

No. 353

AN ACT

SB 225

Amending the act of June 3, 1937 (P.L.1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," requiring candidates and committees and parties acting in their behalf to provide notice of certain advertisements to political candidates, and prescribing penalties.

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

Section 1. The act of June 3, 1937 (P.L.1333), known as the "Pennsylvania Election Code," is amended by adding a new section to read:

Section 1614. Notice of Advertisements Prior to Elections.—(a) *No candidate for public office, or political committee or party acting on his behalf, shall place any advertisement referring to an opposing candidate for the same office which is to be broadcast or published during the forty-eight hours immediately prior to an election or published in a weekly newspaper or periodical during the eight days immediately prior to an election, with a television or radio broadcasting station, newspaper or periodical, unless he has first given a copy of the material to appear or be used in the advertisement and reasonable notice to the opposing candidate and the County Board of Elections of the county where the advertisement is to be placed in sufficient time for a reply advertisement to be published or broadcast at the same approximate time or in the same issue of the publication or on the same radio or television broadcast as the original advertisement and prior to the election in question.*

(b) *The reasonable notice referred to in subsection (a) of this section shall be given in writing by registered mail, return receipt requested, addressee signature only, with a true copy of the material enclosed to appear or be used in the advertisement so as to afford the recipient sufficient time to place a reply advertisement to be published or broadcast at the same approximate time or in the same issue of the publication or on the same radio or television broadcast as the original advertisement and prior to the election in question.*

(c) *Any person, firm or corporation, political committee or party or member thereof, violating any of the provisions of this section shall, upon summary conviction, be sentenced to pay a fine not exceeding three hundred dollars (\$300) and costs of prosecution and, in default of*

the payment thereof, shall be sentenced to undergo imprisonment for not more than thirty (30) days.

Section 2. The provisions of this law shall be severable. If any provision thereof is found by a court of record to be unconstitutional and void, the remaining provisions shall, nevertheless, remain valid, unless the court finds the valid provisions are so essentially and inseparably connected with, and so depend upon, the void provision, that it cannot be presumed the Legislature would have enacted the remaining valid provisions without the void one; or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3. This act shall take effect in fifteen days.

APPROVED—The 28th day of December, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 353.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth