unsworn falsification to authorities) as provided
6 in section 1629.

7 Section 2. Sections 1628, 1629 heading, (a) and (b) and
8 1631(1) of the act are amended to read:

9 Section 1628. Late Contributions and Independent
10 Expenditures.--Any candidate or political committee, authorized
11 by a candidate and created solely for the purpose of influencing
12 an election on behalf of that candidate, which receives any
13 contribution or pledge of five hundred dollars (\$500) or more,
14 and any person making an independent expenditure, as defined by
15 this act, of five hundred dollars (\$500) or more after the final
16 pre-election report has been deemed completed shall report such
17 contribution, pledge or expenditure to the appropriate
18 supervisor. Such report shall be sent by the candidate, chairman
19 or treasurer of the political committee within twenty-four (24)
20 hours of receipt of the contribution. It shall be the duty of
21 the supervisor to confirm the substance of such report. [The
22 report shall be made by telegram, mailgram, overnight mail or
23 facsimile transmission. Any] The reports filed with the
24 Secretary of the Commonwealth may be filed electronically in
25 accordance with section 1631.1. Any report that is not filed
26 electronically shall be filed by facsimile, electronic mail or
27 overnight mail courier service. Except for reports filed
28 electronically, a candidate in his own behalf, or chairman,
29 treasurer or candidate [in] on behalf of the political committee
30 may also comply with this section by appearing personally before

1 such supervisor and reporting such late contributions or
2 pledges.

3 Section 1629. [Oath of Compliance] Unsworn Falsification;
4 Perjury; Disqualification from Office; Commercial Use.--

5 [(a) Each report shall be subscribed and sworn to by the
6 individual submitting the report. In addition, any report filed
7 by a political committee, authorized by a candidate and created
8 solely for the purpose of influencing an election on behalf of
9 that candidate, must be accompanied by an affidavit from that
10 candidate which provides that, to the best of the candidate's
11 knowledge, the political committee has not violated any
12 provision of this act.]

13 (b) Any wilfully false, fraudulent or misleading statement
14 or entry made by any candidate or treasurer in any statement or
15 report [under oath] as required by this article, shall
16 constitute the crime of [perjury] unsworn falsification to
17 authorities, and be punishable as such according to the laws of
18 this Commonwealth.

19 * * *

20 Section 1631. Place of Filing.--

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

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

30 (ii) All candidates and political committees, authorized by

1 candidates and created solely for the purpose of influencing the
2 election of such candidates, who must file reports or statements
3 with the Secretary of the Commonwealth, and who do not file
4 electronically, shall also file copies of their reports or
5 statements in the county in which the candidate resides.

6 (iii) All candidates and political committees, authorized by
7 candidates and created solely for the purpose of influencing the
8 election of such candidates, who must file reports or statements
9 with the Secretary of the Commonwealth as required by this
10 subsection and who file electronically, are not required to file
11 copies of reports or statements in the county in which the
12 candidate resides.

13 * * *

14 Section 3. The act is amended by adding sections to read:
15 Section 1631.1. Manner of Filing.--

16 (a) Reports and statements required to be filed with the
17 Secretary of the Commonwealth pursuant to sections 1626, 1627,
18 1628 and 1641 may be filed with the Secretary of the
19 Commonwealth using the electronic filing system developed by the
20 Secretary of the Commonwealth.

21 (b) A report or statement filed under this section shall be
22 made subject to the penalties of 18 Pa.C.S. § 4904 (relating to
23 unsworn falsification to authorities).

24 (c) In addition to the requirement under subsection (b), a
25 report or statement filed electronically shall also:

26 (1) include the electronic signature of the treasurer or
27 assistant treasurer of the political committee serving at the
28 time of the filing of the report or statement; and

29 (2) for a report or statement filed by a candidate or a
30 candidate's political committee, include the electronic

1 signature of the candidate, stating that, to the best of the
2 candidate's knowledge, the political committee has not violated
3 a provision of this act.

4 (d) (1) A principal may authorize another person to prepare
5 the contents of any report or statement that is filed
6 electronically, including entry of data into the electronic
7 filing system as provided under subsection (a).

