

No. 1978-318

AN ACT

SB 76

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further providing for contributions or expenditures by unincorporated associations, anonymous contributions, cash contributions and contributions by agents, further providing for lawful election expenses and providing penalties.

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

Section 1. Section 1633, the section heading and subsection (a) of section 1634, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," added October 4, 1978 (No.171), are amended to read:

Section 1633. Contributions or Expenditures by National Banks, Corporations or **[Labor Organizations] Unincorporated Associations.**—

(a) It is unlawful for any National or State bank, or any corporation, incorporated under the laws of this or any other state or any foreign country **or any unincorporated association**, except those corporations formed primarily for political purposes or as a political committee, **[or any labor organization]** to make a contribution or expenditure in connection with the election of any candidate or for any political purpose whatever except in connection with any question to be voted on by the electors of this Commonwealth. Furthermore, it shall be unlawful for any candidate, political committee, or other person to knowingly accept or receive any contribution prohibited by this section, or for any officer or any director of any corporation, bank, or any **[labor organization] unincorporated association** to consent to any contribution or expenditure by the corporation, bank or **[labor organization] unincorporated association**, as the case may be, prohibited by this section.

[(b) For the purposes of this section, the term "labor organization" shall mean any organization of any kind, or any agency or employe representation committee or plan, in which employes participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.]

[(c) (b) No provision of the laws of this Commonwealth shall be deemed to prohibit a loan of money by a National or State bank made in accordance with the applicable banking laws and regulations in the

ordinary course of business; however, any such loans shall be included in the reports filed by the candidates and political committees.

[(d)] (c) No provision of the laws of this Commonwealth shall be deemed to prohibit direct private communications by a corporation *to its stockholders and their families or by an unincorporated association* to its members and their families on any subject[,]; nonpartisan registration and get-out-vote campaigns by a corporation aimed at its stockholders and their families or by **[a labor organization]** *an unincorporated association* aimed at its members and their families[,]; and the establishment, and administration by a corporation or **[a labor organization]** *an unincorporated association* of a separate segregated fund which fund is to be created by voluntary individual contributions, *including those* solicited by the corporation or **[labor organization,]** *unincorporated association* and to be utilized for political purposes, provided that any *such* separate segregated fund shall be deemed to be a political committee for purposes of this article.

Section 1634. Contributions by Agents; Anonymous Contributions; **[Bribery for Contributions;]** Cash Contributions.—

(a) It shall be unlawful for any person to make any contribution with funds designated or given to him for the purpose by any other person, *firm or corporation*. Each person making a contribution shall do so only in his own name.

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Section 2. The act is amended by adding a section to read:

Section 1634.1. Lawful Election Expenses.—*No candidate, chairman or treasurer of any political committee shall make or agree to make any expenditure or incur any liability except for the following purposes:*

- (1) For printing and traveling expenses and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone and public messenger service.*
- (2) For the rental of radio facilities and amplified systems.*
- (3) For political meetings, demonstrations and conventions and for the pay and transportation of speakers.*
- (4) For the rent, maintenance and furnishing of offices.*
- (5) For the payment of clerks, typewriters, stenographers, janitors and messengers actually employed.*
- (6) For the transportation of electors to and from the polls.*
- (7) For the employment of watchers at primaries and elections to the number and in the amount permitted by this act.*
- (8) For expenses, legal counsel, incurred in good faith in connection with any primary or elections.*
- (9) For contributions to other political committees.*

Section 3. Section 1843 of the act, amended October 4, 1978 (No.171), is amended to read:

Section 1843. Contributions by Corporations or **[Labor Organizations]** *Unincorporated Associations.*—Any corporation or **[labor**

organization, as defined by section 1633] unincorporated association, which shall pay, give or lend or agree to pay, give or lend any money belonging to such corporation or **[labor organization] unincorporated association** or in its custody or control, in violation of the provisions of section 1633, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000). Any director, officer, agent or employe of any corporation or **[labor organization] unincorporated association** who shall on behalf of such corporation or **[labor organization] unincorporated association** pay, give or lend or authorize to be paid, given or lent any money belonging to such corporation or **[labor organization] unincorporated association** or in its custody or control in violation of the provisions of section 1633, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000), or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 4. This act shall take effect in 60 days.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP