PHILADELPHIA BOARD OF ETHICS  
REGULATION NO. 1 
CAMPAIGN FINANCE 

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**General Counsel’s Notation:**  
The Campaign Finance Law was amended effective May 1, 2019. A summary of the notable changes to the Law is appended to this Regulation. In addition, footnotes in the body of the Regulation indicate the specific provisions affected by the amendment.
SUBPART A. SCOPE; DEFINITIONS

1.0 Scope. The Board promulgates this Regulation pursuant to Philadelphia Home Rule Charter §§ 4-1100 and 8-407 and Philadelphia Code § 20-606(1)(a) to interpret Code Chapter 20-1000.

1.1 Definitions. As used herein, the following words and phrases shall have the meanings indicated.

a. Accounting period. The period from January 1 of the year following the previous election that was held for the City elective office a candidate is seeking through 5:00pm of the day before he or she became a candidate.

b. Agent. An individual who acts at the direction of or is authorized to act on behalf of a candidate, a chair or treasurer of a political committee, or a political committee.

c. Board. The body of members of the Board of Ethics appointed pursuant to Section 3-806 of the Home Rule Charter.

d. Candidate. An individual who (i) files nomination papers or petitions for City elective office, or (ii) publicly announces his or her candidacy for City elective office, including a former candidate who receives post-candidacy contributions or makes post-candidacy expenditures.

e. Candidate’s campaign. A candidate, the candidate’s candidate political committee (or litigation fund committee), or an officer or an agent of any of the foregoing.

f. City elective office. The offices of Mayor, District Attorney, City Controller, Sheriff, City Commissioner, or City Council.

g. Candidate political committee. The one political committee used by a candidate to receive all contributions and make all expenditures as required by Section 20-1003 of the Philadelphia Code.

h. Contribution.

i. Any money, gifts, loans, forgiveness of debts, or things having a monetary value incurred or received by a candidate’s campaign for use in advocating or influencing the election of the candidate;¹

ii. An in-kind contribution, as defined at Paragraph 1.1(q);

iii. Any post-candidacy contribution, as defined at Paragraph 1.1(u); or

iv. Any money, gifts, forgiveness of debts, or loans incurred or received to pay fees and costs incurred in any civil, criminal, or administrative proceeding arising directly out of the conduct of the candidate’s campaign or with respect to a covered election, such as a nomination petition challenge, a recount proceeding, or a Board investigation.

¹ GC Notation: Code § 20-1001(6) expands the definition of contribution to include any money, gifts, loans, etc., received “by a former candidate to retire debt incurred to influence a covered election or to pay costs related to transition or inauguration to City elective office.”
i. **Contributor.** A person or political committee who makes a contribution to a candidate, litigation fund committee, or political committee.

j. **Covered election.** Any primary, general or special election for City elective office.

k. **Electioneering communication.** Any broadcast, cable, radio, print, Internet, or satellite communication (a) that promotes, attacks, supports, or opposes a candidate, or (b) that, within 50 days of a covered election, names, refers to, includes, or depicts a candidate in that covered election; provided that, however, the term shall not include: (i) sponsorship or organization of a candidate debate or forum; or (ii) any news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication, unless the station, newspaper, magazine, or publication is owned or controlled by a candidate, political committee, or political party.

l. **Excess post-candidacy contribution.** The portion of a post-candidacy contribution that, had it been contributed for the purpose of retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office, would have been in excess of the contribution limitations set forth in Subpart B.

m. **Excess pre-candidacy contribution.** The portion of a pre-candidacy contribution to a political committee that, had it been made to a candidate for City elective office, would have been in excess of the contribution limitations set forth in Subpart B.

n. **Expenditure.** The payment, distribution, loan, or advancement of money or things having a monetary value by a candidate, political committee, or other person for the purpose of influencing the outcome of a covered election, including:
   i. For the provision of a service or other valuable thing for the purpose of influencing the outcome of the nomination or election of a candidate;
   ii. For the payment or provision of money or other valuable thing to compensate any person for services rendered to a candidate or candidate political committee;
   iii. For an independent expenditure;
   iv. For an electioneering communication; or
   v. To obtain, defend, or challenge a candidate’s place on the ballot, including payments to workers to circulate nominating petitions.3

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2 GC Notation: Code § 20-1001(8) narrows the definition of electioneering communications to apply only to those that are publicly distributed.

3 GC Notation: Code § 20-1001(10) expands the definition of expenditure to include payments, distributions, etc., “to retire debt incurred to influence the outcome of a covered election or to cover expenses related to transition or inauguration to City elective office . . . .”
o. **Former candidate.** An individual who was a candidate for City elective office becomes a former candidate:
   
i. On the day after a general election, if he or she was unopposed in that election;
   
ii. On the day after a primary election, if he or she concedes that election;
   
iii. When his or her opponent concedes, if he or she was opposed in a general election; or
   
iv. If an election is contested, when that contest is resolved.

p. **Independent expenditure.** An expenditure to influence the outcome of a covered election that is made without the cooperation or consultation of any candidate’s campaign and that is not made in concert with or at the request or suggestion of any candidate’s campaign.

q. **In-kind contribution.**
   
i. The provision of any goods or services directly to a candidate’s campaign without charge or at a charge that is less than the usual and normal charge for such goods or services;
   
ii. The payment or agreement to pay a third party to provide goods or services to a candidate’s candidate political committee, if the goods and services are in fact provided; or
   
iii. Any expenditure that advocates or influences the nomination or election of a candidate that is coordinated with that candidate’s campaign, as provided in Subpart H.

   The term “in-kind contribution” does not include volunteer labor as described in Paragraph 1.10(g).

r. **Litigation fund committee.** The committee established by a candidate to receive contributions and make expenditures solely to pay professional fees and related costs incurred in defense of a civil, criminal, or administrative proceeding arising directly out of the conduct of a candidate’s election campaign or participation in an election, as described in Subpart G.

s. **Person.** An individual, a political committee, a corporation, a partnership, a sole proprietorship, or any other for profit or not-for-profit organization.

t. **Political committee.** Any committee, club, association, political party, or other group of persons, including the candidate political committee of a candidate for office in a covered election, which receives contributions or makes expenditures for the purpose of influencing the outcome of a covered election.
u. **Post-candidacy contribution.** Money, gifts, forgiveness of debts, loans, or things having a monetary value, received by a former candidate or his/her agent for use in retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office.⁴

v. **Post-candidacy expenditure.** An expenditure made by a candidate, former candidate, or candidate political committee to defray the candidate’s cost of transition or inauguration to City elective office or to retire debt that the candidate incurred to: (i) influence the outcome of a covered election; or (ii) cover transition or inauguration expenses.⁵

w. **Pre-candidacy contribution.** A contribution made to a political committee that: (i) has been transferred to, or otherwise becomes available for expenditure by, a candidate for City elective office; and (ii) was made before such candidate became a candidate.

x. **Pre-payment.** A payment made during the accounting period for any thing used or to be used by a candidate’s campaign, including but not limited to: printed or produced campaign materials, such as sample ballots, shirts, signs, flyers, brochures, websites, photographs, audio or video recordings; advertising time or space; office space; or services or labor.

y. **SPEC account.** A segregated pre/post-candidacy excess contribution account, as described in Subpart I.

z. **Sample ballot.** A ballot distributed by a political committee that lists more than one candidate in a specific covered election and recommends that voters vote for the listed candidates.

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⁴ GC Notation: Code § 20-1002(1) & (2) provide that the contribution limits apply to the candidate committee of a former candidate if that committee is carrying debt incurred to influence the outcome of a covered election. Code § 20-1011 permits a candidate or former candidate to establish a transition and inauguration committee to raise and spend money for transition or inauguration to City office. As such, “post-candidacy contribution” is no longer a defined term under the law.

⁵ GC Notation: For the reasons explained in note 4, the term “post-candidacy expenditure” is no longer necessary.
SUBPART B. CONTRIBUTION LIMITS

1.2 Limits on contributions from individuals.
   a. An individual shall not make total contributions per calendar year of more than $3,000 to a candidate for City elective office, including contributions made through one or more political committees.6
   
b. An individual shall not make total contributions per calendar year of more than $3,000, including contributions made through one or more political committees, to a litigation fund committee established as described in Subpart G by a candidate for City elective office.
   
c. An individual shall not make total post-candidacy contributions to a former candidate, including contributions made through one or more political committees, of more than $3,000 between the general election and the end of that calendar year (or, in the case of candidates who do not win nomination, between the primary election and the end of that calendar year), and in each calendar year that follows the year of the general election.7

1.3 Limits on contributions from political committees, partnerships, sole proprietorships, or other forms of business organization.
   a. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total contributions per calendar year of more than $11,900 to a candidate for City elective office, including contributions made through one or more political committees.8
   
b. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total contributions per calendar year of more than $11,900, including contributions made through one or more political committees, to a candidate’s litigation fund committee.9

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6 GC Notation: Pursuant to Code § 20-1002(1), the contribution limits apply to contributions made through other persons as well as to those made directly or through political committees.

7 GC Notation: Pursuant to Code § 20-1002(1), an individual is limited to total contributions of $3,000 per calendar year to the candidate committee of a former candidate for City elective office if that committee is carrying debt incurred to influence the outcome of a covered election. Pursuant to Code § 20-1002(8), if a candidate or former candidate establishes a transition and inauguration committee, an individual is limited to total contributions of $3,000 per calendar year to that committee.

8 GC Notation: Pursuant to Code § 20-1002(2), the limit on contributions from a person other than an individual to a candidate has been increased to $12,000 per calendar year. The limits apply to contributions made through other persons as well as to those made directly or through political committees.

