

Campaign Finance in Pennsylvania

OCTOBER 31, 2019

Legal Disclaimer

The information in this presentation is not legal advice, and is not an advisory opinion from the Department of State. It is intended for informational purposes only. Please consult with your own independent legal counsel for legal advice, or for any questions concerning your legal responsibilities.

PA Department of State

Bureau of Campaign Finance and Civic Engagement

Tiffany Chang Lawson, Director

Trisha Robinson, Chief of the Division of Campaign Finance and Lobbying Disclosure

Cassandra Moore, Compliance Officer



Registration



Must be submitted to the appropriate supervisor within 20 days after the date in which the committee receives \$250 in contributions.



The original registration with wet signatures must be submitted and cannot be faxed or emailed.

BCFCE reviews the form to make sure the registration should be filed with our office and contains all required information.

If we are unable to process a registration statement, we reject the registration and return the original to the committee.



May a political committee amend its Registration Statement by filing a letter with the supervisor (DOS or county)?

Yes, the committee may amend its Registration Statement by filing a letter, provided that the letter contains the change or correction of the new information, in compliance with 4 Pa. Code § 176.3 (referring to the Department's regulations on campaign finance, specifically changes or corrections in information on Registration Statements).

To update an address or email address, an email is an appropriate submission to request this change.

Registration Continued...

Treasurers must notify the appropriate supervisor within 30 days of the change.

In order for a committee to operate, the committee must have a chairperson and a treasurer who may not be the same individual.

Committees can appoint assistant treasurers.

- The treasurer of a political committee formed on behalf of a candidate for election may appoint any number of assistant treasurers to receive and disburse funds on behalf of a candidate. Then, a political committee may designate one of the assistant treasurers, appointed by the treasurer, to assume the duties and responsibilities of the treasurer in the event of a temporary or permanent vacancy in the office.

A contribution that exceeds \$250 to a candidate appearing on the ballot, would trigger a registration a reporting requirement. The committee would be required to file as if they were the candidate appearing on the ballot.

2019 PRIMARY CAMPAIGN FINANCE REPORT DEADLINES			
<u>Sixth Tuesday Pre-Primary</u>	Cycle 1	Monday, April 1, 2019	Tuesday, April 9, 2019
<u>Second Friday Pre-Primary</u>	Cycle 2	Monday, May 6, 2019	Friday, May 10, 2019
24-Hour Reporting	Daily	Tues, May 7, 2019 (begins)	(ends/includes) May 21, 2019
2019 MUNICIPAL ELECTION CAMPAIGN FINANCE REPORT DEADLINES			
<u>Sixth Tuesday Pre-Election</u>	Cycle 4	Mon., September 16, 2019	Tuesday, September 24, 2019
<u>Second Friday Pre-Election</u>	Cycle 5	Monday, October 21, 2019	Friday, October 25, 2019
24-Hour Reporting	Daily	Tues, Oct. 22, 2019 (begins)	(ends/includes) Nov. 5, 2019
<u>Thirty Day Post-Election</u>	Cycle 6	Mon., November 25, 2019	Thursday, December 5, 2019
2019 ANNUAL REPORT DEADLINE			
<u>2019 Annual Report</u>	Cycle 7	Tuesday, Dec. 31, 2019	Friday, January 31, 2020

PDF Available Online

Filing Deadlines

2019 Municipal Election Campaign Finance Report Deadlines

Type of Report	Completed	Filing Deadline
Sixth Tuesday Pre-Election Cycle 4	Mon., September 16, 2019	Tuesday, September 24, 2019
Second Friday Pre-Election Cycle 5	Monday, October 21, 2019	Friday, October 25, 2019
24-Hour Reporting Daily	Tues, Oct. 22, 2019 (begins)	(ends/includes) Nov. 5, 2019
Thirty Day Post-Election Cycle 6	Mon., November 25, 2019	Thursday, December 5, 2019

On Our Website www.dos.pa.gov

Filing Deadline Notifications



Reminder notices for upcoming deadlines are mailed to candidates and committees approximately two weeks prior to the filing deadlines.



If an email address was provided, the candidate and/or committee will receive an electronic copy of the reminder notice in addition to receiving one via U.S. Postal Service.



Recently, the Department of State implemented autodialing to remind candidates and committees of approaching filing deadlines.



