

8187--C

2013-2014 Regular Sessions

I N   A S S E M B L Y

October 4, 2013

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Introduced by M. of A. ZEBROWSKI, LUPARDO, McDONALD, JAFFEE, THIELE, SIMOTAS, MILLMAN, BENEDETTO, PAULIN, QUART, DINOWITZ, SEPULVEDA, HENNESSEY, STIRPE, ROSENTHAL, STECK, FAHY, CAHILL, GALEF, GOTTFRIED, BROOK-KRASNY, MILLER, SOLAGES, CYMBROWITZ, RAIA, JACOBS, WEPRIN, LIFTON, ABINANTI -- Multi-Sponsored by -- M. of A. BRENNAN, CROUCH, GLICK, MAGEE, MAYER, SWEENEY, WEISENBERG -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to requiring the disclosure of the identity of certain entities making expenditures for political communications and providing penalties for failure to do so; and to repeal subdivision 2 of section 14-107 of such law relating to independent expenditure reporting

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

1     Section 1. Section 14-106 of the election law, as amended by section 3  
2 of subpart C of part H of chapter 55 of the laws of 2014, is amended to  
3 read as follows:  
4     S 14-106. Political communication. 1. The statements required to be  
5 filed under the provisions of this article next succeeding a primary,  
6 general or special election shall be accompanied by a copy of all broad-  
7 cast, cable or satellite schedules and scripts, internet, print and  
8 other types of advertisements, pamphlets, circulars, flyers, brochures,  
9 letterheads and other printed matter purchased or produced, and repro-  
10 ductions of statements or information published to five hundred or more

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

LBD11774-11-4

1 members of a general public audience by computer or other electronic  
2 device including but not limited to electronic mail or text message,  
3 purchased in connection with such election by or under the authority of  
4 the person filing the statement or the committee or the person on whose  
5 behalf it is filed, as the case may be. Such copies, schedules and  
6 scripts shall be preserved by the officer with whom or the board with  
7 which it is required to be filed for a period of one year from the date  
8 of filing thereof.

9 2. ALL POLITICAL COMMITTEES THAT MAKE AN EXPENDITURE FOR A POLITICAL  
10 COMMUNICATION SHALL BE REQUIRED TO DISCLOSE THE IDENTITY OF THE POLI-  
11 TICAL COMMITTEE WHICH MADE THE EXPENDITURE FOR SUCH POLITICAL COMMUNI-  
12 CATION. THE DISCLOSURE ON PRINTED OR DIGITAL POLITICAL COMMUNICATIONS,  
13 INCLUDING BUT NOT LIMITED TO BROCHURES, FLYERS, POSTERS, MAILINGS, OR  
14 INTERNET ADVERTISING SHALL BE PRINTED OR TYPED IN AN APPROPRIATE LEGIBLE  
15 FORM TO READ AS FOLLOWS: "PAID FOR BY:" FOLLOWED BY THE NAME OF THE  
16 POLITICAL COMMITTEE MAKING THE EXPENDITURE. THE DISCLOSURE ON NON-PRINT-  
17 ED OR DIGITAL POLITICAL COMMUNICATIONS SHALL CLEARLY AND PROMINENTLY  
18 DISPLAY AND/OR SPEAK THE FOLLOWING STATEMENT: "PAID FOR BY:" FOLLOWED  
19 BY THE NAME OF THE POLITICAL COMMITTEE MAKING THE EXPENDITURE. IN THE  
20 CASE OF A POLITICAL COMMUNICATION THAT IS NOT VISUAL, SUCH AS RADIO OR  
21 AUTOMATED TELEPHONE CALLS, CLEARLY SPEAKING THE STATEMENT WILL SATISFY  
22 THE REQUIREMENTS OF THIS SECTION.

23 3. POLITICAL COMMUNICATIONS THAT ARE CONSIDERED PROMOTIONAL ITEMS  
24 WHICH SUPPORT A PARTICULAR CANDIDATE, ELECTION, BALLOT MEASURE OR ISSUE  
25 AND LIMIT THE CONTENT OF COMMUNICATION TO THE NAME, OFFICE AND BRIEF  
26 MESSAGE OF SUPPORT, SHALL BE EXEMPT FROM THE PROVISIONS OF SUBDIVISION  
27 TWO OF THIS SECTION. PROMOTIONAL ITEMS SHALL BE ITEMS THAT ARE OF NOMI-  
28 NAL VALUE AND ARE DISTRIBUTED TO THE GENERAL PUBLIC IN AN EFFORT TO  
29 PROMOTE A PARTICULAR CANDIDATE, ELECTION, BALLOT MEASURE OR ISSUE  
30 INCLUDING BUT NOT LIMITED TO PENS, BUMPER STICKERS, YARD SIGNS, BUTTONS,  
31 SHIRTS, BAGS OR BALLOONS.

32 4. POLITICAL COMMUNICATION THAT IS CONSIDERED DIGITAL MEDIA WHICH  
33 ADVERTISES FOR A PARTICULAR CANDIDATE, ELECTION, BALLOT MEASURE OR ISSUE  
34 WHICH LIMITS THE CONTENT OF COMMUNICATION TO THE NAME, OFFICE AND BRIEF  
35 MESSAGE SHALL NOT BE SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO OF  
36 THIS SECTION IF SUCH DIGITAL MEDIA IS UNABLE TO CONTAIN THE "PAID FOR  
37 BY" STATEMENT DUE TO ITS SMALL SIZE AND CONTAINS A LINK TO ANOTHER  
38 WEBPAGE WHERE THE "PAID FOR BY" STATEMENT IS PROMINENTLY DISPLAYED.

39 S 2. Subdivision 2 of section 14-107 of the election law is REPEALED.

40 S 3. Subdivision 3 of section 14-126 of the election law, as added by  
41 section 6 of subpart C of part H of chapter 55 of the laws of 2014, is  
42 amended to read as follows:

43 3. [Any person who falsely identifies or knowingly fails to identify  
44 any independent expenditure as required by subdivision two of section  
45 14-107 of this article shall be subject to a civil penalty up to one  
46 thousand dollars or up to the cost of the communication, whichever is  
47 greater, in a special proceeding or civil action brought by the state  
48 board of elections chief enforcement counsel or imposed directly by the  
49 state board of elections. For purposes of this subdivision, the term  
50 "person" shall mean a person, group of persons, corporation, unincorpo-  
51 rated business entity, labor organization or business, trade or profes-  
52 sional association or organization or political committee.] ANY PERSON  
53 WHO KNOWINGLY FAILS TO DISCLOSE THE IDENTITY OF A POLITICAL COMMITTEE ON  
54 A POLITICAL COMMUNICATION AS REQUIRED BY SECTION 14-106 OF THIS ARTICLE  
55 SHALL BE SUBJECT TO A CIVIL PENALTY OF UP TO ONE THOUSAND DOLLARS OR UP

1 TO THE COST OF THE COMMUNICATION, WHICHEVER IS GREATER, IN A SPECIAL  
2 PROCEEDING OR CIVIL ACTION.

3 S 4. The state board of elections shall promulgate all rules and regu-  
4 lations necessary to implement the provisions of this act on or before  
5 its effective date.

6 S 5. This act shall take effect January 1, 2015.