

HOUSE BILL 26-005

By Senator(s) Murillo
also Representative(s) Suarez, Cole, Jenkins

AN ACT**CONCERNING COMPELLED TESTIMONY IN-
ELECTION CASES**

Be It Enacted by the General Assembly of the State of San Andreas:

SECTION 1. SHORT TITLE.

This Act shall be known and may be cited as the “Election Integrity Accountability Act.”

SECTION 2. LEGISLATIVE FINDINGS AND DECLARATION.

The General Assembly finds and declares that:

- (a) Free, fair, and secure elections are fundamental to representative government and public confidence in democratic institutions.
- (b) Election-related crimes present unique harms to the public and require complete disclosure of relevant facts to ensure accountability.
- (c) The refusal of witnesses or participants to answer questions or provide testimony in election-related proceedings may obstruct the discovery of truth and prevent the lawful resolution of election disputes.
- (d) Knowingly false allegations of election fraud undermine public confidence, threaten election officials, and interfere with lawful election administration.
- (e) The purpose of this Act is to give full force and effect to Article VII, Sections 12 and 13 of the Constitution by ensuring compelled testimony in election proceedings and establishing accountability for knowingly false public claims concerning elections.

SECTION 3. DEFINITIONS.

For purposes of this Act:

- (a) “Election proceeding” means any criminal, civil, or administrative action arising from or relating to the conduct, administration, certification, or outcome of an election.
- (b) “Election fraud allegation” means a public statement of fact asserting that fraud, illegality, or misconduct occurred in an election in a manner capable of affecting its administration or outcome.
- (c) “Knowingly false statement” means a statement made with actual knowledge of falsity or with willful blindness to facts that would have been discovered through minimal due diligence.

SECTION 4. SCOPE AND APPLICABILITY.

- (a) This Act applies to all proceedings involving:
 - (I) Election fraud or corruption;

- (II) Interference with voters, election officials, or election infrastructure;
 - (III) Campaign finance violations affecting election outcomes;
 - (IV) Certification or tabulation disputes; or
 - (V) Any other offense directly affecting the integrity of an election.
- (b) The provisions of this Act shall be construed to implement the Constitution and shall supersede conflicting statutes or procedural rules to the extent necessary.

SECTION 5. COMPELLED TESTIMONY IN ELECTION PROCEEDINGS.

- (a) In any election proceeding, a court of competent jurisdiction may order any witness or defendant to answer questions and provide full and truthful testimony under oath regarding matters relevant to the proceeding.
- (b) A person ordered to provide testimony pursuant to this section may not refuse to testify on the grounds of self-incrimination only where the court has granted use and derivative-use immunity sufficient to protect the constitutional privilege against self-incrimination.
- (c) A refusal to testify after lawful grant of immunity may constitute contempt of court but shall not be introduced as evidence of guilt in any criminal proceeding.
- (d) A person compelled to testify retains the right to counsel and other procedural protections provided by law, except that refusal to testify shall not be protected as a privilege.
- (e) Prior to issuing an order compelling testimony under this section, the court shall make written findings that the testimony sought is materially relevant to an election proceeding and that less restrictive means of obtaining the information are unavailable.
- (f) Prior to compelling testimony, the court shall conduct an evidentiary hearing and determine by clear and convincing evidence that:
- (I) The testimony sought is essential to resolving a material issue;
 - (II) The information cannot reasonably be obtained through documentary or alternative investigative means; and
 - (III) The public interest in disclosure substantially outweighs the burden imposed upon the witness.

SECTION 5.5. EXPEDITED PROCEEDINGS.

- (a) Election proceedings arising under this Act shall receive priority scheduling by courts of competent jurisdiction.
- (b) Courts shall issue preliminary rulings within fourteen days where practicable.
- (c) Appeals under this Act shall be advanced on the appellate docket.

SECTION 6. REFUSAL TO TESTIFY OR ANSWER QUESTIONS.

- (a) Any person who willfully refuses to answer questions or testify after a lawful court order commits an offense under this Act.
- (b) Such refusal may constitute:
- (I) Contempt of court;
 - (II) Obstruction of justice; or
 - (III) A separate criminal offense as prescribed by law.

