

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1195 Session of 2024

INTRODUCED BY BAKER, BROWN AND COSTA, MAY 17, 2024

REFERRED TO STATE GOVERNMENT, MAY 17, 2024

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania  
2 Consolidated Statutes, in lobbying disclosure, further  
3 providing for definitions, for registration, for exemption  
4 from registration and reporting, for prohibited activities,  
5 for administration and for penalties; and making an editorial  
6 change.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 13A03 of Title 65 of the Pennsylvania  
10 Consolidated Statutes is amended by adding definitions to read:

11 § 13A03. Definitions.

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

15 \* \* \*

16 "Affiliate." Any of the following:

17 (1) An entity or person that directly or indirectly  
18 controls, is controlled by, or is under common control with,  
19 another entity or person.

20 (2) An officer, director or manager of an entity.

1           (3) An entity or person directly or indirectly owning,  
2 controlling or holding with power to vote 10% or more of the  
3 outstanding voting securities of another entity or person.

4           (4) An entity or person 10% or more of whose outstanding  
5 voting securities are directly or indirectly owned,  
6 controlled or held by another entity or person with power to  
7 vote such securities.

8           (5) A member of the same household, as well as an  
9 immediate family member, of any person described in paragraph  
10 (1), (2), (3) or (4) of this definition.

11       \* \* \*

12       "Control." As used in the definition of "affiliate," the  
13 term means the possession, directly or indirectly, of the power  
14 to direct or cause the direction of the management and policies  
15 of an entity or person, whether through ownership of voting  
16 securities, by contract or otherwise.

17       \* \* \*

18       "Political consultant." An entity or person providing  
19 political consulting services.

20       "Political consulting." The provision, for compensation, to  
21 any state or county public official, candidate or nominee, as  
22 those terms are defined under section 1102 (relating to  
23 definitions) for an elected State or county office of advice,  
24 services or assistance in securing such public office,  
25 including, but not limited to, campaign management, fundraising  
26 activities, voter outreach, public relations or media service,  
27 but shall exclude bona fide legal work directly related to  
28 litigation or legal advice with regard to securing a place on  
29 the ballot, the petitioning process, the conduct of an election  
30 or which involves election laws.

1 \* \* \*

2 Section 2. Section 13A04(a), (d)(1) and (e)(1), (2) and (4)  
3 of Title 65 are amended, subsection (b)(1) and (2) are amended  
4 by adding subparagraphs, subsection (c) is amended by adding a  
5 paragraph and the section is amended by adding a subsection to  
6 read:

7 § 13A04. Registration.

8 (a) General rule.--Unless excluded under section 13A06  
9 (relating to exemption from registration and reporting), a  
10 lobbyist, lobbying firm [or a], principal or political  
11 consultant must register with the department electronically  
12 using the computerized filing system developed by the department  
13 that is consistent with the purposes of this chapter within ten  
14 days of acting in any capacity as a lobbyist, lobbying firm  
15 [or], principal or political consultant. Registration shall be  
16 biennial [and shall begin January 1, 2007].

17 (b) Principals and lobbying firms.--

18 (1) A principal or lobbying firm required to register  
19 under subsection (a) shall file a single registration  
20 statement setting forth the following information with the  
21 department:

22 \* \* \*

23 (x) Name of any affiliates.

24 (2) A lobbying firm shall include in its statement under  
25 paragraph (1) the following information for each principal it  
26 represents:

27 \* \* \*

28 (v) Name of any affiliates.

29 \* \* \*

30 (c) Lobbyist.--A lobbyist who is required to register under

1 subsection (a) shall file a single registration statement  
2 setting forth the following information with the department:

3 \* \* \*

4 (1) Name of any affiliates.

5 (c.1) Political consultants.--A political consultant who is  
6 required to register under subsection (a) shall file a single  
7 registration statement providing the following information to  
8 the department:

9 (1) Name.

10 (2) Permanent business address.

11 (3) Daytime telephone number.

