

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 773 Session of 2023

INTRODUCED BY STAMBAUGH, CIRESI, JAMES, SAPPEY, GIRAL, TWARDZIK AND FLICK, MARCH 30, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 30, 2023

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), (d), (e) and (h) of the act of  
 26 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
 27 Election Code, are amended and the section is amended by adding  
 28 a subsection to read:

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

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

13 \* \* \*

14 (d) Pre-election reports by candidates for offices to be  
15 voted for by the electors of the State at large and all  
16 political committees, which have expended money for the purpose  
17 of influencing the election of such candidate, shall be filed  
18 [not later than the sixth Tuesday before and the second Friday  
19 before an election, provided that the initial pre-election  
20 report shall be complete as of fifty (50) days prior to the  
21 election and the subsequent pre-election report shall be  
22 complete as of fifteen (15) days prior to the election] on March  
23 15, June 15, September 15 and December 15 each year. Pre-  
24 election reports by all other candidates and political  
25 committees which have received contributions or made  
26 expenditures for the purpose of influencing an election shall be  
27 filed [not later than the second Friday before an election,  
28 provided that such report be complete as of fifteen (15) days  
29 prior to the election] on March 15, June 15, September 15 and  
30 December 15 each year.

1 [(e) All candidates or political committees, required to  
2 file under this section, shall also file a post-election report  
3 not later than thirty (30) days after an election which shall be  
4 complete as of twenty (20) days after the election. In the case  
5 of a special election the post-election report shall be complete  
6 as of ten (10) days after such special election.]

7 \* \* \*

8 (h) All reports or statements required to be filed pursuant  
9 to this section shall be filed pursuant to [section 1630]  
10 sections 1629 and 1631.1. All reports and statements required by  
11 this section shall cover the campaign activity of a candidate  
12 only from the last prior report or statement.

13 \* \* \*

14 (k) All reports or statements required to be filed with the  
15 Secretary of the Commonwealth may be filed electronically using  
16 the electronic filing system developed by the Secretary of the  
17 Commonwealth. A report or statement submitted electronically  
18 must:

19 (1) Require an electronic signature from the treasurer or  
20 assistant treasurer at the time of the filing of the report or  
21 statement. In addition, a report filed by a political committee,  
22 authorized by a candidate and created solely for the purpose of  
23 influencing an election on behalf of that candidate must be  
24 signed, using an electronic signature, stating that, to the best  
25 of the candidate's knowledge, the political committee has not  
26 violated a provision of this act.

27 (2) Be made subject to the penalties of 18 Pa.C.S. § 4904  
28 (relating to unsworn falsification to authorities) as provided  
29 in section 1629.

30 Section 2. Sections 1628, 1629 heading, (a) and (b) and

1 1631(1) of the act are amended to read:

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

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

28 [(a) Each report shall be subscribed and sworn to by the  
29 individual submitting the report. In addition, any report filed  
30 by a political committee, authorized by a candidate and created

1 solely for the purpose of influencing an election on behalf of  
2 that candidate, must be accompanied by an affidavit from that  
3 candidate which provides that, to the best of the candidate's  
4 knowledge, the political committee has not violated any  
5 provision of this act.]

6 (b) Any wilfully false, fraudulent or misleading statement  
7 or entry made by any candidate or treasurer in any statement or  
8 report [under oath] as required by this article, shall  
9 constitute the crime of [perjury] unsworn falsification to  
10 authorities, and be punishable as such according to the laws of  
11 this Commonwealth.

12 \* \* \*

13 Section 1631. Place of Filing.--

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

16 (1) (i) Any candidate, individual, or committee required to  
17 file a report concerning any candidate shall file that statement  
18 or report in the office of the supervisor with whom the  
19 candidate filed a nomination paper, nomination certificate,  
20 nomination petitions or with the supervisor with whom the  
21 candidate would have filed such if he had sought nomination in  
22 that manner.

23 (ii) All candidates and political committees, authorized by  
24 candidates and created solely for the purpose of influencing the  
25 election of such candidates, who must file reports or statements  
26 with the Secretary of the Commonwealth, and who do not file  
27 electronically, shall also file copies of their reports or  
28 statements in the county in which the candidate resides.

29 (iii) All candidates and political committees, authorized by  
30 candidates and created solely for the purpose of influencing the

1 election of such candidates, who must file reports or statements  
2 with the Secretary of the Commonwealth as required by this  
3 subsection and who file electronically, are not required to file  
4 copies of reports or statements in the county in which the  
5 candidate resides.

6 \* \* \*

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

9 (a) Reports and statements required to be filed with the  
10 Secretary of the Commonwealth pursuant to sections 1626, 1627,  
11 1628 and 1641 may be filed with the Secretary of the  
12 Commonwealth using the electronic filing system developed by the  
13 Secretary of the Commonwealth.

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

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

19 (1) include the electronic signature of the treasurer or  
20 assistant treasurer of the political committee serving at the  
21 time of the filing of the report or statement; and

22 (2) for a report or statement filed by a candidate or a  
23 candidate's political committee, include the electronic  
24 signature of the candidate, stating that, to the best of the  
25 candidate's knowledge, the political committee has not violated  
26 a provision of this act.

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

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

3 (i) Review the contents of the report or statement prepared  
4 under clause (1).

