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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1165 Session of  
2015

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INTRODUCED BY TEPLITZ, SCHWANK, BROWNE, COSTA AND VANCE,  
MARCH 18, 2016

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REFERRED TO STATE GOVERNMENT, MARCH 18, 2016

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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  
24 elections and public policy debates.

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

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

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

14 (3) As a result, Pennsylvania has seen a proliferation  
15 of advertisements intended to influence elections and public  
16 policy debates but not required to be reported under existing  
17 law.

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

21 (5) It is the intent of the General Assembly to subject  
22 all persons and organizations that make such expenditures to  
23 disclosure requirements.

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

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

30 \* \* \*

1 (e) The words "independent expenditure" shall mean an  
2 expenditure by a person or organization [made for the purpose of  
3 influencing an election], other than a political committee or  
4 candidate, expressly advocating the election or defeat of a  
5 clearly identified candidate or expressly advocating a specific  
6 position on a public policy issued, made 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 \* \* \*

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

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

20 (2) A membership communication.

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

25 (4) A communication made in a candidate debate or forum or  
26 that solely promotes such a debate or forum and is made by or on  
27 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 a candidate appears or  
3 the identity of a candidate is otherwise apparent by unambiguous  
4 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 an 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 an outdoor billboard, panel  
19 or similar display having an area of at least ninety (90) square  
20 feet.

21 Section 2. Section 1626(g) of the act, added October 4, 1978  
22 (P.L.893, No.171), is amended to read:

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

25 \* \* \*

26 (g) (1) Every person, other than a political committee or  
27 candidate, who makes independent expenditures [expressly  
28 advocating the election or defeat of a clearly identified  
29 candidate, or question appearing on the ballot, other than by  
30 contribution to a political committee or candidate, in an

1 aggregate amount in excess of one hundred dollars (\$100) during  
2 a calendar year shall file with the appropriate supervisor, on a  
3 form prepared by the Secretary of the Commonwealth, a report  
4 which shall include the same information required of a candidate  
5 or political committee receiving such a contribution and,  
6 additionally, the name of the candidate or question supported or  
7 opposed. Reports required by this subsection shall be filed on  
8 dates on which reports by political committees making  
9 expenditures are required to report under this section.] or  
10 electioneering communications in an aggregate amount exceeding  
11 one thousand dollars (\$1,000) during a calendar year shall file  
12 a report, on a form prepared by the Secretary of the  
13 Commonwealth, with the appropriate supervisor.

14 (2) The report shall include:

15 (i) The following information relating to the person making  
16 the independent 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 the organization's officers, one of whom  
20 shall be an individual named as the organization's treasurer.

21 (C) A concise statement of the purposes or goals of the  
22 person or organization.

23 (D) The name, office sought and party affiliation of any  
24 candidate whom the person or organization supports or opposes  
25 and, if the person supports the entire ticket of a party, the  
26 name of the party.

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

30 (ii) (A) The full name and mailing address of each person

1 or organization to whom any independent expenditure or  
2 electioneering communication has been made during the calendar  
3 year in an aggregate amount in excess of one hundred dollars  
4 (\$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 or organization that had made contributions to the person making  
12 the independent expenditure or electioneering communication  
13 during the calendar year in an aggregate amount in excess of one  
14 hundred dollars (\$100), the total of all contributions from the  
15 person or organization during the calendar year and the amount  
16 and date of all contributions from the person or organization  
17 during the calendar year.

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

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

24 (B) One responsible party, if the aggregate amount of  
25 contributions made by such entity during the election period  
26 exceeds one thousand dollars (\$1,000).

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

30 (3) Reports required by this subsection shall be filed on

1 dates on which reports by political committees making  
2 expenditures are required to report under this section.

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

9 (5) The Secretary of the Commonwealth shall maintain an  
10 electronic database of reports required by this subsection. The  
11 database shall be made available on the Department of State's  
12 publicly accessible Internet website.

13 \* \* \*

14 Section 3. Section 1628 of the act, amended February 13,  
15 1998 (P.L.72, No.18), is amended to read:

16 Section 1628. Late Contributions [and], Independent  
17 Expenditures and Electioneering Communications.--Any candidate  
18 or political committee, authorized by a candidate and created  
19 solely for the purpose of influencing an election on behalf of  
20 that candidate, which receives any contribution or pledge of  
21 five hundred dollars (\$500) or more, and any person making an  
22 independent expenditure[, as defined by this act,] or  
23 electioneering communication of five hundred dollars (\$500) or  
24 more after the final pre-election report has been deemed  
25 completed shall report such contribution, pledge or expenditure  
26 to the appropriate supervisor. Such report shall be sent by the  
27 candidate, chairman or treasurer of the political committee  
28 within twenty-four (24) hours of receipt of the contribution. It  
29 shall be the duty of the supervisor to confirm the substance of  
30 such report. The report shall be made by electronic mail,

1 telegram, mailgram, overnight mail or facsimile transmission.  
2 Any candidate in his own behalf, or chairman, treasurer or  
3 candidate in behalf of the political committee may also comply  
4 with this section by appearing personally before such supervisor  
5 and reporting such late contributions or pledges.

6 Section 4. The act is amended by adding a section to read:

7 Section 1643. Independent Expenditures and Electioneering  
8 Communications.--All independent expenditures and electioneering  
9 communications shall prominently include the following  
10 statement:

11 Paid for by (name of person or organization paying for the  
12 independent expenditure or electioneering communication).  
13 Learn more about (name of person or organization paying for  
14 the independent expenditure or electioneering communication)  
15 at (the Department of State's publicly accessible Internet  
16 website).

17 Section 5. This act shall take effect in 60 days.