

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

ENGROSSED

LLS NO. 26-0710.02 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) A person
30 ordered to provide testimony pursuant to this section may not
31 refuse to testify on the grounds of self-incrimination only where
32 the court has granted use and derivative-use immunity sufficient
33 to protect the constitutional privilege against self-incrimination.

1 (c) A refusal to testify after lawful grant of immunity may
2 constitute contempt of court but shall not be introduced as
3 evidence of guilt in any criminal proceeding. (d) A person
4 compelled to testify retains the right to counsel and other
5 procedural protections provided by law, except that refusal to
6 testify shall not be protected as a privilege. (e) Prior to issuing an
7 order compelling testimony under this section, the court shall
8 make written findings that the testimony sought is materially
9 relevant to an election proceeding and that less restrictive means
10 of obtaining the information are unavailable. **SECTION 6.**

11 **REFUSAL TO TESTIFY OR ANSWER QUESTIONS.**

12 (a) Any person who willfully refuses to answer questions or
13 testify after a lawful court order commits an offense under this
14 Act. (b) Such refusal may constitute: (I) Contempt of court; (II)
15 Obstruction of justice; or (III) A separate criminal offense as
16 prescribed by law. (c) In criminal proceedings, refusal to testify or
17 answer relevant questions may be presented to the finder of fact as
18 evidence supporting an inference of guilt. (d) In addition to
19 contempt sanctions, refusal to testify may be prosecuted
20 independently where the refusal materially impedes an
21 election-related investigation or proceeding. **SECTION 7.**

22 **PUBLIC ALLEGATIONS OF ELECTION FRAUD.** (a) Any
23 person who publicly asserts as a statement of fact that election
24 fraud or illegality occurred and who represents possession of
25 verifiable evidence capable of affecting the outcome of an
26 election shall, within thirty days, pursue available judicial or
27 administrative remedies supporting such claim. (b) Failure to
28 pursue such claims through judicial process after making public
29 allegations may give rise to civil liability upon a showing that the
30 allegations were made knowingly or in bad faith. (c) Nothing in
31 this section shall prohibit: (I) Good-faith political speech or
32 criticism of election administration; (II) Reporting or discussion
33 of allegations made by others; (III) Lawful election contests,

1 recount requests, or administrative complaints authorized by law.
2 (d) No liability shall arise under this section for expressions of
3 opinion, political advocacy, rhetorical statements, or good-faith
4 discussion regarding election administration absent clear and
5 convincing evidence of knowing falsity. **SECTION 8. CIVIL**
6 **LIABILITY FOR KNOWINGLY FALSE ELECTION CLAIMS.**
7 (a) Any person who knowingly and intentionally makes a
8 materially false statement of fact alleging election fraud or
9 illegality, with actual malice and resulting demonstrable harm,
10 shall be liable in a civil action. (b) Civil actions may be brought
11 by: (I) The State; (II) An election official or worker harmed by the
12 false statement; or (III) Any person or entity suffering
13 demonstrable injury as a result of the false claim. (c) Available
14 remedies include: (I) Actual damages; (II) Statutory damages as
15 provided by law; (III) Attorney fees and costs; and (IV) Injunctive
16 relief. (d) Courts shall dismiss actions brought under this section
17 where the challenged statement constitutes protected political
18 speech or where the plaintiff fails to demonstrate actual injury
19 arising from the alleged false statement. **SECTION 9.**
20 **ENFORCEMENT.** (a) The Attorney General shall have primary
21 authority to enforce this Act. (b) Courts of general jurisdiction
22 shall have original jurisdiction over actions brought under this
23 Act. (c) The Supreme Court may adopt procedural rules necessary
24 to implement this Act. (d) Enforcement authority exercised under
25 this Act shall be applied in a viewpoint-neutral manner and shall
26 not be used to regulate lawful political expression or advocacy.
27 **SECTION 10. SEVERABILITY.** If any provision of this Act or
28 its application is held invalid, such invalidity shall not affect other
29 provisions or applications which can be given effect without the
30 invalid provision. **SECTION 11. EFFECTIVE DATE.** This Act
31 shall take effect immediately upon passage and shall apply to all
32 election proceedings commenced thereafter.