

# PROGRAM BILL # 17

Legislative Bill Drafting Commission  
12051-02-8

S. -----  
Senate  
-----

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
-----

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*ELECCLA\*  
(Relates to establishing the "Democ-  
racy Protection Act")

Elect. political communications

## AN ACT

establishing the "Democracy  
Protection Act"; and to amend the  
election law, in relation to the  
disclosure of the identities of  
political committees, persons,  
organizations, or agents making  
certain expenditures for political  
communications

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

## IN SENATE

### Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s03 Croci	s27 Hoylman	s25 Montgomery	s23 Savino
s52 Akshar	s50 DeFrancisco	s60 Jacobs	s40 Murphy	s41 Serino
s31 Alcantara	s18 Dilan	s09 Kaminsky	s58 O'Mara	s29 Serrano
s46 Amedore	s17 Felder	s26 Kavanagh	s62 Ortt	s51 Seward
s11 Avella	s02 Flanagan	s63 Kennedy	s21 Parker	s16 Stavisky
s36 Bailey	s55 Funke	s34 Klein	s13 Peralta	s35 Stewart-
s30 Benjamin	s59 Gallivan	s28 Krueger	s19 Persaud	Cousins
s42 Bonacic	s12 Gianaris	s24 Lanza	s07 Phillips	s49 Tedisco
s04 Boyle	s22 Golden	s39 Larkin	s61 Ranzenhofer	s53 Valesky
s44 Breslin	s47 Griffo	s01 LaValle	s48 Ritchie	s57 Young
s08 Brooks	s20 Hamilton	s45 Little	s33 Rivera	s32
s38 Carlucci	s06 Hannon	s05 Marcellino	s56 Robach	s37
s14 Comrie	s54 Helming	s43 Marchione	s10 Sanders	

## IN ASSEMBLY

### Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a135 Johns	a091 Otis	a022 Solages
a092 Abinanti	a070 Dickens	a115 Jones	a132 Palmesano	a114 Stec
a084 Arroyo	a054 Dilan	a077 Joyner	a002 Palumbo	a110 Steck
a035 Aubry	a081 Dinowitz	a040 Kim	a088 Paulin	a127 Stirpe
a120 Barclay	a147 DiPietro	a131 Kolb	a009 Pellegrino	a071 Taylor
a030 Barnwell	a016 D'Urso	a105 Lalor	a141 Peoples-	a001 Thiele
a106 Barrett	a004 Englebright	a013 Lavine	Stokes	a061 Titone
a060 Barron	a133 Errigo	a134 Lawrence	a058 Perry	a031 Titus
a082 Benedetto	a109 Fahy	a050 Lentol	a023 Pheffer	a033 Vanel
a042 Bichotte	a126 Finch	a125 Lifton	Amato	a055 Walker
a079 Blake	a008 Fitzpatrick	a123 Lupardo	a086 Pichardo	a143 Wallace
a117 Blankenbush	a124 Friend	a121 Magee	a089 Pretlow	a112 Walsh
a098 Brabenec	a095 Galef	a129 Magnarelli	a073 Quart	a146 Walter
a026 Braunstein	a137 Gantt	a064 Malliotakis	a019 Ra	a041 Weinstein
a119 Brindisi	a007 Garbarino	a090 Mayer	a012 Raia	a024 Weprin
a138 Bronson	a148 Giglio	a108 McDonald	a006 Ramos	a059 Williams
a093 Buchwald	a066 Glick	a014 McDonough	a043 Richardson	a113 Woerner
a118 Butler	a150 Goodell	a101 Miller, B.	a078 Rivera	a056 Wright
a094 Byrne	a075 Gottfried	a038 Miller, M.G.	a068 Rodriguez	a096 Zebrowski
a103 Cahill	a100 Gunther	a020 Miller, M.L.	a027 Rosenthal, D.	a005
a044 Carroll	a046 Harris	a015 Montesano	a067 Rosenthal, L.	a010
a062 Castorina	a139 Hawley	a136 Morelle	a025 Rozic	a017
a047 Colton	a083 Heastie	a145 Morinello	a149 Ryan	a039
a032 Cook	a028 Hevesi	a057 Mosley	a111 Santabarbara	a074
a085 Crespo	a048 Hiking	a003 Murray	a140 Schimminger	a080
a122 Crouch	a018 Hooper	a065 Niou	a076 Seawright	a102
a021 Curran	a128 Hunter	a037 Nolan	a087 Sepulveda	a107
a063 Cusick	a029 Hyndman	a144 Norris	a052 Simon	a142
a045 Cymbrowitz	a097 Jaffee	a130 Oaks	a036 Simotas	
a053 Davila	a011 Jean-Pierre	a069 O'Donnell	a104 Skartados	
a072 De La Rosa	a116 Jenne	a051 Ortiz	a099 Skoufis	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

