

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2320 Session of 2015

INTRODUCED BY ENGLISH, KOTIK, SCHLOSSBERG, MILLARD, HELM,
DIAMOND, SAINATO, ROZZI, BOBACK AND DeLUCA, SEPTEMBER 9, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 9, 2016

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," in primary and election expenses, further
12 providing for advertising.

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

15 Section 1. Section 1638(a) of the act of June 3, 1937
16 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
17 amended by adding a clause to read:

18 Section 1638. Advertising.--

19 (a) Whenever any person makes an expenditure for the purpose
20 of financing communications expressly advocating the election or
21 defeat of a candidate, or ballot questions, through any
22 broadcasting station, newspaper, magazine, outdoor advertising
23 facility, direct mailing, or any other type of general public

1 political advertising, such communication:

2 * * *

3 (3) If not authorized by a candidate, the candidate's
4 authorized political committee or their agents, shall clearly
5 and conspicuously state that the candidate does not consent to
6 the communication. This clause shall apply if the candidate
7 notifies the person who made or financed the expenditure for the
8 communication advocating for the candidate that the candidate
9 does not consent to the communication. The person who made or
10 financed the expenditure for the communication shall notify the
11 candidate of the content of the communication no later than
12 twenty-four (24) hours before the communication is broadcast or
13 published. This clause shall not apply to a communication
14 expressly advocating for the election or defeat of a candidate
15 seeking the nomination or election for Federal office.

16 * * *

17 Section 2. This act shall take effect in 60 days.