

2157--B

2015-2016 Regular Sessions

I N   S E N A T E

January 21, 2015

---

Introduced by Sens. GRIFFO, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- 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

AN ACT to amend the election law, in relation to disclosure of the identities of political committees making certain expenditures for political communications

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,  
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  
17 which it is required to be filed for a period of one year from the date  
18 of filing thereof.

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

LBD07210-03-6

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

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

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

31 S 2. Subdivision 2 of section 14-107 of the election law, as added by  
32 section 4 of subpart C of part H of chapter 55 of the laws of 2014, is  
33 amended to read as follows:

34 2. Whenever any person makes an independent expenditure that costs  
35 more than one thousand dollars in the aggregate, such communication  
36 shall, IN A MANNER CONSISTENT WITH SECTION 14-106 OF THIS ARTICLE,  
37 clearly state the name of the person who paid for, or otherwise  
38 published or distributed the communication and state, with respect to  
39 communications regarding candidates, that the communication was not  
40 expressly authorized or requested by any candidate, or by any candi-  
41 date's political committee or any of its agents.

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

45 3. Any person who falsely identifies or knowingly fails to identify  
46 any independent expenditure as required by subdivision two of section  
47 14-107 of this article OR ANY POLITICAL COMMITTEE AS REQUIRED IN SECTION  
48 14-106 OF THIS ARTICLE shall be subject to a civil penalty up to one  
49 thousand dollars or up to the cost of the communication, whichever is  
50 greater, in a special proceeding or civil action [brought by the state  
51 board of elections chief enforcement counsel or imposed directly by the  
52 state board of elections]. For purposes of this subdivision, the term  
53 "person" shall mean a person, group of persons, corporation, unincorpo-  
54 rated business entity, labor organization or business, trade or profes-  
55 sional association or organization or political committee.

1     S 4. The state board of elections shall promulgate all rules and regu-  
2     lations necessary to implement the provisions of this act on or before  
3     its effective date.  
4     S 5. This act shall take effect January 1, 2017.