2026 Regular Session

HOUSE BILL NO. 639

BY REPRESENTATIVE BAYHAM

ELECTIONS/CAMPAIGNS: Requires disclosure of the use of artificial intelligence in campaign materials and telephone communications

1   AN ACT

2   To amend and reenact R.S. 18:1463(A), (E), (F), and (G) and 1463.1(D) and (E) and to enact

3   R.S. 18:1463(H) and (I) and 1463.1(F), relative to required disclosures in political

4   materials and communications; to provide for disclosures related to the use of

5   artificial intelligence; to provide for disclosures in political materials; to provide for

6   disclosures in telephone campaign communications; to provide for criminal

7   penalties; to provide for definitions; and to provide for related matters.

8   Be it enacted by the Legislature of Louisiana:

9   Section 1. R.S. 18:1463(A), (E), (F), and (G) and 1463.1(D) and (E) are hereby

10   amended and reenacted and R.S. 18:1463(H) and (I) and 1463.1(F) are hereby enacted to

11   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,

18   group of candidates, or other person, or a political faction, or to publish statements

19   that make scurrilous, false, or irresponsible adverse comments about a candidate or

1   a proposition. The legislature further finds that the state has a compelling interest

2   to protect the electoral process and that the people have an interest in knowing the

3   identity of each candidate whose number appears on a sample ballot in order to be

4   fully informed and to exercise their right to vote for a candidate of their choice. The

5   legislature further finds that it is essential to the protection of the electoral process

6   that the people be able to know who is responsible for publications in order to more

7   properly evaluate the statements contained in them and to informatively exercise

8   their right to vote. The legislature further finds that it is essential to the protection

9   of the electoral process to prohibit misrepresentation that a person, committee, or

10   organization speaks, writes, or acts on behalf of a candidate, political committee, or

11   political party, or an agent or employee thereof. The legislature further finds that it

12   is essential to the protection of the electoral process that the public not be deceived

13   or misled by a political communication generated by artificial intelligence.

14   *   *   *

15   E.(1) No person shall cause to be distributed or transmitted for or on behalf

16   of a candidate for political office any oral, visual, digital, or written material

17   constituting a paid political announcement or advertisement, which is paid for by a

18   third-party entity, without providing the name of the third-party entity on the face of

19   the advertisement. The name of the third-party entity shall be included on written

20   and digital material, political announcements, and advertisements so that it is clear

21   and understandable.

22   (2)   The name of the third-party entity in visual and oral political

23   announcements or advertisements shall be included so that it is clearly

24   understandable as well as audible and visible for not less than three seconds. If the

25   advertisement is placed by a public relations firm, advertising agency, media buyer,

26   or other person who purchases media advertising or time or space for such

27   advertising, such person shall provide the information required by this Section.

28   (3) In digital announcements or advertisements, the name of the third-party

29   entity shall appear in a text sized at least as large as the smallest text in the digital

1   material or in a heading or similar section of text displayed above or within the

2   digital material that is visually distinct from the remainder of the digital material's

3   text and shall have a reasonable degree of color contrast between the background and

4   the name of the third-party entity.

5   F.(1) No person shall cause to be distributed or transmitted any oral, visual,

6   digital, or written material constituting a paid political announcement or

7   advertisement which is created using artificial intelligence without providing a clear

8   and understandable disclosure on the announcement or advertisement that it was

9   created using artificial intelligence.

10   (2) For purposes of this Subsection, "artificial intelligence" shall have the

11   same meaning as provided in R.S. 14:73.14.

12   (4) G.(1) For the purposes of this Subsection Subsections E and F of this

13   Section, "person" means any individual, partnership, association, labor union,

14   political committee, corporation, or other legal entity, including its subsidiaries.

15   (5)(a) (2) A media entity who broadcasts a paid political announcement or

16   advertisement, the content of which the broadcaster has no input in or control over,

17   is not subject to the provisions of this Subsection Subsections E or F of this Section.

18   (b) (3) For purposes of this Subsection, a media entity includes a radio

19   broadcast station, television broadcast station, cable or satellite television company,

20   or other video service provider, streaming video provider, newspaper company,

21   periodical company, billboard company, advertisement agency, or media platform

22   responsible for the production or publication of any advertisement, voice, data, or

23   other communications, information services, or internet access provider, or bona fide

24   news or public interest website operator.

25   F. H. For the purposes of this Section, the term "digital material" means any

26   material or communication that, for a fee, is placed or promoted on a public facing

27   website, web application, or digital application, including a social network,

28   advertising network, or search engine.

1   G. I. 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   §1463.1. Telephone campaign communications; disclosure

5   *   *   *

6   D.   No person shall make or cause to be made any telephone call or

7   automated call provided for in this Section which is created using artificial

8   intelligence without providing a clear and understandable disclosure at the beginning

9   of the call that it was created using artificial intelligence.

10   E. For purposes of this Section, the following terms shall have the following

11   meanings, unless the context clearly indicates otherwise:

12   (1) "Artificial intelligence" shall have the same meaning as provided in R.S.

13   14:73.14.

14   (1) (2) "Automated call" includes any call using a prerecorded or artificial

15   voice as part of a calling campaign to deliver information.

16   (2) (3)   "Candidate", "person", "political committee" or "committee",

17   "principal campaign committee", "subsidiary committee", and "public office" shall

18   have the meanings provided in R.S. 18:1483.

19   (3) (4) "Elected public official" means an individual who holds public office.

20   (4) (5) "Message testing" means studying for research purposes how

21   individuals react to positive or negative information on a candidate, elected public

22   official, or ballot proposition.

23   E. F. Whoever violates any provision of this Section may be punished by a

24   civil fine not to exceed two thousand five hundred dollars. Upon a second or

25   subsequent violation, the penalty shall be a civil fine not to exceed five thousand

26   dollars.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 639 Original   2026 Regular Session   Bayham

Abstract: Requires a disclosure on political materials and at the beginning of a telephone campaign communication when the material or communication is created using artificial intelligence, subject to criminal or civil 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 a political communication generated by artificial intelligence and therefore provides that no person shall cause to be distributed or transmitted any oral, visual, digital, or written material constituting a paid political announcement or advertisement which is created using artificial intelligence without providing a clear and understandable disclosure on the announcement or advertisement 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 the same penalties to a violation of proposed law.

Present law (R.S. 18:1463.1) requires any telephone call or automated call expressly advocating support or opposition of a candidate, or elected public official, or ballot proposition to identify the source of the call. Such requirement does not apply to any telephone call in which the individual making the call is not being paid and the individuals participating in the call knew each other prior to the call or a call that is presumed to be a scientific poll.

Proposed law retains present law and further provides that no person shall make or cause to be made any telephone call or automated call provided for in present law which is created using artificial intelligence without providing a clear and understandable disclosure at the beginning of the call that it was created using artificial intelligence.

Present law provides that whoever violates present law may be punished by a civil fine not to exceed $2,500. Upon a second or subsequent violation, the penalty shall be a civil fine not to exceed $5,000.

Proposed law retains present law and applies the same to penalties to violations of proposed law.

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.

(Amends R.S. 18:1463(A), (E), (F), and (G) and 1463.1(D) and (E); Adds R.S. 18:1463(H) and (I) and 1463.1(F))

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.