

8187

2013-2014 Regular Sessions

I N A S S E M B L Y

October 4, 2013

Introduced by M. of A. ZEBROWSKI -- read once and referred to the
Committee on Election Law

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

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

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

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

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

17 S 3. This act shall take effect immediately.