Expense reports being mailed must be postmarked no later than one day prior to the report filing deadline in order to be considered filed timely.

This letter is to serve as a reminder notice to file the 2nd Friday Pre-Election Campaign Finance Report. The information below will assist you in complying with the reporting requirement.

Reporting forms can be found on the Department's website at www.dos.pa.gov by clicking on "Campaign Finance" and then "Forms Online." You may also contact the bureau to have a hard copy of the form mailed to you. Please do not forget to include your committee filer identification number, which is located on the address label on your envelope, ensuring accurate recording of receipt of the report and reducing the possibility of erroneous assessment of a late filing fee.

1.--**Who must file**-- All candidates for JUDGE OF THE COMMONWEALTH COURT, JUDGE OF THE COURT OF COMMON PLEAS, JUDGE OF THE COURT OF COMMON PLEAS - ALLEGHENY, JUDGE OF THE COURT OF COMMON PLEAS - PHILADELPHIA, JUDGE OF THE MUNICIPAL COURT, JUDGE OF THE SUPERIOR COURT, SENATOR IN THE GENERAL ASSEMBLY on the 11/05/2019 2019 Municipal Election ballot must file this report. If you receive this notice, you are required to file a 2nd Friday Pre-Election report.

Please note: A candidate is required to file a campaign finance report or statement that is separate from the report filed by his or her committee. The bureau sends reminder letters directly to committee treasurers by a separate mailing. Candidates must report any contributions and expenditures of their own that were **separate** from the committee. If you ask your committee treasurer to submit the candidate report on your behalf, **please provide them with your candidate filer identification number**, as candidate and committees have different identification numbers that are used to record receipt of the report in this bureau.

2.--**When to file**-- Reports must be complete as of 10/21/2019 and must be filed no later than 10/25/2019. If you are transmitting your report by mail, it must be postmarked no later than 10/24/2019 to be considered filed on time. If you are mailing your report, we suggest that you make certain that the post office postmarks the envelope with the date of mailing, or send your report via certified mail. Envelopes received with no postmark will be considered filed on the actual date of receipt in this bureau.

Bureau hours on 10/25/2019 for filing reports are 8 AM to 5 PM.

3. --**What to file**--**We encourage all filers to submit their report via the Internet** through the online filing application. You may also file via computer diskette or CD, using software developed according to the Department's technical specifications; or file on paper using the prescribed paper form. **You will find online filing information, technical specifications for disk reports, a list of vendors of approved filing software and campaign finance report forms through the campaign finance link at the Department's website at www.dos.pa.gov.** Please note: disk or CD reports must be accompanied by the signed, notarized affidavit(s) appearing on the Campaign Finance Report cover page.

If you, as a candidate, had aggregate receipts and disbursements of \$250 or less during the reporting period, you may file the Campaign Finance Statement (DSEB 503). If receipts and disbursements during the reporting period exceeded \$250, you must file the full Campaign Finance Report (DSEB 502). **Please note: a report must be filed even if the committee did not have any receipts or disbursements.** The Campaign Finance Statement **cannot** be filed online.

4.--**Where to file**-- Reports must be transmitted to: **Pennsylvania Department of State, Bureau of Elections, 210 North Office Building, Harrisburg, PA 17120-0029**. If you choose to file in person, the North Office Building is located at the corner of Commonwealth Avenue and North Street.

In addition, candidates and their committees must file copies of their campaign expense reports with the County Board of Elections in the county where the candidate resides.

5.--**Penalties for not filing on time**-- A penalty of \$20.00 per day for the first six days that a report is late and \$10.00 a day thereafter up to maximum of \$250.00 is assessed to filers of late reports. The bureau will notify delinquent filers that their report is late and a penalty is due. The late filing fee is assessed in accordance with the Campaign Expense Reporting Law and the bureau does not have the authority to waive the penalty.

