

# STATE OF NEW YORK

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8816

2017-2018 Regular Sessions

## IN ASSEMBLY

November 29, 2017

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

AN ACT to amend the election law, in relation to disclosure of the identities of political committees, persons, organizations, or agents 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 § 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, digital, print  
8 and other types of advertisements, pamphlets, circulars, flyers,  
9 brochures, letterheads and other printed matter purchased or produced,  
10 and reproductions of statements or information published to five hundred  
11 or more members of a general public audience by computer or other elec-  
12 tronic device including but not limited to electronic mail or text  
13 message, purchased in connection with such election by or under the  
14 authority of the person filing the statement or the committee or the  
15 person on whose behalf it is filed, as the case may be. Political commu-  
16 nications shall also include all other published statements conveyed to  
17 five hundred or more members of a general public audience which: (i)  
18 irrespective of when such statement is made, contains words such as  
19 "vote", "oppose", "support", "elect", "defeat", or "reject", which call  
20 for the election or defeat of the clearly identified candidate; or (ii)  
21 refers to and advocates for or against a clearly identified candidate or  
22 ballot proposal on or after January first of the year of the election in  
23 which such candidate is seeking office or such proposal shall appear on  
24 the ballot. Such copies, schedules and scripts shall be preserved by the

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

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1 officer with whom or the board with which it is required to be filed for  
2 a period of one year from the date of filing thereof.

3 2. All political communication expenditures shall be required to be  
4 disclosed, including, but not limited to, the identity of the political  
5 committee, person, organization or agent which made the expenditure for  
6 such political communication. The disclosure on printed or digital poli-  
7 tical communications, including but not limited to brochures, flyers,  
8 posters, mailings, or internet advertising shall be printed or typed in  
9 an appropriate legible form to read as follows: "Paid for by:" followed  
10 by the name of the political committee making the expenditure. The  
11 disclosure on non-printed or digital political communications shall  
12 clearly and prominently display and/or speak the following statement:  
13 "Paid for by:" followed by the name of the political committee making  
14 the expenditure. In the case of a political communication that is not  
15 visual, such as radio or automated telephone calls, clearly speaking the  
16 statement will satisfy the requirements of this section.

17 3. Political communications that are considered promotional items  
18 which support a particular candidate, election, ballot measure or issue  
19 and limit the content of communication to the name, office and brief  
20 message of support, shall be exempt from the provisions of subdivision  
21 two of this section. Promotional items shall be items that are of nomi-  
22 nal value and are distributed to the general public in an effort to  
23 promote a particular candidate, election, ballot measure or issue  
24 including but not limited to pens, bumper stickers, yard signs, buttons,  
25 shirts, bags or balloons.

26 § 2. Subdivision 2 of section 14-107 of the election law, as amended  
27 by section 2 of part A of chapter 286 of the laws of 2016, is amended to  
28 read as follows:

29 2. Whenever any person makes an independent expenditure that costs one  
30 thousand dollars or more in the aggregate, such communication shall, in  
31 a manner consistent with section 14-106 of this article, clearly state  
32 the name of the person who paid for, or otherwise published or distrib-  
33 uted the communication and state, with respect to communications regard-  
34 ing candidates, that the communication was not expressly authorized or  
35 requested by any candidate, or by any candidate's political committee or  
36 any of its agents.

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

40 3. Any person who falsely identifies or knowingly fails to identify  
41 any independent expenditure as required by subdivision two of section  
42 14-107 of this article or any political committee as required in section  
43 14-106 of this article shall be subject to a civil penalty up to one  
44 thousand dollars or up to the cost of the communication, whichever is  
45 greater, in a special proceeding or civil action [~~brought by the state~~  
46 ~~board of elections chief enforcement counsel or imposed directly by the~~  
47 ~~state board of elections~~]. For purposes of this subdivision, the term  
48 "person" shall mean a person, group of persons, corporation, unincorpo-  
49 rated business entity, labor organization or business, trade or profes-  
50 sional association or organization or political committee.

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

54 § 5. This act shall take effect on the first of January next succeed-  
55 ing the date upon which it shall have become a law.