

10976

I N A S S E M B L Y

May 5, 2010

Introduced by M. of A. GALEF -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the disclosure of sources for political advertisements

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

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

3 S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS  
4 SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 (A) (I) "INDEPENDENT EXPENDITURE" SHALL MEAN AN EXPENDITURE MADE BY A  
6 PERSON FOR AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE  
7 VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN COMMUNICATION TO A GENER-  
8 AL PUBLIC AUDIENCE VIA ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS,  
9 BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER AND STATEMENTS OR INFOR-  
10 MATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC  
11 AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICES WHICH: (A) EXPRESSLY  
12 ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR  
13 THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR AMENDMENT TO THE CONSTITU-  
14 TION OF THE STATE OF NEW YORK AND (B) SUCH CANDIDATE, THE CANDIDATE'S  
15 POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE FORMED TO  
16 PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS AGENTS, DID  
17 NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH COMMU-  
18 NICATION.

19 (II) INDEPENDENT EXPENDITURES SHALL NOT INCLUDE:

20 (A) A COMMUNICATION APPEARING IN A WRITTEN NEWS STORY, COMMENTARY, OR  
21 EDITORIAL OR DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING  
22 STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE  
23 OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR  
24 CANDIDATE; OR

25 (B) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR

26 (C) A COMMUNICATION WHICH CONSTITUTES AN EXPENDITURE MADE BY AN ENTITY  
27 REQUIRED TO REPORT SUCH EXPENDITURE WITH A BOARD OF ELECTIONS.

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

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1 (B) "PERSON" SHALL MEAN A PERSON, GROUP OF PERSONS, ENTITY, ORGANIZA-  
2 TION OR ASSOCIATION.

3 (C) "TRADE ASSOCIATION" SHALL MEAN AN ENTITY HAVING AS A PRIMARY  
4 PURPOSE THE PROMOTION, ADVANCEMENT OR SELF-REGULATION OF BUSINESSES,  
5 INCLUDING BUT NOT LIMITED TO A CORPORATION, UNINCORPORATED ASSOCIATION,  
6 PARTNERSHIP, TRUST OR LIMITED LIABILITY COMPANY, WHETHER OR NOT SUCH  
7 ENTITY IS ORGANIZED FOR PROFIT, NOT-FOR-PROFIT, BUSINESS OR NON-BUSINESS  
8 PURPOSES.

9 2. WHENEVER ANY PERSON OR TRADE ASSOCIATION MAKES AN INDEPENDENT  
10 EXPENDITURE THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN THE AGGREGATE,  
11 SUCH COMMUNICATION SHALL CLEARLY STATE WHO PAID FOR, OR OTHERWISE  
12 PUBLISHED OR DISTRIBUTED, THE COMMUNICATION AND STATE, WITH RESPECT TO  
13 COMMUNICATIONS REGARDING CANDIDATES, THAT THE COMMUNICATION IS NOT  
14 AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLITICAL COMMITTEE OR ANY  
15 OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION OF THE PROVISIONS OF  
16 THIS SUBDIVISION SHALL SUBJECT THE PERSON OR TRADE ASSOCIATION TO A  
17 CIVIL PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNI-  
18 CATION, WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION  
19 BROUGHT BY THE STATE BOARD OF ELECTIONS. ANY ADVERTISEMENT IN WHICH THE  
20 FUNDING SOURCE IS A TRADE ASSOCIATION SHALL DISCLOSE THE THREE CONTRIBU-  
21 TORS TO SUCH TRADE ASSOCIATION CONTRIBUTING THE MOST MONEY TO SUCH TRADE  
22 ASSOCIATION.

23 S 2. This act shall take effect immediately.