



Legislation Text

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Int. No. 560

By Council Members Treyger, Greenfield, Rosenthal, Matteo, Cumbo, Chin, Gentile, Vacca and Ulrich

A Local Law to amend the New York city charter, in relation to clarifying that independent expenditures are not authorized by candidates.

Be it enacted by the Council as follows:

Section 1. Subparagraph (c) of paragraph 15 of subdivision a of section 1052 of the New York city charter is amended to read as follows:

(c) Any literature, advertisement or other communication in support of or in opposition to any candidate in any covered election that is paid for by an individual or entity making independent expenditures aggregating one thousand dollars or more shall[, in addition to any applicable disclosure requirements in state law,] disclose information as follows:

(i) on any written, typed, or printed communication, or on any internet text or graphical advertisement, in a conspicuous size and style, the words “Paid for by” followed by the name of the individual or the name of the entity, the name of its owner, if any, and the name of its chief executive officer or equivalent, if any, and, following the words “Top Three Donors,” a list of the three largest aggregate donors to such entity in the twelve months preceding the election, except that no donor that contributed less than five thousand dollars to the disclosing entity in the twelve months preceding the election shall be included in such disclosure, and except that if such entity has only one or two donors that contributed at least five thousand dollars the words “Top Three Donors” shall be replaced by the words “Top Donor” or “Top Donors” as applicable, and except that expenditures funded by an individual or where no such donors exist need not include the words “Top Three Donors” or a list of donors, and except that this clause shall not apply to communications required to include a

disclosure pursuant to subdivision sixteen of section 3-703 of the administrative code. If the third largest donor to the disclosing entity has donated the same amount in the twelve months preceding the election as the fourth largest donor during such period, such entity may choose which three donors to include so long as no donor is included that has donated less in the twelve months preceding the election than any other donor that is not included. Such written disclosures shall further include, in a conspicuous size and style, the following words: “This communication is an independent expenditure and was not authorized by any candidate. More information at nyc.gov/FollowTheMoney.” The board may, at its discretion, designate a website other than nyc.gov/FollowTheMoney as the website that must be included in such disclosure. All disclosures required by this clause shall be enclosed in a box within the borders of the communication or advertisement that contains only those disclosures required by this subparagraph, the rules of the board, the election law, or any other applicable law or rule. For the purposes of this clause, the “owner” of an entity shall be an individual or entity with a greater than fifty percent ownership interest in such entity. The disclosures required by this clause shall not apply to bumper stickers, pins, buttons, pens, and similar small items upon which such disclosures cannot be reasonably printed;

(ii) on any paid television advertisement or paid internet video advertisement, clearly spoken in a pitch and tone substantially similar to the rest of the advertisement, at the beginning or end of the advertisement, the words “paid for by” followed by the name of the individual or the name of the entity, and, in a conspicuous size and style simultaneous with such spoken disclosure, the written words “Paid for by” followed by the name of the individual or the name of the entity, followed by the words “The top three donors to the organization responsible for this advertisement are,” followed by a list of the three largest aggregate donors to such entity in the twelve months preceding the election, except that no donor that contributed less than five thousand dollars to the disclosing entity in the twelve months preceding the election shall be included in such disclosure, and except that if such entity has only one or two donors that contributed at least five thousand dollars the words “top three donors” shall be replaced by the words “top donor” or “top donors” as applicable, and except that

expenditures funded by an individual or where no such donors exist need not include the words “The top three donors to the organization responsible for this advertisement are” or a list of donors, and except that this clause shall not apply to communications required to include a disclosure pursuant to subdivision sixteen of section 3-703 of the administrative code. If the third largest donor to the disclosing entity has donated the same amount in the twelve months preceding the election as the fourth largest donor during such period, such entity may choose which three donors to include so long as no donor is included that has donated less in the twelve months preceding the election than any other donor that is not included. Such written disclosures shall further include, in a conspicuous size and style, the following words: “This communication is an independent expenditure and was not authorized by any candidate. More information at nyc.gov/FollowTheMoney.” The board may, at its discretion, designate a website other than nyc.gov/FollowTheMoney as the website that must be included in such disclosure. All written disclosures required by this clause shall be enclosed in a box that contains only those disclosures required by this subparagraph, the rules of the board, the election law, or any other applicable law or rule;

(iii) in any paid radio advertisement, paid internet audio advertisement, or automated telephone call, clearly spoken in a pitch and tone substantially similar to the rest of the advertisement or call, at the end of the advertisement or call, the words “paid for by” followed by the name of the individual or the name of the entity, followed by the words “with funding provided by,” followed by a list of the three largest aggregate donors to such entity in the twelve months preceding the election, except that no donor that contributed less than five thousand dollars to the disclosing entity in the twelve months preceding the election shall be included in such disclosure, and except that expenditures funded by an individual or where no such donors exist need not include the words “with funding provided by” or a list of donors, and except that this clause shall not apply to communications required to include a disclosure pursuant to subdivision sixteen of section 3-703 of the administrative code. If the third largest donor to the disclosing entity has donated the same amount in the twelve months preceding the election as the fourth largest donor during such period, such entity may choose

which three donors to include so long as no donor is included that has donated less in the twelve months preceding the election than any other donor that is not included. Such spoken disclosures shall further include the following words: “This communication is an independent expenditure and was not authorized by any candidate.” In the case of a radio or internet audio advertisement covered by this clause that is thirty seconds in duration or shorter, the clearly spoken words “more information at nyc.gov/FollowTheMoney” may be included in a pitch and tone substantially similar to the rest of the advertisement, instead of the words “with funding provided by” followed by a list of the three largest aggregate donors in the twelve months preceding the election and the words “this communication is an independent expenditure and was not authorized by any candidate.” The board may, at its discretion, designate a website other than nyc.gov/FollowTheMoney as the website that must be included in such disclosure; and

(iv) in any non-automated telephone call, clearly spoken during any such call lasting longer than ten seconds, the words “this call is paid for by,” followed by the name of the individual or the name of the entity, followed by the words “more information is available at nyc.gov/FollowTheMoney.” The board may, at its discretion, designate a website other than nyc.gov/FollowTheMoney as the website that must be included in such disclosure.

(v) For communications primarily in languages other than English for which disclosure is required under this subparagraph, such disclosure shall be in the primary language of the communication instead of English, except that the web address nyc.gov/FollowTheMoney, or such other website as the board has designated, if required to be written or spoken in such disclosure, shall be in English.

§2. This local law shall take effect on August 28, 2015.

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