

36 Section 1. Section 14-100 of the election law is amended by adding  
37 three new subdivisions 12, 13 and 14 to read as follows:

38 12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

39 (A) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

40 (B) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

41 (C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-  
42 ENCE.

43 13. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF  
44 THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC;  
45 PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF  
46 MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR MEMBERS OF THEIR  
47 HOUSEHOLDS OR AN AUDIENCE SOLELY COMPRISED OF EMPLOYEES OF A CORPO-  
48 RATION, UNINCORPORATED BUSINESS ENTITY OR MEMBERS OF A BUSINESS, TRADE  
49 OR PROFESSIONAL ASSOCIATION OR ORGANIZATION.

50 14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH  
51 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES  
52 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR  
53 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR  
54 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-  
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1 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-  
2 DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE,  
3 EACH LOCAL, PARENT NATIONAL OR PARENT INTERNATIONAL ORGANIZATION OF

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4 STATEWIDE LABOR ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING  
5 DUES FROM SUBSIDIARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE  
6 LABOR ORGANIZATION.

7 S 2. Intentionally omitted.

8 S 3. Section 14-106 of the election law, as amended by section 2 of  
9 part E of chapter 399 of the laws of 2011, is amended to read as  
10 follows:

11 S 14-106. Political communication. The statements required to be filed  
12 under the provisions of this article next succeeding a primary, general  
13 or special election shall be accompanied by a copy of all broadcast,  
14 cable or satellite schedules and scripts, internet, print and other  
15 types of advertisements, pamphlets, circulars, flyers, brochures,  
16 letterheads and other printed matter purchased or produced, AND REPROD-  
17 UCTIONS OF STATEMENTS OR INFORMATION PUBLISHED TO FIVE HUNDRED OR MORE  
18 MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC  
19 DEVICE INCLUDING BUT NOT LIMITED TO ELECTRONIC MAIL OR TEXT MESSAGE,  
20 purchased in connection with such election by or under the authority of  
21 the person filing the statement or the committee or the person on whose  
22 behalf it is filed, as the case may be. Such copies, schedules and  
23 scripts shall be preserved by the officer with whom or the board with  
24 which it is required to be filed for a period of one year from the date  
25 of filing thereof.

26 S 4. The election law is amended by adding a new section 14-107 to  
27 read as follows:

28 S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS  
29 ARTICLE:

30 (A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY A PERSON  
31 CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE IN  
32 THE FORM OF (I) AN AUDIO OR VIDEO COMMUNICATION VIA BROADCAST, CABLE OR

33 SATELLITE, (II) A WRITTEN COMMUNICATION VIA ADVERTISEMENTS, PAMPHLETS,  
34 CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR (III) OTHER PUBLISHED  
35 STATEMENTS WHICH: (I) IRRESPECTIVE OF WHEN SUCH COMMUNICATION IS MADE,  
36 CONTAINS WORDS SUCH AS "VOTE," "OPPOSE," "SUPPORT," "ELECT," "DEFEAT,"  
37 OR "REJECT," WHICH CALL FOR THE ELECTION OR DEFEAT OF THE CLEARLY IDEN-  
38 TIFIED CANDIDATE, OR (II) REFERS TO AND ADVOCATES FOR OR AGAINST A  
39 CLEARLY IDENTIFIED CANDIDATE OR BALLOT PROPOSAL ON OR AFTER JANUARY  
40 FIRST OF THE YEAR OF THE ELECTION IN WHICH SUCH CANDIDATE IS SEEKING  
41 OFFICE OR SUCH PROPOSAL SHALL APPEAR ON THE BALLOT. AN INDEPENDENT  
42 EXPENDITURE SHALL NOT INCLUDE COMMUNICATIONS WHERE SUCH CANDIDATE, THE  
43 CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE  
44 FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS  
45 AGENTS, DID AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN SUCH  
46 COMMUNICATION.

47 (B) INDEPENDENT EXPENDITURES DO NOT INCLUDE EXPENDITURES IN CONNECTION  
48 WITH:

49 (I) A WRITTEN NEWS STORY, COMMENTARY, OR EDITORIAL OR A NEWS STORY,  
50 COMMENTARY, OR EDITORIAL DISTRIBUTED THROUGH THE FACILITIES OF ANY  
51 BROADCASTING STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR  
52 FACILITIES ARE OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL  
53 COMMITTEE OR CANDIDATE; OR

54 (II) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR

55 (III) INTERNAL COMMUNICATION BY MEMBERS TO OTHER MEMBERS OF A MEMBER-  
56 SHIP ORGANIZATION OF NOT MORE THAN FIVE HUNDRED MEMBERS, FOR THE PURPOSE  
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1 OF SUPPORTING OR OPPOSING A CANDIDATE OR CANDIDATES FOR ELECTIVE OFFICE,  
2 PROVIDED SUCH EXPENDITURES ARE NOT USED FOR THE COSTS OF CAMPAIGN MATE-  
3 RIAL OR COMMUNICATIONS USED IN CONNECTION WITH BROADCASTING, TELECAST-  
4 ING, NEWSPAPERS, MAGAZINES, OR OTHER PERIODICAL PUBLICATION, BILLBOARDS,  
5 OR SIMILAR TYPES OF GENERAL PUBLIC COMMUNICATIONS; OR

6 (IV) A COMMUNICATION PUBLISHED ON THE INTERNET, UNLESS THE COMMUNI-  
7 CATION IS A PAID ADVERTISEMENT.

