

# STATE OF NEW YORK

3450

2019-2020 Regular Sessions

## IN ASSEMBLY

January 29, 2019

Introduced by M. of A. ZEBROWSKI, CUSICK, SIMOTAS, WEPRIN, JAFFEE, L. ROSENTHAL, STIRPE, JOHNS -- Multi-Sponsored by -- M. of A. ABINANTI, GOTTFRIED, LUPARDO -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to imposing limitations on political contributions made by text message

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1-104 of the election law is amended by adding  
2 three new subdivisions 38, 39 and 40 to read as follows:

3 38. The term "mobile telephone" shall mean the device used by  
4 subscribers and other users of wireless telephone service to access such  
5 service.

6 39. The term "text message" means an electronic communication via the  
7 short message service (SMS) that may only be sent and received through a  
8 mobile telephone.

9 40. The term "connection aggregator" means a third party intermediary  
10 between the wireless provider and the political committee that receives  
11 and processes text messages by common short codes (CSCs).

12 § 2. The election law is amended by adding a new section 14-134 to  
13 read as follows:

14 § 14-134. Political contributions through text message. 1. The state  
15 board shall develop rules and regulations regarding political contribu-  
16 tions made to campaigns through text message by December thirty-first,  
17 two thousand nineteen. The rules regarding contributions received  
18 through text message must include provisions that after a contributor  
19 has sent in a contribution through text message, the connection aggrega-  
20 tor is required to send an opt-in disclosure notice to the contributor  
21 that must be affirmatively responded to by the contributor with the text  
22 "yes" to complete the transaction. The opt-in disclosure notice must ask  
23 the contributor to affirmatively agree with the following statements:

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

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1 a. I am a United States citizen or lawfully permanent resident of the  
2 United States;

3 b. This contribution is made from myself as an individual and is not  
4 made from funds from a corporation, labor organization, bank, political  
5 action committee or an individual registered as a federal or New York  
6 state lobbyist.

7 2. The provisions of this section shall only apply to contributions to  
8 candidates, authorized political committees, constituted committees,  
9 party committees, all party and constituted housekeeping committees and  
10 political action committees that are sent from a mobile telephone via  
11 text message. All contributions received through text message shall be  
12 exempt from record keeping and disclosure filing requirements pursuant  
13 to section 14-104 of this article.

14 3. A political committee may enter into an agreement with the  
15 connection aggregator on terms that are consistent with the ordinary  
16 course of business.

17 4. A political committee must receive all text message contributions  
18 through a single common short code (CSC) per campaign cycle.

19 § 3. Section 14-114 of the election law is amended by adding a new  
20 subdivision 11 to read as follows:

21 11. Notwithstanding any other provision of this article, any contrib-  
22 ution that is made by mobile telephone via text message shall not exceed  
23 ten dollars. An individual may not make more than nine contributions  
24 through text message to a given political committee in a campaign cycle.

25 § 4. This act shall take effect immediately.