

SENATE BILL NO. 97

BY SENATOR DUPLESSIS AND REPRESENTATIVE CHASSION

1 AN ACT

2 To amend and reenact R.S. 18:1463(A), (C)(1), (E)(5)(b), and (F) and to enact R.S.
3 18:1463(C)(2)(d), (H), (I), (J), and (K), relative to use of technology in political
4 material; to provide for legislative intent; to provide for disclosure requirements of
5 certain technology; to provide that any electioneering communication state whether
6 certain technology was used to emulate the likeness or voice of a candidate, agent,
7 employee, or other person before the audio or visual image is presented; to provide
8 for definitions; to provide for exceptions; to provide for liability; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 18:1463(A), (C)(1), (E)(5)(b), and (F) are hereby amended and
12 reenacted and R.S. 18:1463(C)(2)(d), (H), (I), (J), and (K) are hereby enacted to read as
13 follows:

14 §1463. Political material; ethics; prohibitions

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

1 identity of each candidate whose number appears on a sample ballot in order to be
 2 fully informed and to exercise their right to vote for a candidate of their choice. The
 3 legislature further finds that it is essential to the protection of the electoral process
 4 that the people be able to know who is responsible for publications in order to more
 5 properly evaluate the statements contained in them and to informatively exercise
 6 their right to vote. The legislature further finds that it is essential to the protection of
 7 the electoral process to prohibit misrepresentation that a person, committee, or
 8 organization speaks, writes, or acts on behalf of a candidate, political committee, or
 9 political party, or an agent or employee thereof. The legislature further finds that
 10 it is essential to the protection of the electoral process to prohibit the
 11 undisclosed use of deep fake technology, artificial intelligence, or similar tools
 12 utilized to create, alter, or otherwise manipulate media in a manner that would
 13 falsely appear to a reasonable observer to be an authentic record of a natural
 14 person's speech, conduct, or likeness to emulate a candidate, an agent or
 15 employee thereof, or other persons with the intent to mislead voters.

16 * * *

17 C.(1) No person shall cause to be distributed, or transmitted, any oral, visual,
 18 digital, or written material containing any statement or depiction which he knows
 19 or should be reasonably expected to know makes a false statement about or
 20 representation of a candidate for election in a primary or general election or about
 21 a proposition to be submitted to the voters.

22 (2) Whenever any person, political committee, entity or organization makes
 23 a disbursement for the purpose of the financing of any electioneering
 24 communication, such communication shall comply with the following items under
 25 the following circumstances:

26 * * *

27 (d) If the communication utilizes deep fake technology, artificial
 28 intelligence, or similar tools to create, alter, or otherwise manipulate media in
 29 a manner that would falsely appear to a reasonable observer to be an authentic
 30 record of a natural person's speech, conduct, or likeness to emulate a candidate,

1 an agent or employee of a candidate, or other person, it shall state that the
2 communication contains these elements so that it is clear and understandable
3 before the audio or visual image is presented.

4 * * *

5 E. * * *

6 (5) * * *

7 (b) For purposes of this Subsection, a media entity includes a radio broadcast
8 station, television broadcast station, cable or satellite television company, or other
9 video service provider, streaming video provider, newspaper company, periodical
10 company, billboard company, advertisement agency, or media platform responsible
11 for the production or publication of any advertisement, voice, data, or other
12 communications, information services, or internet access provider, or bona fide news
13 or public interest website operator, or a provider of an interactive computer
14 service, as defined in 47 U.S.C. 230(f), or a provider of telecommunications or
15 information service, as defined in 47 U.S.C. 153, or an interactive computer
16 service, internet service provider, internet website, or e-commerce service.

17 F. For the purposes of this Section, the term "~~digital material~~" means any
18 material or communication that, for a fee, is placed or promoted on a public facing
19 website, web application, or digital application, including a social network,
20 advertising network, or search engine. following terms shall have the following
21 meanings:

22 (1) "Digital material" means any material or communication that, for
23 a fee, is placed or promoted on a public-facing website, web application, or
24 digital application, including a social network, advertising network, or search
25 engine.

26 (2) "Deep fake technology" means the use of manipulated images or
27 audio or visual depictions that appear to be genuine.

28 * * *

29 H. This Section shall not restrict the ability of a person to preserve the
30 integrity or security of systems or to detect, prevent, respond to, or protect

1 against security incidents, identity theft, fraud, harassment, malicious or
2 deceptive activities, or any illegal activity, or to investigate, report, or prosecute
3 those responsible for any of these actions.

4 I. No provider of an interactive computer service, as defined in 47 U.S.C.
5 230(f), or a provider of a telecommunications or an information service, as
6 defined in 47 U.S.C. 153, or its affiliates or subsidiaries, shall be held to have
7 violated the provisions of this Section, or be subject to any civil action, solely for
8 providing access or connection to or from a website or other information or
9 content on the internet, or a facility, system, or network not under that
10 provider's control, including transmission, downloading, intermediate storage,
11 access software, or other related capabilities that are incidental to providing
12 such access or connection, to the extent it is not responsible for the creation of
13 the material or communication that constitutes a violation under this Section.

14 J. Nothing in this Section shall be construed to impose liability on a radio
15 broadcast station, television broadcast station, cable or satellite television
16 company, or other video service provider, streaming video provider, newspaper
17 company, periodical company, billboard company, advertisement agency, or
18 media platform responsible for the production or publication of any
19 advertisement, voice, data, or other communications, information services, or
20 internet access provider, or bona fide news or public interest website operator,
21 or any affiliates or subsidiaries thereof, to the extent it is not responsible for the
22 creation of the material or communication that constitutes a violation under this
23 Section.

24 K. The provisions of this Section shall not apply to any material that
25 constitutes a work of political commentary, criticism, satire, or parody and that
26 includes context and a disclosure sufficient to cause a reasonable person to
27 understand that the material is not a factual or actual representation of a
28 candidate.

29 Section 2. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____