8 (2) Each principal authorizing another to act under clause
9 (1) must:

10 (i) review the contents of the report or statement prepared
11 under clause (1); and

12 (ii) file with the electronic filing system the approval of
13 the contents of the report or statement and verification of its
14 accuracy, in accordance with subsection (b). The approval shall
15 be transmitted personally by the principal and not on the
16 principal's behalf by any other person.

17 (3) No report or statement that is filed electronically may
18 be considered complete or filed until all necessary approvals
19 and verifications shall have been submitted by each principal
20 required to file.

21 (4) As used in this subsection, "principal" shall mean any
22 person required to file any report or statement electronically
23 with the Secretary of the Commonwealth in accordance with this
24 section.

25 (e) A report or statement filed with the Secretary of the
26 Commonwealth, which is not filed electronically, shall be filed
27 on forms developed by the Secretary of the Commonwealth.

28 Section 1631.2. Inability to File Reports or Statements
29 Electronically by Deadline.--

30 (a) Reports or statements filed electronically with the

1 Secretary of the Commonwealth under section 1631.1 are subject
2 to the following:

3 (1) If a candidate or political committee cannot file a
4 report or statement electronically on the day the report or
5 statement is due because of the unavailability of the Department
6 of State's electronic filing system at the time the candidate or
7 political committee attempts to file the report or statement,
8 the principal shall immediately notify the Department of State
9 in a manner designated by the Secretary of the Commonwealth. If
10 the website is unavailable and the candidate or political
11 committee has notified the department, the candidate or
12 political committee shall have until 11:59 o'clock P.M. on the
13 next day following the deadline to file the report or statement
14 electronically and the principal shall file a statementb
15 affirming that the principal was unable to file the report or
16 statement on time because of the unavailability of the
17 Department of State's electronic filing system at the time the
18 principal attempted to file the report or statement on the day
19 the report or statement was due. The affirmation statement shall
20 be due at the same time as the statement or report filed under
21 this subsection. The report or statement shall not be considered
22 filed until the affirmation statement is filed.

23 (2) If a candidate or political committee is unable to file
24 electronically as required under clause (1) because the
25 Department of State's electronic filing system remains
26 unavailable, the principal shall notify the Department of State
27 each day a report or statement cannot be filed due to the
28 unavailability of the Department of State's electronic filing
29 system. The candidate or political committee shall have until
30 11:59 P.M. on the next day to electronically file the report or

1 statement or notify the Department of State a second time of the
2 inaccessibility of the department's electronic filing system.
3 The principal shall file a statement affirming that the
4 principal was unable to file the report or statement on time
5 because of the unavailability of the Department of State's
6 electronic filing system. The affirmation statement shall be
7 due at the same time as the statement or report filed under this
8 subsection. The report or statement shall not be considered
9 filed until the affirmation statement is filed.

10 (b) The Department of State may provide for an alternative
11 method of electronic filing if the department's electronic
12 filing system remains unavailable.

13 (c) For cause shown, the Secretary of the Commonwealth may
14 waive late filing fees for reports or statements filed after the
15 deadline but which are the subject of notifications as
16 prescribed by this section.

17 (d) As used in this section, "unavailability of the
18 Department of State's electronic filing system" shall mean a
19 failure of the system within the Department of State's technical
20 environment that does not allow access to the system by an
21 individual. The term does not include:

22 (1) a network issue between the user's computer and the
23 Department of State's environment; or

24 (2) a failure of any part of the user's computer or internal
25 network.

