
DIGEST

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HB 188 Engrossed

2022 Regular Session

Villio

Abstract: Provides requirements for digital materials and advertisements in political campaigns.

Present law provides that no person shall cause to be distributed, or transmitted, any oral, visual, or written material containing any statement which he knows or should be reasonably expected to know makes a false statement about a candidate for election in a primary or general election or about a proposition to be submitted to the voters. Proposed law adds digital materials to the types of materials to which present law is applicable.

Present law provides that no person shall cause to be distributed or transmitted for or on behalf of a candidate for political office any oral, visual, or written material constituting a paid political announcement or advertisement, which is paid for by a third-party entity, without providing the name of the third-party entity on the face of the advertisement. The name of the third-party entity shall be included on written material, political announcements, and advertisements so that it is clear and understandable. Proposed law makes present law applicable to digital materials.

Present law provides that the name of the third-party entity in visual and oral political announcements or advertisements shall be included so that it is clearly understandable as well as audible and visible for not less than three seconds. If the advertisement is placed by a public relations firm, advertising agency, media buyer, or other person who purchases media advertising or time or space for such advertising, such person shall provide the information required by this Section.

Proposed law adds visual requirements for disclosure statements in digital announcements or advertisements.

Proposed law defines "digital material" as any material or communication that, for a fee, is placed or promoted on a public facing website, web application, or digital application, including a social network, advertising network, or search engine.

Present law defines "person" so that definition does not include a radio broadcast station, television broadcast station, cable television company, or newspaper company.

Proposed law provides that person also does not include a satellite television company, other video service provider, streaming video provider, periodical company, billboard company, advertisement agency, or media platform responsible for the production or publication of any advertisement, voice, data, or other communications, information services, or internet access provider, or bona fide news

or public interest website operator.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1463(C)(1), (E), and (F); Adds R.S. 18:1463(G) and (H))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Add to the media companies not included in the definition of person.