8 (C) FOR PURPOSES OF THIS SECTION, THE TERM "PERSON" SHALL MEAN PERSON,  
9 GROUP OF PERSONS, CORPORATION, UNINCORPORATED BUSINESS ENTITY, LABOR  
10 ORGANIZATION OR BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION OR ORGANIZA-  
11 TION, OR POLITICAL COMMITTEE.

12 2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE THAT COSTS  
13 MORE THAN ONE THOUSAND DOLLARS IN THE AGGREGATE, SUCH COMMUNICATION  
14 SHALL CLEARLY STATE THE NAME OF THE PERSON WHO PAID FOR, OR OTHERWISE  
15 PUBLISHED OR DISTRIBUTED THE COMMUNICATION AND STATE, WITH RESPECT TO  
16 COMMUNICATIONS REGARDING CANDIDATES, THAT THE COMMUNICATION WAS NOT  
17 EXPRESSLY AUTHORIZED OR REQUESTED BY ANY CANDIDATE, OR BY ANY CANDI-  
18 DATE'S POLITICAL COMMITTEE OR ANY OF ITS AGENTS.

19 3. (A) ANY PERSON PRIOR TO MAKING ANY INDEPENDENT EXPENDITURE SHALL  
20 FIRST REGISTER WITH THE STATE BOARD OF ELECTIONS AS A POLITICAL COMMIT-  
21 TEE IN CONFORMANCE WITH THIS ARTICLE. SUCH PERSON SHALL COMPLY WITH ALL  
22 DISCLOSURE OBLIGATIONS REQUIRED FOR POLITICAL COMMITTEES BY LAW.

23 (B) ANY PERSON WHO HAS REGISTERED WITH THE STATE BOARD OF ELECTIONS  
24 PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL DISCLOSE TO THE  
25 STATE BOARD OF ELECTIONS ELECTRONICALLY, ONCE A WEEK ON FRIDAY ANY  
26 CONTRIBUTION TO SUCH PERSON OVER ONE THOUSAND DOLLARS OR EXPENDITURES BY  
27 SUCH PERSON OVER FIVE THOUSAND DOLLARS MADE PRIOR TO THIRTY DAYS BEFORE  
28 ANY PRIMARY, GENERAL, OR SPECIAL ELECTION.

29 (C) ANY PERSON WHO HAS REGISTERED WITH THE STATE BOARD OF ELECTIONS  
30 PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL DISCLOSE TO THE

31 STATE BOARD OF ELECTIONS ELECTRONICALLY, WITHIN TWENTY-FOUR HOURS OF  
32 RECEIPT, ANY CONTRIBUTION TO SUCH PERSON OVER ONE THOUSAND DOLLARS OR  
33 EXPENDITURE BY SUCH PERSON OVER FIVE THOUSAND DOLLARS MADE WITHIN THIRTY  
34 DAYS BEFORE ANY PRIMARY, GENERAL, OR SPECIAL ELECTION.

35 (D) A KNOWING AND WILLFUL VIOLATION OF THE PROVISIONS OF THIS SUBDIVI-  
36 SION SHALL SUBJECT THE PERSON TO A CIVIL PENALTY EQUAL TO FIVE THOUSAND  
37 DOLLARS OR THE COST OF THE COMMUNICATION, WHICHEVER IS GREATER, IN

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38 SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE BOARD OR IMPOSED  
39 DIRECTLY BY THE BOARD OF ELECTIONS.

40 4. THE DISCLOSURES REQUIRED BY SUBDIVISION THREE OF THIS SECTION SHALL  
41 INCLUDE, IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY LAW:

42 (A) THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF THE PERSON MAKING  
43 THE STATEMENT;

44 (B) THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF THE PERSON MAKING  
45 THE INDEPENDENT EXPENDITURE;

46 (C) THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF ANY PERSON PROVIDING  
47 A CONTRIBUTION, GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE THOUSAND DOLLARS  
48 OR MORE FOR THE INDEPENDENT EXPENDITURE, OR THE PROVISION OF SERVICES  
49 FOR THE SAME, AND THE DATE IT WAS GIVEN;

50 (D) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE, THE NAME  
51 AND ADDRESS OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, THE DATE THE  
52 PAYMENT WAS MADE AND A DESCRIPTION OF THE INDEPENDENT EXPENDITURE; AND

53 (E) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE PERTAINS AND THE  
54 NAME OF THE CLEARLY IDENTIFIED CANDIDATE OR THE BALLOT PROPOSAL REFER-  
55 ENCED.

