

CAMPAIGN EXPENSE REPORTING FREQUENTLY ASKED QUESTIONS 2018 CANDIDATES for PUBLIC OFFICE

When am I considered a candidate?

An individual is a candidate if he or she is seeking nomination OR election to public office. See § 1621(a).

An individual is considered to be seeking nomination or election if:

1. The individual receives contributions or makes expenditures, or the individual authorizes one or more committees to receive contributions or make expenditures on his or her behalf

OR

2. The individual takes action to qualify himself or herself for nomination or election. This includes candidates who file nomination petitions or nomination papers, candidates nominated through any method by a political party or political body, AND candidates who are running a “write-in” campaign.

May I personally solicit or accept campaign contributions?

YES. Candidates for the offices of Governor, Lieutenant Governor, Senator in the General Assembly and Representative in the General Assembly may receive contributions and make expenditures on their own behalf. See 25 P.S. § 3246.

Do I have to file anything if I don't plan to receive contributions or spend any money?

Candidates AND their authorized committees MUST file campaign finance reports (Form DSEB-502) if the amount received or expended or liabilities (debts) incurred equal more than \$250. See 25 P.S. § 3246(a).

A candidate and/or the candidate's political committee MUST file a Campaign Finance Statement (Form DSEB-503) in lieu of a Campaign Finance Report, if the amount received or expended or liabilities incurred do NOT EXCEED \$250. See 25 P.S. § 3246(a).

If I form a committee to receive contributions and make expenditures on my behalf, when must the committee register?

The committee must register using the Political Committee Registration Statement (Form DSEB-500) within 20 days after it receives an aggregate amount of \$250 or more.

When am I required to file campaign finance reports?

Both candidates AND their authorized committees are required to file Campaign Finance Reports (Form DSEB-502) or Campaign Finance Statements (Form DSEB-503), if applicable, regardless of whether they have received contributions or made expenditures.

- *Example:* Candidate Jane Smith authorizes a political committee to receive contributions and make expenditures on her behalf, but she doesn't receive any contributions or make any expenditures herself. Candidate Smith's political committee receives contributions totaling \$250. Candidate Smith's committee MUST file a campaign finance report AND candidate Smith MUST file a Campaign Finance Statement.

All candidates and their authorized committee(s) are required to file the Second Friday Pre- and Thirty-Day Post-Primary and Election Reports.

Statewide candidates (Governor and Lt. Governor) and their authorized committee(s) are also required to file Sixth Tuesday Pre-Primary and Sixth Tuesday Pre-Election reports.

If a Candidate loses in the Primary, the candidate and their authorized committee(s) are still required to file a Post-Primary Report. The authorized committee(s) may terminate the committee on the Post-Primary Report. If a termination report filed by the committee(s) of a candidate who lost in the primary is not received before the end of the calendar year, the authorized committee will be required to file an Annual report. To terminate, the committee must mark the termination box on the campaign finance report they are submitting.

If a Candidate wins the Primary, the candidate and their authorized committee(s) MUST file the Pre- and Post-Election reports for the November election. The authorized committee(s) may terminate at the time of their Post-Election Report. If a committee does not terminate, the committee must file an Annual report. To terminate a committee, the committee must mark the termination box on the expense report they are submitting.

A report cannot be marked as a termination report unless and until the committee's ending cash balance is \$0.00 AND the unpaid debts and obligations are \$0.00.

If a PAC, individual or lobbyist contributes to me or my authorized committee, are they required to file?

If a PAC contributes to a candidate or a candidate's authorized committee in the amount of \$250 or more, the PAC is required to file as if they were the candidate or candidate's authorized committee.

- *Example:* PAC ABC gives \$700 to Committee to Elect Smith for Governor on February 2, 2018. Because Smith is running for Governor PAC ABC is required to file the Sixth Tuesday Pre-Primary, Second Friday Pre-Primary and Thirty Day Post-Primary reports.
 - Some Federal PAC's may contribute and wish to terminate after the contribution is made. This can be done if the report submitted is accompanied with a letter stating the PAC will be operating on a Federal level or if the committee's balance is at \$0.00.

An individual who contributes to a candidate or the candidate's authorized committee from his or her own personal funds does not have to report the contribution separately, unless the individual is a lobbyist.

