

By Mr. Buglione of Methuen, petition of Nicholas J. Buglione that provision be made for speedy court hearings in certain cases of libel or slander against candidates for elected public office. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-Four.

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**AN ACT PROVIDING FOR A SPEEDY COURT HEARING IN CERTAIN CASES OF LIBEL OR SLANDER.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 231 of the General Laws is hereby  
2 amended by inserting after section 59F the following section: —

3 *Section 59G.* In an action commenced in any court in the  
4 commonwealth by a candidate for elective public office against an  
5 opposing candidate for libel and slander alleged to have occurred  
6 during the course of an election campaign, the court shall give  
7 precedence, in the matter of setting and conducting the hearing or  
8 trial and in making a determination in the matter, over all other  
9 civil actions except those actions, if any, to which special prece-  
10 dence is given by law.

1 SECTION 2. Chapter 231 of the General Laws is hereby  
2 amended by striking out section 91, as amended by chapter 360 of  
3 the acts of 1943, and inserting in place thereof the following  
4 section: —

5 *Section 93.* Where the defendant in an action for libel, at any  
6 time after the publication of the libel hereinafter referred to, either  
7 before or after such action is brought, but before the answer is  
8 required to be filed therein, gives written notice to the plaintiff or to  
9 his attorney of his intention to publish a retraction of the libel,  
10 accompanied by a copy of the retraction which he intends to  
11 publish, and the retraction is published, he may prove such publi-

12 cation, and, if the plaintiff does not accept the offer of retraction,  
13 the defendant may prove such non-acceptance in mitigation of  
14 damages. If within a reasonable time after receiving notice in  
15 writing from the plaintiff that he claims to be libelled the defendant  
16 makes such offer and publishes a reasonable retraction, and such  
17 offer is not accepted, he may prove that the alleged libel was  
18 published in good faith and without actual malice, and, unless the  
19 proof is successfully rebutted, the plaintiff shall recover only for  
20 any actual damage sustained; provided, however, that in an action  
21 for libel or slander brought by a candidate for elective public office  
22 against an opposing candidate for libel and slander alleged to have  
23 occurred during the course of an election campaign, the plaintiff  
24 may be allowed to recover, upon proof that the alleged libel or  
25 slander had a substantial, detrimental effect upon the plaintiff's  
26 chances for election or reelection to the particular elective office,  
27 recover exemplary or punitive damages.