

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/12/15

A Bill

SENATE BILL 509

By: Senators A. Clark, J. Hutchinson

For An Act To Be Entitled

*AN ACT PROVIDING FOR CIVIL LIABILITY FOR WRONGFUL
DISSEMINATION OF AN ELECTRONIC COMMUNICATION TO
INFLUENCE A POLITICAL VOTE; AND FOR OTHER PURPOSES.*

Subtitle

*PROVIDING FOR CIVIL LIABILITY FOR
WRONGFUL DISSEMINATION OF AN ELECTRONIC
COMMUNICATION TO INFLUENCE A POLITICAL
VOTE.*

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16, Chapter 118, is amended to add a new section to read as follows:

16-118-111. Civil action for damages caused by wrongful dissemination of an electronic communication to influence a political vote.

(a) As used in this section:

(1) "Electronic communication" means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, phone texting, or an online messaging service; and

(2) "Political vote" means a vote by a member of the House of Representatives or Senate with respect to an issue before the General Assembly or a committee of the General Assembly.

(b) A victim whose identity is wrongfully misappropriated or



misidentified by another person by that person's purposeful transmission or posting of an electronic communication that is purported to be from the victim without permission from the victim and that expresses an opinion concerning a political issue before the General Assembly with the purpose to influence a political vote may bring a civil action for any injury and recover any damages sustained and for the costs of the civil action.

(b) If a victim prevails in a civil action under this section, damages shall include without limitation a mandatory damage award of five thousand dollars (\$5,000) per prosecutable act.

(c) A civil action under this section shall be brought within three (3) years from the date the action is discovered or should have been discovered by the exercise of reasonable diligence.

/s/A. Clark