

STATE OF NEW YORK

10663

IN SENATE

July 15, 2026

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

AN ACT to amend the election law and the New York city charter, in relation to independent expenditures

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

1 Section 1. Paragraph (a) of subdivision 1 of section 14-107 of
2 election law, as amended by chapter 595 of the laws of 2025, is amended
3 to read as follows:

4 (a) "Independent expenditure" means an expenditure made by an inde-
5 pendent expenditure committee in the form of (i) an audio or video
6 communication via broadcast, cable or satellite, (ii) a written communi-
7 cation via advertisements, pamphlets, circulars, flyers, brochures,
8 letterheads or (iii) other published statements, where such expenditure
9 is conveyed to five hundred or more members of a general public audi-
10 ence, or in the form of any paid internet or digital advertisement
11 targeted to fifty or more members of a general public audience, or in
12 the form of a public-facing website, which: (i) irrespective of when
13 such communication is made, contains words such as "vote," "oppose,"
14 "support," "elect," "defeat," or "reject," which call for the election
15 or defeat of the clearly identified candidate, (ii) refers to and advo-
16 cates for or against a clearly identified candidate or ballot proposal
17 on or after January first of the year of the election in which such
18 candidate is seeking office or such proposal shall appear on the ballot,
19 or (iii) within sixty days before a general or special election for the
20 office sought by the candidate or thirty days before a primary
21 election[~~-~~];

22 (A) includes or references a clearly identified candidate;

23 (B) uses such candidate's name, voice, likeness, or another descriptor
24 that would be understood by a reasonable viewer to refer to such candi-
25 date; or

26 (C) regardless of whether the communication identifies or references a
27 clearly identified candidate, uses language or imagery substantially
28 associated with a candidate's campaign, platform, background, or public-

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

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ly stated positions, such that a reasonable viewer would understand the communication as designed to influence the outcome of such general, special, or primary election. An independent expenditure shall not include communications where such candidate, the candidate's political committee or its agents, a party committee or its agents, or a constituted committee or its agents or a political committee formed to promote the success or defeat of a ballot proposal or its agents, did authorize, request, suggest, foster or cooperate in such communication.

§ 2. Subdivision 3 of section 14-126 of the election law, as amended by chapter 87 of the laws of 2020, is amended to read as follows:

3. (a) Any person who falsely identifies or [~~knowingly~~] fails to identify any independent expenditure as required by subdivision two of section 14-107 of this article or any political communication as required in section 14-106 of this article shall be subject to a civil penalty up to [~~one thousand dollars~~] one million dollars per day of the violation or up to the cost of the communication, whichever is greater, in a special proceeding or civil action brought by the state board of elections chief enforcement counsel pursuant to paragraph (a) of subdivision five of section 3-104 of this chapter. For purposes of this subdivision, the term "person" shall mean a person, group of persons, corporation, unincorporated business entity, labor organization or business, trade or professional association or organization or political committee.

(b) Any person who knowingly and willfully falsely identifies or knowingly and willfully fails to identify any independent expenditure as required by subdivision two of section 14-107 of this article or any political communication as required in section 14-106 of this article shall be subject to a civil penalty of up to five million dollars per day of the knowing and willful violation, or up to the cost of the communication, whichever is greater, in a special proceeding or civil action brought by the state board of elections chief enforcement counsel pursuant to paragraph (a) of subdivision five of section 3-104 of this chapter. For purposes of this subdivision, the term "person" shall mean a person, group of persons, corporation, unincorporated business entity, labor organization or business, trade or professional association or organization or political committee.

(c) Such chief enforcement counsel shall further be empowered to pursue injunctive relief to enjoin an unlawful disclosure or communication described in this subdivision.

(d) Where a person knowingly and willfully falsely identifies or knowingly and willfully fails to identify any independent expenditure as required by subdivision two of section 14-107 of this article or any political communication as required in section 14-106 of this article and an individual is injured thereby, such individual may bring an action for actual damages, punitive damages, injunctive relief, reasonable attorneys fees and costs, and other such remedies as a court may deem appropriate.

§ 3. Subparagraph (a) of paragraph 15 of subdivision a of section 1052 of the New York city charter is amended by adding three new clauses (iv), (v) and (vi) to read as follows:

(iv) "Direct donor" shall mean a donor that is not itself a political committee or political action committee.

(v) "Political committee" shall mean as defined in subdivision one of section 14-100 of the election law.

