

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

As Engrossed: S3/12/15

# A Bill

SENATE BILL 509

5 By: Senators A. Clark, J. Hutchinson  
6

## For An Act To Be Entitled

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

### Subtitle

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13 *PROVIDING FOR CIVIL LIABILITY FOR*  
14 *WRONGFUL DISSEMINATION OF AN ELECTRONIC*  
15 *COMMUNICATION TO INFLUENCE A POLITICAL*  
16 *VOTE.*  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 *SECTION 1. Arkansas Code Title 16, Chapter 118, is amended to add a*  
23 *new section to read as follows:*

24 *16-118-111. Civil action for damages caused by wrongful dissemination*  
25 *of an electronic communication to influence a political vote.*

26 *(a) As used in this section:*

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

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

36 *(b) A victim whose identity is wrongfully misappropriated or*



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

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

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

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14 /s/A. Clark

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17 **APPROVED: 04/06/2015**  
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