

STATE OF NEW YORK

4539--A

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sens. KAPLAN, BIAGGI, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 and various other locations

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

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

3 § 99-x. Municipal officers or employees prohibited from displaying
4 political advertisements on public property. 1. For purposes of this
5 section, the following terms shall have the following meanings:

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

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

14 2. A municipal officer or employee, whether paid or unpaid, shall be
15 prohibited from displaying or causing to be displayed any political
16 advertisement on or within any public building, flag pole, monument,
17 sign or any other permanent structure, on any uniform, accessory or
18 other gear worn or used by a municipal officer as part of their official
19 capacity, as well as on or within any municipally owned vehicle, vehicle

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

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1 owned by a volunteer fire company, or any equipment owned by a municipi-
2 pality or fire department.

3 3. This section shall not apply when such a political advertisement
4 appears in a book, digital medium, museum, or otherwise serves an educa-
5 tional or historical purpose, or in instances where the certain individ-
6 ual who is the subject of such political advertisement is deceased.

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

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

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

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

20 2. A municipal officer or employee, whether paid or unpaid, shall be
21 prohibited from displaying or causing to be displayed any political
22 advertisement on or within any public building, flag pole, monument,
23 sign or any other permanent structure, as well as any other location
24 specified pursuant to section ninety-nine-x of the general municipal law
25 that such municipal officer interacts with as part of their official
26 capacity.

27 3. This section shall not apply when such a political advertisement
28 appears in a book, digital medium, museum, or otherwise serves an educa-
29 tional or historical purpose, or in instances where the certain individ-
30 ual who is the subject of such political advertisement is deceased.

31 § 3. This act shall take effect immediately.