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## DIGEST

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HB 459 Reengrossed

2026 Regular Session

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**Abstract:** Requires a disclosure on electioneering communications and certain digital materials when the material contains the image or likeness of a candidate that is created using artificial intelligence, subject to criminal penalties.

Present law (R.S. 18:1463) requires that certain electioneering communications and digital materials contain a disclosure of the person paying for the communication.

Proposed law retains present law and further finds that it is essential to the protection of the electoral process that the public not be deceived or misled by an image or likeness of a candidate that is created using artificial intelligence, and therefore provides that no person shall make any electioneering communication or any digital material placed or promoted on a public facing website, web application, or digital application within 60 days before an election in which a candidate is on the ballot that portrays the candidate and that is created using artificial intelligence without providing a clear and understandable disclosure on the electioneering communication or digital material that it was created using artificial intelligence.

Present law provides that whoever violates present law shall be fined not more than \$2,000 or be imprisoned, with or without hard labor, for not more than two years, or both.

Proposed law retains present law and applies present law penalties to proposed law.

Present 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.

Proposed law adds to the present law definition of "digital materials" materials or communications placed or promoted for any payment other than a fee.

Present law (R.S. 14:73.14) defines "artificial intelligence" as an artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action.

Proposed law retains present law and applies the same definition to proposed law.

Present law defines "electioneering communication" as any broadcast, cable, or satellite communication that refers to a legally qualified candidate for elected office and is broadcast within

60 days before any election in which such candidate is on the ballot.

Proposed law retains present law and applies the same definition to proposed law.

Present law (R.S. 18:1483(3)) defines "candidate" as a person who seeks nomination or election to public office, except the office of president or vice president of the United States, presidential elector, delegate to a political party convention, United States senator, United States congressman, or political party office. An individual shall be deemed to seek nomination or election to such office if the individual has done any of the following:

- (1) Since prior participation in an election, if any, received and accepted a contribution or made an expenditure, or has given his consent for any other person or committee to receive a contribution or make an expenditure with a view to influencing his nomination or election to office whether or not the specific public office for which he will be a candidate is known at the time the contribution is received or the expenditure is made.
- (2) Taken the action necessary under the laws of the state of La. to qualify himself for nomination or election to public office.
- (3) Been selected as a party nominee in accordance with present law (R.S. 18:410.6).

Proposed law retains present law and applies the same definition to proposed law.

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

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Provide for disclosure of the use of artificial intelligence in the making of electioneering communications rather than in the distribution or transmission of paid political announcements or advertisements.
2. Require that the disclosure be clear and understandable, rather than require that the disclosure appear in the manner provided for in present law related to disclosure of the name of third-party payors.
3. Remove the proposed law increase of the criminal fine to \$10,000, keeping the fine at the present law \$2,000.
4. Provide a definition for "candidate".