26 Section 4. Sections 1632(a), 1639(3), 1640 and 1641(a) of
27 the act are amended to read:

28 Section 1632. Late Filing Fee; Certificate of Filing.--

29 (a) A late filing fee for each report or statement of
30 expenditures and contributions which is not filed within the

1 prescribed period shall be imposed as follows. Such fee shall be
2 ten dollars (\$10) for each day or part of a day excluding
3 Saturdays, Sundays and holidays that a report or statement is
4 overdue. An additional fee of ten dollars (\$10) is due for each
5 of the first six (6) days that a report or statement is overdue.
6 The maximum fee payable with respect to a single report or
7 statement is two hundred fifty dollars (\$250). A supervisor
8 shall receive an overdue report or statement even if any late
9 filing fee due has not been paid but the report or statement
10 shall not be considered filed until all fees have been paid upon
11 the receipt by the supervisor of an overdue report. No further
12 late filing fees shall be incurred notwithstanding the fact that
13 the report or statement is not considered filed. The late filing
14 fee is the personal liability of the candidate or treasurer of a
15 political committee and cannot be paid from contributions to the
16 candidate or committee, nor may such fee be considered an
17 expenditure. A report or statement of expenditures and
18 contributions shall be deemed to have been filed within the
19 prescribed time if the letter transmitting the report or
20 statement which is received by the supervisor is transmitted by
21 first class mail and is postmarked by the United States Postal
22 Service on the day prior to the final day on which the report or
23 statement is to be received: Provided, That this sentence shall
24 not be applicable to the reporting requirements contained in
25 section 1628.

26 * * *

27 Section 1639. Powers and Duties of the Supervisor.--It shall
28 be the duty of the supervisor to:

29 * * *

30 (3) Make the reports and statements filed with him or her

1 available for public inspection and copying, commencing as soon
2 as practicable but not later than the end of the second day
3 following the day during which it was received, and to provide
4 copies of any such report or parts thereof, as requested by any
5 person, at the expense of such person, at the rate not to exceed
6 the actual cost of reproduction. County voter registration
7 offices shall, upon request by any person, obtain from the
8 electronic reporting system maintained by the Secretary of the
9 Commonwealth, and provide for review, any campaign finance
10 report required to be filed electronically with the Secretary of
11 the Commonwealth.

12 * * *

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

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

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

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

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

27 (5) To examine the contributions to State legislative and
28 Statewide candidates and publish a list of all those political
29 committees who have contributed to candidates and who have
30 failed to file reports as required by this act within six (6)

1 days of their failure to comply.

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

12 (7) To establish a training program on the electronic
13 reporting system and make it available to a candidate or
14 political committee.

15 (8) To ensure all information contained in a statement or
16 report filed, that is not on the electronic reporting system, be
17 entered into the electronic reporting system as soon as
18 practicable but no later than four (4) business days after its
19 receipt by the Secretary of the Commonwealth.

20 (9) The Department of State shall issue to the registrant an
21 electronic receipt that includes a confirmation number and the
22 date and time of filing.

23 Section 1641. Reports by Business Entities; Publication by
24 Secretary of the Commonwealth.--

25 (a) Any business entity including but not limited to a
26 corporation, company, association, partnership or sole
27 proprietorship, which has been awarded non-bid contracts from
28 the Commonwealth or its political subdivisions during the
29 preceding calendar year, shall report electronically in
30 accordance with section 1631.1 by February 15 of each year to

1 the Secretary of the Commonwealth an itemized list of all
2 political contributions known to the business entity by virtue
3 of the knowledge possessed by every officer, director,
4 associate, partner, limited partner or individual owner that has
5 been made by:

6 (1) any officer, director, associate, partner, limited
7 partner, individual owner or members of their immediate family
8 when the contributions exceed an aggregate of one thousand
9 dollars (\$1,000) by any individual during the preceding year; or

10 (2) any employe or members of his immediate family whose
11 political contribution exceeded one thousand dollars (\$1,000)
12 during the preceding year.

13 For the purposes of this subsection, "immediate family" means a
14 person's spouse and any unemancipated child.

15 * * *

16 Section 5. The Secretary of the Commonwealth shall transmit
17 notice to the Legislative Reference Bureau for publication in
18 the Pennsylvania Bulletin when the electronic filing system
19 developed by the Secretary of the Commonwealth is available for
20 use.

21 Section 6. This act shall take effect as follows:

22 (1) The following provisions shall take effect
23 immediately:

24 (i) Section 5 of this act.

25 (ii) This section.

26 (2) The remainder of this act shall take effect 120 days
27 after publication in the Pennsylvania Bulletin of the notice
28 under section 5.