9 GC Notation: Pursuant to Code § 20-1002(2), the limit on contributions from a person other than an individual to a litigation fund committee has been increased to $12,000 per calendar year. The limits apply to contributions made through other persons as well as to those made directly or through political committees.
c. A political committee, partnership, sole proprietorship, or other form of business organization shall not make total post-candidacy contributions to a former candidate, including contributions made through one or more political committees, of more than $11,900 between the general election and the end of that calendar year (or, in the case of candidates who do not win nomination, between the primary election and the end of that calendar year), and in each calendar year that follows the year of the general election.  

10 GC Notation: Pursuant to Code § 20-1002(2), a contributor other than an individual is limited to total contributions of $12,000 per calendar year to the candidate committee of a former candidate for City elective office if that committee is carrying debt incurred to influence the outcome of a covered election. Pursuant to Code § 20-1002(8), if a candidate or former candidate establishes a transition and inauguration committee, a contributor other than an individual is limited to total contributions of $12,000 per calendar year to that committee.

11 GC Notation: Pursuant to Code § 20-1002(2), this $11,900 amount has been increased to $12,000.

d. In order to qualify for the $11,900 contribution limit described in this Paragraph, the finances of a sole proprietorship, partnership, or other form of organization shall be distinct and segregated from the personal finances of its proprietor or partners.

1.4 Contributions made through one or more political committees.

a. For the purposes of this Subpart, a contribution is made through a political committee when:

i. A person or political committee makes a contribution to a political committee and directs, suggests, or requests, whether in a direct, indirect, express, or implied manner, that the recipient political committee use all or part of the contributed money to make an expenditure to support a specific candidate. A determination that such a direction, suggestion, or request was made shall be based upon all the relevant facts and circumstances; or

ii. The contributing person or political committee has provided the majority of the contributions received by the recipient political committee, whether directly or indirectly, in the twelve months prior to the recipient political committee’s expenditure to support the candidate, unless the recipient political committee can demonstrate, based on either a last in/first out or first in/first out accounting method that money from the contributing person or political committee was not used to make the expenditure to the candidate.

b. For the purpose of the contribution limits, a contribution made through a political committee is from both the original contributing person or political committee and the recipient political committee through which the contribution is made. The entire amount of the contribution made through a political committee shall count toward the contribution limits of the original contributing person or political committee, and the entire amount shall also count toward the recipient political committee’s contribution limits.
1.5 Doubling of Contribution Limits.

a. If a candidate for City elective office contributes $250,000 or more of his or her personal resources to his or her candidate political committee, the contribution limits for all candidates for that office shall be doubled for that year and each subsequent year up to and including the year in which the covered election occurs, except as provided in Paragraph 1.5(b).

b. The limits for post-candidacy contributions (Paragraphs 1.2(c) and 1.3(c)) and for contributions to litigation fund committees (Paragraphs 1.2(b) and 1.3(b)) do not double if a candidate contributes $250,000 or more to his or her candidate political committee.12

c. A contribution that exceeds the contribution limits at the time it is accepted by a candidate exceeds the contribution limits described in this Subpart even if the contribution limits subsequently double and the contribution is less than the doubled limits.

d. If a candidate political committee returns, repays, or refunds to a candidate any money the candidate had contributed from his or her personal resources prior to reaching the $250,000 threshold, the returned amount shall not count toward the amount required to trigger doubling of the limits.

e. Once the contribution limits double, they remain doubled even if:

i. The candidate whose contributions from his or her personal resources triggered the doubling ceases to be a candidate; or

ii. After the limits have doubled, a candidate political committee returns, repays, or refunds to the candidate a portion of the money contributed from the candidate’s personal resources.

f. If a candidate contributes $250,000 or more of his or her personal resources to his or her candidate political committee, within two business days he or she shall notify the Board of this fact by postal mail or email sent to the attention of the Board’s Executive Director.

1.6 Candidates, candidate political committees, and litigation fund committees shall not accept any contribution that exceeds the limits set forth in this Subpart. 13

1.7 A pre-candidacy contribution made in the same calendar year that an individual becomes a candidate shall count toward the contribution limits set forth in this Subpart.

1.8 Candidates and contributors shall include the value of in-kind contributions when determining the total amount of contributions made or accepted in a calendar year.

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12 GC Notation: Pursuant to Code § 20-1002(6), the contribution limits for a transition and inauguration committees do not double based on the use of a candidate’s personal resources.

13 GC Notation: Pursuant to Code § 20-1002(12) “No candidate, former candidate, candidate’s candidate political committee, former candidate’s candidate political committee, Litigation Fund Committee or Transition and Inauguration Committee shall accept any contribution which exceeds the contribution limits.”
1.9 If a person or political committee makes an expenditure to a political committee in order that a candidate’s name be placed on a sample ballot, the amount of the expenditure from that person or political committee is a contribution to the candidate and shall count toward the contribution limits set forth in this Subpart, so long as the expenditure is not an independent expenditure.

1.10 Transactions that do not count toward the contribution limits. The following are not subject to the contribution limits set forth in this Subpart:

a. Contributions from a candidate’s personal resources to the candidate’s candidate political committee or to the candidate’s litigation fund committee;\(^{14}\)
b. Contributions from a candidate’s candidate political committee to the candidate’s litigation fund committee;\(^ {15}\)
c. A political committee’s costs to print or distribute a sample ballot where a candidate, person, or another political committee has paid the usual and normal charge to that political committee to have the candidate placed on a sample ballot distributed by that political committee;
d. A political committee’s costs to print or distribute sample ballots that are distributed in a candidate’s ward pursuant to Paragraph 1.32;
e. Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication;
f. Incidental expenditures made by persons other than candidates’ campaigns that are related to internet activity (such as the cost of hardware, software, or internet access) that advocates or influences the election of a candidate; or
g. Volunteer labor provided to a candidate or a political committee.
   i. Volunteer labor is work an individual provides without compensation from any entity or person for the benefit of a candidate. It may, among other things, include:
      (1) Legal or accounting work;
      (2) Entertainment such as a performance by a musical group or DJ; and
      (3) Campaign work such as canvassing, working at a phone bank, or election-day get-out-the-vote activities.
   ii. Volunteer labor does not include the donation to a candidate of:
      (1) Equipment, such as computers, copiers, or printers;
      (2) Resources, such as postage; or
      (3) Materials, such as stationery or campaign literature.

\(^{14}\) GC Notation: Pursuant to Code 20-1002(9), a candidate’s contributions to his or her transition and inauguration committee do not count towards the contribution limits.

\(^{15}\) GC Notation: Pursuant to Code 20-1002(9), contributions from a candidate’s candidate committee to his or her transition and inauguration committee do not count towards the contribution limits.
iii. An individual engaged in volunteer labor may make incidental use of resources without such use being a contribution from the owner of the resource to the candidate for the purposes of the contribution limits. Incidental use does not include the use of resources to reproduce campaign material for public distribution.

SUBPART C. DATE OF ACCEPTANCE OF CONTRIBUTIONS WITH RESPECT TO THE CONTRIBUTION LIMITS

1.11 Except as provided in Paragraphs 1.12, 1.13, and 1.14, the date of acceptance of a contribution is the date that the contribution comes into the possession of a candidate’s campaign. A candidate’s campaign shall not designate as the date a contribution is accepted any date other than the date of acceptance as identified in this Subpart.

1.12 If a contribution is delivered to a mailbox, the date that the contribution is accepted is the date on which the candidate’s campaign finds the contribution in the mailbox.

1.13 If a contribution is made by credit card through a website, the date that the contribution is accepted is the date on which the contributor submits his or her credit card information on the website.

1.14 In-kind contributions.
   a. If a person makes an in-kind contribution by providing goods or services directly to a candidate’s campaign, the date of acceptance of that contribution is the date that the candidate’s campaign receives the goods or services.
   b. If a person makes an in-kind contribution by paying or agreeing to pay a third party to provide goods or services to a candidate’s campaign, the date of acceptance of that contribution is the date the goods or services are provided or the date payment is made, whichever is earlier.

SUBPART D. ATTRIBUTING CONTRIBUTIONS MADE BY CHECK FOR THE PURPOSE OF THE CONTRIBUTION LIMITS

1.15 A contribution made by a check that reflects a joint checking account of two or more individuals shall be attributed to the joint account holder who signs the check. If more than one account holder signs a contribution check, the contribution shall be apportioned evenly between the signers. If an individual other than an account holder signs a contribution check, the contribution shall be attributed evenly among the joint account holders.

1.16 A contribution made by a check drawn on the account of a political committee is a contribution from that political committee.

1.17 A contribution made by check drawn on the account of a partnership, sole proprietorship, or other form of business organization is a contribution from the partnership, sole proprietorship, or other form of business organization, unless other facts demonstrate that the contribution is from the signer of the check.
**SUBPART E. CAMPAIGN FINANCE DISCLOSURES**

1.18 **Electronic filing of campaign finance reports.** Any campaign finance report or statement required by this Subpart shall be electronically filed with the Board and shall be submitted in a format required by the Board. Upon receipt of any filing, the Board shall provide a printable receipt.

