STATE OF NEW YORK

4733--A

2023-2024 Regular Sessions

IN SENATE

February 14, 2023

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections 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 election law, in relation to requiring social media influencers to disclose when they share on social media that they are being paid by a campaign; and authorizes the state board of elections to promulgate certain regulations

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 chapter 454 of the laws of 2019, 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, **including social media posts made by individuals being paid by the campaign,** 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 poli-

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

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tical 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 internet advertising**, including social media posts made by individuals being paid by the campaign,** shall be printed or typed in an appropriate legible form to read as follows: "Paid for by:" followed by the name of the political committee making the expenditure. The disclosure on non-printed or digital political communications shall clearly and prominently display and/or speak the following statement: "Paid for by:" followed by the name of the political committee making the expenditure. In the case of a political communication that is not visual, such as radio or automated telephone calls, clearly speaking the statement will satisfy the requirements of this section.

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

4. Political communication that is considered digital media which advertises for a particular candidate, election, ballot measure or issue which limits the content of communication to the name, office and brief message shall not be subject to the provisions of subdivision two of this section if such digital media is unable to contain the "paid for by" statement due to its small size and contains a link to another webpage where the "paid for by" statement is prominently displayed. **Social media posts made on behalf of a particular candidate, election, ballot measure or other issue shall not be exempted from the provisions of this section.**

5. The state board of elections is authorized to promulgate additional regulations pertaining to the method of filing statements required to be provided pursuant to this section. Such regulations shall be promulgated within ninety days of the effective date of this subdivision.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.