STATE OF NEW YORK

4539

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sens. KAPLAN, BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the public buildings law, in relation to prohibiting municipal officers or employees from displaying political advertisements on or within public buildings

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

Section 1. The general municipal law is amended by adding a new section 99-x to read as follows:

§ 99-x. Municipal officers or employees prohibited from displaying political advertisements on public property. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Municipal officer or employee" shall have the same meaning as defined pursuant to section eight hundred of this chapter, except that it shall also include members of any volunteer fire department which is part of such municipality.

(b) "Political advertisement" shall mean any poster, sign, flag, banner, picture, sticker, patch, bumper sticker, article of clothing, accessory or any other item meant to advertise or promote a certain individual for political office.

2. A municipal officer or employee, whether paid or unpaid, shall be prohibited from displaying or causing to be displayed any political advertisement on or within any public building, flag pole, monument, sign or any other permanent structure, as well as on or within any municipally owned vehicle, vehicle owned by a volunteer fire company, or any equipment owned by a municipality or fire department.

3. This section shall not apply when such a political advertisement appears in a book, digital medium, museum, or otherwise serves an educational or historical purpose, or in instances where the certain individual who is the subject of such political advertisement is deceased.

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

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§ 2. The public buildings law is amended by adding a new section 147 to read as follows:

§ 147. Municipal officers or employees prohibited from displaying political advertisements on public property. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Municipal officer or employee" shall have the same meaning as defined pursuant to section eight hundred of the general municipal law, except that it shall also include members of any volunteer fire department which is part of such municipality.

(b) "Political advertisement" shall mean any poster, sign, flag, banner, picture, sticker, patch, bumper sticker, article of clothing, accessory or any other item meant to advertise or promote a certain individual for political office.

2. A municipal officer or employee, whether paid or unpaid, shall be prohibited from displaying or causing to be displayed any political advertisement on or within any public building, flag pole, monument, sign or any other permanent structure, as well as any other location specified pursuant to section ninety-nine-x of the general municipal law.

3. This section shall not apply when such a political advertisement appears in a book, digital medium, museum, or otherwise serves an educational or historical purpose, or in instances where the certain individual who is the subject of such political advertisement is deceased.

§ 3. This act shall take effect immediately.