

GOVERNOR'S PROGRAM BILL 2018
MEMORANDUM

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

Purpose of the bill:

This bill, entitled the Democracy Protection Act, would amend the Election Law to require paid internet and digital political advertisements be held to the same disclosure and attribution standards as all other traditional media outlets.

Summary of Provisions:

Section 1 would expand the State's definition of political communication to include paid internet and digital advertising. By doing so, any political advertisement posted online or to social media outlets will be subjected to the same standards as those posted to more traditional media outlets (TV, Radio, Print).

Section 2 would add a new section in Article 14 of the Election law (Section 14-106-a) to require all political committees required to file statements under that Article that make independent expenditures to disclose the identity of the political committee making the expenditure. Under current law, only independent expenditure committees are required to make such disclosure. Under this new Section, all political committees will be required to make the disclosure.

Section 3 would amend the definition of independent expenditure to include paid internet or digital advertisements where such expenditure is targeted at 50 or more members of a general public audience.

Section 4 would amend the disclosure requirement applicable to independent expenditures to conform with the disclosure requirements in the new Section 14-106-a applicable to communications by all forms of political committees.

Section 5 would prohibit foreign nationals, governments, instrumentalities, or agents from registering as an independent expenditure committee.

Section 6 would restore the requirement that any independent expenditure committee who makes an independent expenditure over \$5000 within 30 days before any primary, general, or special election, report such expenditure within 24 hours.

Section 7 would add a new Section in Article 14 of the Election law (Section 14-107-b) to require platforms which publish independent expenditures to verify that such expenditures comply with the disclosure and attribution requirements in Section 14-107 of this Article. Platforms must require that independent expenditure committees making purchasing independent expenditures for publication file with the platform a copy of the registration form filed by the committee with the state board of election. This Section would also require online platforms to maintain and make available online a complete record of any purchase of an independent expenditure made by any independent expenditure committee on the platform.

Section 8 would amend state Election Law to subject violations of the new Sections to the existing enforcement authority of the state board of elections chief enforcement counsel.

Prior legislative history:

This is a new bill.

Fiscal implications:

None expected on the State.

Effective date:

This bill would take effect immediately and apply to communications made on or after the sixtieth day next succeeding the date on which it shall have become law.