6. **Reporting of Late Contributions**-- Section 1628 of the Campaign Expense Reporting Law requires any candidate or political committee, authorized by a candidate and created solely for the purpose of influencing an election on behalf of that candidate, which receives any contribution or pledge of five hundred dollars (\$500) or more after the final pre-election report has been deemed completed shall report such contribution to the appropriate supervisor by telegram, mailgram, overnight mail or facsimile transmission at 717-705-0721 , email (ra-stcampaignfinance@pa.gov) or in person. The candidate, chairperson or treasurer of the political committee shall send the report of late contributions within twenty-four (24) hours of receipt of the contribution. The filing of reports by facsimile applies **only** to late contribution reports; it does **not** apply to the filing of campaign finance reports. The time period for reporting late contributions is 05/1/2018 through Election Day 11/05/2019.

7.--**Reminder**-- All reports must be properly signed and notarized prior to filing. Sign your report in the presence of the notary. The notary must affix her or his signature and the rubber stamp seal.

8.--**Failure to File** – A candidate or candidate's committee is considered noncompliant with the campaign finance reporting law if a late fee is owed or the required report has not been submitted for the current reporting cycle. The Department now maintains a "Failed to File List" on its publicly available website. The list contains the names of candidates and candidate's committees who have outstanding campaign finance reports, campaign finance statements, or late fees related to those reports and/or statements. Failure to file timely campaign finance reports, campaign finance statements, or to satisfy outstanding late fees will result in your name or the name of your authorized committee appearing on the Department's "Failed to File List." Once a candidate or authorized committee has met all obligations, the candidate or authorized committee is removed from this list. Email notifications will be sent to filers who have provided an email address. Please note that notifications will **only** be sent via email. To add an email address to your record, please email ra-stcampaignfinance@pa.gov and request for an email address to be added.

I look forward to receiving your 2nd Friday Pre-Election Campaign Finance Report. If you have any questions about filing the report, please contact the Campaign Finance Division of this bureau at 717-787-5280 or ra-stcampaignfinance@pa.gov .

SIXTH TUESDAY PRE-PRIMARY or PRE-ELECTION REPORTS are required to be filed *only* by candidates for statewide office, their authorized candidate committees, and any political committee or lobbyist that has made an expenditure to influence the election of a statewide candidate. In 2019, statewide offices appearing on the ballot include the following:

**JUSTICE OF THE SUPREME COURT
JUDGE OF THE SUPERIOR COURT
JUDGE OF THE COMMONWEALTH COURT**

Political committees/lobbyists that have not made an expenditure to influence the election of a candidate for the statewide offices listed above do not need to file the Sixth Tuesday Pre-Primary/Election report.

SECOND FRIDAY PRE- and THIRTY DAY POST-PRIMARY or ELECTION REPORTS are required to be filed by all candidates appearing on the ballot, their authorized candidate committees, and all political committees and lobbyists that have made expenditures to influence the election of such candidates. In 2019, offices appearing on the ballot include:

**JUSTICE OF THE SUPREME COURT
JUDGE OF THE SUPERIOR COURT
JUDGE OF THE COMMONWEALTH COURT
JUDGE OF THE COURT OF COMMON PLEAS
JUDGE OF THE MUNICIPAL COURT (PHILADELPHIA COUNTY)
ALL LOCAL/MUNICIPAL OFFICES (FILED WITH APPROPRIATE COUNTY BOARD OF ELECTIONS)**

ANNUAL REPORTS must be filed by *all* candidates, political committees and contributing lobbyists that have not filed a termination report.

PENALTIES - In accordance with the Campaign Finance Reporting Law, those who file required reports after the filing deadline are assessed a late filing fee of \$20 per day for the first six days that a report is late, and \$10 per day thereafter, up to a maximum penalty of \$250.

SPECIAL ELECTION - In the event of any special election, candidates and committees should contact this bureau regarding reporting requirements and filing deadlines.

Who is Required to File?

Who is Required to File?

Sixth Tuesday Pre-Primary and Sixth Tuesday Pre-Election Reports are required to be filed **only** by candidates for **statewide** office, their authorized candidate committees, and **any political committee or lobbyist that has made an expenditure in excess of \$250 to influence the election of a statewide candidate.**

Second Friday Pre-Primary and Second Friday Pre-Election Reports are required to be filed by all candidates appearing on the ballot, their authorized candidate committees, and **all political committees and lobbyists that have made expenditures to influence the election of such candidates.**

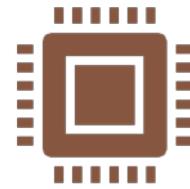
Thirty Day Post-Primary and Thirty Day Post-Election Reports are required to be filed by all candidates appearing on the ballot, their authorized candidate committees, and **all political committees and lobbyists that have made expenditures to influence the election of such candidates.**

Any candidate or committee that is required to file a Second Friday Pre-Primary or Pre-Election Report **must also file** a Thirty Day Post-Primary or Post-Election Report.

