

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

# A Bill

SENATE BILL 509

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

## For An Act To Be Entitled

8 AN ACT CREATING THE OFFENSE OF WRONGFUL DISSEMINATION  
9 OF AN ELECTRONIC COMMUNICATION TO INFLUENCE A  
10 POLITICAL VOTE; TO PROVIDE FOR CIVIL LIABILITY; AND  
11 FOR OTHER PURPOSES.  
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## Subtitle

15 CREATING THE OFFENSE OF WRONGFUL  
16 DISSEMINATION OF AN ELECTRONIC  
17 COMMUNICATION TO INFLUENCE A POLITICAL  
18 VOTE; AND TO PROVIDE FOR CIVIL LIABILITY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 5, Chapter 53, is amended to create a  
24 new section to read as follows:

25 5-53-117. Wrongful dissemination of an electronic communication to  
26 influence a political vote.

27 (a) As used in this section:

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

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



1           (b) A person commits the offense of wrongful dissemination of an  
2 electronic communication to influence a political vote if with the purpose to  
3 influence a political vote the person purposely transmits or posts an  
4 electronic communication that is purported to be from another person without  
5 permission from the other person and that expresses an opinion concerning a  
6 political issue before the General Assembly.

7           (c) Wrongful dissemination of an electronic communication to influence  
8 a political vote is a Class D felony.

9           (d) It is not a defense to prosecution under this section that the  
10 person that purportedly made the electronic communication agreed or agrees  
11 with the contents of the electronic communication.

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13           SECTION 2. Arkansas Code Title 16, Chapter 118, is amended to add a  
14 new section to read as follows:

15           16-118-111. Civil action for damages caused by wrongful dissemination  
16 of an electronic communication to influence a political vote.

17           (a) A person whose identity was wrongfully misappropriated or  
18 misidentified by another person during the commission of the offense of  
19 wrongful dissemination of an electronic communication to influence a  
20 political vote, § 5-53-117, and that was injured may bring a civil action for  
21 the injury and recover any damages sustained and the costs of the civil  
22 action.

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

26           (c) A civil action under this section shall be brought within three  
27 (3) years from the date the alleged violation of § 5-53-117 is discovered or  
28 should have been discovered by the exercise of reasonable diligence.

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