

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), and (F) and to enact R.S. 18:1463(C)(2)(d),
3 relative to use of technology in political material; to provide for legislative intent; to
4 provide for disclosure requirements of certain technology; to provide that any
5 electioneering communication state whether certain technology was used to emulate
6 the likeness or voice of a candidate, agent, employee, or other person before the
7 audio or visual image is presented; to provide for definitions; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:1463(A), (C)(1), and (F) are hereby amended and reenacted and
11 R.S. 18:1463(C)(2)(d) is 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 impersonate a candidate, an agent or employee thereof, or other
 17 persons with the intent to mislead voters.

* * *

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

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

* * *

29 (d) If the communication utilizes deep fake technology, artificial

1 intelligence, or similar tools to emulate the likeness or voice of a candidate, an
2 agent or employee of a candidate, or other person, it shall state that the
3 communication contains these elements so that it is clear and understandable
4 before the audio or visual image is presented.

5 * * *

6 F. For the purposes of this Section, the term "~~digital material~~" means any
7 ~~material or communication that, for a fee, is placed or promoted on a public facing~~
8 ~~website, web application, or digital application, including a social network,~~
9 ~~advertising network, or search engine.~~ following terms shall have the following
10 meanings:

11 (1) "Digital material" means any material or communication that, for
12 a fee, is placed or promoted on a public facing website, web application, or
13 digital application, including a social network, advertising network, or search
14 engine.

15 (2) "Deep fake technology" means the use of manipulated images or
16 audio or visual depictions that appear to be genuine.

17 * * *

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 97 Original 2024 Regular Session Duplessis

Present law provides that the state has a compelling interest in taking every necessary step to assure that all elections are held in a fair and ethical manner and finds that an election cannot be held in a fair and ethical manner when any candidate or other person is allowed to print or distribute any material which falsely alleges that a candidate is supported by or affiliated with another candidate, group of candidates, or other person, or a political faction, or to publish statements that make scurrilous, false, or irresponsible adverse comments about a candidate or a proposition.

Present law further provides that the state has a compelling interest to protect the electoral process, and that the people have an interest in knowing the identity of each candidate whose number appears on a sample ballot in order to be fully informed and to exercise their right to vote for a candidate of their choice.

Present law further provides that it is essential to the protection of the electoral process that the people be able to know who is responsible for publications in order to more properly evaluate the statements contained in them and to informatively exercise their right to vote.

Present law further provides that it is essential to the protection of the electoral process to prohibit misrepresentation that a person, committee, or organization speaks, writes, or acts on behalf of a candidate, political committee, or political party, or an agent or employee thereof.

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 impersonate 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 emulate the likeness or voice of a candidate, an agent or employee thereof.

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.

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

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