

STATE OF NEW YORK

4733

2023-2024 Regular Sessions

IN SENATE

February 14, 2023

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to requiring campaigns and social media influencers to disclose when they share on social media that they are being paid by a campaign

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 14-106 of the election law, as amended by chapter
2 454 of the laws of 2019, is amended to read as follows:

3 § 14-106. Political communication. 1. The statements required to be
4 filed under the provisions of this article next succeeding a primary,
5 general or special election shall be accompanied by a copy of all broad-
6 cast, cable or satellite schedules and scripts, paid internet or
7 digital, including social media posts made by the campaign or individ-
8 uals being paid by the campaign, print and other types of advertise-
9 ments, pamphlets, circulars, flyers, brochures, letterheads and other
10 printed matter purchased or produced, and reproductions of statements or
11 information published to five hundred or more members of a general
12 public audience by computer or other electronic device including but not
13 limited to electronic mail or text message, purchased in connection with
14 such election by or under the authority of the person filing the state-
15 ment or the committee or the person on whose behalf it is filed, as the
16 case may be. Such copies, schedules and scripts shall be preserved by
17 the officer with whom or the board with which it is required to be filed
18 for a period of one year from the date of filing thereof.

19 2. All political committees that make an expenditure for a political
20 communication shall be required to disclose the identity of the poli-
21 tical committee which made the expenditure for such political communi-
22 cation. The disclosure on printed or digital political communications,
23 including but not limited to brochures, flyers, posters, mailings, or
24 internet advertising, including social media posts made by the campaign

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 or individuals being paid by the campaign, shall be printed or typed in
2 an appropriate legible form to read as follows: "Paid for by:" followed
3 by the name of the political committee making the expenditure. The
4 disclosure on non-printed or digital political communications shall
5 clearly and prominently display and/or speak the following statement:
6 "Paid for by:" followed by the name of the political committee making
7 the expenditure. In the case of a political communication that is not
8 visual, such as radio or automated telephone calls, clearly speaking the
9 statement will satisfy the requirements of this section.

10 3. Political communications that are considered promotional items
11 which support a particular candidate, election, ballot measure or issue
12 and limit the content of communication to the name, office and brief
13 message of support, shall be exempt from the provisions of subdivision
14 two of this section. Promotional items shall be items that are of nomi-
15 nal value and are distributed to the general public in an effort to
16 promote a particular candidate, election, ballot measure or issue
17 including but not limited to pens, bumper stickers, yard signs, buttons,
18 shirts, bags or balloons.

19 4. Political communication that is considered digital media which
20 advertises for a particular candidate, election, ballot measure or issue
21 which limits the content of communication to the name, office and brief
22 message shall not be subject to the provisions of subdivision two of
23 this section if such digital media is unable to contain the "paid for
24 by" statement due to its small size and contains a link to another
25 webpage where the "paid for by" statement is prominently displayed.
26 Social media posts made on behalf of a particular candidate, election,
27 ballot measure or other issue shall not be exempted from the provisions
28 of this section.

29 § 2. This act shall take effect on the ninetieth day after it shall
30 have become a law.