12 (4) E-mail address, if available.

13 (5) Name of the political candidate or candidates for  
14 whom the consultant will be providing services or assistance  
15 or for whom the political consultant has provided services or  
16 assistance in the past 12 months.

17 (6) Each office for which a political candidate  
18 identified in paragraph (5) is seeking or sought election.

19 (7) Name of any affiliates.

20 (d) Amendments.--

21 (1) If there is a change of information required for the  
22 registration statement under subsection (b)(1) or (2) [or],  
23 (c) or (c.1), an amended registration statement shall be  
24 filed with the department electronically using the  
25 computerized filing system developed by the department that  
26 is consistent with the purpose of this chapter within 14 days  
27 after the change occurs.

28 \* \* \*

29 (e) Termination.--

30 (1) A lobbyist, lobbying firm [or], principal or

1 political consultant may terminate registration by filing  
2 notice of termination with the department electronically  
3 using the computerized filing system developed by the  
4 department that is consistent with the purpose of this  
5 chapter.

6 (2) After a review of the notice of termination, but no  
7 later than 15 days after receipt of the notice, the  
8 department shall issue to the lobbyist, lobbying firm [or],  
9 principal or political consultant a letter stating that the  
10 registrant has terminated registration. The filing of notice  
11 shall not affect the commission's authority to conduct  
12 investigations and hearings under section 13A08(g) (relating  
13 to administration).

14 \* \* \*

15 (4) Nothing in this subsection shall be construed to  
16 exempt a lobbyist, lobbying firm [or], principal or political  
17 consultant from any of the requirements in section 13A05  
18 (relating to expense reporting).

19 Section 3. The heading of section 13A05 of Title 65 is  
20 amended to read:

21 § 13A05. [Reporting] Expense reporting.

22 Section 4. Section 13A06 heading, introductory paragraph,  
23 (1), (3), (4), (5), (11) and (12) of Title 65 are amended to  
24 read:

25 § 13A06. Exemption from registration and expense reporting.

26 The following persons and activities shall be exempt from  
27 registration under section 13A04 (relating to registration) and  
28 reporting under section 13A05 (relating to expense reporting):

29 (1) An individual who limits lobbying or political  
30 consulting to preparing testimony and testifying before a

1 committee of the General Assembly or participating in an  
2 administrative proceeding of an agency.

3 \* \* \*

4 (3) An individual who does not receive economic  
5 consideration for lobbying or political consulting.

6 (4) An individual whose economic consideration for  
7 lobbying or political consulting, from all principals and  
8 from all State or county public officials, candidates or  
9 nominees whom the individual represented, does not exceed  
10 \$2,500 in the aggregate during any reporting period for a  
11 lobbyist or during any calendar year for a political  
12 consultant.

13 (5) An individual who engages in lobbying or political  
14 consulting on behalf of the individual's employer if the  
15 lobbying or political consulting represents less than 20  
16 hours during any reporting period.

17 \* \* \*

18 (11) An individual representing a bona fide church or  
19 bona fide religious body of which the individual is a member  
20 where the lobbying or political consulting is solely for the  
21 purpose of protecting the constitutional right to the free  
22 exercise of religion.

23 (12) An individual who is not a registered lobbyist or a  
24 registered political consultant and who serves on an advisory  
25 board, working group or task force at the request of an  
26 agency or the General Assembly.

27 \* \* \*

28 Section 5. Section 13A07(c), (d) (1), (2), (3), (4), (5), (6)  
29 introductory paragraph and (ii), (7) and (8) and (f) (1) (i), (vi)  
30 and (x) of Title 65 are amended and subsection (f) (1) is amended

1 by adding subparagraphs to read:

2 § 13A07. Prohibited activities.

3 \* \* \*

4 (c) Falsification.--A lobbyist, lobbying firm [or],  
5 principal or political consultant may not, for the purpose of  
6 influencing legislative action or administrative action,  
7 transmit, utter or publish to a State official or employee a  
8 communication, knowing that the communication or a signature on  
9 the communication is false, forged, counterfeit or fictitious.

