

**CAMPAIGN FINANCE LAWS
FREQUENTLY ASKED QUESTIONS
FOR
LOCAL CANDIDATES WITHOUT A COMMITTEE**

A: CANDIDATES REQUIRED TO FILE:

An individual who seeks public office is not required to operate with the assistance of a committee. The Election Code does not prohibit a candidate from receiving contributions or making election expenditures personally without the aid of a committee (25 P.S. § 1622(b)).

1. **CANDIDATES WHO DID NOT EXECUTE WAIVER OF EXPENSE ACCOUNT REPORTING AFFIDAVIT :**

25 P.S. § 3246 directs that **each candidate** for election to public office, who has chosen not to execute the waiver of expense account reporting affidavit found on the nomination petitions (filed in the Bureau of Elections) shall file with the appropriate supervisor reports of receipts and expenditures on forms (Campaign Finance Report DSEB-502), designed by the Secretary of the Commonwealth, if the amount received or expended or liabilities incurred shall exceed the sum of two hundred fifty dollars (\$250.00). Should such an amount not exceed two hundred fifty dollars (\$250.00), then the candidate shall file a sworn statement to that effect with the appropriate supervisor (Campaign Finance Statement DSEB-503).

2. **CANDIDATES WHO EXECUTED WAIVER OF EXPENSE ACCOUNT REPORTING AFFIDAVIT :**

The Pennsylvania Campaign Finance Law (25 P.S. § 3246.1) states instead of filing the reports or statements required in 25 P.S. § 3246, a candidate for local office (county, township, city, borough, school district or magisterial district), who does not form a political committee, may complete the waiver of expense reporting found on the nomination petition (filed with the Bureau of Elections to have your name placed on the primary ballot). If the affidavit is completed correctly the candidate will not have to file the reports or statements unless if in a given reporting cycle the candidate receives contributions or expends funds in excess of two hundred fifty dollars (\$250.00).

Campaign Finance filings supporting local candidates fall under the jurisdiction of the county Bureau of Elections (25 P.S. §3251). All campaign finance related materials must be filed in the Bureau of Elections by the filing deadlines published by the Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation (DOS/BCEL) or must be mailed the day prior to the deadline with properly postmarked envelope.

3. FILING FORMAT FOR CAMPAIGN FINANCE REPORTS/STATEMENTS:

All filings submitted by a candidate must be filed in proper format. Such filings and documents must have proper original signatures and where required proper notarization. For filing of campaign finance reports the affidavit page must be completed in its entirety and have stapled with it all the corresponding pages. Any filing submitted without proper signatures, notary or attachments will be accepted for filing but considered filed with defects and the committee treasurer will be notified of the defects and given 10 days to correct the deficiency or have the committee listed as not in good standing (list will be posted outside the BOE) and any applicable fines and penalties will be imposed.

4. MAILING OF CAMPAIGN FINANCE REPORTS/STATEMENTS (25 P.S. § 3252):

The county Bureau of Elections upon receipt (by United States mail) of any campaign finance reports or statements not filed by the DOS/BCEL published deadline will keep the mailing envelope for indication of the mail date. If the materials were postmarked the day prior to the filing deadline no late fee will be assessed as per the law (25 P.S. §3252), however if the postmark does not indicate mailing by the day prior to the deadline (or before) than late fees will be assessed as per the law (\$20.00 per day for the first six days, and \$10.00 per day after the sixth day until a maximum of \$250.00).

5. HAND DELIVERY OF CAMPAIGN FINANCE REPORTS/STATEMENTS:

The county Bureau of Elections upon hand delivery of any campaign finance reports or statements not filed by the DOS/BCEL published deadline will have the filer complete a Campaign Finance Reporting Log Form to indicate the date the report was filed. The form will be time stamped. The Bureau of Elections will calculate the late fee and will notify the candidate, in writing of the assessed late fees. As per 25 P.S. §3252 the county Bureau of Elections will “receive an overdue report or statement even if any late filing fee due has not been paid but the report or statement shall not be considered filed until all fees have been paid upon the receipt by the supervisor of an overdue report.”

6. 24 HOUR REPORTING (25 P.S. 3248):

“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, and any person making an independent expenditure, as defined by this act, of five hundred dollars (\$500) or more after the final pre-election report has been deemed completed, shall report such contribution, pledge or expenditure to the appropriate supervisor. Such report shall be sent by the candidate, chairman or treasurer of the political committee within twenty-four (24) hours of receipt of the contribution. It shall be the duty of the supervisor to confirm the substance of such report. The report shall be made by telegram, mailgram, overnight mail or facsimile transmission. Any candidate in his own behalf, or chairman, treasurer or candidate in behalf of the political committee may also comply with this section by appearing personally before such supervisor and reporting such late contributions or pledges.”

7. LOCAL CANDIDATE'S AND STATE COMMITTEES: (25 P.S. 3246)
(PA Senate, PA House of Representatives, Governor, Lieutenant Governor,
Judge of Supreme Court, Superior Court & Commonwealth Court)

As a local candidate if you give a contribution of two hundred fifty dollars (\$250.00) or more to a state committee or a state candidate the best practice is to file a campaign finance report with both the Bureau of Elections and the PA DOS/BCEL (you may not need to file such reports if the person the contribution was made to is not on the ballot, however you may wish to consult an independent attorney to review your specific circumstance).

8. WAIVER REQUEST FOR FEES:

All requests for waiver of late fees must be submitted in writing to the Board of Elections. If evidence is brought to the Board of Elections indicating that a report was filed that was not required to be filed as outlined under the election code (25 P.S. § 3246) than the Chief Clerk of the Bureau of Elections will waive assessed fees and report incident to the Board at its next scheduled meeting. Any other such requests for waiver of assessed fines will be presented to the Board for review at the next scheduled Board meeting. If the requestor is not present for the Board's ruling the Chief Clerk will notify them in writing of the Board's decision.

9. OUTSTANDING FEES:

Any candidate assessed fines that have failed after initial notice of imposed fine and two subsequent notices of outstanding fine remains delinquent; the matter will be submitted to the Board of Elections for action. Furthermore, 25 P.S. § 3252 (b) states that "no person shall be deemed elected to a public office under the laws of this Commonwealth or enter upon the duties thereof, or receive any salary or emoluments there from until all of the reports and statements of contributions and expenditures required to be filed by any candidate and treasurers of committees authorized by such candidate and due before the person may take office, have been filed."

10. REPORTS NOT IN GOOD STANDING/DELIQUENT:

Under authority of 25 P.S. §3259 (10) the BOE will "publish a list of all those candidates who have failed to file reports as required by this act within six days of their failure to comply." Such list will be posted outside the BOE and will be compiled biannually.

The above information is only a review of frequently asked questions and does not represent a comprehensive review of the Pennsylvania Campaign Finance laws nor should it serve as a sole source of information for candidates, committees or other interested parties. A copy of the Pennsylvania Campaign Finance Laws is available on the Bureau of Elections website www.co.delaware.pa.us