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

4174

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 30, 2009

Introduced by M. of A. GALEF, REILLY, DINOWITZ, KOON, SPANO -- Multi-Sponsored by -- M. of A. BURLING, CALHOUN, CHRISTENSEN, DUPREY, ERRIGO, FINCH, JOHN, KOLB, LATIMER, MILLER, MOLINARO, SAYWARD, SCHIMMINGER, WALKER -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to political campaign robocalls

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 17-107 to read as follows:

S 17-107. POLITICAL CAMPAIGN ROBOCALLS. 1. FOR PURPOSES OF THIS SECTION, THE TERM "POLITICAL CAMPAIGN ROBOCALL" SHALL MEAN AN AUTOMATED TELEPHONE CALL WHICH USES BOTH A COMPUTERIZED AUTODIALER AND A RECORDED MESSAGE TO DELIVER A CAMPAIGN MESSAGE BY ELECTRONIC MEANS.

2. NO CANDIDATE FOR OFFICE, PERSON, COMMITTEE OR OTHER ENTITY SHALL CAUSE TO BE MADE ON BEHALF OF ANY CANDIDATE, A POLITICAL CAMPAIGN ROBOCALL UNLESS SUCH CALL:

A. IS MADE WITHIN THIRTY DAYS PRIOR TO THE PRIMARY ELECTION OR WITHIN THIRTY DAYS PRIOR TO THE GENERAL ELECTION;

B. IS MADE BETWEEN THE HOURS OF 9:00 A.M. AND 9:00 P.M.;

C. IS TRANSMITTED IN SUCH A MANNER THAT THE CALLER IDENTIFICATION NUMBER AND ANY OTHER CALLER IDENTIFICATION INFORMATION MAY BE VIEWED BY THE RECIPIENT OF SUCH CALL;

D. IDENTIFIES SUCH CALL AS PRE-RECORDED AT THE BEGINNING OF THE MESSAGE DELIVERED BY SUCH CALL; AND

E. IDENTIFIES THE NAME OF THE CANDIDATE AND THE NAME OF THE COMMITTEE CAUSING SUCH CALL TO BE MADE AT THE BEGINNING OF THE MESSAGE DELIVERED BY SUCH CALL.

3. NO CANDIDATE FOR OFFICE, PERSON, COMMITTEE OR OTHER ENTITY SHALL CAUSE TO BE MADE ON BEHALF OF ANY CANDIDATE, MORE THAN TWO POLITICAL CAMPAIGN ROBOCALLS PER DAY TO THE SAME TELEPHONE NUMBER.

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

LBD01707-01-9

4. ANY PERSON WHO KNOWINGLY VIOLATES ANY PROVISION OF THIS SECTION SHALL BE SUBJECT TO A CIVIL FINE IN THE AMOUNT OF TWO THOUSAND DOLLARS FOR EACH VIOLATION.

5. AN ORDER TO CEASE AND DESIST MAY BE BROUGHT BY ANY PERSON WHO RECEIVED A POLITICAL CAMPAIGN ROBOCALL IN VIOLATION OF THIS SECTION.

6. A REQUEST FOR PAYMENT OF COURT COSTS FOR CIVIL LITIGATION RELATING TO A VIOLATION OF THIS SECTION, MAY BE MADE OF THE VIOLATOR BY ANY PERSON WHO RECEIVED A POLITICAL CAMPAIGN ROBOCALL IN VIOLATION OF THIS SECTION.

7. A PERSON SHALL NOT BE IN VIOLATION OF THE PROVISIONS OF THIS SECTION, IF SUCH PERSON EMPLOYS THE USE OF PHONE BANKS OR VOLUNTEERS TO MAKE PHONE CALLS ON BEHALF OF A CANDIDATE.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.