

STATE OF NEW YORK

2437

2025-2026 Regular Sessions

IN SENATE

January 17, 2025

Introduced by Sen. KRUEGER -- 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 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:

1 Section 1. Section 14-106 of the election law, as amended by chapter
2 454 of the laws of 2019, subdivisions 5 and 6 as added by section 1 of
3 subpart B of part MM of chapter 58 of the laws of 2024, paragraph (b) of
4 subdivision 5 as amended and subdivision 7 as added by chapter 169 of
5 the laws of 2024, is amended to read as follows:

6 § 14-106. Political communication. 1. The statements required to be
7 filed under the provisions of this article next succeeding a primary,
8 general or special election shall be accompanied by a copy of all broad-
9 cast, cable or satellite schedules and scripts, paid internet or
10 digital, including social media posts made by individuals being paid by
11 the campaign, print and other types of advertisements, pamphlets, circu-
12 lars, flyers, brochures, letterheads and other printed matter purchased
13 or produced, and reproductions of statements or information published to
14 five hundred or more members of a general public audience by computer or
15 other electronic device including but not limited to electronic mail or
16 text message, purchased in connection with such election by or under the
17 authority of the person filing the statement or the committee or the
18 person on whose behalf it is filed, as the case may be. Such copies,
19 schedules and scripts shall be preserved by the officer with whom or the
20 board with which it is required to be filed for a period of one year
21 from the date of filing thereof.

22 2. All political committees that make an expenditure for a political
23 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.

LBD06459-01-5

1 tical committee which made the expenditure for such political communi-
2 cation. The disclosure on printed or digital political communications,
3 including but not limited to brochures, flyers, posters, mailings, or
4 internet advertising, including social media posts made by individuals
5 being paid by the campaign, shall be printed or typed in an appropriate
6 legible form to read as follows: "Paid for by:" followed by the name of
7 the political committee making the expenditure. The disclosure on non-
8 printed or digital political communications shall clearly and prominent-
9 ly display and/or speak the following statement: "Paid for by:"
10 followed by the name of the political committee making the expenditure.
11 In the case of a political communication that is not visual, such as
12 radio or automated telephone calls, clearly speaking the statement will
13 satisfy the requirements of this section.

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

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

33 5. (a) For purposes of this subdivision:

34 (i) "Materially deceptive media" means any image, video, audio, text,
35 or any technological representation of speech or conduct fully or
36 partially created or modified that:

37 (1) exhibits a high level of authenticity or convincing appearance
38 that is visually or audibly indistinguishable from reality to a reason-
39 able person;

40 (2) depicts a scenario that did not actually occur or that has been
41 altered in a significant way from how they actually occurred; and

42 (3) is created by or with software, machine learning, artificial
43 intelligence, or any other computer-generated or technological means,
44 including adapting, modifying, manipulating, or altering a realistic
45 depiction.

46 (ii) "Information content provider" means any person or entity that is
47 responsible, in whole or in part, for the creation or development of
48 information provided through the Internet or any other interactive
49 computer service.

50 (b) (i) A person, firm, association, corporation, campaign, committee,
51 or organization that distributes or publishes any political communi-
52 cation that was produced by or includes materially deceptive media and
53 has actual knowledge that it is materially deceptive shall be required
54 to disclose this use.

55 (ii) (1) For visual media the disclosure shall be printed or typed in
56 a legible font size easily readable by the average viewer that is no

1 smaller than other text appearing in the visual media and in the same
2 language used on the communication to read as follows: "This (image,
3 video, or audio) has been manipulated".

4 (2) For communication that is auditory, such as radio or automated
5 telephone calls, clearly speaking the statement at the beginning of the
6 audio, at the end of the audio, and, if the audio is greater than two
7 minutes in length, interspersed within the audio at intervals of not
8 greater than two minutes each and in the same language as the rest of
9 the audio used in the communication, and in a pitch that can be easily
10 heard by the average listener satisfies the requirements of clause one
11 of this subparagraph.

12 (iii) This paragraph shall not apply to the following:

13 (1) materially deceptive media that constitutes satire or parody;

14 (2) materially deceptive media distributed by a bona fide news report-
15 ing entity for the purpose of news reporting or coverage, if the report-
16 ing clearly acknowledges through content or a disclosure, in a manner
17 that can be easily read or heard by the average listener or viewer, that
18 there are questions about the authenticity of the materially deceptive
19 media;

20 (3) a radio or television broadcasting station, including a cable
21 television, satellite television or streaming service operator, program-
22 mer, producer or other similar entity, that broadcasts a political
23 communication when the station or streaming service is paid to broadcast
24 the political communication if the station or streaming service can show
25 that it has disclaimer requirements that are consistent with the
26 requirements provided in this paragraph and that it provided those
27 disclaimer requirements to each person or entity that purchased the
28 broadcast or streaming of the advertisement; or

29 (4) initial dissemination by a platform or service including, but not
30 limited to, a website, regularly published newspaper, or magazine, where
31 the content disseminated is materially deceptive media provided by
32 another information content provider.

33 (iv) A candidate whose voice or likeness appears in materially decep-
34 tive media in violation of this subdivision may seek reasonable court
35 costs and attorneys' fees and injunctive relief prohibiting the distrib-
36 ution, publication or broadcasting of any materially deceptive media in
37 violation of this subdivision against such individual or entity who
38 disseminated or published such media without the consent of the person
39 depicted and who knew or should have known that it was materially decep-
40 tive. An action under this paragraph shall be initiated by filing an
41 application for an order to show cause in the supreme court where the
42 materially deceptive media at issue could deceive and influence electors
43 in an upcoming election. Such action shall be entitled to an automatic
44 calendar preference and be subject to expedited pretrial and trial
45 proceedings.

46 (v) In any action alleging a violation of this subdivision in which a
47 plaintiff seeks preliminary relief with respect to an upcoming election,
48 the court shall grant relief if it determines that:

49 (A) plaintiffs are more likely than not to succeed on the merits; and

50 (B) it is possible to implement an appropriate remedy that would
51 resolve the alleged violation in the upcoming election.

52 (vi) In any action commenced under this subdivision, the plaintiff
53 bears the burden of establishing the use of materially deceptive media
54 by clear and convincing evidence.

55 6. Nothing in this section shall be construed to limit, or to enlarge,
56 the protections that 47 U.S.C. § 230 confers on an interactive computer

1 service for content provided by another information content provider, as
2 such terms are defined in 47 U.S.C. § 230.

3 7. Nothing in this section shall be construed to require entities to
4 cancel, edit, or insert video or audio labels into political communi-
5 cations where such action is inconsistent with federal law.

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

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