(c) In civil election proceedings, a willful refusal to testify after a grant of immunity may be presented to the finder of fact as evidence supporting an adverse inference. This inference shall not apply in criminal prosecutions.

(d) In addition to contempt sanctions, refusal to testify may be prosecuted independently where the refusal materially impedes an election-related investigation or proceeding.

SECTION 7. PUBLIC ALLEGATIONS OF ELECTION FRAUD.

(a) Any person who publicly asserts as a statement of fact that election fraud or illegality occurred and who represents possession of verifiable evidence capable of affecting the outcome of an election shall within ninety days, or prior to the certification of the election in question, whichever is later to pursue available judicial or administrative remedies supporting such claim.

(b) Failure to pursue such claims through judicial process after making public allegations may give rise to civil liability upon a showing that the allegations were made knowingly or in bad faith.

(c) Nothing in this section shall prohibit:

(I) Good-faith political speech or criticism of election administration;

(II) Reporting or discussion of allegations made by others;

(III) Lawful election contests, recount requests, or administrative complaints authorized by law.

(d) No liability shall arise under this section unless the statement constitutes a verifiable assertion of fact presented as true and made with actual malice. Expressions of opinion, speculation, satire, political rhetoric, or predictive statements regarding election outcomes shall remain fully protected speech.

(e) A person shall not incur liability under this section where the individual reasonably relied upon documentary evidence, sworn testimony, official reports, or information provided by election officials, law enforcement agencies, or accredited observers at the time the statement was made, even if such information is later determined to be inaccurate.

(f) The burden of proving lack of good faith shall rest upon the party asserting liability under this Act.

(g) The filing of a formal administrative complaint with the Secretary of State or a report to law enforcement shall satisfy the requirement to pursue judicial or administrative remedies.

SECTION 8. CIVIL LIABILITY FOR KNOWINGLY FALSE ELECTION CLAIMS.

(a) Any person who knowingly and intentionally makes a materially false statement of fact alleging election fraud or illegality, with actual malice and resulting demonstrable harm, shall be liable in a civil action.

(I) Demonstrable harm under this section shall include threats, harassment, intimidation, or loss of employment suffered by an election official or worker as a direct result of knowingly false election fraud allegations.

(II) Demonstrable harm shall include quantifiable economic loss, documented expenditures for security services, or medical expenses related to harassment or threats directly caused by the false statement.

(b) Civil actions may be brought by:

- (I) The State;
 - (II) An election official or worker harmed by the false statement; or
 - (III) Any person or entity suffering demonstrable injury as a result of the false claim.
- (c) Available remedies include:
- (I) Actual damages;
 - (II) Statutory damages as provided by law;
 - (III) Attorney fees and costs; and
 - (IV) Injunctive relief.
- (d) Courts shall immediately stay discovery upon the filing of a motion to dismiss under this section. The burden shall be on the plaintiff to establish a substantial probability of prevailing on the merits before the case may proceed.
- (e) Where a court determines that an action brought under this section was filed primarily for purposes of harassment or political retaliation, the court shall award reasonable attorney fees and costs to the prevailing defendant.

SECTION 9. ENFORCEMENT.

- (a) The Attorney General shall have primary authority to enforce this Act.
- (b) Courts of general jurisdiction shall have original jurisdiction over actions brought under this Act.
- (c) The Supreme Court may adopt procedural rules necessary to implement this Act.
- (d) Enforcement authority exercised under this Act shall be applied in a viewpoint-neutral manner and shall not be used to regulate lawful political expression or advocacy.

SECTION 9.5. REPORTING REQUIREMENT.

- (a) On or before January 15 of each year, the Attorney General shall submit a public report to the General Assembly detailing:
 - (I) Actions initiated under this Act;
 - (II) Number of compelled testimony orders issued;
 - (III) Civil actions filed and resolved; and
 - (IV) Safeguards implemented to protect lawful political speech.

SECTION 10. SEVERABILITY.

If any provision of this Act or its application is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision.

SECTION 11. SUNSET REVIEW.

This Act shall be subject to legislative review five years after enactment. The General Assembly shall evaluate effectiveness, constitutional compliance, and impacts on protected political expression prior to continuation.