

2024 Regular Session

SENATE BILL NO. 97

BY SENATOR DUPLESSIS

POLITICAL CAMPAIGNS. Regulates the use of deep fakes and artificial intelligence technology in political advertising. (gov sig)

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) and (H), relative to use of technology in political material; to  
4 provide for legislative intent; to provide for disclosure requirements of certain  
5 technology; to provide that any electioneering communication state whether certain  
6 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; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

12 §1463. Political material; ethics; prohibitions

13 A. The Legislature of Louisiana finds that the state has a compelling interest  
14 in taking every necessary step to assure that all elections are held in a fair and ethical  
15 manner and finds that an election cannot be held in a fair and ethical manner when  
16 any candidate or other person is allowed to print or distribute any material which  
17 falsely alleges that a candidate is supported by or affiliated with another candidate,

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

20 \* \* \*

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

26 (2) Whenever any person, political committee, entity or organization makes  
27 a disbursement for the purpose of the financing of any electioneering  
28 communication, such communication shall comply with the following items under  
29 the following circumstances:

\* \* \*

(d) If the communication utilizes deep fake technology, artificial intelligence, or similar tools to create, alter, or otherwise manipulate media in a manner that would falsely appear to a reasonable observer to be an authentic record of a natural person's speech, conduct, or likeness to emulate a candidate, an agent or employee of a candidate, or other person, it shall state that the communication contains these elements so that it is clear and understandable before the audio or visual image is presented.

\* \* \*

E.

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\* \* \*

(5)

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(b) For purposes of this Subsection, a 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, or a provider of an interactive computer service, as defined in 47 U.S.C. 230(f), or a provider of telecommunications or information service, as defined in 47 U.S.C. 153, or an interactive computer service, internet service provider, internet website, or e-commerce service.

F. For the purposes of this Section, the term "~~digital material~~" means 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. following terms shall have the following meanings:

(1) "Digital material" means any material or communication that, for a fee, is placed or promoted on a public facing website, web application, or



Proposed law retains present law and further provides that it is essential to the protection of the electoral process to prohibit the undisclosed use of deep fake technology, artificial intelligence, or similar tools utilized to create, alter, or otherwise manipulated media in a manner that would falsely appear to a reasonable observer to be an authentic record of a natural person's speech, conduct, or likeness to emulate a candidate, an agent or employee thereof, or other persons with the intent to mislead voters.

Present law provides that no person shall cause to be distributed, or transmitted, any oral, visual, digital, or written material containing any statement which he knows or should be reasonably expected to know makes a false statement about a candidate for election in a primary or general election or about a proposition to be submitted to the voters.

Proposed law retains present law and further provides no person shall communicate any depiction or representation of a candidate he knows or should be reasonably expected to know is false.

Present law provides for disclosure requirements of electioneering communications relative to sources of payment and candidate authorization.

Proposed law retains present law and further requires disclosure of the use of deep fake technology, artificial intelligence, or similar tools to create, alter, or otherwise manipulate media in a manner that would falsely appear to a reasonable observer to be an authentic record of a natural person's speech, conduct, or likeness to emulate a candidate, an agent or employee thereof, or other persons with the intent to mislead voters.

Present law defines "media entity" as 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.

Proposed law retains present law and further defines "media entity" to include a provider of an interactive computer service, as defined in 47 U.S.C. 230(f), a provider of telecommunications or information service, as defined in 47 U.S.C. 153, an interactive computer service, internet service provider, internet website, or e-commerce service.

Present law defines the term "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 retains present law and defines "deep fake technology" as the use of manipulated images or audio or visual depictions that appear to be genuine.

Proposed law provides that proposed law shall not restrict the ability of a person to preserve the integrity or security of systems or to detect, prevent, respond to, or protect against security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity, or to investigate, report, or prosecute those responsible for any of these actions.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1463(A), (C)(1), (E)(5)(b), and (F); adds R.S. 18:1463(C)(2)(d) and (H))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Make technical changes.
2. Provide for legislative intent relative to prohibition of undisclosed use of deep fake technology in political materials.
3. Provide for disclosure requirements relative to use of deep fake technology, artificial intelligence or similar tools in political communications.
4. Define the term "media entity".
5. Provide for the ability of a person to detect and combat deceptive practices.