

2024 Regular Session

HOUSE BILL NO. 154

BY REPRESENTATIVES MANDIE LANDRY, BOYD, BROWN, BRYANT,
DOMANGUE, KNOX, LARVADAIN, LYONS, NEWELL, SELDERS, AND
STAGNI AND SENATORS ALLAIN, BARROW, BOUDREAUX, CONNICK,
HENRY, PRICE, AND STINE

1 AN ACT

2 To amend and reenact R.S. 18:1463(A), (D)(1), (F), and (G) and to enact R.S. 18:1463(H),
3 relative to prohibited political material; to prohibit the distribution or transmission
4 of materials containing any created or manipulated image, audio, or video of a
5 candidate or related persons with the intent to deceive voters or injure a candidate's
6 reputation; to provide relative to the definition of digital material relative to
7 prohibited political materials; to provide for injunctions for violations; to provide
8 relative to criminal penalties for violations of political material prohibitions; to
9 provide for exceptions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 18:1463(A), (D)(1), (F), and (G) are hereby amended and reenacted
12 and R.S. 18:1463(H) is hereby enacted to read as follows:

13 §1463. Political material; ethics; prohibitions

14 A. The Legislature of Louisiana finds that the state has a compelling interest
15 in taking every necessary step to assure that all elections are held in a fair and ethical
16 manner ~~and~~. The legislature finds that an election cannot be held in a fair and ethical
17 manner when any candidate or other person is allowed to print or distribute any
18 material which falsely alleges that a candidate is supported by or affiliated with
19 another candidate, group of candidates, or other person, or a political faction, or to
20 publish statements that make scurrilous, false, or irresponsible adverse comments
21 about a candidate or a proposition. The legislature further finds that the state has a
22 compelling interest to protect the electoral process and that the people have an
23 interest in knowing the identity of each candidate whose number appears on a sample
24 ballot in order to be fully informed and to exercise their right to vote for a candidate

1 of their choice. The legislature further finds that it is essential to the protection of
 2 the electoral process that the people be able to know who is responsible for
 3 publications in order to more properly evaluate the statements contained in them and
 4 to informatively exercise their right to vote. The legislature further finds that it is
 5 essential to the protection of the electoral process to prohibit misrepresentation that
 6 a person, committee, or organization speaks, writes, or acts on behalf of a candidate,
 7 political committee, or political party, or an agent or employee thereof. The
 8 legislature further finds that it is essential to the protection of the electoral process
 9 that the public not be deceived or misled by a manipulated or false image, audio, or
 10 video of a candidate.

11 * * *

12 D.(1) An affected candidate or voter shall be entitled to an injunction to
 13 restrain future violations of Subsections B, C, and E of this Section.

14 * * *

15 F.(1) No person shall cause to be distributed or transmitted any oral, visual,
 16 digital, or written material containing any image, audio, or video of a known
 17 candidate or of a person who is known to be affiliated with the candidate which he
 18 knows or should be reasonably expected to know has been created or intentionally
 19 manipulated to create a realistic but false image, audio, or video with the intent to
 20 deceive a voter or injure the reputation of a known candidate in an election.

21 (2)(a) The provisions of Paragraph (1) of this Subsection shall not include
 22 any material that constitutes a work of political commentary, criticism, satire, or
 23 parody and that includes context and a disclosure sufficient to cause a reasonable
 24 person to understand that the material is not a factual or actual representation of a
 25 known candidate.

26 (b) The provisions of Paragraph (1) of this Subsection shall not apply to a
 27 media entity or provider of services, including but not limited to an interactive
 28 computer service or a provider of telecommunications or information services, who
 29 has no input in or control over the content of the image, audio, or video.

30 (3) For purposes of this Subsection, the following terms have the following
 31 meanings:

1 (a) "Information services" has the same meaning as provided in 47 U.S.C.
2 153.

3 (b) "Interactive computer service" has the same meaning as provided in 47
4 U.S.C. 230(f).

5 (c) "Known candidate" means a person who has qualified for an elected
6 public office or who has publicly announced that he is seeking an elected public
7 office, whichever occurs first.

8 (d) "Media entity" has the same meaning as provided in Subparagraph
9 (E)(5)(b) of this Section.

10 (e) "Telecommunications" has the same meaning as provided in 47 U.S.C.
11 153.

12 G. For the purposes of this Section, the term "digital material" means any
13 material or communication that, for a fee or other payment, is placed or promoted
14 on a public facing website, web application, or digital application, including a social
15 network, advertising network, or search engine.

16 G. H. Whoever violates any provision of this Section shall be fined not more
17 than ~~two~~ ten thousand dollars for each instance of violation or be imprisoned, with
18 or without hard labor, for not more than two years, or both.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____