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

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I N A S S E M B L Y

May 9, 2012

Introduced by M. of A. ZEBROWSKI, CUSICK, SIMOTAS, WEPRIN, JOHNS, JAFFEE, ROBERTS, REILLY, ROBINSON, P. RIVERA, ROSENTHAL -- Multi-Sponsored by -- M. of A. GABRYSZAK, JACOBS, LUPARDO, SALADINO -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to imposing limitations on political contributions made by text message

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

Section 1. Section 1-104 of the election law is amended by adding three new subdivisions 38, 39 and 40 to read as follows:

38. THE TERM "MOBILE TELEPHONE" SHALL MEAN THE DEVICE USED BY SUBSCRIBERS AND OTHER USERS OF WIRELESS TELEPHONE SERVICE TO ACCESS SUCH SERVICE.

39. THE TERM "TEXT MESSAGE" MEANS AN ELECTRONIC COMMUNICATION VIA THE SHORT MESSAGE SERVICE (SMS) THAT MAY ONLY BE SENT AND RECEIVED THROUGH A MOBILE TELEPHONE.

40. THE TERM "CONNECTION AGGREGATOR" MEANS A THIRD PARTY INTERMEDIARY BETWEEN THE WIRELESS PROVIDER AND THE POLITICAL COMMITTEE THAT RECEIVES AND PROCESSES TEXT MESSAGES BY COMMON SHORT CODES (CSCS).

S 2. The election law is amended by adding a new section 14-132 to read as follows:

S 14-132. POLITICAL CONTRIBUTIONS THROUGH TEXT MESSAGE. 1. THE STATE BOARD SHALL DEVELOP RULES AND REGULATIONS REGARDING POLITICAL CONTRIBUTIONS MADE TO CAMPAIGNS THROUGH TEXT MESSAGE BY DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE. THE RULES REGARDING CONTRIBUTIONS RECEIVED THROUGH TEXT MESSAGE MUST INCLUDE PROVISIONS THAT AFTER A CONTRIBUTOR HAS SENT IN A CONTRIBUTION THROUGH TEXT MESSAGE, THE CONNECTION AGGREGATOR IS REQUIRED TO SEND AN OPT-IN DISCLOSURE NOTICE TO THE CONTRIBUTOR THAT MUST BE AFFIRMATIVELY RESPONDED TO BY THE CONTRIBUTOR WITH THE TEXT "YES" TO COMPLETE THE TRANSACTION. THE OPT-IN DISCLOSURE NOTICE MUST ASK THE CONTRIBUTOR TO AFFIRMATIVELY AGREE WITH THE FOLLOWING STATEMENTS:

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

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A. I AM A UNITED STATES CITIZEN OR LAWFULLY PERMANENT RESIDENT OF THE UNITED STATES;

B. THIS CONTRIBUTION IS MADE FROM MYSELF AS AN INDIVIDUAL AND IS NOT MADE FROM FUNDS FROM A CORPORATION, LABOR ORGANIZATION, BANK, POLITICAL ACTION COMMITTEE OR AN INDIVIDUAL REGISTERED AS A FEDERAL OR NEW YORK STATE LOBBYIST.

2. THE PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO CONTRIBUTIONS TO CANDIDATES, AUTHORIZED POLITICAL COMMITTEES, CONSTITUTED COMMITTEES, PARTY COMMITTEES, ALL PARTY AND CONSTITUTED HOUSEKEEPING COMMITTEES AND POLITICAL ACTION COMMITTEES THAT ARE SENT FROM A MOBILE TELEPHONE VIA TEXT MESSAGE. ALL CONTRIBUTIONS RECEIVED THROUGH TEXT MESSAGE SHALL BE EXEMPT FROM RECORD KEEPING AND DISCLOSURE FILING REQUIREMENTS PURSUANT TO SECTION 14-104 OF THIS ARTICLE.

3. A POLITICAL COMMITTEE MAY ENTER INTO AN AGREEMENT WITH THE CONNECTION AGGREGATOR ON TERMS THAT ARE CONSISTENT WITH THE ORDINARY COURSE OF BUSINESS.

4. A POLITICAL COMMITTEE MUST RECEIVE ALL TEXT MESSAGE CONTRIBUTIONS THROUGH A SINGLE COMMON SHORT CODE (CSC) PER CAMPAIGN CYCLE.

S 3. Section 14-114 of the election law is amended by adding a new subdivision 11 to read as follows:

11. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ANY CONTRIBUTION THAT IS MADE BY MOBILE TELEPHONE VIA TEXT MESSAGE SHALL NOT EXCEED TEN DOLLARS. AN INDIVIDUAL MAY NOT MAKE MORE THAN NINE CONTRIBUTIONS THROUGH TEXT MESSAGE TO A GIVEN POLITICAL COMMITTEE IN A CAMPAIGN CYCLE.

S 4. This act shall take effect immediately.