

ACT No. 39

2022 Regular Session

HOUSE BILL NO. 188

BY REPRESENTATIVE VILLIO

1 AN ACT

2 To amend and reenact R.S. 18:1463(C)(1), (E), and (F) and to enact R.S. 18:1463(G),
3 relative to political material; to provide for prohibitions relative to political materials,
4 to provide for requirements and prohibitions relative to digital materials; to provide
5 for penalties; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:1463(C)(1), (E), and (F) are hereby amended and reenacted to
8 read as follows and R.S. 18:1463(G) is hereby enacted to read as follows:

9 §1463. Political material; ethics; prohibitions

10 * * *

11 C.(1) No person shall cause to be distributed, or transmitted, any oral, visual,
12 digital, or written material containing any statement which he knows or should be
13 reasonably expected to know makes a false statement about a candidate for election
14 in a primary or general election or about a proposition to be submitted to the voters.

15 * * *

16 E.(1) No person shall cause to be distributed or transmitted for or on behalf
17 of a candidate for political office any oral, visual, digital, or written material
18 constituting a paid political announcement or advertisement, which is paid for by a
19 third-party entity, without providing the name of the third-party entity on the face of
20 the advertisement. The name of the third-party entity shall be included on written
21 and digital material, political announcements, and advertisements so that it is clear
22 and understandable.

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

7 (3) In digital announcements or advertisements, the name of the third-party
8 entity shall appear in a text sized at least as large as the smallest text in the digital
9 material or in a heading or similar section of text displayed above or within the
10 digital material that is visually distinct from the remainder of the digital material's
11 text and shall have a reasonable degree of color contrast between the background and
12 the name of the third-party entity.

13 (4) For the purposes of this Subsection, "person" means any individual,
14 partnership, association, labor union, political committee, corporation, or other legal
15 entity, including its subsidiaries; ~~however, "person" shall not mean any radio station,~~
16 ~~television broadcast station, cable television company, or newspaper.~~

17 (5)(a) A media entity, who broadcasts a paid political announcement or
18 advertisement, the content of which the broadcaster has no input in or control over,
19 is not subject to the provisions of this Subsection.

20 (b) For purposes of this Subsection, a media entity includes a radio broadcast
21 station, television broadcast station, cable or satellite television company, or other
22 video service provider, streaming video provider, newspaper company, periodical
23 company, billboard company, advertisement agency, or media platform responsible
24 for the production or publication of any advertisement, voice, data, or other
25 communications, information services, or internet access provider, or bona fide news
26 or public interest website operator.

27 F. For the purposes of this Section, The term "digital material" means any
28 material or communication that, for a fee, is placed or promoted on a public facing
29 website, web application, or digital application, including a social network,
30 advertising network, or search engine.

1 G. Whoever violates any provision of this Section shall be fined not more
 2 than two thousand dollars or be imprisoned, with or without hard labor, for not more
 3 than two years, or both.

4 Section 2. This Act shall become effective upon signature by the governor or, if not
 5 signed by the governor, upon expiration of the time for bills to become law without signature
 6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 8 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____