S T A T E O F N E W Y O R K

6543

I N S E N A T E

January 22, 2016

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to prohibiting certain unsolicited political telephone calls

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

Section 1. The election law is amended by adding a new section 1-108 to read as follows:

S 1-108. POLITICAL NO CALL LIST. 1. FOR PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "STATE BOARD" SHALL MEAN THE NEW YORK STATE BOARD OF ELECTIONS;

(B) "NO POLITICAL CALL LIST" OR "NO CALL LIST" SHALL MEAN A LIST OF PERSONS IN THIS STATE WHO DO NOT WISH TO RECEIVE UNSOLICITED POLITICAL CALLS;

(C) "POLITICAL CANDIDATE" SHALL MEAN AN INDIVIDUAL SEEKING ELECTION TO A PUBLIC OFFICE OF THE STATE OR OF A COUNTY, MUNICIPALITY, OR SCHOOL DISTRICT AT AN ELECTION IN THIS STATE;

(D) "POLITICAL ORGANIZATION" SHALL MEAN ANY "COMMITTEE" AS DEFINED BY SUBDIVISION SIX OF SECTION 1-104 OF THIS CHAPTER;

(E) "PUBLIC SOLICITATION" SHALL MEAN ANY REQUEST OR APPEAL, EITHER ORAL OR WRITTEN, OR ANY ENDEAVOR TO OBTAIN, SEEK OR PLEAD FOR FUNDS, PROPERTY, FINANCIAL ASSISTANCE OR OTHER THING OF VALUE, INCLUDING THE PROMISE OR GRANT OF ANY MONEY OR PROPERTY OF ANY KIND OR VALUE; AND

(F) "UNSOLICITED POLITICAL CALL" SHALL MEAN A TELEPHONE CALL MADE BY OR ON BEHALF OF A POLITICAL CANDIDATE OR POLITICAL ORGANIZATION TO A PERSON IN THIS STATE FOR THE PURPOSE OF INDUCING A PUBLIC SOLICITATION OR FOR THE PURPOSE OF ENCOURAGING DONATIONS OF VOLUNTEER TIME OR OTHER CONSIDERATION TO A POLITICAL ORGANIZATION OR POLITICAL CANDIDATE.

2. THE STATE BOARD SHALL ESTABLISH AND MAINTAIN A NO POLITICAL CALL LIST. THE STATE BOARD SHALL PROVIDE NOTICE TO THE GENERAL PUBLIC OF THE ESTABLISHMENT OF A NO POLITICAL CALL LIST. ANY PERSON IN THIS STATE WHO DESIRES TO BE INCLUDED ON THE NO POLITICAL CALL LIST SHALL NOTIFY THE STATE BOARD BY CALLING A TOLL-FREE NUMBER PROVIDED BY THE STATE BOARD, BY TRANSMITTING A REQUEST VIA ELECTRONIC MAIL, UNITED STATES MAIL, OR IN

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

LBD13496-01-6

ANY OTHER MANNER AS THE STATE BOARD MAY PRESCRIBE. A PERSON INCLUDED ON THE NO POLITICAL CALL LIST SHALL BE DELETED FROM THE LIST WITHIN THIRTY DAYS OF RECEIPT OF A WRITTEN REQUEST TO THE STATE BOARD FROM THE PERSON TO MAKE THE DELETION. THE STATE BOARD SHALL UPDATE THE LIST NOT LESS THAN MONTHLY AND SHALL MAKE THE NO POLITICAL CALL LIST AVAILABLE TO POLITICAL ORGANIZATIONS AND POLITICAL CANDIDATES AND OTHER PERSONS UPON REQUEST.

3. A POLITICAL ORGANIZATION OR POLITICAL CANDIDATE SHALL NOT MAKE OR CAUSE TO BE MADE AN UNSOLICITED POLITICAL CALL TO ANY PERSON IN THIS STATE WHOSE NAME AND TELEPHONE NUMBER APPEAR ON THE MOST RECENT MONTHLY NO POLITICAL CALL LIST MADE AVAILABLE BY THE STATE BOARD PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

4. A VIOLATION OF ANY PROVISION OF THIS SECTION SHALL BE AN UNLAWFUL PRACTICE EXCEPT THAT A POLITICAL ORGANIZATION OR POLITICAL CANDIDATE SHALL NOT BE LIABLE FOR A CALL MADE IN VIOLATION OF SUBDIVISION THREE OF THIS SECTION IF THE ORGANIZATION OR CANDIDATE DEMONSTRATES THAT:

(A) THE ORGANIZATION OR CANDIDATE ESTABLISHED AND IMPLEMENTED WRITTEN PROCEDURES AND TRAINED ITS EMPLOYEES TO FOLLOW THOSE PROCEDURES TO COMPLY WITH SUBDIVISION THREE OF THIS SECTION; AND

(B) THE CALL WAS AN ISOLATED CALL, MADE NO MORE THAN ONE TIME IN A TWELVE MONTH PERIOD AND WAS MADE INADVERTENTLY.

5. THE STATE BOARD SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.