(vi) "Political action committee" shall mean as defined in subdivision sixteen of section 14-100 of the election law.

§ 4. Clauses (i), (ii), (iii) and (iv) of subparagraph (c) of paragraph 15 of subdivision a of section 1052 of the New York city charter, as amended by local law number 41 of the city of New York for the year 2014, are amended to read as follows:

(i) (A) on any written, typed, or printed communication, or on any internet text or graphical advertisement, in a conspicuous size and style, the words "Paid for by" followed by the name of the individual or the name of the entity, the name of its owner, if any, and the name of its chief executive officer or equivalent, if any, and, following the words "Top Three Donors," a list of the three largest aggregate donors to such entity in the twelve months preceding the election, except that no donor that contributed less than five thousand dollars to the disclosing entity in the twelve months preceding the election shall be included in such disclosure, and except that if such entity has only one or two donors that contributed at least five thousand dollars the words "Top Three Donors" shall be replaced by the words "Top Donor" or "Top Donors" as applicable, and except that expenditures funded by an individual or where no such donors exist need not include the words "Top Three Donors" or a list of donors, and except that this clause shall not apply to communications required to include a disclosure pursuant to subdivision sixteen of section 3-703 of the administrative code.

Provided, however, that in the event that one of the top donors required to be listed under this clause is a political committee or political action committee, such communication, text, or advertisement shall then list the three largest aggregate donors, as described in this clause, of such committee. In the event that one of the top donors to the political committee or political action committee, having contributed at least five thousand dollars to such committee in the twelve months preceding the election, is yet another political committee or political action committee, such communication, text, or advertisement shall be required to list the top three donors of such other committee, and so on and so forth, until the donors of all such political committees or political action committees are listed in the manner required herein for direct donors.

(B) If the third largest donor to the disclosing entity has donated the same amount in the twelve months preceding the election as the fourth largest donor during such period, such entity may choose which three donors to include so long as no donor is included that has donated less in the twelve months preceding the election than any other donor that is not included. Such written disclosures shall further include, in a conspicuous size and style, the following words: "More information at nyc.gov/FollowTheMoney." The board may, at its discretion, designate a website other than nyc.gov/FollowTheMoney as the website that must be included in such disclosure. All disclosures required by this clause shall be enclosed in a box within the borders of the communication or advertisement that contains only those disclosures required by this subparagraph, the rules of the board, the election law, or any other applicable law or rule. For the purposes of this clause, the "owner" of an entity shall be an individual or entity with a greater than fifty percent ownership interest in such entity. The disclosures required by this clause shall not apply to bumper stickers, pins, buttons, pens, and similar small items upon which such disclosures cannot be reasonably printed;

(ii) (A) on any paid television advertisement or paid internet video advertisement, clearly spoken in a pitch and tone substantially similar to the rest of the advertisement, at the beginning or end of the adver-

tisement, the words "paid for by" followed by the name of the individual or the name of the entity, and, in a conspicuous size and style simultaneous with such spoken disclosure, the written words "Paid for by" followed by the name of the individual or the name of the entity, followed by the words "The top three donors to the organization responsible for this advertisement are," followed by a list of the three largest aggregate donors to such entity in the twelve months preceding the election, except that no donor that contributed less than five thousand dollars to the disclosing entity in the twelve months preceding the election shall be included in such disclosure, and except that if such entity has only one or two donors that contributed at least five thousand dollars the words "top three donors" shall be replaced by the words "top donor" or "top donors" as applicable, and except that expenditures funded by an individual or where no such donors exist need not include the words "The top three donors to the organization responsible for this advertisement are" or a list of donors, and except that this clause shall not apply to communications required to include a disclosure pursuant to subdivision sixteen of section 3-703 of the administrative code.

Provided, however, that in the event that one of the top donors required to be listed under this clause is a political committee or political action committee, such advertisement shall then disclose the three largest aggregate donors, as described in this clause, of such committee. In the event that one of the top donors to the political committee or political action committee, having contributed at least five thousand dollars to such committee in the twelve months preceding the election, is yet another political committee or political action committee, such advertisement shall be required to disclose the top three donors of such other committee, and so on and so forth, until the donors of all such political committees or political action committees are disclosed in the manner required herein for direct donors.

