

STATE OF NEW YORK

6896

2017-2018 Regular Sessions

IN SENATE

October 2, 2017

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

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

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

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

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

42 § 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, unincorpor-
54 ated business entity, labor organization or business, trade or profes-
55 sional association or organization or political committee.

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