

INDEPENDENT REGULATORY REVIEW COMMISSION

ORDER

Commissioners Voting:

Public Meeting Held September 11, 2024

George D. Bedwick, Chairman

John F. Mizner, Esq., Vice Chairman

John J. Soroko, Esq.

Murray Ufberg, Esq.

Dennis A. Watson, Esq.

4 Pa. Code

Department of State

Campaign Finance Reports Filed on Diskettes

The House State Government Committee (Committee) submitted a letter to the Independent Regulatory Review Commission (Commission) requesting review under Section 8.1 of the Regulatory Review Act (RRA) (71 P.S. § 745.8a) of regulations of the Pennsylvania Department of State (Department) in 4 Pa. Code (relating to Administration). The Committee provided three categories of concern: Committee substantive concerns, repealed regulations, and requests for additional information that is not on IRRC's website. The Committee's substantive concerns were raised in the following regulations:

- **IRRC # 2100 (#16-22) *Campaign Finance Reports Filed on Diskettes; and***
- **IRRC #2407 (#16-33) *Fees for Notary Service.***

This Order addresses IRRC #2100, which updated references to the official Campaign Finance Reporting Forms and added a provision for reports to be filed on diskette. This regulation was approved by the Commission in 2000 and can be found in 4 Pa. Code Chapter 177 (*Reports by Candidates, Political Committees and other Persons*). The Committee stated this regulation may be outdated by requiring the filing of campaign fliers on diskettes. The requirement provides:

The Department also accepts campaign finance reports on diskette in lieu of a paper report as long as it meets the technical specifications of the Department and is accompanied by a cover page and signed affidavit. This information can be obtained by accessing the Department's website at www.dos.state.pa.us or contacting the Bureau at (717) 787-5280. Act 73 of 2013, as amended in 2016 Act 73 of 2013, as amended in 2016.

4 Pa. Code § 177.9(d).

The Department agreed this requirement is outdated and stated it will explore future revisions as it continues its review of the campaign finance regulations. This Commission also notes that the requirement is inconsistent with the Department guidance on its website, which allows reports to be filed online.

Based upon this Commission's review of this regulation, information provided by the Department, and concerns raised by the Committee, we find the regulation is no longer in the public interest under the RRA criteria of reasonableness, need, and comments by the Committee. *See* 71 P.S. § 745.5. We recommend the Department revise 4 Pa. Code § 177.9(d) to align with current technologies and practices.



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George D. Bedwick, Chairman

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Fees for Notary Services

The House State Government Committee (Committee) submitted a letter to the Independent Regulatory Review Commission (Commission) requesting review under Section 8.1 of the Regulatory Review Act (RRA) (71 P.S. § 745.8a) of regulations of the Pennsylvania Department of State (Department) in 4 Pa. Code (relating to Administration). The Committee provided three categories of concern: Committee substantive concerns, repealed regulations, and requests for additional information that is not on IRRC's website. The Committee's substantive concerns were raised in the following regulations:

- IRRC # 2100 (#16-22) *Campaign Finance Reports Filed on Diskettes; and*
- **IRRC #2407 (#16-33) *Fees for Notary Service.***

This Order addresses IRRC #2407, which provided for notary service fees. This regulation was effective in 2005. Since that time, Act 97 of 2020 (Act 97) was passed to provide "for authority to perform notarial act, providing for notarial act performed for remotely located individual and further providing for notification regarding performance of notarial act on electronic record and selection of technology." The Committee expressed concern that this regulation is outdated and does not "account for the implementation and impact of the enactment of remote notarization" in Act 97.

The Department acknowledges this regulation should be updated to implement Act 97, as well as Act 73 of 2013, as amended in 2016, also known as the Revised Uniform Law on Notarial Acts (RULONA). The Department explains it is in the process of addressing these issues and that future RULONA regulations will repeal and replace the content of IRRC #2407.

Based upon this Commission's review of this regulation, information provided by the Department, and concerns raised by the Committee, we find the regulation is no longer in the public interest

under the RRA criteria of legislative intent, economic impact, reasonableness, need, and comments by the Committee. 8 *See* 71 P.S. § 745.5. We recommend the Department revise or repeal this regulation to align with current state law.



A handwritten signature in black ink, appearing to read "George D. Bedwick". The signature is written in a cursive style with a horizontal line underneath.

George D. Bedwick, Chairman