

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

REVISED

LLS NO. 26-0710.04 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 willful blindness to
16 facts that would have been discovered through minimal due
17 diligence. **SECTION 4. SCOPE AND APPLICABILITY.** (a)
18 This Act applies to all proceedings involving: (I) Election fraud
19 or corruption; (II) Interference with voters, election officials, or
20 election infrastructure; (III) Campaign finance violations affecting
21 election outcomes; (IV) Certification or tabulation disputes; or
22 (V) Any other offense directly affecting the integrity of an
23 election. (b) The provisions of this Act shall be construed to
24 implement the Constitution and shall supersede conflicting
25 statutes or procedural rules to the extent necessary.
26 **SECTION 5. COMPELLED TESTIMONY IN ELECTION**
27 **PROCEEDINGS.** (a) In any election proceeding, a court of
28 competent jurisdiction may order any witness or defendant to
29 answer questions and provide full and truthful testimony under
30 oath regarding matters relevant to the proceeding. (b) A person
31 ordered to provide testimony pursuant to this section may not
32 refuse to testify on the grounds of self-incrimination only where
33 the court has granted use and derivative-use immunity sufficient

1 to protect the constitutional privilege against self-incrimination.
2 (c) A refusal to testify after lawful grant of immunity may
3 constitute contempt of court but shall not be introduced as
4 evidence of guilt in any criminal proceeding. (d) A person
5 compelled to testify retains the right to counsel and other
6 procedural protections provided by law, except that refusal to
7 testify shall not be protected as a privilege. (e) Prior to issuing an
8 order compelling testimony under this section, the court shall
9 make written findings that the testimony sought is materially
10 relevant to an election proceeding and that less restrictive means
11 of obtaining the information are unavailable. (f) Prior to
12 compelling testimony, the court shall conduct an evidentiary
13 hearing and determine by clear and convincing evidence that: (I)
14 The testimony sought is essential to resolving a material issue; (II)
15 The information cannot reasonably be obtained through
16 documentary or alternative investigative means; and (III) The
17 public interest in disclosure substantially outweighs the burden
18 imposed upon the witness. **SECTION 5.5. EXPEDITED**
19 **PROCEEDINGS.** (a) Election proceedings arising under this Act
20 shall receive priority scheduling by courts of competent
21 jurisdiction. (b) Courts shall issue preliminary rulings within
22 fourteen days where practicable. (c) Appeals under this Act shall
23 be advanced on the appellate docket. **SECTION 6. REFUSAL**
24 **TO TESTIFY OR ANSWER QUESTIONS.** (a) Any person who
25 willfully refuses to answer questions or testify after a lawful court
26 order commits an offense under this Act. (b) Such refusal may
27 constitute: (I) Contempt of court; (II) Obstruction of justice; or
28 (III) A separate criminal offense as prescribed by law. (c) In civil
29 election proceedings, a willful refusal to testify after a grant of
30 immunity may be presented to the finder of fact as evidence
31 supporting an adverse inference. This inference shall not apply in
32 criminal prosecutions. (d) In addition to contempt sanctions,
33 refusal to testify may be prosecuted independently where the

