

HOUSE No. 530

By Mr. Menton of Watertown, petition of Paul C. Menton for legislation to regulate further newspaper publications of political advertisements. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Two.

AN ACT FURTHER REGULATING THE PUBLICATION OF POLITICAL
ADVERTISEMENTS BY NEWSPAPERS OR OTHER PERIODICALS.

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

1 Chapter 56 of the General Laws is hereby amended by in-
2 serting after section 39 the following two sections: —

3 *Section 39A.* If the owner, editor, publisher, or agent of a
4 newspaper or other periodical publishes a political advertise-
5 ment for or in behalf of a candidate or organization relating
6 to a certain primary, election, or referendum, he shall not
7 refuse to publish a political advertisement for or in behalf of
8 any other candidate or organization relating to the same
9 primary, election or referendum, unless such publication would
10 violate other provisions of this chapter.

11 Whoever violates this section may be enjoined by a suit in
12 equity commenced by such aggrieved candidate or organiza-
13 tion and shall forfeit to him or it not less than one hundred
14 dollars. The court may award such additional damages as it
15 may deem proper, together with costs of suit including a
16 reasonable attorney's fee.

17 *Section 39B.* The owner, editor, publisher or agent of a
18 newspaper or other periodical shall not charge for the publi-
19 cation of a political advertisement an amount greater than
20 would be charged for a non-political advertisement offered
21 under similar circumstances and of comparable size, com-
22 plexity, and location in the same edition or issue of such news-
23 paper or periodical.

24 Whoever violates this section shall be liable in a civil action
25 to the candidate or organization aggrieved for treble the dif-
26 ferential between the amount charged and the amount that
27 should have been charged, together with costs of suit including
28 a reasonable attorney's fee.