

5980--D

2013-2014 Regular Sessions

I N S E N A T E

November 6, 2013

Introduced by Sens. GRIFFO, ADDABBO, AVELLA, ESPAILLAT, HOYLMAN, KRUEGER, LATIMER -- 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 -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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; 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 reprodu-
10 ctions of statements or information published to five hundred or more
11 members of a general public audience by computer or other electronic
12 device including but not limited to electronic mail or text message,
13 purchased in connection with such election by or under the authority of
14 the person filing the statement or the committee or the person on whose
15 behalf it is filed, as the case may be. Such copies, schedules and
16 scripts shall be preserved by the officer with whom or the board with

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

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1 which it is required to be filed for a period of one year from the date
2 of filing thereof.

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

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

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

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

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

37 3. [Any person who falsely identifies or knowingly fails to identify
38 any independent expenditure as required by subdivision two of section
39 14-107 of this article shall be subject to a civil penalty up to one
40 thousand dollars or up to the cost of the communication, whichever is
41 greater, in a special proceeding or civil action brought by the state
42 board of elections chief enforcement counsel or imposed directly by the
43 state board of elections. For purposes of this subdivision, the term
44 "person" shall mean a person, group of persons, corporation, unincorpo-
45 rated business entity, labor organization or business, trade or profes-
46 sional association or organization or political committee.] ANY PERSON
47 WHO KNOWINGLY FAILS TO DISCLOSE THE IDENTITY OF A POLITICAL COMMITTEE ON
48 A POLITICAL COMMUNICATION AS REQUIRED BY SECTION 14-106 OF THIS ARTICLE
49 SHALL BE SUBJECT TO A CIVIL PENALTY OF UP TO ONE THOUSAND DOLLARS OR UP
50 TO THE COST OF THE COMMUNICATION, WHICHEVER IS GREATER, IN A SPECIAL
51 PROCEEDING OR CIVIL ACTION.

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

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