Filing Methods



By paper, using the prescribed report form; must be postmarked no later than one day prior to the filing deadline.



By CD, using software developed according to the Department's technical specifications.



**Online, via
www.campaignfinanceonline.pa.gov**

Online filers must create a username and password through <https://keystonelogin.pa.gov/> Online filers who were registered to file online prior to June 6, 2019 must complete the Keystone Login migration process.

Notarized cover pages for reports submitted online must be received by the Department within ten (10) days following the deadline. If the cover page is not received in the allotted time, the report is considered not filed and late fees are assessed.

In-kind Contributions



Individuals: If an individual donates an item to a candidate, the donation is considered as a “valuable thing,” and must be valued at the fair market value. The candidate is required to report the item as an In-kind Contribution or a Valuable Thing Received on Schedule II.



Political committees: If a political committee donates an item, then the political committee must report that as an Expenditure on Schedule III. The candidate or recipient committee is required to report the item as an In-kind Contribution or a Valuable Thing Received on Schedule II.



Corporations or labor unions. A corporation or labor union cannot make a contribution of a “valuable thing” or an “in-kind contribution” to a candidate. See § 1633(a). A corporation or labor union would have to charge the candidate the fair market value for the rental property. The candidate would then show this value as an expenditure.



Discounted space or item must be reported by the candidate as an in-kind contribution.

Late Fees and Enforcement

The fee is \$10 for each day or part of a day excluding Saturdays, Sundays and holidays that a report is overdue. An additional fee of \$10 is due for each of the first six days that a report is overdue. The maximum fee payable with respect to a single report is \$250.

- Late filing fees cannot be paid from contributions. This is the responsibility of the treasurer or candidate.
- Failure to pay the late fee of \$100 or more will result in referral to the Attorney General's office.

The Department operates on a complaint driven process.

- Complaints are confidential.
- Individual filing the complaint is not given updates or any information regarding the complaint. They will be notified when the issue is closed. The Department will direct the individual to related expense reports or registration statements, if needed.
- Complaints cannot be anonymous.
- The Department requests specific examples of what needs investigated.
- Complaints pertaining to local level candidates are referred to the County Election Office.
- Complaints that deal with a local and state level issue are referred to the local office. The Department addresses any state level issue within the complaint.
- The Department refers apparent violations of the law to the Attorney General as they are the enforcement agency. The individual filing the complaint is not made aware of any referrals.



Legally, each candidate and committee must keep records of the names and addresses of each person from whom a contribution over \$10 has been received and a record of all other information required to be reported under the Campaign Finance Reporting Law.



These records are required to be kept for **three years** after such information is reported.

Bookkeeping & Records Retention

BCFCE Contact Information



Telephone 717-787-5280 (option 5)



Resource Account email
ra-stcampaignfinance@pa.gov

BCFCE Contact Information

- Tiffany Lawson – Director of BCFCE
 - 717-772-2172 or tclawson@pa.gov
- Trisha Robinson – Chief of Campaign Finance & Lobbying Disclosure
 - 717-787-1512 or trisrobins@pa.gov

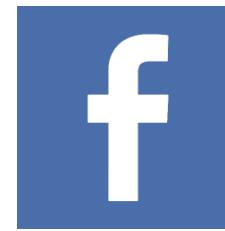
Telephone Number 717-787-5280 (Option 5)

Resource Account Email

ra-stcampaignfinance@pa.gov

- Casandra Moore – Compliance Officer
 - camoore@pa.gov
- Zachary Fuhrman – Customer Experience Manager
 - zfuhrman@pa.gov
- Stephanie Mitchell – Clerk Typist 2
 - stepmitche@pa.gov
- Jaya Jones – Temporary Clerk (filling in for Stephanie)
 - jayajones@pa.gov

Thank You



[@PADepartmentofState](https://www.facebook.com/PADepartmentofState)



[@PAStateDept](https://twitter.com/PAStateDept)