Information on how to electronically file a report or statement is available at: [http://www.phila.gov/ethicsboard/campaignfinance/Pages/Filecfinformation.aspx](http://www.phila.gov/ethicsboard/campaignfinance/Pages/Filecfinformation.aspx)

1.19 **Campaign finance reporting schedule.**

<table>
<thead>
<tr>
<th>Cycle</th>
<th>Deadline</th>
<th>Complete As Of</th>
</tr>
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<tbody>
<tr>
<td>Cycle 1</td>
<td>Sixth Tuesday Pre-Primary Election</td>
<td>50 days before the Primary Election</td>
</tr>
<tr>
<td>Cycle 101</td>
<td>Fourth Tuesday Pre-Primary Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 2</td>
<td>Second Friday Pre-Primary Election</td>
<td>The Monday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 201</td>
<td>Final Tuesday Pre-Primary Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 10</td>
<td>24 hour reporting – continuous through day of Primary Election</td>
<td>Starts Second Tuesday Pre-Primary Election</td>
</tr>
<tr>
<td>Cycle 3</td>
<td>30 Day Post-Primary Election</td>
<td>20 days after the Primary Election</td>
</tr>
<tr>
<td>Cycle 4</td>
<td>Sixth Tuesday Pre-General Election</td>
<td>50 days before the General Election</td>
</tr>
<tr>
<td>Cycle 401</td>
<td>Fourth Tuesday Pre-General Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 5</td>
<td>Second Friday Pre-General Election</td>
<td>The Monday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 501</td>
<td>Final Tuesday Pre-General Election</td>
<td>The Sunday preceding the deadline</td>
</tr>
<tr>
<td>Cycle 11</td>
<td>24 hour reporting– continuous through day of General Election</td>
<td>Starts Second Tuesday Pre-General Election</td>
</tr>
<tr>
<td>Cycle 6</td>
<td>30 Day Post-General Election</td>
<td>20 days after the General Election</td>
</tr>
<tr>
<td>Cycle 7</td>
<td>January 31</td>
<td>December 31 of the previous year</td>
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A schedule with the specific reporting deadlines may be found following this Regulation and at [http://www.phila.gov/ethicsboard/campaignfinance/Pages/default.aspx](http://www.phila.gov/ethicsboard/campaignfinance/Pages/default.aspx)

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16 GC Notation: Code § 20-1006(1)(c)(.5) adds two new cycles: Cycle 202 and 502. More information about who must file for those cycles can be found at note 18. The deadlines for those cycles may be found in the schedule following the Regulation.
### 1.20 Required filings for covered City elections.

<table>
<thead>
<tr>
<th>Reporting Cycle</th>
<th>Who must file</th>
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<tbody>
<tr>
<td>Cycle 1</td>
<td>The candidate political committee of a candidate for City elective office, if the committee has made expenditures in the reporting period.</td>
</tr>
<tr>
<td>Cycle 4</td>
<td>A political committee that in the reporting period has made expenditures to influence the outcome of a covered election, including contributions made to a candidate for City elective office or for electioneering communications.</td>
</tr>
<tr>
<td>Cycle 2</td>
<td>The candidate political committee of a candidate for City elective office, if that candidate is required to file for that cycle with the City Commissioners.</td>
</tr>
<tr>
<td>Cycle 3</td>
<td>A candidate for City elective office, if that candidate is required to file for that cycle with the City Commissioners.</td>
</tr>
<tr>
<td>Cycle 5</td>
<td>A political committee, including a political committee of a former candidate, that is required to file for that cycle with the Department of State or City Commissioners if, in the reporting period, the committee:</td>
</tr>
<tr>
<td>Cycle 6</td>
<td>o Has made expenditures or incurred debt to influence the outcome of a covered election, including contributions made to a candidate for City elective office or for electioneering communications.</td>
</tr>
<tr>
<td>Cycle 7</td>
<td>o Is carrying debt incurred to influence the outcome of a covered election or has made expenditures to pay down such debt.</td>
</tr>
<tr>
<td></td>
<td>o Has accepted contributions or made expenditures to pay for transition or inauguration to City elective office or to pay down debt incurred for such transition or inauguration.</td>
</tr>
<tr>
<td>Cycle 101</td>
<td>Any other person, including an individual or a not-for-profit organization, that (1) is required to file a campaign finance report with the City Commissioners or Department of State that discloses expenditures to influence a covered election or, (2) in either Cycle 2 or Cycle 5, makes expenditures of $5,000 or more for electioneering communications, as described at Paragraph 1.21.</td>
</tr>
<tr>
<td>Cycle 201</td>
<td>A political committee or other person, including an individual or a not-for-profit organization, but not a candidate political committee, that, in the reporting period, makes expenditures of $5,000 or more for electioneering communications, as described at Paragraph 1.21.</td>
</tr>
</tbody>
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17 GC Notation: Pursuant to Code § 20-1006(1)(c)(.6), in addition to the filings described above, a person, including an individual or a not-for-profit organization, must file with the Board for Cycle 3 or Cycle 6 if, during that cycle, that person makes expenditures of $5,000 or more for electioneering communications.

18 GC Notation: Code § 20-1006(1)(c)(.5) adds two new cycles: Cycle 202 and Cycle 502, for which a filing must be submitted by a political committee or other person, but not a candidate political committee, that, in the reporting period, makes expenditures of $5,000 or more for electioneering communications.
During the 24 hour reporting period, a candidate political committee that receives contributions or pledges of $500 or more shall electronically file with the Board reports disclosing those contributions or pledges within 24 hours of receipt.

During the 24 hour reporting period, a political committee or other person that makes independent expenditures of $500 or more to influence a covered election (or incurs debts for such expenditures) shall electronically file with the Board reports disclosing those independent expenditures within 24 hours.

1.21 Electioneering communications.

a. Any person required to file a campaign finance report with the Board because it made, or promised to make, electioneering communications of $5,000 or more during a reporting cycle as specified in Paragraph 1.20 shall include all transactions that have not previously been disclosed in a report filed with the Board and that occurred from eight months prior to the election through the “complete as of” date.  

b. If an organization other than a political committee that files a report pursuant to this Paragraph has used funds in segregated accounts to make expenditures for electioneering communications, that organization is only required to disclose sources of contributions that were deposited into the segregated accounts used to make those expenditures.

c. An individual who files a report pursuant to this Paragraph is only required to disclose contributions that he or she receives or solicits in order to fund the expenditures disclosed in the report.

1.22 A litigation fund committee established pursuant to Subpart G shall electronically file with the Board for any reporting cycle for which the committee is required to file with the Department of State or City Commissioners.

19 GC Notation: Pursuant to Code § 20-1006(1)(c):
(i) the disclosure requirements for electioneering communications apply whether the expenditures are made directly or through another person, such as a political committee.
(ii) the date a report is due is now determined by either the date of expenditure for the electioneering communication or the date its dissemination, whichever is earlier.

20 GC Notation: Pursuant to Code § 20-1006(d), a filer other than a registered political committee or an individual, in addition to disclosing all contributions as required by Pennsylvania law, must disclose all donations of $5,000 or more received during the relevant reporting period.

21 GC Notation: Pursuant to Code § 20-1006(1)(a)(2)(iv), a transition and inauguration committee established pursuant to Code § 20-1011 must file a campaign finance report with the Board anytime it is required to file such a report with the City Commissioners or Department of State.
1.23 **Content of campaign finance reports and statements.**

a. A campaign finance report filed with the Board shall disclose all contributions and other receipts received, each expenditure made, any debt incurred during the relevant reporting period, and the cash balance at the beginning and end of the reporting period.

i. For each contribution of more than $50, the report shall disclose the date and amount of the contribution and the contributor’s name and address.

For each contribution of more than $250, the report shall disclose the date and amount of the contribution, the contributor’s name and address, and, in the case of contributions from individuals, the contributor’s occupation, employer, and employer’s address.\(^{22}\)

ii. For each receipt other than a contribution (such as interest income, returned checks, or refunds), the report shall disclose the name and address of the source of the funds and a description of the receipt.

iii. For each expenditure, the report shall disclose the date, amount, and recipient of the expenditure, and the recipient’s address and the purpose of the expenditure.

If the filer has used a credit or charge card to make expenditures, the filer shall disclose and itemize each purchase made with such a card, not merely a lump sum payment.

iv. For each unpaid debt, the report shall disclose the name and address of the creditor, the amount of debt owed, and the date the debt was incurred, as well as a description of the debt.

b. If, during a reporting period, a filer has accepted contributions, made expenditures, or incurred debt of less than $250, the filer may file a statement attesting to that fact in lieu of a full report. The statement shall set forth the filer’s starting and ending balance for the reporting period.

1.24 **Affirmation required for campaign finance filings.** Any candidate, treasurer, or other individual submitting a campaign finance report or statement to the Board shall affirm that the information set forth therein is true and correct. The individual who submits the report or statement shall be liable for civil penalties if it contains any material misstatements or omissions. The affirmation required by this Paragraph shall be submitted as required by the Board.

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\(^{22}\) GC Notation: Pursuant to Code § 20-1006(d), a filer other than a registered political committee or an individual, in addition to disclosing all contributions as required by Pennsylvania law, must disclose all donations of $5,000 or more received during the relevant reporting period.
SUBPART F. USE OF POLITICAL COMMITTEES AND CHECKING ACCOUNTS BY CANDIDATES

1.25 One committee and one checking account.

a. A candidate’s campaign shall use no more than one political committee and one checking account for the City elective office the candidate is seeking. All contributions and post-candidacy contributions for that office shall be deposited into the candidate political committee’s checking account. All expenditures and post-candidacy expenditures for that office shall be made from the candidate political committee’s checking account.²³

b. If a candidate maintains other political or non-political accounts for which contributions are solicited, such funds collected in those accounts shall not be used for the purpose of influencing the outcome of a covered election or to make post-candidacy expenditures.

c. Payment Service Providers.

i. A candidate’s campaign may use a Payment Service Provider (such as PayPal) to accept contributions so long as all such contributions are promptly transferred to the candidate political committee’s checking account.

ii. A candidate’s campaign may use a Payment Service Provider to make expenditures so long as any funds used for such expenditures are drawn directly from the candidate committee’s checking account.

d. Use of savings account. A candidate’s campaign may transfer funds between the candidate political committee’s checking account and a single savings account so long as:

i. The savings account is at the same bank as the checking account;

ii. The candidate deposits all contributions into his or her checking account before transferring such funds to the savings account;

iii. The candidate does not make any expenditures or withdrawals directly from the savings account, but first transfers funds to the checking account in order to make expenditures or withdrawals; and

iv. Within three business days of the establishment of the savings account, the candidate shall notify the Board by postal mail or email sent to the attention of the Board’s Executive Director that he or she has established a savings account.

1.26 Multiple offices sought. If a candidate is running for more than one City elective office simultaneously, he or she shall maintain a separate candidate political committee and checking account for each office being sought.

