

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

**REENGROSSED**

LLS NO. 26-0710.03 Robin Bass x2314

**HOUSE BILL 26-005**

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**SENATE SPONSORSHIP**

**Murillo**

**HOUSE SPONSORSHIP**

**Suarez, Cole, Jenkins**

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**House Committees**

Elections, Campaigns & Ethics

**Senate Committees**

Government Administration, Elections &  
Technology

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**A BILL FOR AN ACT**

**CONCERNING COMPELLED TESTIMONY IN ELECTION CASES.**

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**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.

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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. (f) Prior to  
11 compelling testimony, the court shall conduct an evidentiary  
12 hearing and determine by clear and convincing evidence that: (I)  
13 The testimony sought is essential to resolving a material issue; (II)  
14 The information cannot reasonably be obtained through  
15 documentary or alternative investigative means; and (III) The  
16 public interest in disclosure substantially outweighs the burden  
17 imposed upon the witness. **SECTION 5.5. EXPEDITED**  
18 **PROCEEDINGS.** (a) Election proceedings arising under this Act  
19 shall receive priority scheduling by courts of competent  
20 jurisdiction. (b) Courts shall issue preliminary rulings within  
21 fourteen days where practicable. (c) Appeals under this Act shall  
22 be advanced on the appellate docket. **SECTION 6. REFUSAL**  
23 **TO TESTIFY OR ANSWER QUESTIONS.** (a) Any person who  
24 willfully refuses to answer questions or testify after a lawful court  
25 order commits an offense under this Act. (b) Such refusal may  
26 constitute: (I) Contempt of court; (II) Obstruction of justice; or  
27 (III) A separate criminal offense as prescribed by law. (c) In  
28 criminal proceedings, refusal to testify or answer relevant  
29 questions may be presented to the finder of fact as evidence  
30 supporting an inference of guilt. (d) In addition to contempt  
31 sanctions, refusal to testify may be prosecuted independently  
32 where the refusal materially impedes an election-related  
33 investigation or proceeding. **SECTION 7. PUBLIC**

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

1 remedies include: (I) Actual damages; (II) Statutory damages as  
2 provided by law; (III) Attorney fees and costs; and (IV) Injunctive  
3 relief. (d) Courts shall dismiss actions brought under this section  
4 where the challenged statement constitutes protected political  
5 speech or where the plaintiff fails to demonstrate actual injury  
6 arising from the alleged false statement. (e) Where a court  
7 determines that an action brought under this section was filed  
8 primarily for purposes of harassment or political retaliation, the  
9 court shall award reasonable attorney fees and costs to the  
10 prevailing defendant. (f) Demonstrable harm under this section  
11 shall include threats, harassment, intimidation, or loss of  
12 employment suffered by an election official or worker as a direct  
13 result of knowingly false election fraud allegations. **SECTION 9.**  
14 **ENFORCEMENT.** (a) The Attorney General shall have primary  
15 authority to enforce this Act. (b) Courts of general jurisdiction  
16 shall have original jurisdiction over actions brought under this  
17 Act. (c) The Supreme Court may adopt procedural rules necessary  
18 to implement this Act. (d) Enforcement authority exercised under  
19 this Act shall be applied in a viewpoint-neutral manner and shall  
20 not be used to regulate lawful political expression or advocacy.  
21 **SECTION 9.5. REPORTING REQUIREMENT.** (a) On or before  
22 January 15 of each year, the Attorney General shall submit a  
23 public report to the General Assembly detailing: (I) Actions  
24 initiated under this Act; (II) Number of compelled testimony  
25 orders issued; (III) Civil actions filed and resolved; and (IV)  
26 Safeguards implemented to protect lawful political speech.  
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. SUNSET REVIEW.** This Act  
31 shall be subject to legislative review five years after enactment.  
32 The General Assembly shall evaluate effectiveness, constitutional  
33 compliance, and impacts on protected political expression prior to

1 continuation. SECTION 12. EFFECTIVE DATE. This Act shall  
2 take effect immediately upon passage and shall apply to all  
3 election proceedings commenced thereafter.