10 (d) Conflicts of interest.--

11 \* \* \*

12 (1) Except as permitted by paragraph (2), a registrant  
13 may not lobby nor provide political consulting services on  
14 behalf of a principal or a State or county public official,  
15 candidate or nominee on any subject matter in which the  
16 principal's or State or county public official's, candidate's  
17 or nominee's interests are directly adverse to the interests  
18 of another principal or State or county public official,  
19 candidate or nominee that is either currently represented by  
20 the lobbyist or political consultant or was previously  
21 represented by the lobbyist or political consultant during  
22 the current session of the General Assembly or the lobbyist's  
23 own interests.

24 (2) A lobbyist or political consultant may represent a  
25 principal or a State or county public official, candidate or  
26 nominee in circumstances described in paragraph (1) if:

27 (i) the lobbyist or political consultant reasonably  
28 believes that the lobbyist or political consultant will  
29 be able to provide competent and diligent representation  
30 or services to each affected principal or State or county

1           public official, candidate or nominee;

2           (ii) the lobbyist or political consultant provides  
3 written notice to each affected principal or State or  
4 county public official, candidate or nominee upon  
5 becoming aware of the conflict; and

6           (iii) each affected principal or State or county  
7 public official, candidate or nominee provides informed  
8 consent waiving the conflict of interest.

9           (3) If a lobbyist or political consultant represents a  
10 principal in violation of this section or if multiple  
11 representation properly accepted becomes improper under this  
12 section and the conflict is not waived, the lobbyist or  
13 political consultant shall promptly withdraw from one or more  
14 representations or cease providing lobbying and political  
15 consulting services to the extent necessary for remaining  
16 representation to not be in violation of this section.

17           (4) If a lobbyist or political consultant is prohibited  
18 by this section from engaging in particular conduct, an  
19 [employer] affiliate of the lobbyist [or a partner or other  
20 person associated with the lobbyist] or political consultant  
21 may not engage in the particular conduct.

22           (5) A principal [or lobbyist], lobbyist or political  
23 consultant required to report under section 13A05 (relating  
24 to expense reporting) shall include in the report a statement  
25 affirming that to the best of the [principal's or lobbyist's  
26 knowledge the principal or lobbyist] principal's, lobbyist's  
27 or political consultant's knowledge, the principal, lobbyist  
28 or political consultant has complied with this section.

29           (6) Except as provided in paragraph (8), and subject to  
30 13A09(f) (relating to penalties), the commission may receive



1 complaints regarding violations of this subsection. If the  
2 commission determines a violation of this subsection has  
3 occurred, the commission, after investigation, notice and  
4 hearing:

5 \* \* \*

6 (ii) may prohibit a lobbyist from lobbying or a  
7 political consultant from providing political consulting  
8 services for economic consideration for up to five years.

9 (7) A lobbyist [and], principal and political consultant  
10 shall maintain the records relating to the conflict of  
11 interest set forth in paragraph (2) for a four-year period  
12 beginning on the date the conflict is discovered and, in the  
13 case of an investigation conducted under paragraph (6),  
14 provide copies of the records to the commission upon request.

15 (8) Complaints regarding violations of this subsection  
16 involving a lobbyist [or], principal or political consultant  
17 who is an attorney at law shall be referred to the board to  
18 be investigated, considered and resolved in a manner  
19 consistent with the Rules of Professional Conduct.

20 \* \* \*

21 (f) Unlawful acts.--

22 (1) A lobbyist [or], principal or political consultant  
23 may not:

24 (i) [Instigate] While engaged in lobbying on behalf  
25 of the principal, instigate the introduction of  
26 legislation for the purpose of obtaining employment to  
27 lobby or providing political consulting services in  
28 opposition to that legislation.

29 \* \* \*

30 (vi) Commit a criminal offense arising from lobbying

1           or political consulting.

