S T A T E O F N E W Y O R K

5531

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. MOLINARO, BURLING, WALKER, BARCLAY, MILLER, SPANO, TOBACCO, QUINN, McDONOUGH, KOLB, FINCH, ERRIGO, RAIA -- Multi-Sponsored by -- M. of A. CROUCH, DUPREY, HAWLEY, HAYES, OAKS, SAYWARD, TEDISCO, THIELE, TOWNSEND -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to identification of the source of certain political communications

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The election law is amended by adding a new section 14-107 to read as follows:

S 14-107. IDENTIFICATION OF THE SOURCE OF CERTAIN POLITICAL COMMUNICATIONS. 1. WHENEVER ANY PERSON MAKES AN EXPENDITURE FOR THE PURPOSE OF FINANCING, OR OTHERWISE PUBLISHES OR DISTRIBUTES, COMMUNICATIONS EXPRESSLY ADVOCATING THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE, SUCH COMMUNICATION:

(A) IF PAID FOR AND AUTHORIZED BY A CANDIDATE, AN AUTHORIZED POLITICAL COMMITTEE OF A CANDIDATE, OR ITS AGENTS, SHALL CLEARLY STATE THAT THE COMMUNICATION HAS BEEN PAID FOR BY SUCH CANDIDATE, AUTHORIZED POLITICAL COMMITTEE, OR AGENT; OR

(B) IF PAID FOR BY OTHER PERSONS BUT AUTHORIZED BY A CANDIDATE, AN AUTHORIZED POLITICAL COMMITTEE OF A CANDIDATE, OR ITS AGENTS, SHALL CLEARLY STATE THAT THE COMMUNICATION IS PAID FOR BY SUCH OTHER PERSONS AND AUTHORIZED BY SUCH CANDIDATE, AUTHORIZED POLITICAL COMMITTEE, OR AGENT; OR

(C) IF NOT AUTHORIZED BY A CANDIDATE, AN AUTHORIZED POLITICAL COMMITTEE OF A CANDIDATE, OR ITS AGENTS, SHALL CLEARLY STATE THE NAME OF THE PERSON WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED, THE COMMUNICATION AND STATE THAT THE COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE.

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

LBD07133-01-9

(D) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO INDEPENDENT EXPENDITURES BY INDIVIDUALS.

(E) THE SOURCE OF FUNDS USED FOR ANY EXPENDITURE MADE UNDER THIS SECTION SHALL BE CLEARLY IDENTIFIED ON A FORM FURNISHED BY THE APPROPRIATE BOARD OF ELECTIONS.

2. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) THE TERM "CLEARLY IDENTIFIED" MEANS THAT:

(1) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

(2) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

(3) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFERENCE.

(B) THE TERM "COMMUNICATION" INCLUDES ANY ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS, OR OTHER PRINTED MATTER, AND RADIO OR TELEVISION BROADCASTS.

(C) THE TERM "PERSON" INCLUDES AN INDIVIDUAL, PARTNERSHIP, COMMITTEE, ASSOCIATION, CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ORGANIZATION OR GROUP OF PERSONS.

3. A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MISDEMEANOR.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing section of this act on its effective date are authorized and directed to be made and completed on or before such effective date.