²³ GC Notation: Pursuant to Code § 20-1003, a former candidate must make all expenditures to retire campaign debt out of his or her candidate committee.
1.27 Requirement to provide information to the Board about a candidate political committee.

a. A candidate who has a candidate political committee when he or she becomes a candidate shall, within three business days of becoming a candidate, notify the Board of the following information:
   i. The committee’s name and street address (other than a P.O. box);
   ii. The name of the bank where the committee’s checking account is established; and
   iii. The name, telephone number, email address, and street address (other than a P.O. box) of the treasurer of the committee.

b. If a candidate does not have a candidate political committee when he or she becomes a candidate, he or she shall notify the Board of this fact within three business days of becoming a candidate and shall provide the Board with his or her street address (other than a P.O. box), telephone number, and email address.

c. If a candidate establishes a candidate political committee after he or she has become a candidate, he or she shall provide the information required by this Paragraph within three business days of the formation of the committee.

d. If the information required by this Paragraph changes, the candidate shall notify the Board of the updated information within three business days of the change occurring.

e. Information required by this Paragraph shall be provided on a form required by the Board and available on the Board’s website at philadelphia.gov/ethicsboard/campaignfinance and shall be sent to the attention of the Board’s Executive Director by postal mail or email.

1.28 Exercising control over another political committee or bank account. Other than the candidate’s designated candidate political committee or a litigation fund committee established pursuant to Subpart G, or a checking account of such committees, a candidate’s campaign shall not exercise control over any political committee or checking account that makes expenditures to influence a covered election.24

For example, a candidate’s campaign may be found to exercise control over a political committee or an account if:

a. The candidate or an agent of the candidate’s campaign is the treasurer or chair of the political committee or a signer on, or authorized user of, the account;

b. The candidate or an agent of the candidate’s campaign established or registered the political committee or account; or

c. The treasurer or chair of the political committee, or a signer on or authorized user of the account, is an employee of the candidate.

24 GC Notation: A candidate or former candidate may also use a transition and inauguration committee established pursuant to Code § 20-1011.
1.29 Other than expenditures made by the candidate’s designated candidate political committee or a litigation fund committee established pursuant to Subpart G, a candidate’s campaign shall not exercise control over an expenditure made to influence a covered election.\(^25\)

For example, a candidate’s campaign may be found to exercise control over an expenditure made to influence a covered election if:

a. The candidate’s campaign provides the money to cover the specific expenditure;

b. The candidate’s campaign selects the recipient of the expenditure; or

c. The candidate’s campaign approves the expenditure or directs that it be made.

1.30 Reimbursed expenditures.

a. A candidate or an agent of a candidate’s campaign shall not use funds held in a personal account to make expenditures for campaign activities, such as payments to vendors or staff, except that a candidate or an agent of a candidate’s campaign may make minor purchases, such as for postage stamps or parking fees, on behalf of the campaign so long as he or she is reimbursed by the candidate political committee within a reasonable amount of time.\(^26\)

b. A candidate’s campaign shall not make expenditures for campaign activities through a vendor’s account, except when incidental to the vendor’s provision of services to the campaign, as required by standard business practice, such as when a campaign uses an advertising agency to create and place advertisements. When a vendor makes expenditures pursuant to the foregoing exception, a candidate’s campaign may reimburse a vendor for such expenditures.\(^27\)

1.31 This Subpart does not prohibit a candidate from maintaining a litigation fund committee as described in Subpart G.\(^28\)

\(^{25}\) GC Notation: A candidate or former candidate may also use a transition and inauguration committee established pursuant to Code § 20-1011.

\(^{26}\) GC Notation: Code § 20-1003(4) provides:

A candidate or an employee or agent of a candidate’s campaign may use personal funds to make purchases for the benefit of the campaign so long as: (i) it is reasonably necessary that such purchases are not made from the candidate committee's checking account; (ii) the campaign reimburses the candidate or employee or agent within 45 days of the purchase; (iii) the reimbursement is disclosed and accurately described in the required campaign finance report; and (iv) the candidate’s campaign maintains documentation of the reimbursement and underlying purchase. A purchase that complies with the foregoing shall not violate Section 20-1003 and shall not count towards the contribution limits set forth at Section 20-1002.

\(^{27}\) GC Notation: Code § 20-1002(15) provides:

A vendor may make expenditures on behalf of a campaign, and such expenditures shall not count against the vendor’s contribution limits and shall not constitute a prohibited expenditure of the campaign, so long as the expenditures are for an expense that is incidental to the contractual provision of services by the vendor to the campaign, consistent with standard business practice; and the campaign promptly reimburses the vendor for the expenditure.

\(^{28}\) GC Notation: A candidate or former candidate may also use a transition and inauguration committee established pursuant to Code § 20-1011.
1.32 This Subpart does not prohibit a candidate from making expenditures through up to one political committee in addition to his or her candidate political committee for the printing and distribution of sample ballots that are distributed in the candidate’s ward. However, all contributions to the candidate for the City elective office being sought shall be made into the candidate’s candidate political committee.

1.33 This Subpart does not prohibit a candidate from paying a political committee to conduct or organize get-out-the-vote activities (such as canvassing and the distribution of campaign literature or sample ballots) as long as:
   a. The recipient political committee offers similar services to other candidates; and
   b. The candidate does not exercise control over the political committee.

1.34 This Subpart does not prohibit a candidate from making a contribution within the contribution limits to his or her candidate political committee from a political committee controlled by the candidate, other than the candidate’s litigation fund committee.

SUBPART G. LITIGATION FUND COMMITTEES

1.35 Litigation fund committee requirements.
   a. In addition to a candidate political committee, a candidate for City elective office may establish a litigation fund committee with a single separate checking account to solicit and receive contributions and make expenditures for the purposes described in Paragraph 1.35(c).
   
   b. The name of a litigation fund committee shall include the term “Litigation Fund.” The committee shall have a treasurer who shall be responsible for keeping records of the committee’s transactions.
   
   c. A candidate shall make expenditures from a litigation fund committee solely to pay professional fees and related costs incurred in defense of a civil, criminal, or administrative proceeding arising directly out of the conduct of the candidate’s election campaign or participation in a covered election, such as a nomination petition challenge, a recount proceeding, or a Board investigation. 29

   d. A candidate shall not make expenditures from a litigation fund committee to pay any judgment, settlement, fine, sanction, or other type of penalty arising out of any civil, criminal, or administrative proceeding.

   e. A candidate may make expenditures from his or her candidate political committee for the purposes described in Paragraph 1.35(c).

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29 GC Notation: Pursuant to Code § 20-1002(9), a candidate or former candidate may not transfer funds to his or her candidate political committee from a litigation fund committee or a transition and inauguration committee.
1.36 Requirement to provide information to the Board about a litigation fund committee.

a. Within three business days of the formation of a litigation fund committee, a candidate shall notify the Board of the following information:
   i. The litigation fund committee’s name and street address (other than a P.O. box);
   ii. The name of the bank where the litigation fund committee’s checking account is established; and
   iii. The name, telephone number, email address, and street address (other than a P.O. box) of the treasurer of the litigation fund committee.

b. If the information required by this Paragraph changes, the candidate shall notify the Board of the updated information within three business days of the change occurring.

c. Information required by this Paragraph shall be provided on a form required by the Board and available on the Board’s website at philadelphia.gov/ethicsboard/campaignfinance and shall be sent to the attention of the Board’s Executive Director by postal mail or email.

1.37 Termination of a litigation fund committee.

a. A litigation fund committee shall be terminated no later than six months after the date of the general election for the office which the candidate sought, except as provided in Paragraph 1.37(b).

b. If six months after the date of the general election any matters are pending for which litigation fund committee funds may be expended, then a litigation fund committee shall be terminated within six months after the conclusion of all such matters, including any appeals.

c. Before a litigation fund committee is terminated, the litigation fund committee’s checking account shall be closed, and any remaining funds shall be returned to contributors according to one of the methods below:
   i. On a “last in, first out” accounting basis;
   ii. On a “first in, first out” accounting basis;
   iii. On a pro-rata accounting basis; or
   iv. On such other equitable basis as may be approved by a majority vote of the Board upon application in writing by a candidate or treasurer of a litigation fund committee by postal mail or email sent to the attention of the Board’s Executive Director at least 40 days prior to the termination deadline.

d. The Board may grant an extension for terminating a litigation fund committee upon application at least 40 days prior to the termination deadline to the Board’s Executive Director in writing that demonstrates good cause for an extension.
SUBPART H. COORDINATED EXPENDITURES

1.38 An expenditure is coordinated with a candidate’s campaign if it is made in cooperation, consultation or concert with the candidate’s campaign, including the following:

a. The expenditure is made at the request or suggestion of the candidate’s campaign;

b. A person suggests making an expenditure and the candidate’s campaign assents to the suggestion;

c. The person making the expenditure communicates with the candidate’s campaign concerning the expenditure before making the expenditure;

d. The candidate’s campaign has solicited funds for or directed funds to the person making the expenditure, but only if the solicitation occurred within the 12 months before the election that the expenditure seeks to influence; or

e. An agent of the candidate’s campaign directs, places, or arranges the expenditure; or

f. The person making the expenditure uses information obtained from the candidate’s campaign to design, prepare, or pay for the specific expenditure at issue, unless the person has obtained that information from a public source or from a communication the candidate made to the general public. This subparagraph does not apply to the republication of campaign communications or materials, which is covered by Paragraph 1.39.

Example for 1.38(f): Philadelphians for Philadelphia PAC establishes a telephone bank to get out the vote for primary voters for Candidate A. Candidate A's campaign gives Philadelphians for Philadelphia a list of telephone numbers of people that contributed to Candidate A's campaign. Philadelphians for Philadelphia organizes the phone bank without any other input from Candidate A and spends $11,900 to set up the phone bank and telephones individuals provided on the list from Candidate A. The $11,900 spent by Philadelphians for Philadelphia is a coordinated expenditure with Candidate A because the PAC used information obtained from Candidate A's campaign for the phone bank. As such, Philadelphians for Philadelphia has made an $11,900 in-kind contribution to Candidate A.