2           \* \* \*

3           (x) Engage in conduct which brings the practice of  
4 lobbying, political consulting or the legislative or  
5 executive branches of State government into disrepute.

6           (xi) Lobby a State or county official or an employee  
7 on the State or county official's staff after the  
8 lobbyist, principal or political consultant has provided  
9 political consulting services for the State or county  
10 official. This prohibition shall only apply for the term  
11 in which the State or county official was elected.

12           (xii) Provide political consulting services while  
13 registered as a lobbyist or a principal.

14           \* \* \*

15           Section 6. Section 13A08(a), (d)(1), (g), (h), (j) and (k)  
16 of Title 65 are amended and subsection (d)(2) is amended by  
17 adding a subparagraph to read:

18 § 13A08. Administration.

19           (a) Advice and opinions.--The commission shall provide  
20 advice and opinions under section 1107 (relating to powers and  
21 duties of commission) to a lobbyist, a lobbying firm, a  
22 principal, a political consultant, the department, the board or  
23 a State official or employee, that seeks advice regarding  
24 compliance with this chapter. A person that acts in good faith  
25 based on the written advice or opinion of the commission shall  
26 not be held liable for a violation of this chapter if the  
27 material facts are as stated in the request.

28           \* \* \*

29           (d) Annual reporting.--

30           (1) The department shall prepare and publish an annual

1 report on lobbying and political consulting activities in  
2 this Commonwealth.

3 (2) The department shall at least annually publish a  
4 list of all of the following:

5 \* \* \*

6 (iv) Registered political consultants.

7 \* \* \*

8 (g) Investigation and hearings.--The commission, through its  
9 executive director, may initiate an investigation and hold a  
10 hearing concerning an alleged violation of this chapter by a  
11 lobbyist [or], principal or political consultant in accordance  
12 with sections 1107 (relating to powers and duties of commission)  
13 and 1108 (relating to investigations by commission).

14 (h) Directory.--By May 1 of each odd-numbered year, the  
15 department shall produce and distribute a directory of all  
16 registered lobbyists, including photographs, registered  
17 political consultants and registered lobbying firms. Copies of  
18 the directory shall be made available to the public at a price  
19 not to exceed the actual cost of production. All revenue  
20 received by the department from the sales of the directory shall  
21 be deposited into the fund.

22 \* \* \*

23 (j) Inflation adjustment.--On a biennial basis [commencing  
24 in January 2009], the department shall review the threshold  
25 under section 13A06 (relating to exemption from registration and  
26 expense reporting) for registration under section 13A04  
27 (relating to registration) and the threshold for reporting under  
28 section 13A05(d) (relating to expense reporting) and shall  
29 increase these amounts to rates deemed reasonable for assuring  
30 appropriate disclosure. On a biennial basis [commencing in

1 January 2009], the department shall review the filing fee  
2 established under section 13A10 (relating to registration fees;  
3 fund established; system; regulations) and may by regulation  
4 adjust this amount if the department determines that a higher  
5 fee is needed to cover the costs of carrying out the provisions  
6 of this chapter. The department shall [publish], by June 1 of  
7 every odd-numbered year, submit adjusted amounts to the  
8 Legislative Reference Bureau for publication in the Pennsylvania  
9 Bulletin [by June 1, 2009, and by June 1 every two years  
10 thereafter as necessary].

11 (k) Notices.--Notices issued by the department or the  
12 commission to a principal or lobbying firm, or to a political  
13 consultant, in accordance with this chapter, shall be delivered  
14 to the authorized representative, employee or agent.

15 Section 7. Section 13A09(a)(1.1), (2)(ii) and (5), (b)(2)  
16 and (3), (c)(1) introductory paragraph, (2) and (3), (d), (e)  
17 introductory paragraph, (f) and (g)(2) of Title 65 are amended  
18 to read:

19 § 13A09. Penalties.

