2022 Regular Session

HOUSE BILL NO. 188

BY REPRESENTATIVE VILLIO

ELECTION OFFENSES: Provides relative to prohibitions and requirements for digital material of a political nature

AN ACT

To amend and reenact R.S. 18:1463(C)(1), (E), and (F) and to enact R.S. 18:1463(G), relative to political material; to provide for prohibitions relative to political materials, to provide for requirements and prohibitions relative to digital materials; to provide for penalties; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1463(C)(1), (E), and (F) are hereby amended and reenacted to read as follows and R.S. 18:1463(G) is hereby enacted to read as follows:

§1463. Political material; ethics; prohibitions

* * *

C.(1) No person shall cause to be distributed, or transmitted, any oral, visual, <u>digital,</u> 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.

* * *

E.<u>(1)</u> No person shall cause to be distributed or transmitted for or on behalf of a candidate for political office any oral, visual, <u>digital,</u> or written material constituting a paid political announcement or advertisement, which is paid for by a third-party entity, without providing the name of the third-party entity on the face of the advertisement. The name of the third-party entity shall be included on written

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

(2) The name of the third-party entity in visual and oral political announcements or advertisements shall be included so that it is clearly understandable as well as audible and visible for not less than three seconds. If the advertisement is placed by a public relations firm, advertising agency, media buyer, or other person who purchases media advertising or time or space for such advertising, such person shall provide the information required by this Section.

(3) In digital announcements or advertisements, the name of the third-party entity shall appear in a text sized at least as large as the smallest text in the digital material or in a heading or similar section of text displayed above or within the digital material that is visually distinct from the remainder of the digital material's text and shall have a reasonable degree of color contrast between the background and the name of the third-party entity.

(4) For the purposes of this Subsection, "person" means any individual, partnership, association, labor union, political committee, corporation, or other legal entity, including its subsidiaries;. ~~however, "person" shall not mean any radio station, television broadcast station, cable television company, or newspaper.~~

(5)(a) A media entity, who broadcasts a paid political announcement or advertisement, the content of which the broadcaster has no input in or control over, is not subject to the provisions of this Subsection.

(b) For purposes of this Subsection, a 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.

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F. For the purposes of this Section, The term "digital material" means 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.

G. Whoever violates any provision of this Section shall be fined not more than two thousand dollars or be imprisoned, with or without hard labor, for not more than two years, or both.

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

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 188 Reengrossed 2022 Regular Session Villio

Abstract: Provides requirements for digital materials and advertisements in political campaigns.

Present law provides that no person shall cause to be distributed, or transmitted, any oral, visual, 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 adds digital materials to the types of materials to which present law is applicable.

Present law provides that no person shall cause to be distributed or transmitted for or on behalf of a candidate for political office any oral, visual, or written material constituting a paid political announcement or advertisement, which is paid for by a third-party entity, without providing the name of the third-party entity on the face of the advertisement. The name of the third-party entity shall be included on written material, political announcements, and advertisements so that it is clear and understandable. Proposed law makes present law applicable to digital materials.

Present law provides that the name of the third-party entity in visual and oral political announcements or advertisements shall be included so that it is clearly understandable as well as audible and visible for not less than three seconds. If the advertisement is placed by a public relations firm, advertising agency, media buyer, or other person who purchases media advertising or time or space for such advertising, such person shall provide the information required by this Section.

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Proposed law adds visual requirements for disclosure statements in digital announcements or advertisements.

Proposed law retains present law and provides that a media entity, who broadcasts a paid political announcement or advertisement, is not subject to provisions of present law unless such entity has input in or control over the paid political announcement or advertisement.

Proposed law defines "media entity" to include 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 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.

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

(Amends R.S. 18:1463(C)(1), (E), and (F); Adds R.S. 18:1463(G))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Add to the media companies not included in the definition of person.

The House Floor Amendments to the engrossed bill:

1. Define media entity.

2. Restrict the exemption from present law and proposed law regarding identification of third parties, which is applicable to media entities, to only those media entities that have no input or control over such paid announcements or advertisements.

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