
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2049 Session of
2019

INTRODUCED BY T. DAVIS, DONATUCCI, SCHLOSSBERG, STEPHENS, HILL-
EVANS, DeLUCA, WARREN, FREEMAN AND KIRKLAND,
NOVEMBER 18, 2019

REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 18, 2019

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 and the section is amended by adding a subsection to
18 read:

19 Section 1638. Advertising.--

20 (a) Whenever any person makes an expenditure for the purpose
21 of financing communications expressly advocating the election or
22 defeat of a candidate, or ballot questions, through any

1 broadcasting station, newspaper, magazine, outdoor advertising
2 facility, direct mailing, or any other type of general public
3 political advertising, such communication:

4 (1) If authorized by the candidate, his authorized political
5 committee or their agents, shall clearly and conspicuously state
6 that the communication has been authorized.

7 (2) If not authorized by a candidate, his authorized
8 political committee, or their agents, shall clearly and
9 conspicuously state the name of the person who made or financed
10 the expenditure for the communication, including, in the case of
11 a political committee the name of any affiliated or connected
12 organization. The communication shall clearly state that neither
13 the candidate nor candidate's committee authorized the
14 communication.

15 (a.1) (1) Any communication described under subsection (a)
16 (1) that is transmitted through radio or television shall
17 include, in addition to the requirements described in subsection
18 (a) (1), an audio statement by the candidate that identifies the
19 candidate and states that the candidate has approved the
20 communication.

21 (2) Any communication described under subsection (a) (2) that
22 is transmitted through radio or television shall include, in
23 addition to the requirements described in subsection (a) (2), an
24 audio statement that identifies the name of the person who made
25 or financed the expenditure for the communication, including, in
26 the case of a political committee, the name of any affiliated or
27 connected organization. The communication shall clearly state
28 that neither the candidate nor candidate's committee authorized
29 the communication.

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