STATE OF NEW YORK

10663--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to independent expenditures

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

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

(a) "Independent expenditure" means an expenditure made by an independent expenditure committee in the form of (i) an audio or video communication via broadcast, cable or satellite, (ii) a written communication via advertisements, pamphlets, circulars, flyers, brochures, letterheads or (iii) other published statements, where such expenditure is conveyed to five hundred or more members of a general public audience, or in the form of any paid internet or digital advertisement targeted to fifty or more members of a general public audience, or in the form of a public-facing website, which: (i) irrespective of when such communication is made, contains words such as "vote," "oppose," "support," "elect," "defeat," or "reject," which call for the election or defeat of the clearly identified candidate, (ii) refers to and advocates for or against a clearly identified candidate or ballot proposal on or after January first of the year of the election in which such candidate is seeking office or such proposal shall appear on the ballot, or (iii) within sixty days before a general or special election for the office sought by the candidate or thirty days before a primary election[~~,~~]**:**

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

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

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

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(C) regardless of whether the communication identifies or references a clearly identified candidate, uses language or imagery substantially associated with a candidate's campaign, platform, background, or publicly 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 1 of section 14-107 of election law is amended by adding two new paragraphs (h) and (i) to read as follows:

(h) For purposes of this section, "entity" means a corporation, limited liability company, partnership, limited liability partnership, unincorporated business entity, political committee, political party, party committee, constituted committee, labor organization, association, club, or other organization.

(i) For purposes of this section, "true source" refers to when an individual uses such individual's personal assets and income, or when an entity uses monies received in commercial transactions in the ordinary course of such entity's regular trade, business, or investments, or when an entity uses membership or union dues belonging to the entity that do not exceed five thousand dollars from any one individual or entity in a calendar year.

§ 3. Paragraph (b) of subdivision 4 of section 14-107 of the election law, as amended by section 4 of part A of chapter 286 of the laws of 2016, is amended and two new paragraphs (c) and (d) are added to read as follows:

(b) The disclosures required by paragraph (a) of this subdivision shall include, in addition to any other information required by law:

(i) the name, address, occupation and employer of the person making the statement;

(ii) For each expenditure or payment made: (1) the dollar amount paid for each independent expenditure, the name and address of the person or entity receiving the payment, the date the payment was made and a description of the independent expenditure;

(2) the election to which the independent expenditure pertains and the name of the [~~clearly identified~~] candidate or the ballot proposal referenced and whether the candidate or ballot proposal is supported or opposed; and

(3) A list of all expenditures made by and liabilities incurred for services rendered during the relevant reporting period.

(iii) For each contribution received the name, address, occupation and employer of any person providing a contribution, gift, loan, advance or deposit of one thousand dollars or more for the independent expenditure, or the provision of services for the same and the date it was given.

(iv) for each entity that has contributed one thousand dollars or more in the aggregate to the independent expenditure committee:

(1) the name and employer of each individual who exerts operational or managerial influence or control over such entity, including at least one natural person; and

(2) if such entity contributed fifty thousand dollars or more to such committee in the twelve months preceding the election to which an independent expenditure made by such committee pertains:

(A) the identity of any entity or individual who contributed twenty-five thousand dollars or more to such entity in the twelve months preceding the election;

(B) for each further entity identified under subclause (A) of this clause, the identity of any entity or individual who contributed twenty-five thousand dollars or more to such further entity in the twelve months preceding the election, as well as the name and employer of each individual who exerts operational or managerial influence or control over such further entity, including at least one natural person, continuing in the same manner for each entity so identified;

(C) the dollar amount that each individual or entity identified under subclauses (A) and (B) of this clause contributed; and

(D) for each entity described in or identified under this clause for which no contributor is identified under this clause, a statement of whether such entity was the true source of the funds it contributed or instead served, in whole or in part, as an intermediary for funds originating with another individual or entity.

For purposes of this paragraph and paragraph (c) of this subdivision, all funds that an entity receives from another individual or entity, other than funds of which it is the true source and loans made in the regular course of the lender's business, shall be treated as contributed by such individual or entity.

(c) An independent expenditure committee that receives a contribution from an entity described in clause two of subparagraph (iv) of paragraph (b) of this subdivision shall not use such contribution, directly or indirectly, for independent expenditures until such time as such committee has disclosed all of the information required by subparagraph (iv) of paragraph (b) of this subdivision to the state board of elections. Such committee shall further be barred from making any independent expenditure that would reduce its funds on hand below the total of such contributions that have yet to be disclosed pursuant to subparagraph (iv) of paragraph (b) of this subdivision.

(d) No individual or entity shall structure, or assist in structuring, any contribution, transfer, or other transaction, and no individual or entity shall establish or use any entity, for the purpose of evading the requirements of this section.

§ 4. Subdivision 8 of section 14-107 of the election law, as added by section 5 of part A of chapter 286 of the laws of 2016, is amended to read as follows:

8. (a) All criminal liability related to this section shall require knowing and willful violations in accordance with section 14-126 of this article.

(b) A [~~knowing and willful~~] violation of the provisions of subdivisions three and four of this section shall subject the person to a civil penalty [~~equal to five thousand dollars~~] of up to one million dollars per day of the violation or the cost of the communication, whichever is greater, and a knowing and willful violation of such provisions shall subject the person to a civil penalty of up to five million dollars per day of the violation or the cost of the communication, whichever is greater, which shall be recovered in a special proceeding or civil action brought by the state board of elections chief enforcement counsel. No penalty shall be imposed under this paragraph for the omission of information required by clause two of subparagraph (iv) of paragraph (b) of subdivision four of this section while the independent expenditure committee complies with paragraph (c) of subdivision four of this section.

§ 5. 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.

§ 6. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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