1.39 Republication of campaign communications or materials. For the purposes of the contribution limits, an expenditure made to reproduce, republish, or disseminate a campaign communication (including audio recordings or video footage) or campaign material (such as photographs, flyers, signs, or brochures) prepared by a candidate’s campaign:

a. Shall be considered an in-kind contribution made by the person making the expenditure.

b. Shall be considered an in-kind contribution received by the candidate if the person making the expenditure obtains the communication or materials directly from the candidate’s campaign or from another source with the consent of the candidate’s campaign.
A campaign communication or campaign material is obtained with the candidate’s consent if the candidate provides it to a third party for the purpose of enabling another person to obtain the communication or material from that third party and subsequently republish some or all of it.

c. Shall not be considered an in-kind contribution if:
   i. The communication or material is incorporated into a communication that advocates the defeat of the candidate that prepared the material;
   ii. The item republished is a photograph obtained from a public source that is not controlled by the candidate’s campaign; or
   iii. The person’s expenditures for republication of a candidate’s communications or materials are less than $100 in the aggregate per reporting period.

Example for 1.39(a) and (b): Three weeks before election day, Candidate A’s campaign uploads five minutes of b-roll video footage to her YouTube channel. The political committee Pennsylvanians for a Better Pennsylvania downloads the b-roll footage and uses it to create a television advertisement. The committee spends $100,000 to run the advertisement on three television stations during the week before election day.

Candidate A posted the b-roll footage for the purpose of enabling another person to obtain it. Pennsylvanians for a Better Pennsylvania obtained a campaign communication created by Candidate A’s campaign with the consent of the candidate’s campaign. As such, the committee’s expenditure of $100,000 was coordinated with Candidate A’s campaign and is both an excess in-kind contribution made by the committee and an excess in-kind contribution received by Candidate A.

1.40 An expenditure will not be considered a coordinated expenditure merely because:
   a. The person making the expenditure interviews the candidate;
   b. The person making the expenditure has endorsed the candidate;
   c. The person making the expenditure and the candidate’s campaign use the same vendor, attorney, or accountant;
   d. The person making the expenditure has obtained from the candidate a biography of the candidate or a position paper, press release, or similar material about the candidate; or
   e. The person making the expenditure has invited the candidate to make an appearance before the person’s members, employees, or shareholders.
SUBPART I. EXCESS PRE-CANDIDACY CONTRIBUTIONS; EXCESS POST-CANDIDACY CONTRIBUTIONS\(^{30}\)

**Note**: The following requirements regarding excess pre-candidacy contributions are relevant only if, prior to becoming a candidate for City elective office, an individual accepts contributions in excess of the limits set forth in Subpart B.

1.41 The provisions of this Subpart regarding excess pre-candidacy contributions apply only to contributions received during the accounting period.

**Example**: On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. The accounting period for Candidate A is January 1, 2014 through November 30, 2016. The last Controller election was held in 2013 so January 1, 2014 would be the first day of the year following that election.

1.42 **Prohibited Expenditures.**

a. A candidate or candidate political committee shall not spend any excess pre-candidacy contributions for the purpose of influencing the outcome of a covered election in which he or she is a candidate or for transition or inauguration to City elective office.

b. A former candidate or the political committee of a former candidate shall not spend any excess post-candidacy contributions for the purposes of:

i. Transition or inauguration to City elective office; or

ii. Retiring debt incurred either to influence the outcome of a covered election or for expenses related to transition or inauguration to City elective office.

c. A candidate or candidate political committee shall not transfer excess pre-candidacy contributions to the candidate’s litigation fund committee established pursuant to Subpart G.

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\(^{30}\) GC Notation: Code §§ 20-1002(1) & (2) provide that the contribution limits apply to the candidate committee of a former candidate if that committee is carrying debt incurred to influence the outcome of a covered election. Code § 20-1011 permits a candidate or former candidate to establish a transition and inauguration committee to raise and spend money for transition or inauguration to City office. As such, “post-candidacy contribution” is no longer a defined term under the law.
1.43 Exclusion of excess pre-candidacy contributions upon becoming a candidate.

a. Except as provided in Paragraph 1.44, within ten days after becoming a candidate, a candidate shall exclude all excess pre-candidacy contributions from his or her candidate political committee checking account by one of the following methods:

i. Transferring excess pre-candidacy contributions to a segregated account; or

ii. Returning excess pre-candidacy contributions to their contributors.

b. Calculation of amount to be excluded. A candidate shall determine the amount to be excluded by using one of the following methods:

i. Dollar for dollar calculation. A candidate shall exclude an amount equal to the total amount of excess pre-candidacy contributions received during the accounting period.

Example: On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Mr. B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Ms. C (same). On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. By December 11, 2016, Friends of Candidate A must exclude $1,000 ($500 excess from Mr. B + $500 excess from Ms. C) from its checking account.

ii. Accounting-based calculation. A candidate does not have to exclude any excess pre-candidacy contributions that he or she demonstrates, using either a last in/first out or first in/first out accounting method, were actually spent before becoming a candidate, provided that:

(1) Before accounting for the expenditure of any excess pre-candidacy contributions, an accounting shall be made for the expenditure of the balance of the committee account as it existed on the day before the start of the accounting period; and

(2) Pre-payments that were made by the candidate’s political committee shall not constitute expenditures of excess pre-candidacy contributions using this accounting method.

c. If the amount that the candidate shall exclude from the checking account of his or her candidate political committee exceeds the amount of cash the committee has on hand, the candidate shall use incoming contributions to cover the amount that shall be excluded.

1.44 Pre-candidacy segregation. A candidate does not have to exclude any excess pre-candidacy contributions that, upon receipt, he or she had transferred to a segregated pre-candidacy excess contribution account (“SPEC account”), provided that, if he or she used any funds in a SPEC account for pre-payments, the candidate shall exclude from his or her candidate committee account an amount equal to those pre-payments. Funds transferred into a SPEC account that were not used for pre-payments need not be included in accounting for the exclusion of excess pre-candidacy contributions under either calculation method described in Paragraph 1.43.
Example 1: On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Person B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Person C (same). On November 2, 2016, Candidate A transfers $1,000 from the checking account of the candidate political committee to a SPEC account. On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. Friends of Candidate A has already segregated Person B and Person C's excess contributions and therefore does not need to exclude any other money from its checking account.

Example 2: On November 1, 2016, Friends of Candidate A receives a contribution of $3,500 from Person B ($3,000 within limits, $500 excess) and a contribution of $3,500 from Person C (same). On November 2, 2016, Candidate A transfers $1,000 from the checking account of the candidate political committee to a SPEC account. On November 30, 2016, Candidate A spends $1,000 from the SPEC account on fliers to be used in the upcoming election. On December 1, 2016, Candidate A declares her candidacy for the May 2017 Controller primary election. By December 11, 2016, Friends of Candidate A must exclude $1,000 from its checking account. While Candidate A segregated the $1,000 in excess contributions received from Person B and Person C, she spent $1,000 from the SPEC account on pre-payment expenditures during the accounting period and must therefore exclude an amount equal to those pre-payments from the Friends of Candidate A checking account.

1.45 A candidate shall exclude all excess post-candidacy contributions from his or her candidate political committee checking account by one of the following methods:31

   a. Transferring excess post-candidacy contributions to a SPEC account within ten days of receiving the contributions; or

   b. Returning excess post-candidacy contributions to the contributors who made those contributions within ten days of receiving the contributions.

1.46 A candidate or a candidate political committee shall not use money held in a SPEC account to influence the outcome of a covered election in which the candidate participates or to make post-candidacy expenditures.

1.47 Within seven days of establishing a SPEC account, a candidate shall notify the Board of the name of the bank at which the account was established by postal mail or email sent to the attention of the Board’s Executive Director.

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31 GC Notation: Code §§ 20-1002(1) & (2) provide that the contribution limits apply to the candidate committee of a former candidate if that committee is carrying debt incurred to influence the outcome of a covered election. Code § 20-1011 permits a candidate or former candidate to establish a transition and inauguration committee to raise and spend money for transition or inauguration to City office. As such, “post-candidacy contribution” is no longer a defined term under the law.
SUBPART J. RETIRING DEBT

1.48 Except as provided in Paragraph 1.49, forgiveness of debt incurred to influence the outcome of a covered election or to cover transition or inauguration expenses is a contribution from the creditor to the candidate or former candidate and is subject to the contribution limits set forth in Subpart B.

1.49 If a debt owed by a former candidate is not collectible as defined below, a creditor may forgive the debt without such forgiveness being subject to the contribution limits set forth in Subpart B. A debt is not collectible if all of the following are true:

   a. The creditor billed the candidate for its services in the ordinary course of its business and the terms of the transaction were commercially reasonable;
   
   b. The debt has been outstanding for at least 24 months;
   
   c. The candidate political committee does not have sufficient cash on hand to pay the creditor;
   
   d. Forgiveness of the debt is not prohibited by any other relevant law; and
   
   e. The creditor notifies the Board by postal mail or email sent to the attention of the Board’s Executive Director of its intent to forgive the debt and demonstrates that all the conditions set forth in this Paragraph have been satisfied.

If the creditor has provided all the necessary information, the Executive Director shall present the request to the Board at a public meeting. The Board shall either approve or disapprove the proposed debt forgiveness. The Executive Director shall inform the creditor in writing whether or not the Board has approved the forgiveness of debt. The forgiveness of debt is subject to the post-candidacy reporting requirements set forth in Subpart E.

SUBPART K. PENALTIES

1.50 Acceptance of an excess contribution. A candidate, candidate political committee, or litigation fund committee that accepts a contribution in excess of the limits described in Subpart B shall be subject to a civil monetary penalty of three times the amount by which the accepted contribution exceeded the limit, or $2,000, whichever is less.

