STATE OF NEW YORK

2437--A

Cal. No. 296

2025-2026 Regular Sessions

IN SENATE

January 17, 2025

Introduced by Sens. KRUEGER, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the election law, in relation to requiring disclosure of social media posts that are paid for 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, subdivisions 5 and 6 as added by section 1 of subpart B of part MM of chapter 58 of the laws of 2024, paragraph (b) of subdivision 5 as amended and subdivision 7 as added by chapter 169 of the laws of 2024, 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 paid for 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

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

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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 political 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 paid for 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 paid for by a campaign shall not be exempted from the provisions of this section.**

5. (a) For purposes of this subdivision:

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

(1) exhibits a high level of authenticity or convincing appearance that is visually or audibly indistinguishable from reality to a reasonable person;

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

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

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

(b) (i) A person, firm, association, corporation, campaign, committee, or organization that distributes or publishes any political communication that was produced by or includes materially deceptive media and

has actual knowledge that it is materially deceptive shall be required to disclose this use.

(ii) (1) For visual media the disclosure shall be printed or typed in a legible font size easily readable by the average viewer that is no smaller than other text appearing in the visual media and in the same language used on the communication to read as follows: "This (image, video, or audio) has been manipulated".

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

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

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

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

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

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

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

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

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

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

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

6. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C. § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

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

8. 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.