1 Section 1. Section 14-106 of the election law, as amended by section 3  
2 of subpart C of part H of chapter 55 of the laws of 2014, is amended to  
3 read as follows:

4 § 14-106. Political communication. The statements required to be filed  
5 under the provisions of this article next succeeding a primary, general  
6 or special election shall be accompanied by a copy of all broadcast,  
7 cable or satellite schedules and scripts, [internet] paid internet or  
8 digital, print and other types of advertisements, pamphlets, circulars,  
9 flyers, brochures, letterheads and other printed matter purchased or  
10 produced, and reproductions of statements or information published to  
11 five hundred or more members of a general public audience by computer or  
12 other electronic device including but not limited to electronic mail or  
13 text message, purchased in connection with such election by or under the  
14 authority of the person filing the statement or the committee or the  
15 person on whose behalf it is filed, as the case may be. Such copies,  
16 schedules and scripts shall be preserved by the officer with whom or the  
17 board with which it is required to be filed for a period of one year  
18 from the date of filing thereof.

19 § 2. The election law is amended by adding a new section 14-106-a to  
20 read as follows:

21 § 14-106-a. Disclosure of political communications. 1. All political  
22 committees required to file a statement under the provisions of this  
23 article that make an expenditure for a political communication shall be  
24 required to disclose the identity of the political committee which made  
25 the expenditure for such political communication. The disclosure on  
26 printed or digital political communications, including but not limited  
27 to brochures, flyers, posters, mailings, or internet or digital adver-  
28 tising shall be printed or typed in an appropriate legible form to read

1 as follows: "Paid for by:" followed by the name of the political commit-  
2 tee making the expenditure. The disclosure on non-printed or digital  
3 political communications shall clearly and prominently display and/or  
4 speak the following statement: "Paid for by:" followed by the name of  
5 the political committee making the expenditure. In the case of a poli-  
6 tical communication that is not visual, such as radio or automated tele-  
7 phone calls, clearly speaking the statement will satisfy the require-  
8 ments of this section.

9 2. Political communications that are promotional items of nominal  
10 value such as pens, bumper stickers, buttons, shirts, bags or balloons  
11 shall be exempt from the provisions of subdivision one of this section.

12 3. A political communication that is considered an internet or digital  
13 advertisement which advertises for or against a particular candidate,  
14 election or ballot measure which limits the content of such communi-  
15 cation to the name, office and brief message shall not be subject to the  
16 provisions of subdivision one of this section if such internet or  
17 digital advertisement is unable to contain the "paid for by" statement  
18 due to its small size and contains a link to another webpage where the  
19 "paid for by" statement is prominently displayed.

20 § 3. Paragraph (a) of subdivision 1 of section 14-107 of the election  
21 law, as amended by section 1 of part A of chapter 286 of the laws of  
22 2016, is amended to read as follows:

23 (a) "Independent expenditure" means an expenditure made by an inde-  
24 pendent expenditure committee [conveyed to five hundred or more members  
25 of a general public audience] in the form of (i) an audio or video  
26 communication via broadcast, cable or satellite, (ii) a written communi-  
27 cation via advertisements, pamphlets, circulars, flyers, brochures,  
28 letterheads or (iii) other published statements, where such expenditure

1 is conveyed to five hundred or more members of a general public audi-  
2 ence, or in the form of any paid internet or digital advertisement  
3 targeted to fifty or more members of a general public audience, which:  
4 (i) irrespective of when such communication is made, contains words such  
5 as "vote," "oppose," "support," "elect," "defeat," or "reject," which  
6 call for the election or defeat of the clearly identified candidate,  
7 (ii) refers to and advocates for or against a clearly identified candi-  
8 date or ballot proposal on or after January first of the year of the  
9 election in which such candidate is seeking office or such proposal  
10 shall appear on the ballot, or (iii) within sixty days before a general  
11 or special election for the office sought by the candidate or thirty  
12 days before a primary election, includes or references a clearly identi-  
13 fied candidate. An independent expenditure shall not include communi-  
14 cations where such candidate, the candidate's political committee or its  
15 agents, a party committee or its agents, or a constituted committee or  
16 its agents or a political committee formed to promote the success or  
17 defeat of a ballot proposal or its agents, did authorize, request,  
18 suggest, foster or cooperate in such communication.

19 § 4. Subdivision 2 of section 14-107 of the election law, as amended  
20 by section 2 of part A of chapter 286 of the laws of 2016, is amended to  
21 read as follows:

22 2. Whenever any person makes an independent expenditure [that costs  
23 one thousand dollars or more in the aggregate], such communication  
24 shall, in a manner consistent with section 14-106-a of this article,  
25 clearly state the name of the person who paid for, or otherwise  
26 published or distributed the communication and state, with respect to  
27 communications regarding candidates, that the communication was not

1 expressly authorized or requested by any candidate, or by any candi-  
2 date's political committee or any of its agents.