1.51 Making an excess contribution. A contributor who makes a contribution in excess of the limits described in Subpart B shall be subject to a civil monetary penalty of three times the amount by which the contribution exceeded the limit, or $2,000, whichever is less.

1.52 Safe harbor if an excess contribution is returned within 15 days. No civil monetary penalty shall be imposed for an excess contribution if the candidate who accepted the excess contribution within fifteen days after receiving the contribution:

   a. Returns the excess amount to the contributor; and

   b. Provides the following information to the Board’s Executive Director by postal mail or email: the amount of the excess contribution, the identity of the contributor, the date of receipt, and the date of return.
1.53 Failure to file campaign finance disclosures. If a political committee fails to file a campaign finance report or statement with the Board as required by Subpart E, the committee and its treasurer shall be jointly and severally subject to a civil monetary penalty of $250. If a candidate fails to file a campaign finance report or statement with the Board as required by Subpart E, the candidate shall be subject to a civil monetary penalty of $250.

Each day the report or statement is not filed shall be considered a separate offense for which an additional separate civil monetary penalty of $250 may be imposed. The total civil penalties that may be imposed for failure to file a particular report or statement shall not exceed $2,000 for the first thirty days the report is not filed, plus $1,000 for each additional thirty-day period or part thereof the report or statement is not filed.

1.54 Material misstatements or omissions. If a campaign finance report filed with the Board contains material misstatements or omissions, the candidate, treasurer, or other individual who filed the report shall be subject to a civil monetary penalty of $1,000 for each such misstatement or omission. If the report is filed on behalf of a political committee, the individual who filed the report and the committee shall be jointly and severally liable.

1.55 Misuse of political committees or accounts. If a candidate’s campaign uses a political committee or account in violation of the requirements set forth in Subpart F or G, the candidate shall be subject to a civil monetary penalty of $1,000.

1.56 Excess pre-candidacy and post-candidacy contributions.32

a. If a candidate or former candidate fails to exclude any excess pre-candidacy or post-candidacy contributions from his or her candidate political committee as required by Subpart I, he or she shall be subject to a civil monetary penalty of $1,000.

b. If a candidate or former candidate spends excess pre-candidacy or post-candidacy contributions in violation of the prohibitions of Subpart I, he or she shall be subject to a civil monetary penalty of $1,000, for which his or her candidate political committee shall be jointly and severally liable if such expenditures were made from that committee.

1.57 Failure to provide committee or account information to Board. If a candidate fails to provide information to the Board about a political committee or account as required by Subpart F, G, or I, he or she shall be subject to a civil monetary penalty of $1,000.

1.58 Other violations of the campaign finance law. All other violations of the campaign finance law are subject to a civil monetary penalty of $1,000 per violation.

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32 GC Notation: Code §§ 20-1002(1) & (2) provide that the contribution limits apply to the candidate committee of a former candidate if that committee is carrying debt incurred to influence the outcome of a covered election. Code § 20-1011 permits a candidate or former candidate to establish a transition and inauguration committee to raise and spend money for transition or inauguration to City office. As such, “post-candidacy contribution” is no longer a defined term under the law.
1.59 Increase or decrease of civil monetary penalty. A penalty imposed pursuant to Paragraph 1.54, 1.55, 1.56, 1.57, or 1.58 shall be increased or decreased as follows:

a. Mitigating factors. The civil monetary penalty of $1,000 shall be reduced by $500 if one of the following mitigating factors is present and shall be reduced by $750 if more than one of the following mitigating factors are present:

i. Good faith effort to comply. The violator is found to have made a good faith effort to comply with the law.

ii. Prompt corrective action. The violator is found to have taken prompt corrective action where corrective action was possible to remedy the violation.

iii. Prompt self-reporting. The violator is found to have reported promptly the violation to the Board of Ethics.

b. Aggravating factors. The civil monetary penalty of $1,000 shall be increased by $1,000 for each of the following aggravating factors that is present, provided that the total civil monetary penalty that may be imposed for one violation shall not exceed $2,000:

i. Intent. The violator is found to have acted knowingly. An act is done knowingly if done voluntarily and intentionally and not because of mistake or accident or other innocent reason.

ii. Repeat violation. The violator previously has been found by the Board of Ethics in an administrative adjudication or by a court of competent jurisdiction to have violated the same provision.

iii. Obstruction of investigation. The violator is found to have obstructed the investigation of the Board of Ethics into the same violation.

Approved for public comment by the Board December 18, 2006
Effective January 17, 2007
Amendment approved by Board August 21, 2007
Effective September 21, 2007

Proposed amendments approved for public comment by Board on July 21, 2010 to expand the Regulation to address the requirements, other than electronic filing, of the City’s campaign finance law, Philadelphia Code Chapter 20-1000, as that law was amended in June 2010. The amendments to Regulation No. 1 completely strike and replace the original text of the regulation and delete the original exhibit.
Public hearing held September 8, 2010
Adopted by Board with modifications September 15, 2010
Effective September 27, 2010

Proposed amendments approved for public comment by Board May 11, 2011 to, among other things, reflect the April 2011 amendment to Philadelphia Code § 20-1002(2).
Public hearing held June 15, 2011
Adopted by Board July 20, 2011
Effective August 11, 2011
Proposed amendments approved for public comment by Board on January 18, 2012 to reflect the City Finance Director’s certification of January 2012 adjustments to the maximum annual contribution limits.
Effective March 2, 2012

Proposed amendments approved for public comment by Board on December 19, 2012
Public hearing held January 23, 2013
Adopted by Board with modifications February 20, 2013
Effective March 8, 2013

Proposed amendments approved for public comment by Board on July 16, 2014
Public hearing held September 17, 2014
Adopted by Board with modifications October 15, 2014
Effective October 31, 2014

Proposed amendments approved for public comment by Board on September 21, 2016
Public hearing held October 19, 2016
Adopted by Board with modifications November 16, 2016
Effective December 2, 2016

**NOTE:** As part of its November 16, 2016 vote to approve a proposed amendment to this Regulation, the Board authorizes staff to update examples set forth in this Regulation from time to time as necessary in order to ensure that they reference current contribution limits, covered elections, and reporting periods.

Proposed amendments approved for public comment by Board on September 12, 2018
Public hearing held October 17, 2018
Adopted by Board with modifications: November 28, 2018
Effective: December 10, 2018

**General Counsel’s Notation:** Footnotes added to identify changes made to City’s Campaign Finance Law by amendment that went into effect on May 1, 2019.
<table>
<thead>
<tr>
<th>Cycle</th>
<th>Name of Report</th>
<th>Complete As Of</th>
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<tbody>
<tr>
<td>Cycle 1</td>
<td>Sixth Tuesday Pre-Primary</td>
<td>April 1, 2019</td>
<td>April 9, 2019</td>
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<tr>
<td>Cycle 101</td>
<td>Fourth Tuesday Pre-Primary</td>
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<td>Cycle 2</td>
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<tr>
<td>Cycle 10</td>
<td>24 hour reporting</td>
<td>Start May 7, 2019</td>
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<td>Cycle 201</td>
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<td>Cycle 202</td>
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<td>Thirty Day Post- Election</td>
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<td>Cycle 7</td>
<td>Annual Report</td>
<td>December 31, 2019</td>
<td>January 31, 2020</td>
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On May 1, 2019, Mayor Kenney signed into law an amendment to Philadelphia’s Campaign Finance Law that strengthens public disclosure of money spent to influence City elections and implements other improvements to the Law. This summary does not include every change made through the amendment, and is not intended to replace a careful reading of the full amendment as enacted. A copy of the amendment is attached to this alert.

Philadelphia’s Campaign Finance Law covers elections for the offices of Mayor, District Attorney, City Controller, City Council, City Commissioner, and Sheriff. The Board of Ethics is responsible for administering, enforcing, and providing guidance on the City’s Campaign Finance Law. If you have questions about the changes to the Campaign Finance Law, please contact us at 215-686-9450 or at campaign.finance@phila.gov. You can find additional information on our [website](#).

**NOTABLE CHANGES**

- **Enhanced disclosure of expenditures for electioneering communications**
  
  i. If a non-profit or other person (but not a candidate committee) makes electioneering communication expenditures of $5,000 or more during the time period of May 13 through May 15, 2019, that non-profit or person must file a campaign finance report with the Board on May 17, 2019. If the non-profit or person makes such expenditures during the time period of May 16 through May 21, 2019, then the non-profit or person must file a campaign finance report with the Board by June 20, 2019. *See Code § 20-1006(1)(c)(.5) & (.6)*
  
  ii. The date a report is due is now determined by either the date of expenditure for the electioneering communication or the date of its dissemination, whichever is earlier. *See Code § 20-1006(1)(c)*
  
  iii. The disclosure requirements only apply to publicly-distributed electioneering communications, not, for example, to internal communications of a labor union, corporation, or association. *See Code § 20-1001(8)*
  
  iv. The disclosure requirements related to electioneering communications apply whether the expenditures are made directly or through another person, such as a political committee. *See Code § 20-1006(1)(c)*
  
  v. In addition to disclosing all contributions as required by the PA Election Code, a filer other than a political committee or an individual must disclose all donations of $5,000 or more received during the relevant reporting period. *See Code § 20-1006(1)(d)*

CITY OF PHILADELPHIA
BOARD OF ETHICS

RECENT AMENDMENT TO
PHILADELPHIA’S CAMPAIGN FINANCE LAW
Changes to contribution limits.

i. The limit for contributions from persons other than individuals has increased from $11,900 to $12,000 per calendar year. *See Code § 20-1002(2)*

ii. The contribution limits apply to contributions made through other persons as well as to those made directly or through political committees. *See Code § 20-1002(1) & (2)*

iii. The limit on aggregate PAC contributions in non-election years (formerly Code § 20-1002(3)) was removed from the Law.

