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SUMMARY OF NEW REQUIREMENTS FOR INDEPENDENT EXPENDITURE COMMITTEES

1. **Attribution Requirements Modified.** All independent expenditures must now, *regardless of cost*, have an attribution that clearly lists the name of the person who paid for, or otherwise published or distributed the communication. Additionally, for communications regarding candidates, a disclaimer must be included that it was not authorized or requested by any candidate or any candidate's agents. (See Election Law §14-107(1)(a) and (9 NYCRR §6200.10 (f)(1))
2. **Independent Expenditure Definition Broadened For Paid Internet and Digital Ads.** Any "paid internet or digital advertisement" that is targeted to 50 or more members of the general public is now included in the types of communications that can be considered an independent expenditure. (See Election Law §14-107(2) and (9 NYCRR §6200.10 (b)(1))
3. **Paid Internet or Digital Ads Defined.** Paid internet or digital ads means any digitally displayed advertising paid for by an independent expenditure committee that exists on or is transmitted via the internet. Such ads include, but are not limited to, (a) display advertising; (b) image, video, audio, or interactive media advertisements; (c) paid or promoted content on social networking sites; (d) search engine marketing; (e) native advertising; and (f) sponsorships. (See 9 NYCRR §6200.10 (b)(11))
4. **Technical Requirements for Paid Internet and Digital Ads.** Paid internet or digital ads with text or graphic components must contain an attribution that is of sufficient type size to be clearly readable by the recipient or viewer of the ad. The attribution must also be displayed with a reasonable degree of color contrast between the background and the text of the disclaimer. There are additional technical requirements for ads with text or graphic components to have an adapted attribution when, due to external character or space constraints, the ad cannot fit a required attribution. Similarly, a paid internet or digital ad with an audio and/or video component must include a full attribution included in such video or audio component. (See Election Law §14-107(2) and (9 NYCRR §6200.10 (f)(2))
5. **Weekly Reporting Changes.** Any expenditure for "paid internet or digital advertisements" over \$500 must now be disclosed in the Weekly Reports. (See Election Law §14-107(4)(a)(i) and 9 NYCRR §6200.10 (d)(3)).

6. **24 Hour Reporting Within 30 Days Expanded to Include Expenditures Over \$5,000.** In addition to disclosing all contributions of \$1,000 or more within 24 hours (if they are received within 30 days before an election), independent expenditure committees must now also include expenditures over \$5,000 in the 24-hour report. (See Election Law §14-107(4)(a)(ii) and (9 NYCRR §6200.10 (d)(4))

7. **Submitting Copies of Digital Independent Expenditure Ads.** Copies of paid internet or digital ads target to more than 50 people must be submitted at the same time as the applicable disclosure reports (e.g. Weekly Report, 24 Hour Report, etc.). The State Board must make these copies of paid internet or digital ads available to the public in a machine-readable format. As such, the committee must submit a copy of the ad that is accessible and can be read with a screen reader, in compliance with the Americans with Disabilities Act. If the advertisement has a video or audio component, then the committee must submit a script and reasonable description of any visual elements. The committee should **not** submit video or audio files to the State Board. (See Election Law §14-107(5) and (5-a) and (9 NYCRR § 6200.10(g) and §6200.11 (b) and (c))

8. **Submitting Registration Forms to Television, Radio Broadcasters, Providers of Cable or Satellite Television and Online Platforms.** Upon the purchase of a communication in the form of an independent expenditure “each television or radio broadcast station, provider of cable or satellite television, or online platform” shall require that the independent expenditure committee “making such purchase” file with such station, provider or platform “a copy of the registration form filed by such committee with the state board of elections.” This requirement applies to ALL independent expenditures purchased from these entities, including all television and radio spots, not just internet or digital advertisements. (See Election Law §14-107-b and (9 NYCRR § 6200.10(i))

9. **Foreign National Ban.** The legislation bans foreign nationals and instrumentalities from making independent expenditures in any state or local election campaign. (See Election Law §§14-100(17), 14-107(3) and (9 NYCRR § 6200.10(k))

10. **Effective Date.** These changes are effective starting September 9, 2018.