

8187--B

2013-2014 Regular Sessions

I N A S S E M B L Y

October 4, 2013

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

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
11 members of a general public audience by computer or other electronic
12 device including but not limited to electronic mail or text message,

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

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1 purchased in connection with such election by or under the authority of
2 the person filing the statement or the committee or the person on whose
3 behalf it is filed, as the case may be. Such copies, schedules and
4 scripts shall be preserved by the officer with whom or the board with
5 which it is required to be filed for a period of one year from the date
6 of filing thereof.

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

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

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

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

38 S 3. Subdivision 4 of section 14-126 of the election law, as added by
39 section 6 of subpart C of part H of chapter 55 of the laws of 2014, is
40 amended to read as follows:

41 4. [Any person who knowingly and willfully fails to file a statement
42 required to be filed by this article within ten days after the date
43 provided for filing such statement or any person who knowingly and will-
44 fully violates any other provision of this article shall be guilty of a
45 misdemeanor] ANY PERSON WHO KNOWINGLY FAILS TO DISCLOSE THE IDENTITY OF
46 A POLITICAL COMMITTEE ON A POLITICAL COMMUNICATION AS REQUIRED BY
47 SECTION 14-106 OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY OF UP
48 TO ONE THOUSAND DOLLARS OR UP TO THE COST OF THE COMMUNICATION, WHICHEV-
49 ER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION.

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

53 S 5. This act shall take effect January 1, 2015; provided that if
54 subpart C of part H of chapter 55 of the laws of 2014 is not in effect
55 on such date, then this act shall take effect on the same date and in
56 the same manner as such subpart, as amended, takes effect.