

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

INTRODUCED

LLS NO. 26-0710.01 Robin Bass x2314

HOUSE BILL 26-005

SENATE SPONSORSHIP

Murillo

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Suarez, Cole, Jenkins

House Committees

Elections, Campaigns & Ethics

Senate Committees

Government Administration, Elections &
Technology

A BILL FOR AN ACT

CONCERNING COMPELLED TESTIMONY IN ELECTION CASES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill establishes new legal procedures and civil liabilities related to election-related investigations and public claims about election fraud. The bill is intended to strengthen election integrity by requiring full cooperation in election proceedings and by creating accountability for knowingly false allegations that undermine public confidence in elections.

The bill authorizes courts to compel witnesses and defendants in election-related criminal, civil, or administrative proceedings to provide testimony under oath.

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.

Capital letters or bold & italic numbers indicate new material to be added to existing law.

Dashes through the words or numbers indicate deletions from existing law.

Individuals may not refuse to testify on the grounds that the testimony could be self-incriminating once ordered by a court. A refusal to testify may be introduced as evidence in court and may also constitute contempt of court, obstruction of justice, or a separate criminal offense if the refusal interferes with an investigation or proceeding.

The legislation also addresses public allegations of election fraud. A person who publicly claims that election fraud or misconduct occurred in a way that could affect an election's outcome must file a lawsuit or petition in court within thirty days outlining the factual basis for the claim. Failure to pursue such claims through the judicial process may result in civil liability if the allegation was made knowingly or in bad faith.

Additionally, the bill creates a civil cause of action against individuals who knowingly or recklessly make materially false statements alleging election fraud. Lawsuits may be brought by the state, election officials, or other parties harmed by the false claims, with available remedies including damages, attorney fees, and injunctive relief.

The Attorney General is designated as the primary enforcement authority, and courts are authorized to implement procedural rules necessary to carry out the act. The bill takes effect immediately upon passage and applies to election proceedings initiated thereafter.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This Act shall be known and may
4 be cited as the "Election Integrity Accountability Act."
5 **SECTION 2. LEGISLATIVE FINDINGS AND**
6 **DECLARATION.** The General Assembly finds and declares that:
7 (a) Free, fair, and secure elections are fundamental to
8 representative government and public confidence in democratic
9 institutions. (b) Election-related crimes present unique harms to
10 the public and require complete disclosure of relevant facts to
11 ensure accountability. (c) The refusal of witnesses or participants
12 to answer questions or provide testimony in election-related
13 proceedings may obstruct the discovery of truth and prevent the
14 lawful resolution of election disputes. (d) Knowingly false

1 allegations of election fraud undermine public confidence,
2 threaten election officials, and interfere with lawful election
3 administration. (e) The purpose of this Act is to give full force and
4 effect to Article VII, Sections 12 and 13 of the Constitution by
5 ensuring compelled testimony in election proceedings and
6 establishing accountability for knowingly false public claims
7 concerning elections. **SECTION 3. DEFINITIONS.** For purposes
8 of this Act: (a) "Election proceeding" means any criminal, civil,
9 or administrative action arising from or relating to the conduct,
10 administration, certification, or outcome of an election. (b)
11 "Election fraud allegation" means a public statement of fact
12 asserting that fraud, illegality, or misconduct occurred in an
13 election in a manner capable of affecting its administration or
14 outcome. (c) "Knowingly false statement" means a statement
15 made with actual knowledge of falsity or with reckless disregard
16 for whether it is true or false. **SECTION 4. SCOPE AND**
17 **APPLICABILITY.** (a) This Act applies to all proceedings
18 involving: (I) Election fraud or corruption; (II) Interference with
19 voters, election officials, or election infrastructure; (III) Campaign
20 finance violations affecting election outcomes; (IV) Certification
21 or tabulation disputes; or (V) Any other offense directly affecting
22 the integrity of an election. (b) The provisions of this Act shall be
23 construed to implement the Constitution and shall supersede
24 conflicting statutes or procedural rules to the extent necessary.
25 **SECTION 5. COMPELLED TESTIMONY IN ELECTION**
26 **PROCEEDINGS.** (a) In any election proceeding, a court of
27 competent jurisdiction may order any witness or defendant to
28 answer questions and provide full and truthful testimony under
29 oath regarding matters relevant to the proceeding. (b) No person
30 shall refuse to answer a lawful question or decline to testify on the
31 grounds that such testimony may be self-incriminating. (c) A
32 refusal to answer questions or to testify after lawful order of the
33 court may be introduced into evidence and considered by the

1 court or jury as evidence of consciousness of guilt. (d) A person
2 compelled to testify retains the right to counsel and other
3 procedural protections provided by law, except that refusal to
4 testify shall not be protected as a privilege. **SECTION 6.**
5 **REFUSAL TO TESTIFY OR ANSWER QUESTIONS.**
6 (a) Any person who willfully refuses to answer questions or
7 testify after a lawful court order commits an offense under this
8 Act. (b) Such refusal may constitute: (I) Contempt of court; (II)
9 Obstruction of justice; or (III) A separate criminal offense as
10 prescribed by law. (c) In criminal proceedings, refusal to testify or
11 answer relevant questions may be presented to the finder of fact as
12 evidence supporting an inference of guilt. (d) In addition to
13 contempt sanctions, refusal to testify may be prosecuted
14 independently where the refusal materially impedes an
15 election-related investigation or proceeding. **SECTION 7.**
16 **PUBLIC ALLEGATIONS OF ELECTION FRAUD.** (a) Any
17 person who publicly alleges election fraud, illegality, or
18 misconduct sufficient to call into question the administration or
19 outcome of an election shall, within thirty (30) days, file an action
20 or petition in a court of competent jurisdiction stating the factual
21 basis for such allegation. (b) Failure to pursue such claims
22 through judicial process after making public allegations may give
23 rise to civil liability upon a showing that the allegations were
24 made knowingly or in bad faith. (c) Nothing in this section shall
25 prohibit: (I) Good-faith political speech or criticism of election
26 administration; (II) Reporting or discussion of allegations made
27 by others; (III) Lawful election contests, recount requests, or
28 administrative complaints authorized by law. **SECTION 8. CIVIL**
29 **LIABILITY FOR KNOWINGLY FALSE ELECTION CLAIMS.**
30 (a) Any person who knowingly or recklessly makes materially
31 false factual statements alleging election fraud or illegality shall
32 be liable in a civil action. (b) Civil actions may be brought by: (I)
33 The State;

1 (II) An election official or worker harmed by the false statement;
2 or (III) Any person or entity suffering demonstrable injury as a
3 result of the false claim. (c) Available remedies include: (I) Actual
4 damages; (II) Statutory damages as provided by law; (III)
5 Attorney fees and costs; and (IV) Injunctive relief. **SECTION 9.**
6 **ENFORCEMENT.** (a) The Attorney General shall have primary
7 authority to enforce this Act. (b) Courts of general jurisdiction
8 shall have original jurisdiction over actions brought under this
9 Act. (c) The Supreme Court may adopt procedural rules necessary
10 to implement this Act. **SECTION 10. SEVERABILITY.** If any
11 provision of this Act or its application is held invalid, such
12 invalidity shall not affect other provisions or applications which
13 can be given effect without the invalid provision. **SECTION 11.**
14 **EFFECTIVE DATE.** This Act shall take effect immediately upon
15 passage and shall apply to all election proceedings commenced
16 thereafter.