

GREEN SHEET REDIGEST

HB 459

2026 Regular Session

Mandie Landry

ELECTIONS/CANDIDATES: Provides relative to the use of artificial intelligence in political campaigns.

DIGEST

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 an image or likeness of a candidate that is created using artificial intelligence, and therefore provides that no person shall make any electioneering communication or any digital material placed or promoted on a public facing website, web application, or digital application within 60 days before an election in which a candidate is on the ballot that portrays the candidate and that is created using artificial intelligence without providing a clear and understandable disclosure on the electioneering communication or digital material 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.

Present 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.

Proposed law adds to the present law definition of "electioneering communication".

Proposed law provides updated criteria for what "electioneering communication" includes whether printed, broadcast by a media entity, or digital.

Proposed law provides a definition for "media entity".

Proposed law adds to the present law definition of "digital materials" materials or communications placed or promoted for any payment other than a fee.

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.

Present law defines "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.

Proposed law retains present law and applies the same definition to proposed law.

Proposed law updates the list of exclusions from what is considered a "contribution" to include electioneering communications.

Proposed law updates the list of exclusions from what is considered an "expenditure" to include electioneering communications.

Present 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 has 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 in accordance with present law (R.S. 18:410.6).

Proposed law retains present law and applies the same definition to proposed law.

Proposed law updates reporting requirements to include expenditures for electioneering communications.

Proposed law updates reporting requirements for persons not candidates or committees to include an electioneering communication.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide for disclosure of the use of artificial intelligence in the making of electioneering communications rather than in the distribution or transmission of paid political announcements or advertisements.
2. Require that the disclosure be clear and understandable, rather than require that the disclosure appear in the manner provided for in present law related to disclosure of the name of third-party payors.
3. Remove the proposed law increase of the criminal fine to \$10,000, keeping the fine at the present law \$2,000.
4. Provide a definition for "candidate".

Summary of Amendments Adopted by Senate

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

1. Makes technical changes.
2. Clarifies the language on the findings of the legislature.
3. Provides updated definition for "electioneering communication".
4. Provides updated rules for electioneering communication prohibiting the use of artificial intelligence for a candidate.
5. Provides definition for "media entity".
6. Clarifies the standard for criminal penalties.
7. Provides updated list of what "contribution" does not include.

8. Provides updated list of what "expenditure does not include".
9. Updates reporting requirement for expenditures to include "electioneering communications".