Fundraising for transition/inauguration to office; post-candidacy contributions

i. Candidates (or former candidates) may now establish a separate committee to raise money for transition or inauguration to office. In addition to contributions accepted into his or her candidate committee, a candidate may accept contributions to a transition and inauguration committee of up to $3,000 per individual per year and $12,000 per person other than an individual per year. *See Code §§ 20-1002(8) & 20-1011*

ii. A former candidate must make all expenditures to retire campaign debt out of his or her candidate committee. So long as the committee is carrying campaign debt, any contributions to that committee are subject to the annual contribution limits. *See Code §§ 20-1001(6), 20-1002(1), & 20-1003*

Reimbursed expenditures

i. A candidate or an employee or agent of a candidate’s campaign may use personal funds to make purchases for the benefit of the campaign so long as:
   a. it is reasonably necessary that such purchases are not made from the candidate committee's checking account;
   b. the campaign reimburses the candidate or employee or agent within 45 days of the purchase;
   c. the reimbursement is disclosed and accurately described in the required campaign finance report; and
   d. the candidate’s campaign maintains documentation of the reimbursement and underlying purchase. 
   *See Code § 20-1003(4)*

ii. A campaign may reimburse a vendor for expenses that are incidental to the contractual provision of services by the vendor to the campaign, consistent with standard business practice so long as the reimbursement is prompt. *See Code § 20-1002(15)*
BILL NO. 190083-A  
(As Amended on Floor 4/11/2019)  

Introduced February 7, 2019  

Councilmember Green  

Referred to the  
Committee on Law and Government  

AN ORDINANCE  

Amending Chapter 20-1000 of The Philadelphia Code, entitled “Political Contributions and Expenditures,” to add and make changes to provisions regarding campaign contributions; contributions to transition and inauguration committees; and campaign finance disclosures; and making technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1.  Chapter 20-1000 of The Philadelphia Code is amended to read as follows:

CHAPTER 20-1000.  POLITICAL CONTRIBUTIONS AND EXPENDITURES


For purposes of this Chapter, the following definitions shall apply:

* * * * * 

(6)  Contribution. Money, gifts, forgiveness of debts, loans, or things having a monetary value incurred or received by a candidate or his/her agent for use in advocating or influencing the election of the candidate or by a former candidate to retire debt incurred to influence a covered election or to pay costs related to transition or inauguration to City elective office.

* * * * *
[(8) Election Reform Board. A nonpartisan, non-governmental entity to be created that will execute and monitor voluntary contracts for expenditure limitations and will include representation from the League of Women Voters of Philadelphia and/or the Committee of Seventy.]

[(8.1) (8) Electioneering communication. Any publicly distributed broadcast, cable, radio, print, Internet, or satellite communication (a) that promotes, attacks, supports, or opposes a candidate, or (b) that, within 50 days of a covered election, names, refers to, includes, or depicts a candidate in that covered election. The term shall not include: (i) sponsorship or organization of a candidate debate or forum; (ii) any news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication, unless the station, newspaper, magazine, or publication is owned or controlled by a candidate, political committee, or political party.

* * *

[(10) Excess post-candidacy contributions. The amount of money, gifts, forgiveness of debts, loans, or things having a monetary value, contributed by a person or committee to particular political committee that, had it been contributed for the purpose of retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office, would have been in excess of the contribution limitations set forth in subsections 20-1002(4) or 20-1002(5).]

[(11) (10) Expenditure.

(a) The payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of a covered election or to retire debt incurred to influence the outcome of a covered election or to cover expenses related to transition or inauguration to City elective office, including any expenditure for an electioneering communication;

[(12) (11) Person ***

[(13) (12) Political Committee ***

[(14) Post-candidacy contribution. Money, gifts, forgiveness of debts, loans, or things having a monetary value, received by a former candidate or his/her agent for use in retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office.]

[(15) (13) Pre-candidacy contribution. ***

[(16) (14) Sample Ballot. ***}
§ 20-1002. Contribution Limitations.

(1) Except as otherwise provided in [subsection (9)] this Section 20-1002, no individual shall make total contributions per calendar year, including contributions made to or through one or more political committees or persons, of more than [two thousand five hundred dollars ($2,500)] $3,000, cumulatively, to (a) a candidate for City elective office, or (b) to the candidate committee of a former candidate for City elective office if that committee is carrying debt incurred to influence the outcome of a covered election.

(2) Except as otherwise provided in [subsection (9)] this Section 20-1002, no person, other than individuals who are covered under § 20-1002(1), and no political committee shall make total contributions per calendar year, including contributions made to or through one or more political committees or persons, of more than [ten thousand dollars ($10,000)] $12,000, cumulatively, to (a) a candidate for City elective office, or (b) to the candidate committee of a former candidate for City elective office if that committee is carrying debt incurred to influence the outcome of a covered election.

(3) During those calendar years in which a covered election is not occurring, candidates shall be limited in receiving political committee contributions as follows:

(i) candidates for Mayor may receive political committee contributions totaling no more than two hundred fifty thousand dollars ($250,000) per year;

(ii) candidates for District Attorney and City Controller may receive political committee contributions totaling no more than one hundred thousand dollars ($100,000) per year;

(iii) candidates for City Council, Sheriff and City Commissioner may receive political committee contributions totaling no more than seventy-five thousand dollars ($75,000) per year.

(4) During the interval between such general election (or primary election, with respect to candidates who were not nominated) and the end of the calendar year in which the general election occurred, and in each calendar year thereafter, no individual shall make total post-candidacy contributions, including contributions made to or through one or more political committees, of more than two thousand six hundred dollars ($2,600).

(5) During the interval between such general election (or primary election, with respect to candidates who were not nominated) and the end of the calendar year in which the general election occurred, and in each calendar year thereafter, no person, other than an individual covered under § 20-1002(4), political committee shall make post-candidacy contributions, including contributions made to or through one or more political committees, of more than ten thousand six hundred dollars ($10,600).]
[6] (3) No candidate or candidate political committee may spend any excess pre-candidacy contributions for the purpose of influencing the outcome of a covered election in which he or she is a candidate.

[7] (4) No candidate or candidate political committee may spend any excess pre-candidacy contributions [or excess post-candidacy contributions] for the purposes of:

(a) transition or inauguration expenses; or

(b) retiring debt that was incurred to (i) influence the outcome of an already completed covered election; or (ii) cover transition or inauguration expenses related to an already completed covered election.

[8] (5) A pre-candidacy contribution made in the same calendar year that a person becomes a candidate shall count toward the limitations on contributions set forth in paragraphs (1) and (2).

[9] (6) The limitations imposed by subsections 20-1002(1) and (2) [this Chapter] shall not apply to contributions from a candidate's personal resources to the candidate's candidate political committee. However, if such contributions total $250,000 or more (regardless of the time period over which such contributions are made), then the contribution limits set forth in [this Section for that City elective office for that City elective office, other than those in subsections (4) and (5) above,] subsections 20-1002(1) & (2) above shall double with respect to candidates for that City elective office. The contribution limits set forth in subsections 20-1002(7) and 20-1002(8) below shall not double based on such a contribution of personal resources.

(7) Notwithstanding the limits set forth in subsections 20-1002(1) & (2), if a candidate establishes a Litigation Fund Committee pursuant to § 20-1009:

(a) an individual may make contributions to that committee of up to, but not in excess of, $3,000 per calendar year, including contributions made through one or more political committees or persons; and

(b) a person other than an individual may make contributions to that committee of up to, but not in excess of, $12,000 per calendar year, including contributions made through one or more political committees or persons.

(8) Notwithstanding the limits set forth in subsections 20-1002(1) & (2), if a candidate or former candidate establishes a Transition and Inauguration Committee pursuant to § 20-1011:
(a) an individual may make contributions to that committee of up to, but not in excess of, $3,000 per calendar year, including contributions made through one or more political committees or persons; and

(b) a person other than an individual may make contributions to that committee of up to, but not in excess of, $12,000 per calendar year, including contributions made through one or more political committees or persons.

(9) The limitations imposed by subsections 20-1002(7) & (8) shall not apply to contributions from a candidate's personal resources or from a candidate's candidate political committee. A candidate or former candidate shall not transfer funds to his or her candidate political committee from a Litigation Fund Committee or a Transition and Inauguration Committee.

(10) The limitations imposed by this subsection shall not apply to volunteer labor.

(11) On January 1, [2008] 2020, and on January 1 every four years thereafter, the maximum amounts set forth in this § 20-1002 [(1), (2), (4), and (5)] shall be adjusted, as follows. On the December 15 immediately preceding the adjustment, the Finance Director shall calculate the "CPI Multiplier" by dividing the average consumer price index for Philadelphia during the then-current calendar year by the average consumer price index for Philadelphia during calendar year [2005] 2016. To determine the average consumer price index for Philadelphia, the Finance Director shall use the latest available figures for the Consumer Price Index for all urban Consumers (CPI-U) All Items Index, Philadelphia, Pennsylvania, as measured by the United States Department of Labor, Bureau of Labor Statistics. After calculating the CPI Multiplier, the Finance Director shall calculate the new maximum amounts as follows:

[(i)] (a) The maximum amounts for purposes of §§ subsections 20-1002(1), (7)(a), & (8)(a) shall equal $3,000 [$2,500], multiplied by the CPI Multiplier, rounded to the nearest $100.

[(ii)] (b) The maximum amounts for purposes of §§ subsections 20-1002(2), (7)(b), & (8)(b) shall equal $12,000 [$10,000], multiplied by the CPI Multiplier, rounded to the nearest $100.

[(iii) The maximum amount for purposes of § 20-1002(4) shall equal $2,500, multiplied by the CPI Multiplier, rounded to the nearest $100.]

[(iv) The maximum amount for purposes of § 20-1002(5) shall equal $10,000, multiplied by the CPI Multiplier, rounded to the nearest $100.]

