

# Digest: Election Integrity Accountability Act (HB26-005)

## Executive Summary

House Bill 26-005, titled the "Election Integrity Accountability Act," is a legislative measure enacted by the General Assembly of the State of San Andreas to amend statutes concerning compelled testimony in election-related legal proceedings. Sponsored by Senator Virgil Murillo and Representatives Brooklynn Suarez, Adrienne Cole, and Adam Jenkins, the Act seeks to ensure transparency and accountability in the democratic process.

The Act introduces two primary legal mechanisms: first, it mandates compelled testimony in election proceedings, explicitly removing the right to refuse testimony on the grounds of self-incrimination; second, it establishes civil liability and procedural requirements for individuals making public allegations of election fraud. The legislation is designed to prevent the obstruction of truth in election disputes and to deter the dissemination of knowingly false claims that undermine public confidence in democratic institutions.

## Legislative Findings and Intent

The General Assembly has established several core justifications for the implementation of this Act:

- **Public Confidence:** Secure and fair elections are viewed as the foundation of representative government.
- **Harm of Election Crimes:** Crimes related to elections present unique public harms that necessitate complete disclosure of facts.
- **Obstruction of Truth:** The refusal of participants to provide testimony is identified as a primary obstacle to the lawful resolution of election disputes.
- **Impact of False Allegations:** The Act declares that knowingly false claims of fraud threaten election officials and interfere with the lawful administration of elections.
- **Constitutional Implementation:** The Act aims to give full effect to Article VII, Sections 12 and 13 of the San Andreas Constitution.

## Key Definitions and Scope

The Act provides specific definitions to clarify the reach of its provisions:

Term	Definition under HB26-005
<b>Election Proceeding</b>	Any criminal, civil, or administrative action regarding the conduct, administration, certification, or outcome of an election.
<b>Election Fraud Allegation</b>	A public statement of fact asserting fraud, illegality, or misconduct capable of affecting an election's administration or outcome.
<b>Knowingly False Statement</b>	A statement made with actual knowledge of its falsity or with reckless disregard for its truth.

## Applicability

The provisions of the Act apply to all proceedings involving:

1. Election fraud or corruption.
2. Interference with voters, officials, or infrastructure.
3. Campaign finance violations affecting outcomes.
4. Disputes regarding certification or tabulation.
5. Any offense directly affecting election integrity.

## Compelled Testimony and Legal Consequences

A central feature of the Act is the expansion of judicial power to compel testimony, superseding existing conflicting statutes or procedural rules.

### Mandated Disclosure

- **Removal of Privilege:** In election proceedings, no person may refuse to testify or answer lawful questions on the grounds that the testimony may be self-incriminating.
- **Court Orders:** Courts of competent jurisdiction are authorized to order any witness or defendant to provide full and truthful testimony under oath.
- **Retention of Counsel:** While testimonial privilege is removed, individuals compelled to testify retain the right to legal counsel and other standard procedural protections.

### Penalties for Refusal

Willful refusal to comply with a court order to testify constitutes a specific offense under the Act and may result in:

- **Inference of Guilt:** In both criminal and civil proceedings, a refusal to testify may be introduced as evidence of "consciousness of guilt" or used to support an inference of guilt by the finder of fact.
- **Legal Charges:** Refusal may lead to charges of contempt of court, obstruction of justice, or separate criminal offenses.
- **Independent Prosecution:** If a refusal materially impedes a proceeding, it may be prosecuted independently of the underlying election case.

## Accountability for Public Allegations

The Act imposes strict requirements on individuals who make public claims regarding election misconduct to ensure such claims are handled through proper judicial channels.

### The 30-Day Filing Requirement

Any person making a public allegation of election fraud sufficient to call an outcome into question must file a court action or petition stating the factual basis for the claim within **thirty (30) days**. Failure to pursue these claims through the judicial process after making public statements may result in civil liability if the allegations are proven to have been made in bad faith.

### Civil Liability for False Claims

Individuals who knowingly or recklessly make materially false factual statements regarding election fraud are liable for civil actions.

- **Authorized Plaintiffs:** Actions may be brought by the State, harmed election officials/workers, or any entity suffering demonstrable injury.
- **Available Remedies:**
  - Actual and statutory damages.
  - Attorney fees and legal costs.
  - Injunctive relief.

### Protections for Speech

The Act explicitly excludes certain types of communication from these liability provisions:

- Good-faith political speech or criticism of administration.
- Reporting or discussing allegations made by third parties.
- Lawful election contests, recounts, or administrative complaints.

## Administration and Enforcement

- **Primary Authority:** The Attorney General holds the primary authority to enforce the Act.
- **Jurisdiction:** Courts of general jurisdiction have original jurisdiction over actions brought under this legislation.
- **Rulemaking:** The Supreme Court is authorized to adopt procedural rules necessary for implementation.
- **Severability:** If any portion of the Act is found invalid, the remaining provisions remain in effect.
- **Effective Date:** The Act takes effect immediately upon passage and applies to all subsequent election proceedings.