

STATE OF NEW YORK

4910

2019-2020 Regular Sessions

IN SENATE

March 29, 2019

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

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 part JJJ of chapter 59 of the laws of 2018, is amended to read as
3 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, paid internet or
8 digital, print and other types of advertisements, pamphlets, circulars,
9 flyers, brochures, letterheads and other printed matter purchased or
10 produced, and reproductions of statements or information published to
11 five hundred or more members of a general public audience by computer or
12 other electronic device including but not limited to electronic mail or
13 text 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. Such copies,
16 schedules and scripts shall be preserved by the officer with whom or the
17 board with which it is required to be filed for a period of one year
18 from the date of filing thereof.

19 2. All political committees that make an expenditure for a political
20 communication shall be required to disclose the identity of the poli-
21 tical committee which made the expenditure for such political communi-
22 cation. The disclosure on printed or digital political communications,
23 including but not limited to brochures, flyers, posters, mailings, or
24 internet advertising shall be printed or typed in an appropriate legible

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

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

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

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

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

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

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

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

50 § 4. The state board of elections shall promulgate all rules and regu-
51 lations necessary to implement the provisions of this act on or before
52 its effective date.

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