

5980--A

2013-2014 Regular Sessions

I N   S E N A T E

November 6, 2013

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Introduced by Sens. GRIFFO, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, 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

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

1     Section 1. Section 14-100 of the election law is amended by adding a  
2     new subdivision 12 to read as follows:  
3     12. "POLITICAL COMMUNICATION" MEANS ANY PRINT, RADIO, TELEVISED OR  
4     INTERNET ADVERTISING, BROCHURE, FLYER, POSTER, MAILING OR OTHER COMMUNI-  
5     CATION THAT ADVOCATES FOR OR AGAINST A CANDIDATE, ELECTION, BALLOT MEAS-  
6     URE OR ISSUE.  
7     S 2. The election law is amended by adding a new section 14-132 to  
8     read as follows:  
9     S 14-132. POLITICAL COMMUNICATION DISCLOSURE. 1. ANY CANDIDATE OR  
10    POLITICAL COMMITTEE THAT MAKES AN EXPENDITURE FOR A POLITICAL COMMUNI-  
11    CATION, WHICH ADVOCATES FOR OR AGAINST A CANDIDATE, BALLOT MEASURE,  
12    ELECTION OUTCOME OR ISSUE, SHALL BE REQUIRED TO HAVE THE IDENTITY OF THE  
13    CANDIDATE OR POLITICAL COMMITTEE DISCLOSED ON SUCH POLITICAL COMMUNI-  
14    CATION. THE DISCLOSURE ON PRINTED POLITICAL COMMUNICATIONS, INCLUDING  
15    BUT NOT LIMITED TO BROCHURES, FLYERS, POSTERS, MAILINGS, INTERNET ADVER-  
16    TISEMENTS, SHALL BE PRINTED OR TYPED IN AN APPROPRIATE AND LEGIBLE FORM  
17    TO READ AS FOLLOWS: "PAID FOR BY: [REGISTERED NAME OF CANDIDATE OR POLI-  
18    TICAL COMMITTEE THAT MADE EXPENDITURE]".  
19    2. THE DISCLOSURE ON NON-PRINTED POLITICAL COMMUNICATIONS SHALL CLEAR-  
20    LY AND PROMINENTLY DISPLAY AND SPEAK THE FOLLOWING STATEMENT: "PAID FOR  
21    BY: [REGISTERED NAME OF CANDIDATE OR POLITICAL COMMITTEE THAT MADE  
22    EXPENDITURE]". IN THE CASE OF A POLITICAL COMMUNICATION THAT IS NOT

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

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1 VISUAL, SUCH AS RADIO OR AUTOMATED TELEPHONE CALLS, CLEARLY SPEAKING THE  
2 STATEMENT WILL SATISFY THE REQUIREMENTS OF THIS SECTION.

3 3. PROMOTIONAL ITEMS THAT SUPPORT A PARTICULAR CANDIDATE, ELECTION,  
4 BALLOT MEASURE OR ISSUE AND LIMIT THE CONTENT OF COMMUNICATION TO THE  
5 NAME, OFFICE AND BRIEF MESSAGE OF SUPPORT, SHALL BE EXEMPT FROM THE  
6 PROVISIONS OF THIS SECTION. PROMOTIONAL ITEMS SHALL BE ITEMS THAT ARE  
7 OF NOMINAL VALUE AND ARE DISTRIBUTED TO SUPPORTERS IN AN EFFORT TO  
8 PROMOTE A PARTICULAR CANDIDATE, ELECTION, BALLOT MEASURE OR ISSUE.  
9 PROMOTIONAL ITEMS INCLUDE BUT ARE NOT LIMITED TO PENS, BUMPER STICKERS,  
10 YARD SIGNS, BUTTONS, SHIRTS, BAGS OR BALLOONS.

11 4. A. ANY PERSON WHO FAILS TO MAKE A DISCLOSURE AS REQUIRED BY THE  
12 PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN  
13 EXCESS OF TEN THOUSAND DOLLARS FOR EACH VIOLATION, TO BE RECOVERABLE IN  
14 A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE STATE BOARD OF  
15 ELECTIONS OR OTHER BOARD OF ELECTIONS.

16 B. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION THREE TIMES  
17 UPON THE OCCURRENCE OF THE THIRD VIOLATION SHALL BE GUILTY OF A MISDE-  
18 MEANOR.

19 S 3. This act shall take effect immediately.