A lobbyist who contributes to a candidate or the candidate's authorized committee(s) in any amount MUST register using the Political Committee Registration Statement (Form DSEB-500) and file a Campaign Finance Report or Campaign Finance Statement.

When must I terminate my authorized committee?

There is no deadline by which your authorized committee must terminate. However, the committee must continue to report unless and until the committee is terminated. At the very least every active committee must file an annual report.

How do I terminate my committee?

The balance must be at \$0.00 and the committee must not have any cash on hand, unpaid debts or late fees owed.

Loans can be forgiven. A letter must be submitted to the Department of State to be placed in the public file listing the amount that is being forgiven and who is forgiving the debt.

To terminate, the committee must mark the termination box on the expense report they are submitting.

May corporations or labor unions contribute to me?

NO. Corporations and labor unions are prohibited from making direct contributions in connection with the election of any candidate. See § 1633(a).

An individual is a candidate if he or she "seeks nomination or **election** to public office." See § 1621(a). The word "election" is defined to include a judicial retention election. See § 1621(c).

What contributions are subject to the 24-Hour Reporting Rule?

Contributions of \$500 or more given to a candidate (appearing on the ballot) or a candidate's authorized committee during the 24-Hour Reporting period are subject to reporting within 24 hours of receipt. The 24-Hour Reporting period is the period beginning on the day after the complete date for the Second Friday Pre-Primary and Pre-Election Reports through the day of the Primary or Election.

These contributions must be reported within 24 hours of the date the contribution is received.

When preparing the Thirty-Day Post-Primary and Election Reports, the same date reported on the 24-Hour Contribution report should be used when reporting the contribution on the post-primary and election reports. You must use the date the contribution was received rather than the date of the check. Failure to correctly record the date of the contribution results in delays when the Department is reconciling 24-Hour Contribution reports with post-election reports. Misreporting may also result in the filer incurring a late fee.

24-Hour Contribution reports can be submitted online or via fax or email using the 24-Hour Reporting Form.

What are the filing requirements when my authorized political committee contributes to another committee?

A contributing candidate committee does not have to report a contribution until the next reporting deadline for the contributing committee, unless the contribution is more than \$250 to a single committee or an aggregate of \$1,000 or more to more than one political committee. If the contributing committee contributes more than \$250 to a single committee or an aggregate of \$1,000 or more to more than one committee, then the contributing committee must report the contribution(s) at the same time the receiving committee is required to report.

The committee receiving the contribution MUST report the amount contributed as a contribution.

- *Example 1:* Candidate Smith's authorized committee for Senator in the General Assembly makes a \$100 contribution to candidate Johnson's committee for County Commissioner and a \$100 contribution to candidate Miller's committee for Judge of the Court of Common Pleas in September prior to the 2019 November election. Because candidate Smith is not running for office until 2020 and the aggregate amount of the two contributions isn't \$1,000 or more, candidate Smith is not required to report the contributions until the 2019 Annual Report is due in January 2020. Candidate Johnson's committee and Candidate Miller's committee MUST each report the contribution received from candidate Smith's committee on the 2019 Second Friday Pre-Election report.
- *Example 2:* Candidate Smith's committee contributes \$300 to candidate Johnson's committee for County Commissioner in April prior to the 2019 Municipal Primary. Though candidate Smith is not running for office in 2019, candidate Smith's committee MUST file the Second Friday Pre-Primary report. The reporting requirements for candidate Johnson's committee do not change.

Where do I file campaign finance reports?

Reports should be sent to both the county election office in which the candidate resides AND the Department of State.

Currently, you can file online or via mail with the Department of State. Faxed reports are not acceptable. Notarized cover pages are still required to be filed with the Department and are due within ten calendar days after the deadline. Failure to submit a notarized cover page within the ten calendar days will result in a late fee being assessed. Please note, reports submitted late online will not be marked as received until the notarized cover page is received in our office.

A report submitted by mail MUST be postmarked no later than the day before the reporting deadline to be considered timely.

What if I file late?

The late 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. See § 1632(a).

Late fees cannot be paid with campaign contributions. The late filing fee is the personal liability of the candidate or treasurer.

Please note that an elected candidate cannot receive her certificate of election until election returns are certified and all candidate and authorized candidate committee reports are duly filed, including the 30-day post-election reports and any unpaid late fees. The Department of State must receive certified election returns and must be able to certify campaign expense compliance for successful candidates before certificates of election can be issued for those candidates. See § 1632(b).