STATE OF NEW YORK

6896--A

2017-2018 Regular Sessions

IN SENATE

October 2, 2017

Introduced by Sens. KAMINSKY, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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, 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:

Section 1. Section 14-106 of the election law, as amended by section 3 of subpart C of part H of chapter 55 of the laws of 2014, is amended to read as follows:

§ 14-106. Political communication. **1.** The statements required to be filed under the provisions of this article next succeeding a primary, general or special election shall be accompanied by a copy of all broadcast, cable or satellite schedules and scripts, internet, **digital,** print and other types of advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or produced, and reproductions of statements or information published to five hundred or more members of a general public audience by computer or other electronic device including but not limited to electronic mail or text message, purchased in connection with such election by or under the authority of the person filing the statement or the committee or the person on whose behalf it is filed, as the case may be. **Political communications shall also include all other published statements conveyed to five hundred or more members of a general public audience which: (i) irrespective of when such statement is made, contains words such as "vote", "oppose", "support", "elect", "defeat", or "reject", which call for the election or defeat of the clearly identified candidate; or (ii) refers to and advocates for or against a clearly identified candidate or ballot proposal on or after January first of the year of the election in which such candidate is seeking office or such proposal shall appear on 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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officer with whom or the board with which it is required to be filed for a period of one year from the date of filing thereof.

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

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

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

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

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

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

§ 4. The state board of elections shall promulgate all rules and regulations necessary to implement the provisions of this act on or before its effective date.

§ 5. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law.