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))