

STATE OF NEW YORK

4668

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. ZEBROWSKI, LUPARDO, JAFFEE, THIELE, SIMOTAS, BENEDETTO, PAULIN, QUART, DINOWITZ, STIRPE, L. ROSENTHAL, STECK, FAHY, CAHILL, GALEF, GOTTFRIED, M. G. MILLER, SOLAGES, CYMBROWITZ, WEPRIN, LIFTON, ABINANTI, SANTABARBARA, PEOPLES-STOKES, RAIA -- Multi-Sponsored by -- M. of A. CROUCH, GLICK, MOSLEY, RAMOS -- 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 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 part JJJ of chapter 59 of the laws of 2018, 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, paid internet or 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. Such copies, schedules and scripts shall be preserved by the 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 committees that make an expenditure for a political communication shall be required to disclose the identity of the political committee 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

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

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1 internet advertising shall be printed or typed in an appropriate legible
2 form to read as follows: "Paid for by:" followed by the name of the
3 political committee making the expenditure. The disclosure on non-print-
4 ed or digital political communications shall clearly and prominently
5 display and/or speak the following statement: "Paid for by:" followed by
6 the name of the political committee making the expenditure. In the case
7 of a political communication that is not visual, such as radio or auto-
8 mated telephone calls, clearly speaking the statement will satisfy the
9 requirements of this section.

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

19 4. Political communication that is considered digital media which
20 advertises for a particular candidate, election, ballot measure or issue
21 which limits the content of communication to the name, office and brief
22 message shall not be subject to the provisions of subdivision two of
23 this section if such digital media is unable to contain the "paid for
24 by" statement due to its small size and contains a link to another
25 webpage where the "paid for by" statement is prominently displayed.

26 § 2. Subdivision 2 of section 14-107 of the election law, as amended
27 by section 5 of part JJJ of chapter 59 of the laws of 2018, is amended
28 to read as follows:

29 2. Whenever any person makes an independent expenditure, such communi-
30 cation shall, in a manner consistent with section 14-106 of this arti-
31 cle, clearly state the name of the person who paid for, or otherwise
32 published or distributed the communication and state, with respect to
33 communications regarding candidates, that the communication was not
34 expressly authorized or requested by any candidate, or by any candi-
35 date's political committee or any of its agents.

36 § 3. Subdivision 3 of section 14-126 of the election law, as added by
37 section 12 of part JJJ of chapter 59 of the laws of 2018, is amended to
38 read as follows:

39 3. Any person who falsely identifies or knowingly fails to identify
40 any independent expenditure as required by subdivision two of section
41 14-107 of this article or any political committee as required in section
42 14-106 of this article shall be subject to a civil penalty up to one
43 thousand dollars or up to the cost of the communication, whichever is
44 greater, in a special proceeding or civil action brought by the state
45 board of elections chief enforcement counsel pursuant to paragraph (a)
46 of subdivision five of section 3-104 of this chapter. For purposes of
47 this subdivision, the term "person" shall mean a person, group of
48 persons, corporation, unincorporated business entity, labor organization
49 or business, trade or professional association or organization or poli-
50 tical 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.