



Legislation Text

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Int. No. 293

By Council Members Menin, Avilés, Lee, Gutiérrez, Farías, Salaam, Abreu, Schulman, the Public Advocate (Mr. Williams), Brewer, Ung, Won, Marte, Hudson, Nurse, Banks, Louis and Cabán (by request of the Manhattan Borough President)

A Local Law to amend the New York city charter, in relation to prohibiting the dissemination of materially deceptive audio or visual media in local elections

Be it enacted by the Council as follows:

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-h to read as follows:

§ 1057-h Dissemination of materially deceptive audio or visual media to influence covered elections.

a. Definitions. As used in this section, the following terms have the following meanings:

Candidate. The term “candidate” means a candidate for nomination or office in a covered election.

Covered election. The term “covered election” means any primary, special, or general election for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president, or member of the city council.

Disseminate. The term “disseminate” means to cause dissemination by radio, television, cable, or satellite broadcast, by posting on social media or any other website, or by mass mailing, text message, or telephone call.

Materially deceptive audio or visual media. The term “materially deceptive audio or visual media” means any video, image, or sound recording that meets the following criteria:

1. the video, image, or sound recording was intentionally manipulated to depict speech or conduct by a candidate, some or all of which did not occur in reality, and

2. the video, image, or sound recording is so realistic that a reasonable person would believe that such speech or conduct did occur in reality.

Mass mailing, text message, or telephone call. The term “mass mailing, text message, or telephone call” means a mailing of more than 500 pieces of mail matter, the sending of more than 500 text messages, or the making of more than 500 telephone calls, of an identical or substantially similar nature within any 30-day period.

b. Prohibited conduct. Any person who, with intent to influence the results of a covered election or injure the reputation of a candidate, disseminates materially deceptive audio or visual media within 60 days of a covered election is guilty of a misdemeanor punishable by imprisonment of not more than one year or by a fine of not more than \$2,500, or both.

c. Injunctive relief. A candidate who is, or is likely to become, injured by a violation of subdivision b of this section may seek injunctive relief prohibiting such conduct. This subdivision shall not be construed to limit or preclude any other cause of action available to any person injured or aggrieved by the violation of this section.

§ 2. This local law takes effect 120 days after it becomes law.

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