RÉSUMÉ DIGEST

ACT 806 (HB 459) **2026 Regular Session** **Mandie Landry**

Disclosures on Electioneering Communications

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

New law finds that it is essential to the protection of the electoral process that the public not be deceived or misled by an image, likeness, or voice of a candidate or an elected official subject to recall that is created using artificial intelligence. Provides that no person shall make any electioneering communication that portrays a candidate or an elected official subject to recall and that is, through the use of artificial intelligence, created, altered, or digitally manipulated in a manner that would falsely appear to a reasonable observer to be an authentic record of the actual speech or conduct of a candidate or an elected official subject to recall and that would falsely appear to replace an individual's likeness with the likeness of a candidate or an elected official subject to recall without providing a clear and understandable disclosure on the electioneering communication that it was created using artificial intelligence.

Existing law requires that a disclosure 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. Provides that in digital announcements or advertisements, the disclosure shall appear in a text sized at least as large as the smallest text in the digital material or in a heading or similar section of text displayed above or within the digital material that is visually distinct from the remainder of the digital material's text and shall have a reasonable degree of color contrast between the background and the disclosure.

New law requires that a disclosure required by new law comply with existing law form requirements.

New law provides that new law and existing law related to disclosures on electioneering communications do not apply to a media entity that broadcasts an electioneering communication in which the broadcaster has had no input in or control over the content of the electioneering communication.

Existing law provides that whoever violates existing law or new 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.

New law limits existing law penalties to apply only when a violation is committed with the intent to injure the reputation of a candidate or elected official subject to recall or to otherwise deceive a voter.

Existing 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.

New law adds to the existing law definition materials or communications placed or promoted for any payment other than a fee.

Existing 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.

New law applies the existing law definition to new law.

Prior law defined "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.

New law instead provides that "electioneering communication" means any communication, whether printed, digital, or broadcast by a media entity, that contains express advocacy supporting or opposing the nomination or election of a person to public office, the recall of a public official, or a proposition or question submitted to the voters, or the only reasonable conclusion to be drawn from the presentation, content, and context of the communication is that the communication is intended to appeal for a vote in a specific election for or against a specific candidate or for or against the recall of a specific elected official or a proposition or for or against a question submitted to the voters.

New law provides that consideration of the context of a communication shall include the temporal proximity to the specific election, whether the communication is primarily directed to voters in the specific election, and whether the communication is part of a larger campaign of communication regarding an issue other than the specific election.

Existing 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 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.

New law applies the existing law definition to new law.

Existing law provides that "media entity" includes a radio broadcast station, television broadcast station, cable or satellite television company, or other video service provider, streaming video provider, newspaper company, 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.

Campaign Finance Reporting

Prior law (Campaign Finance Disclosure Act) defined "contribution" as a gift, conveyance, payment, or deposit of money or anything of value, or the forgiveness of a loan or of a debt made to any person for the purpose of funding *an expenditure to influence the nomination or election of a person to public office*, whether made before or after the election.

New law instead defines "contribution" as a gift, conveyance, payment, or deposit of money or anything of value, or the forgiveness of a loan or of a debt made to any person for the purpose of funding *an expenditure*, whether made before or after the election.

Existing law authorizes the use of contributions by a political committee for coordinated expenditures and limits the use of contributions by an independent expenditure only committee as a coordinated expenditure. Prior law defined "coordinated expenditure" as an expenditure made by any person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, his principal campaign committee or a subsidiary committee thereof, or their agents for *the purpose of supporting, opposing, or otherwise influencing the nomination or election of the candidate*.

New law instead defines "coordinated expenditure" as expenditures made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, his principal campaign committee or a subsidiary committee thereof, or their agents *for electioneering communications*.

Prior law provided that "contribution" included coordinated expenditures made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of the candidate and would be considered to be a contribution to the candidate.

New law instead provides that "contribution" includes coordinated expenditures, which shall be considered to be a contribution to the candidate, the principal campaign committee, or the subsidiary committee thereof that, directly or through an agent, cooperated with, consulted with, or acted in concert with the creator or disseminator of or requested or suggested the creation or dissemination of an electioneering communication.

Prior law provided that "contribution" did not include any dues or membership fees of any membership organization or corporation made by its members or stockholders, if such membership organization or corporation was not organized primarily for the purpose of *supporting, opposing or otherwise influencing the nomination for election, or election, of any person to public office*.

New law instead provides that "contribution" shall not include the dues or membership fees of such organizations and corporations if the organization or corporation is not organized primarily for the purpose of *making electioneering communications*.

Prior law provided that funds of such an organization or corporation used for the purpose of *contributions to candidates or committees or to publicly advocate support or defeat of a candidate or for expenditures* were reportable and all contributions made by such membership organization or corporation which were otherwise reportable would be reported.

New law instead provides that funds of such an organization or corporation used for *expenditures for electioneering communications* shall be reportable.

Prior law provided that "expenditure" meant a purchase, payment, advance, deposit, or gift of money or anything of value made for certain enumerated permitted purposes by a candidate or committee, including, among others, the following:

(1) Supporting or opposing a proposition or question submitted to the voters.

(2) Supporting, opposing, or otherwise influencing the nomination or election of candidate for election to a public office.

(3) Supporting or opposing the recall of a public officer.

(4) Contributions to a gubernatorial transition and inauguration.

(5) Contributions to an independent expenditure-only committee.

(6) Donations to an organization exempt from federal income tax under Section 501 of the Internal Revenue Code.

(7) Lobbying.

(8) Social and issue advocacy.

(9) The administrative costs or operating expenses of the committee making the expenditure, including costs and expenses related to legal services and costs, accounting services, and fundraising.

(10) The holding of public office or party position.

(11) The payment of fines, fees, or penalties.

New law instead provides that "expenditure" means a purchase, payment, advance, deposit, or gift of money or anything of value made by a candidate or committee *without limitation on purpose*, or by any person *for electioneering communications*.

Existing law requires the disclosure of "expenditures" made in excess of a certain amount. New law applies the new law definition of "expenditures" to existing law.

Prior law required that "other reporters" who were not candidates or committees, who made any expenditure in excess of $1,000 for *express advocacy supporting or opposing the nomination or election of a person to public office, the recall of a public official, or a proposition or question submitted to the voters, or for a communication for which the only reasonable conclusion to be drawn from the presentation and content is that it is intended to appeal to vote for or against a specific candidate or for or against the recall of a specific elected official or a proposition or question submitted to the voters*, to file campaign finance reports.

New law instead requires "other reporters" who make any expenditure in excess of $1,000 for *an electioneering communication*, only, to file campaign finance reports.

Prior law (R.S. 18:1491.7(B)(22) and 1495.5(B)(21)) required that candidates and committees include in each report the total amount of expenditures during the reporting period made in relation to the publication, distribution, transportation, or transmission of statements relative to candidates which do not fully include certain required disclosures.

New law repeals prior law.

Effective August 1, 2026.

(Amends R.S. 18:1463(A), (F), and (G), 1483(7)(a)(iii), (b)(ii), and (c)(ii), (8), (11)(a) and (d)(ii), and 1501.1(A)(1); Adds R.S. 18:1463(H) and (I) and 1483(33); Repeals R.S. 18:1463(C)(5), 1491.7(B)(22), and 1495.5(B)(21))