1 refusal materially impedes an election-related investigation or
2 proceeding. **SECTION 7. PUBLIC ALLEGATIONS OF**
3 **ELECTION FRAUD.** (a) Any person who publicly asserts as a
4 statement of fact that election fraud or illegality occurred and who
5 represents possession of verifiable evidence capable of affecting
6 the outcome of an election shall within ninety days, or prior to the
7 certification of the election in question, whichever is later to
8 pursue available judicial or administrative remedies supporting
9 such claim. (b) Failure to pursue such claims through judicial
10 process after making public allegations may give rise to civil
11 liability upon a showing that the allegations were made knowingly
12 or in bad faith. (c) Nothing in this section shall prohibit: (I)
13 Good-faith political speech or criticism of election administration;
14 (II) Reporting or discussion of allegations made by others; (III)
15 Lawful election contests, recount requests, or administrative
16 complaints authorized by law. (d) No liability shall arise under
17 this section unless the statement constitutes a verifiable assertion
18 of fact presented as true and made with actual malice. Expressions
19 of opinion, speculation, satire, political rhetoric, or predictive
20 statements regarding election outcomes shall remain fully
21 protected speech. (e) A person shall not incur liability under this
22 section where the individual reasonably relied upon documentary
23 evidence, sworn testimony, official reports, or information
24 provided by election officials, law enforcement agencies, or
25 accredited observers at the time the statement was made, even if
26 such information is later determined to be inaccurate. (f) The
27 burden of proving lack of good faith shall rest upon the party
28 asserting liability under this Act. (g) The filing of a formal
29 administrative complaint with the Secretary of State or a report to
30 law enforcement shall satisfy the requirement to pursue judicial or
31 administrative remedies. **SECTION 8. CIVIL LIABILITY FOR**
32 **KNOWINGLY FALSE ELECTION CLAIMS.** (a) Any person
33 who knowingly and intentionally makes a materially false

1 statement of fact alleging election fraud or illegality, with actual
2 malice and resulting demonstrable harm, shall be liable in a civil
3 action. (b) Civil actions may be brought by: (I) The State; (II) An
4 election official or worker harmed by the false statement; or (III)
5 Any person or entity suffering demonstrable injury as a result of
6 the false claim. (c) Available remedies include: (I) Actual
7 damages; (II) Statutory damages as provided by law; (III)
8 Attorney fees and costs; and (IV) Injunctive relief. (d) Courts
9 shall immediately stay discovery upon the filing of a motion to
10 dismiss under this section. The burden shall be on the plaintiff to
11 establish a substantial probability of prevailing on the merits
12 before the case may proceed. (e) Where a court determines that an
13 action brought under this section was filed primarily for purposes
14 of harassment or political retaliation, the court shall award
15 reasonable attorney fees and costs to the prevailing defendant. (f)
16 (I) Demonstrable harm under this section shall include threats,
17 harassment, intimidation, or loss of employment suffered by an
18 election official or worker as a direct result of knowingly false
19 election fraud allegations. (II) Demonstrable harm shall include
20 quantifiable economic loss, documented expenditures for security
21 services, or medical expenses related to harassment or threats
22 directly caused by the false statement. **SECTION 9.**
23 **ENFORCEMENT.** (a) The Attorney General shall have primary
24 authority to enforce this Act. (b) Courts of general jurisdiction
25 shall have original jurisdiction over actions brought under this
26 Act. (c) The Supreme Court may adopt procedural rules necessary
27 to implement this Act. (d) Enforcement authority exercised under
28 this Act shall be applied in a viewpoint-neutral manner and shall
29 not be used to regulate lawful political expression or advocacy.
30 **SECTION 9.5. REPORTING REQUIREMENT.** (a) On or before
31 January 15 of each year, the Attorney General shall submit a
32 public report to the General Assembly detailing: (I) Actions
33 initiated under this Act; (II) Number of compelled testimony

1 orders issued; (III) Civil actions filed and resolved; and (IV)
2 Safeguards implemented to protect lawful political speech.
3 **SECTION 10. SEVERABILITY.** If any provision of this Act or
4 its application is held invalid, such invalidity shall not affect other
5 provisions or applications which can be given effect without the
6 invalid provision. **SECTION 11. SUNSET REVIEW.** This Act
7 shall be subject to legislative review five years after enactment.
8 The General Assembly shall evaluate effectiveness, constitutional
9 compliance, and impacts on protected political expression prior to
10 continuation. **SECTION 12. EFFECTIVE DATE.** Act subject to
11 petition – effective date. This act takes effect on August 18, 2026,
12 assuming the general assembly adjourns sine die on May 18,
13 2026; except that, if a veto petition is filed pursuant to Article II,
14 Section 15 of the state constitution against this act or an item,
15 section, or part of this act within such period, then the act, item,
16 section, or part will not take effect unless approved by the people
17 at the general election to be held in November 2026 and, in such
18 case, will take effect on the date of the official declaration of the
19 vote thereon by the governor.