(B) If the third largest donor to the disclosing entity has donated the same amount in the twelve months preceding the election as the fourth largest donor during such period, such entity may choose which three donors to include so long as no donor is included that has donated less in the twelve months preceding the election than any other donor that is not included. Such written disclosures shall further include, in a conspicuous size and style, the following words: "More information at nyc.gov/FollowTheMoney." The board may, at its discretion, designate a website other than nyc.gov/FollowTheMoney as the website that must be included in such disclosure. All written disclosures required by this clause shall be enclosed in a box that contains only those disclosures required by this subparagraph, the rules of the board, the election law, or any other applicable law or rule;

(iii) (A) in any paid radio advertisement, paid internet audio advertisement, or automated telephone call, clearly spoken in a pitch and tone substantially similar to the rest of the advertisement or call, at the end of the advertisement or call, the words "paid for by" followed by the name of the individual or the name of the entity, followed by the words "with funding provided by," followed by a list of the three largest aggregate donors to such entity in the twelve months preceding the election, except that no donor that contributed less than five thousand dollars to the disclosing entity in the twelve months preceding the election shall be included in such disclosure, and except that expenditures funded by an individual or where no such donors exist need not include the words "with funding provided by" or a list of donors, and except that this clause shall not apply to communications required to

1 include a disclosure pursuant to subdivision sixteen of section 3-703 of
2 the administrative code. Provided, however, that in the event that one
3 of the top donors required to be listed under this clause is a political
4 committee or political action committee, such advertisement or call
5 shall then disclose the three largest aggregate donors, as described in
6 this clause, of such committee. In the event that one of the top donors
7 to the political committee or political action committee, having
8 contributed at least five thousand dollars to such committee in the
9 twelve months preceding the election, is yet another political committee
10 or political action committee, such advertisement or call shall be
11 required to disclose the top three donors of such other committee, and
12 so on and so forth, until the donors of all such political committees or
13 political action committees are disclosed in the manner required herein
14 for direct donors.

15 (B) If the third largest donor to the disclosing entity has donated
16 the same amount in the twelve months preceding the election as the
17 fourth largest donor during such period, such entity may choose which
18 three donors to include so long as no donor is included that has donated
19 less in the twelve months preceding the election than any other donor
20 that is not included. In the case of a radio or internet audio adver-
21 tisement covered by this clause that is thirty seconds in duration or
22 shorter, the clearly spoken words "more information at
23 nyc.gov/FollowTheMoney" may be included in a pitch and tone substantial-
24 ly similar to the rest of the advertisement, instead of the words "with
25 funding provided by" followed by a list of the three largest aggregate
26 donors in the twelve months preceding the election. The board may, at
27 its discretion, designate a website other than nyc.gov/FollowTheMoney as
28 the website that must be included in such disclosure; and

29 (iv) in any non-automated telephone call, clearly spoken during any
30 such call lasting longer than ten seconds, the words "this call is paid
31 for by," followed by the name of the individual or the name of the enti-
32 ty, followed by the words "more information is available at
33 nyc.gov/FollowTheMoney." The board may, at its discretion, designate a
34 website other than nyc.gov/FollowTheMoney as the website that must be
35 included in such disclosure; provided, however, that in the event that
36 the entity is a political committee or political action committee, such
37 telephone call shall then disclose the top donor of such committee. In
38 the event that the donor to the political committee or political action
39 committee, having contributed at least five thousand dollars to such
40 committee in the twelve months preceding the election, is yet another
41 political committee or political action committee, such telephone call
42 shall be required to disclose the top donor of such other committee, and
43 so on and so forth, until the donors of all such political committees or
44 political action committees are disclosed in the manner required herein
45 for direct donors.

46 § 5. Subparagraph (d) of paragraph 15 of subdivision a of section 1052
47 of the New York city charter, as added by section 7 of Question 2 of
48 local law number 60 of the city of New York for the year 2010, is
49 amended to read as follows:

50 (d) (i) The board may, upon notice and opportunity to be heard, assess
51 civil penalties in an amount not in excess of [~~ten thousand~~] one million
52 dollars per day for each violation of this paragraph. The intentional or
53 knowing violation of this paragraph shall be punishable as a misdemeanor
54 in addition to any other penalty provided under law.

1 (ii) The board may further pursue injunctive relief to enjoin an
2 unlawful disclosure or communication not in compliance with subparagraph
3 (c) of this paragraph.

4 § 6. This act shall take effect on the ninetieth day after it shall
5 have become a law. Effective immediately, the addition, amendment and/or
6 repeal of any rule or regulation necessary for the implementation of
7 this act on its effective date are authorized to be made and completed
8 on or before such effective date.