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1 5. A COPY OF ALL POLITICAL COMMUNICATIONS PAID FOR BY THE INDEPENDENT  
2 EXPENDITURE, INCLUDING BUT NOT LIMITED TO BROADCAST, CABLE OR SATELLITE  
3 SCHEDULES AND SCRIPTS, ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS,  
4 BROCHURES, LETTERHEADS AND OTHER PRINTED MATTER AND STATEMENTS OR INFOR-  
5 MATION CONVEYED TO ONE THOUSAND OR MORE MEMBERS OF A GENERAL PUBLIC  
6 AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICES SHALL BE FILED WITH THE  
7 STATE BOARD OF ELECTIONS WITH THE STATEMENTS REQUIRED BY THIS SECTION.

8 6. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL  
9 BE FILED ELECTRONICALLY WITH THE STATE BOARD OF ELECTIONS.

10 7. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE REGULATIONS WITH  
11 RESPECT TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL  
12 PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS.

13 S 5. Intentionally omitted.

14 S 6. Section 14-126 of the election law, as amended by section 3 of  
15 part E of chapter 399 of the laws of 2011, is amended to read as  
16 follows:

17 S 14-126. Violations; penalties. 1. (A) Any person who fails to file

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18 statement required to be filed by this article shall be subject to

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19 civil penalty, not in excess of one thousand dollars, to be recoverable  
20 in a special proceeding or civil action to be brought by the [state  
21 board of elections or other board of elections] CHIEF ENFORCEMENT COUN-  
22 SEL. Any person who, three or more times within a given election cycle  
23 for such term of office, fails to file a statement or statements  
24 required to be filed by this article, shall be subject to a civil penal-  
25 ty, not in excess of ten thousand dollars, to be recoverable as provided  
26 for in this subdivision.

27 (B) ALL PAYMENTS RECEIVED BY THE STATE BOARD OF ELECTIONS PURSUANT TO  
28 THIS SECTION SHALL BE RETAINED IN THE APPROPRIATE ACCOUNTS AS DESIGNATED  
29 BY THE DIVISION OF THE BUDGET FOR ENFORCEMENT ACTIVITIES BY THE BOARD OF  
30 ELECTIONS.

31 2. Any person who, acting as or on behalf of a candidate or political  
32 committee, under circumstances evincing an intent to violate such law,  
33 unlawfully accepts a contribution in excess of a contribution limitation  
34 established in this article, shall be required to refund such excess  
35 amount and shall be subject to a civil penalty equal to the excess  
36 amount plus a fine of up to ten thousand dollars, to be recoverable in

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37 special proceeding or civil action to be brought by the state board of  
38 elections CHIEF ENFORCEMENT COUNSEL.

39 3. ANY PERSON WHO FALSELY IDENTIFIES OR KNOWINGLY FAILS TO IDENTIFY  
40 ANY INDEPENDENT EXPENDITURE AS REQUIRED BY SUBDIVISION TWO OF SECTION  
41 14-107 OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY UP TO ONE  
42 THOUSAND DOLLARS OR UP TO THE COST OF THE COMMUNICATION, WHICHEVER IS  
43 GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE  
44 BOARD OF ELECTIONS CHIEF ENFORCEMENT COUNSEL OR IMPOSED DIRECTLY BY THE  
45 STATE BOARD OF ELECTIONS. FOR PURPOSES OF THIS SUBDIVISION, THE TERM  
46 "PERSON" SHALL MEAN A PERSON, GROUP OF PERSONS, CORPORATION, UNINCORPO-  
47 RATED BUSINESS ENTITY, LABOR ORGANIZATION OR BUSINESS, TRADE OR PROFES-  
48 SIONAL ASSOCIATION OR ORGANIZATION OR POLITICAL COMMITTEE.

49 [3.] 4. Any person who knowingly and willfully fails to file a state-  
50 ment required to be filed by this article within ten days after the date  
51 provided for filing such statement or any person who knowingly and will-  
52 fully violates any other provision of this article shall be guilty of

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53 misdemeanor.

54 [4.] 5. Any person who knowingly and willfully contributes, accepts or  
55 aids or participates in the acceptance of a contribution in an amount  
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1 exceeding an applicable maximum specified in this article shall be guil-  
2 ty of a CLASS A misdemeanor.

3 [5.] 6. Any person who shall, acting on behalf of a candidate or poli-  
4 tical committee, knowingly and willfully solicit, organize or coordinate  
5 the formation of activities of one or more unauthorized committees, make  
6 expenditures in connection with the nomination for election or election  
7 of any candidate, or solicit any person to make any such expenditures,  
8 for the purpose of evading the contribution limitations of this article,  
9 shall be guilty of a class E felony.

10 S 7. This act shall take effect June 1, 2014 provided that the board  
11 of elections may promulgate such regulations as may be necessary to  
12 effectuate this act immediately.