The Finance Director shall certify the new maximum amounts in writing to the Mayor, the City Council President, the Chief Clerk of Council, and the Board of Ethics.
(12) No candidate, former candidate, candidate’s candidate political committee, former
candidate’s candidate political committee, Litigation Fund Committee or Transition and
Inauguration Committee shall accept any contribution [or post-candidacy contribution] which
exceeds the contribution limits set forth in this Chapter.

* * *

(15) A vendor may make expenditures on behalf of a campaign, and such expenditures
shall not count against the vendor’s contribution limits and shall not constitute a prohibited
expenditure of the campaign, so long as the expenditures are for an expense that is incidental to
the contractual provision of services by the vendor to the campaign, consistent with standard
business practice; and the campaign promptly reimburses the vendor for the expenditure.

§ 20-1003. Candidate Political Committee Accounts.

(1) Candidate Political Committee Account. A candidate for City elective office shall
have no more than one political committee and one checking account for the City office being
sought, into which all contributions [and post-candidacy contributions for such office] shall be
made, and out of which all expenditures for that office shall be made, including expenditures for
retiring debt incurred to influence the outcome of a covered election [and for transition or
inauguration to that office. If the candidate for office maintains other political or non-political
accounts for which contributions are solicited, such funds collected in these accounts shall not be
used for the purpose of influencing the outcome of a covered election, or to retire debt that was
incurred to influence the outcome of a covered election [, or to cover transition or inauguration
expenses]. The restrictions of the subsection shall not apply to a Litigation Fund Committee
established pursuant to § 20-1009 or a Transition and Inauguration Committee established
pursuant to § 20-1011.

(2) It shall not be a violation of this section for a candidate for City elective office who is
a ward leader to make expenditures through his or her ward's political committee for the printing
or distribution of sample ballots where such sample ballots list the candidate as one of the
endorsed candidates either of the candidate's party or of the candidate's ward.

(3) Upon formation of a candidate political committee, the candidate immediately shall
file with the Board of Ethics a statement identifying:

* * *

(4) A candidate or an employee or agent of a candidate’s campaign may use personal
funds to make purchases for the benefit of the campaign so long as:
(i) it is reasonably necessary that such purchases are not made from the candidate committee's checking account;

(ii) the campaign reimburses the candidate or employee or agent within 45 days of the purchase;

(iii) the reimbursement is disclosed and accurately described in the required campaign finance report; and

(iv) the candidate’s campaign maintains documentation of the reimbursement and underlying purchase. A purchase that complies with the foregoing shall not violate Section 20-1003 and shall not count towards the contribution limits set forth at Section 20-1002.

§ 20-1004. [Candidate Expenditure Limitations.] Reserved.

[(1) Expenditure Contract.

(a) Effective for the elections for District Attorney and City Controller in the year 2005, and Mayor, Register of Wills, Sheriff, City Commissioner and City Council in the year 2007 and thereafter, a candidate seeking election to any of said offices may sign a contract with the Election Reform Board to abide by limitations on expenditures.

(b) The expenditure contract for a particular covered election may be signed by an individual candidate no later than the last date upon which such individual may withdraw as an official candidate in said election.

(c) A candidate may sign an expenditure contract limiting his/her overall expenditures as specified in § 20-1004(2).

(2) Expenditure Limitations. A candidate who signs an expenditure contract in accordance with this Chapter shall not make expenditures per covered election in excess of the following amounts:

Mayor $2,000,000
District Attorney $500,000
City Controller $500,000
City Council $250,000
Register of Wills $250,000
Sheriff $250,000
City Commissioner $250,000]

(1) (a) Electronic Filings Required.

(.2) Any time any [person or] political committee, treasurer of a political committee, or other person is required by the Pennsylvania Election Code to file a campaign finance report [or statement] with the City Commissioners or the Secretary of State [and that report or statement discloses, or is required to disclose, any expenditures or any debt incurred to influence the outcome of a covered election, the person or political committee shall file a copy of the report or statement with the Board of Ethics in a digital electronic format prescribed by the Board no later than the state law due date.] , that person, treasurer, or political committee shall file a copy of that report with the Board of Ethics if the report discloses or is required to disclose any:

   (i) expenditures made or debt incurred to influence the outcome of a covered election;

   (ii) contributions to or expenditures by the candidate political committee of a former candidate that is carrying debt incurred to influence the outcome of a covered election;

   (iii) contributions to or expenditures by a Litigation Fund Committee established pursuant to § 20-1009; or

   (iv) contributions to or expenditures by a Transition and Inauguration Committee established pursuant to § 20-1011.

Any report required to be filed pursuant to this subsection 20-1006(1)(a)(.2) shall be filed no later than the state law due date for filing the report, and shall be filed in a digital electronic format determined by the Board.

(c) In addition to any filing required by subsection (a) or (b), any person, including a not-for-profit organization or political committee, other than a candidate political committee, that on or before any report due date set forth below, [spends or promises to pay in the aggregate] whether directly or through another person, makes or promises to make expenditures of $5,000 or more in the aggregate for one or more electioneering communications that are published or to be published within fifty (50) days of a covered election shall file a report with the Board of
Ethics in a digital electronic format setting forth all transactions covered by subsection (d) below that occurred more than twenty-four hours before the report due date, but less than eight months prior to the election, and that have not previously been disclosed in a report filed with the Board of Ethics. If the date of dissemination of the electioneering communication precedes the date of the expenditure for it, then the date of dissemination shall be used to determine the due date of the report. Such reports shall be due (unless the same person is required to file a report under subsection (a) or (b) on the same date):

(.1) on the sixth Tuesday before a covered election;

(.2) on the fourth Tuesday before a covered election;

(.3) on the second Friday before a covered election; [and]

(.4) on the Tuesday immediately before a covered election;

(.5) on the Friday immediately before a covered election; and

(.6) for any covered electioneering communication expenditures made after the last expenditure reported under subsection 20-1006(1)(c)(.5) above, by the 30th day after a covered election.

(d) A report filed pursuant to subsection (b) or (c) shall be in the format required by the Board of Ethics and shall contain all information required by section 1626(b) of the Pennsylvania Election Code, 25 P.S. § 3246(b). In addition to disclosing all contributions as required by section 1626(b) of the Pennsylvania Election Code, 25 P.S. § 3246(b), a filer who is not a registered political committee or an individual shall also disclose all other donations of $5,000 or more received during the relevant reporting period.

* * * *

[(f) Former candidates and treasurers of political committees shall file reports of post-candidacy contributions and expenditures made to retire debt or for inauguration and transition expenses in such form and detail and on such schedule as the Board of Ethics requires by regulation.]

[(g)] (f) ** *

* * * *

[§ 20-1010. Limits on Contributions to a Litigation Fund.]
(a) No person shall make a contribution to a litigation fund in excess of the limits set forth in § 20-1002 and no candidate or litigation fund committee shall solicit or accept a contribution in excess of such limits, provided, however, that when a candidate makes contributions of $250,000 or more from his or her personal resources to his or her candidate political committee, the limits set forth in § 20-1002 shall not double with respect to contributions to a litigation fund.

(b) The limit on contributions to a litigation fund shall be separate from and in addition to the limit on campaign contributions set forth in § 20-1002, so that a contribution to a litigation fund shall not count toward the campaign contribution limits set forth in § 20-1002.

(c) The limitations imposed by this Chapter shall not apply to contributions to a litigation fund from a candidate's personal resources or from a candidate's candidate political committee, provided, however, that a candidate may not transfer excess pre-candidacy contributions to his or her litigation fund.

§ 20-1011. Reporting.

(a) A litigation fund committee shall file reports of contributions and expenditures in such detail and on such schedule as is prescribed by law for the reporting of contributions to and expenditures by a candidate's political committee.

(b) The reports required by this Section shall be filed with the Board of Ethics in an electronic format mandated by the Board of Ethics, and shall be accompanied by a written statement, signed by the person making the filing, that subscribes and swears to the information set forth in such filing. Upon receipt of such filing, the Board of Ethics shall issue a written receipt to the person making the filing.

(c) The Board of Ethics shall provide for the publication of all reports filed under this Section in the same manner and on the same timetable it provides for publishing of campaign finance reports under § 20-1006.

§ 20-1012. Required Termination of a Litigation Fund Committee.

(a) A candidate or person elected to City office shall use a political committee that is separate from his or her candidate political committee to solicit and receive contributions for transition or inauguration into City elective office. The name of such committee shall contain the terms “Transition” and “Inauguration.”
(b) Funds held by a Transition and Inauguration Committee may only be used to pay costs incurred for the transition or inauguration into City elective office of the elected person.

(c) A candidate or person elected to City office shall use only one committee and one checking account to receive and expend funds for expenses of his or her transition or inauguration into City elective office, except that nothing shall prohibit a former candidate from transferring money raised while a candidate from the elected person’s candidate political committee to his or her Transition and Inauguration Committee. The Board of Ethics shall require a candidate or person elected to City office to provide the Board with such information as the Board deems necessary to identify the candidate's transition and inauguration committee and checking account, within three business days of formation of the committee.

(d) Each Transition and Inauguration Committee shall have a treasurer who shall be responsible for keeping records of contributions and expenditures to the same extent and in the same detail that records of contributions and expenditures must be kept by a candidate's political committee pursuant to this Chapter and applicable State law.

(e) A Transition and Inauguration Committee must be terminated, including closure of the committee checking account, no later than six months after the date of the former candidate’s inauguration to City office. Before a Transition and Inauguration Committee is terminated, any remaining funds shall be returned to contributors on either a "last in, first out" or "first in, first out" accounting basis, or on such other equitable basis as may be approved by the Board of Ethics. The Board of Ethics may for good cause shown extend the deadline for termination of a Transition and Inauguration Committee.

* * *

SECTION 2. This Ordinance shall be effective immediately.
City of Philadelphia

BILL NO. 190083-A, as amended continued