20 (a) Notice of alleged noncompliance.--

21 \* \* \*

22 (1.1) In the case of a principal [or], lobbying firm or  
23 political consultant, the notice shall be delivered to the  
24 authorized representative, employee or agent.

25 (2) The notice shall state:

26 \* \* \*

27 (ii) subject to subsection (f), the administrative  
28 and criminal penalties for:

29 (A) failure to register;

30 (B) failure to file; or

1 (C) filing a report which contains a false  
2 statement or which is incomplete.

3 \* \* \*

4 (5) If the person does not request a hearing in  
5 accordance with the notice, the alleged noncompliance shall  
6 be deemed to constitute noncompliance with this chapter, and  
7 subject to subsection (f), the commission shall impose a  
8 penalty in accordance with subsection (b) (3) or (4).

9 (b) Hearing.--

10 \* \* \*

11 (2) [**If**] Subject to subsection (f), if the commission  
12 finds that failure to register or report was intentional, it  
13 shall refer the matter to the Attorney General [**and**] or, if  
14 the person is an attorney at law, to the board.

15 (3) [**If**] Subject to subsection (f), if the commission  
16 finds that failure to register or report was negligent, it  
17 shall determine the amount of the administrative penalty to  
18 be imposed.

19 \* \* \*

20 (c) Negligent failure to register or report.--

21 (1) [**Negligent**] Subject to subsection (f), negligent  
22 failure to register or report as required by this chapter is  
23 punishable by an administrative penalty not exceeding the  
24 following:

25 \* \* \*

26 (2) After a hearing under subsection (b), the commission  
27 may, upon the majority vote of all of its members, but  
28 subject to subsection (f), levy an administrative penalty.  
29 The total amount of the administrative penalty levied shall  
30 not be limited by any other provision of law.

1 (3) The commission shall notify the board of any  
2 lobbyist [or], principal or political consultant who is an  
3 attorney at law [against whom a civil penalty is imposed] and  
4 who has been determined to be in noncompliance.

5 \* \* \*

6 (d) Failure to comply after notice.--[A] Subject to  
7 subsection (f), a person that fails to comply with the  
8 requirements of this chapter, after notice of noncompliance and  
9 after a hearing if one is requested, may be prohibited from  
10 lobbying or from providing political consulting services for  
11 economic consideration for up to five years. The prohibition  
12 shall be imposed under subsection (e) (4).

13 (e) Intentional violations.--Subject to subsection (f):

14 \* \* \*

15 (f) Attorneys.--[Nothing in this chapter shall be construed  
16 as restricting the board's authority to discipline an attorney  
17 at law who is acting as a lobbyist or principal.]

18 Notwithstanding any other provision of this chapter to the  
19 contrary, a lobbyist subject to the Rules of Professional  
20 Conduct promulgated by the Supreme Court shall only be  
21 disciplined for a violation of this chapter as permitted by such  
22 rules and nothing in this chapter shall be construed as  
23 restricting the board's authority to discipline an attorney at  
24 law who is acting as a lobbyist, political consultant or  
25 principal.

26 (g) Affirmative defense.--Any of the following is an  
27 affirmative defense to an action brought under Chapter 11  
28 (relating to ethics standards and financial disclosure) or this  
29 chapter:

30 \* \* \*

1           (2) The respondent or defendant relied on notice under  
2 section 13A05(b)(3)(iv) (relating to expense reporting).

3           \* \* \*

4           Section 8. The provisions of this act are severable. If any  
5 provision of this act or its application to any person or  
6 circumstance is held invalid, the invalidity shall not affect  
7 other provisions or applications of this act which can be given  
8 effect without the invalid provision or application.

9           Section 9. This act shall take effect as follows:

10           (1) The amendment or addition of 65 Pa.C.S. § 13A07(f)  
11 (1)(x), (xi) and (xii) shall take effect January 1, 2025, or  
12 immediately, whichever is later.

13           (2) This section and section 8 of this act shall take  
14 effect immediately.

15           (3) The remainder of this act shall take effect in 60  
16 days.