5 (ii) File with the electronic filing system the approval of  
6 the contents of the report or statement and verification of its  
7 accuracy, in accordance with subsection (b). The approval shall  
8 be transmitted personally by the principal and not on the  
9 principal's behalf by any other person.

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

14 (4) As used in this subsection, the term "principal" shall  
15 mean any person required to file any report or statement  
16 electronically with the Secretary of the Commonwealth in  
17 accordance with this section.

18 (e) A report or statement filed with the Secretary of the  
19 Commonwealth that is not filed electronically shall be filed on  
20 forms developed by the Secretary of the Commonwealth.

21 Section 1631.2. Inability to File Reports or Statements  
22 Electronically by Deadline.--

23 (a) Reports or statements filed electronically with the  
24 Secretary of the Commonwealth under section 1631.1 are subject  
25 to the following:

26 (1) If a candidate or political committee cannot file a  
27 report or statement electronically on the day the report or  
28 statement is due because of the unavailability of the Department  
29 of State's electronic filing system at the time the candidate or  
30 political committee attempts to file the report or statement,

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

16 (2) If a candidate or political committee is unable to file  
17 electronically as required under clause (1) because the  
18 Department of State's electronic filing system remains  
19 unavailable, the principal shall notify the Department of State  
20 each day a report or statement cannot be filed due to the  
21 unavailability of the Department of State's electronic filing  
22 system. The candidate or political committee shall have until  
23 11:59 P.M. on the next day to electronically file the report or  
24 statement or notify the Department of State a second time of the  
25 inaccessibility of the department's electronic filing system.  
26 The principal shall file a statement affirming that the  
27 principal was unable to file the report or statement on time  
28 because of the unavailability of the Department of State's  
29 electronic filing system. The affirmation statement shall be  
30 due at the same time as the statement or report filed under this



1 subsection. The report or statement shall not be considered  
2 filed until the affirmation statement is filed.

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

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

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

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

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

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

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

22 (a) A late filing fee for each report or statement of  
23 expenditures and contributions which is not filed within the  
24 prescribed period shall be imposed as follows. Such fee shall be  
25 [ten dollars (\$10) for each day or part of a day excluding  
26 Saturdays, Sundays and holidays that a report is overdue. An  
27 additional fee of ten dollars (\$10) is due for each of the first  
28 six (6) days that a report is overdue.] twenty-five dollars  
29 (\$25) for each of the first six (6) days that a report or  
30 statement is overdue and thirty-five dollars (\$35) a day for

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

22 \* \* \*

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

25 \* \* \*

26 (3) Make the reports and statements filed with him or her  
27 available for public inspection and copying, commencing as soon  
28 as practicable but not later than the end of the second day  
29 following the day during which it was received, and to provide  
30 copies of any such report or parts thereof, as requested by any

1 person, at the expense of such person, at the rate not to exceed  
2 the actual cost of reproduction. County voter registration  
3 offices shall, upon request by any person, obtain from the  
4 electronic reporting system maintained by the Secretary of the  
5 Commonwealth, and provide for review, any campaign finance  
6 report required to be filed electronically with the Secretary of  
7 the Commonwealth.

8 \* \* \*

9 Section 1640. Additional Powers and Duties of the Secretary  
10 of the Commonwealth.--The Secretary of the Commonwealth shall  
11 have the following additional powers and duties:

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

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

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

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

23 (5) To examine the contributions to State legislative and  
24 Statewide candidates and publish a list of all those political  
25 committees who have contributed to candidates and who have  
26 failed to file reports as required by this act within six (6)  
27 days of their failure to comply.

28 (6) To maintain a searchable computer database and  
29 electronic reporting system that contains the information  
30 necessary for the proper administration of this article,

1 including information on contributions and expenditures by all  
2 candidates and all political committees and distribution of  
3 money, and including public access through the Internet. The  
4 database must be designed with an emergency recovery system to  
5 ensure that campaign expense records are not lost in the case of  
6 an emergency, natural disaster or other event that could cause  
7 the system to malfunction.

8 (7) To establish a training program on the electronic  
9 reporting system and make it available to a candidate or  
10 political committee.

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

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

19 Section 1641. Reports by Business Entities; Publication by  
20 Secretary of the Commonwealth.--

21 (a) Any business entity including but not limited to a  
22 corporation, company, association, partnership or sole  
23 proprietorship, which has been awarded non-bid contracts from  
24 the Commonwealth or its political subdivisions during the  
25 preceding calendar year, shall report electronically in  
26 accordance with section 1631.1 by February 15 of each year to  
27 the Secretary of the Commonwealth an itemized list of all  
28 political contributions known to the business entity by virtue  
29 of the knowledge possessed by every officer, director,  
30 associate, partner, limited partner or individual owner that has

1 been made by:

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

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

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

11 \* \* \*

12 Section 5. The Secretary of the Commonwealth shall transmit  
13 notice to the Legislative Reference Bureau for publication in  
14 the next available issue of the Pennsylvania Bulletin when the  
15 electronic filing system developed by the Secretary of the  
16 Commonwealth is available for use.

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

18 (1) The following provisions shall take effect  
19 immediately:

20 (i) The amendment of sections 1626(d) and (e) and  
21 1632(a) of the act.

22 (ii) Section 5 of this act.

23 (iii) This section.

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