3 § 5. The opening paragraph of subdivision 3 of section 14-107 of the  
4 election law, as amended by section 3 of part A of chapter 286 of the  
5 laws of 2016, is amended to read as follows:

6 Any person prior to making any independent expenditure shall first  
7 register with the state board of elections as a political committee and  
8 as an independent expenditure committee in conformance with this article  
9 provided, however, that no foreign national, government, instrumentality  
10 or agent may register as an independent expenditure committee for the  
11 purpose of making independent expenditures in any state or local  
12 election. Such person shall comply with all disclosure obligations  
13 required for political committees by law and shall provide the following  
14 additional information upon registration:

15 § 6. Subparagraph (ii) of paragraph (a) of subdivision 4 of section  
16 14-107 of the election law, as added by section 4 of part A of chapter  
17 286 of the laws of 2016, is amended to read as follows:

18 (ii) Any independent expenditure committee who has registered with the  
19 state board of elections pursuant to subdivision three of this section  
20 shall disclose to the state board of elections electronically, within  
21 twenty-four hours of receipt, any contribution to such independent  
22 expenditure committee of one thousand dollars or more or expenditure  
23 made by such committee over five thousand dollars made within thirty  
24 days before any primary, general, or special election.

25 § 7. The election law is amended by adding a new section 14-107-b to  
26 read as follows:

27 § 14-107-b. Independent expenditure verification. 1. Upon the purchase  
28 of an independent expenditure, as defined in section 14-107 of this

1 article, each television or radio broadcast station, provider of cable  
2 or satellite television, or online platform shall require that the inde-  
3 pendent expenditure committee making such purchase file with such  
4 station, provider or platform a copy of the registration form filed by  
5 such committee with the state board of elections pursuant to subdivision  
6 three of section 14-107 of this article.

7 2. Each online platform shall maintain and make available online for  
8 public inspection in a machine readable format, a complete record of any  
9 purchase on such online platform of any independent expenditure which is  
10 made by an independent expenditure committee. Such record shall be  
11 retained for a period not less than five years from the date of such  
12 purchase.

13 3. A record maintained under subdivision two of this section shall  
14 contain:

15 (a) a digital copy of such independent expenditure;

16 (b) a description of the audience targeted by the advertisement, the  
17 number of views generated from the advertisement, and the date and time  
18 that the advertisement is first displayed and last displayed; and

19 (c) information regarding:

20 (i) the rate charged for such advertisement;

21 (ii) if the advertisement refers to a candidate, the name of the  
22 candidate and the office to which the candidate is seeking election;

23 (iii) the ballot proposal, if any, to which such advertisement refers;

24 (iv) the name of the person purchasing such advertisement and the  
25 address and phone number of such person; and

26 (v) the information provided on the registration form of the independ-  
27 ent expenditure committee making the purchase pursuant to paragraphs (a)  
28 and (b) of subdivision three of section 14-107 of this article.

1 § 8. Subdivision 3 of section 14-126 of the election law, as added by  
2 section 6 of subpart C of part H of chapter 55 of the laws of 2014, is  
3 amended and a new subdivision 7 is added to read as follows:

4 3. Any person who falsely identifies or knowingly fails to identify  
5 any independent expenditure as required by subdivision two of section  
6 14-107 of this article, and any person who fails to comply with the  
7 provisions of section 14-106-a of this article, shall be subject to a  
8 civil penalty up to one thousand dollars or up to the cost of the commu-  
9 nication, whichever is greater, in a special proceeding or civil action  
10 brought by the state board of elections chief enforcement counsel [or  
11 imposed directly by the state board of elections] pursuant to paragraph  
12 (a) of subdivision five of section 3-104 of this chapter. For purposes  
13 of this subdivision, the term "person" shall mean a person, group of  
14 persons, corporation, unincorporated business entity, labor organization  
15 or business, trade or professional association or organization or poli-  
16 tical committee.

17 7. Any television or radio broadcast station, provider of cable or  
18 satellite television, or online platform that fails to comply with the  
19 requirements of section 14-107-b of this article, as applicable, shall  
20 be subject to a civil penalty up to one thousand dollars for each  
21 violation in a special proceeding or civil action brought by the state  
22 board of elections chief enforcement counsel pursuant to paragraph (a)  
23 of subdivision five of section 3-104 of this chapter.

24 § 9. This act shall take effect immediately and shall apply to all  
25 communications made on or after the sixtieth day next succeeding the  
26 date on which it shall have become a law.