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

2373

2009-2010 Regular Sessions

I N S E N A T E

February 19, 2009

Introduced by Sen. PADAVAN -- 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 political advertisements and literature and 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. POLITICAL ADVERTISEMENTS AND LITERATURE AND IDENTIFICATION OF THE SOURCE OF CERTAIN POLITICAL COMMUNICATIONS. 1. WHENEVER ANY PERSON OR ENTITY MAKES AN EXPENDITURE FOR THE PURPOSE OF FINANCING, OR OTHERWISE PUBLISHES OR DISTRIBUTES, COMMUNICATIONS NAMING A CLEARLY IDENTIFIED CANDIDATE OR PUBLIC OFFICER, SUCH COMMUNICATION:

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

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

2. IF A COMMUNICATION IS MADE BY AUTOMATED TELEPHONE THE PERSON OR ENTITY PAYING FOR SUCH AUTOMATED TELEPHONE CALL SHALL BE CLEARLY IDENTIFIED AT THE BEGINNING OF SUCH COMMUNICATION.

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

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3. ANY COMMUNICATION SHALL NOT INTENTIONALLY MISREPRESENT ANY FACTS OR MAKE MISSTATEMENTS OF POSITION ADOPTED BY A CANDIDATE OR PUBLIC OFFICER.

4. A KNOWING AND WILFULL VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MISDEMEANOR.

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

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

(I) THE NAME OF THE CANDIDATE OR PUBLIC OFFICER INVOLVED APPEARS;

(II) A PHOTOGRAPH OR DRAWING OR CARICATURE OF THE CANDIDATE OR PUBLIC OFFICER APPEARS; OR

(III) THE IDENTITY OF THE CANDIDATE OR PUBLIC OFFICER IS APPARENT BY UNAMBIGUOUS REFERENCE.

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

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

S 2. This act shall take effect immediately.