

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 459

2026 Regular Session

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

Synopsis of Senate Amendments

1. Add provisions regarding campaign finance reporting.
2. Revise the definition of "electioneering communication".
3. Revise the prohibition against making an electioneering communication using artificial intelligence without including certain disclosures.
4. Change the defined term "digital material" to "digital communication".
5. Limit present law criminal penalties to apply only when a violation is committed with specific intent.

Digest of Bill as Finally Passed by Senate

Disclosures on Electioneering Communications

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 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, and therefore 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.

Proposed law does 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 that was, 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 or that would falsely appear to replace an individual's likeness with the likeness of a candidate or an elected official subject to recall.

Present law provides that whoever violates present law or proposed 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 limits present 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.

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 changes the defined term to "digital communication" and adds to the present law definition 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 repeals present law and instead provides that "electioneering communication" means any communication, whether printed, broadcast by a media entity, or digital, 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.

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.

Present 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.

Proposed law retains present law.

Campaign Finance Reporting

Present law (Campaign Finance Disclosure Act) 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 to influence the nomination or election of a person to public office*, whether made before or after the election.

Proposed 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 electioneering communication*, whether made before or after the election.

Proposed law revises provisions of present law that include certain coordinated expenditures within the definition of "contribution".

Present law provides that "contribution" shall 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 is not organized primarily for the purpose of *supporting, opposing or otherwise influencing the nomination for election, or election, of any person to public office*.

Proposed 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*.

Present law provides 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* shall be reportable and all contributions made by such membership organization or corporation which are otherwise reportable shall be reported.

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

Present law provides limits on the use of contributions by a political committee or an independent expenditure only committee as a coordinated expenditure and provides that "coordinated expenditure" means 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*.

Proposed law limits the definition to apply only to expenditures made by an individual, leadership committee, or political committee and only for expenditures *for electioneering communications*.

Present law provides that "expenditure" means 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 expense 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.

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

Proposed law requires the disclosure of "expenditures" made in excess of a certain amount. Present law retains proposed law and applies the proposed law definition of "expenditures" to present law.

Present law requires that 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.

Proposed law instead requires that committees include the total amount of expenditures during the reporting period *for electioneering communications* which do not fully include the required disclosures.

Present law requires that "other reporters" who are not candidates or committees, who make 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*, file campaign finance reports.

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

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