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

6827--A

I N S E N A T E

February 25, 2016

Introduced by Sen. 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

AN ACT to amend the election law, in relation to publishing certain candidate website information

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 4-123 to read as follows:

S 4-123. PUBLICATION OF CANDIDATE WEBSITES. 1. THE STATE BOARD OF ELECTIONS SHALL PUBLISH ON ITS WEBSITE THE CAMPAIGN WEBSITE ADDRESS DESIGNATED BY THE GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER, MEMBER OF THE STATE SENATE AND MEMBER OF THE STATE ASSEMBLY ON THE BALLOT AT THE NEXT PRIMARY, SPECIAL OR GENERAL ELECTION, EXCEPT AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION. SUCH CANDIDATE MAY NOTIFY THE STATE BOARD OF ELECTIONS OF HIS OR HER WEBSITE ADDRESS ON SUCH CANDIDATE'S PETITION COVER SHEET OR IN A SEPARATE WRITING SIGNED BY THE CANDIDATE. ANY CANDIDATE WHO DOES NOT PROVIDE A WEBSITE ADDRESS SHALL BE LISTED AS HAVING NOT PROVIDED A WEBSITE ADDRESS FOR PUBLICATION.

2. THE STATE BOARD OF ELECTIONS SHALL NOT PUBLISH ANY WEBSITE ADDRESS FOUND TO BE UNRELATED TO A CANDIDACY FOR PUBLIC OFFICE. SUCH DENIAL TO PUBLISH A WEBSITE ADDRESS SHALL BE REVIEWED ONLY IN A SPECIAL PROCEEDING BROUGHT BY THE CANDIDATE PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

3. THE STATE BOARD OF ELECTIONS SHALL PROMINENTLY DISPLAY THE FOLLOWING DISCLAIMER WITH RELATION TO THE LIST OF CANDIDATE WEBSITE ADDRESSES: "THE WEBSITE ADDRESSES PUBLISHED HERE ARE DESIGNATED BY THE CANDIDATE. THE STATE BOARD OF ELECTIONS IS NOT RESPONSIBLE FOR AND EXPRESSES NO OPINION AS TO THE CONTENT OF CANDIDATE WEBSITES."

S 2. The state board of elections shall, within six months of the effective date of this act, promulgate rules or regulations to implement the provisions of this act which shall include the time of publication and the format for publication of the list of website addresses and

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

LBD14351-03-6

objective criteria for making a determination that a website is not related to a candidacy for public office.

S 3. This act shall take effect on the first of December next succeeding the date on which it shall have become a law.