

# 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.

LBD13535-02-7

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.