

HOUSE BILL NO. 6525

November 29, 2022, Introduced by Rep. Pepper and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2980.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 2980. (1) A person that falsely states that an election**
2 **held in this state by any unit of government and for any purpose**
3 **requiring the vote of the people was tainted by fraud, cheating, or**
4 **manipulation or was rigged, stolen, filched, ripped off, hustled,**
5 **robbed, or fleeced or that makes like allegations of malfeasance**

1 with respect to the election, with knowledge that the statement was
2 false or likely false or with reckless disregard of whether the
3 statement was false, is liable in a civil action for damages
4 sustained by another person as a result of the false statement.

5 (2) An election official, employee, worker, or volunteer who
6 provided election services in connection with an election about
7 which false statements as described in subsection (1) were made has
8 standing to bring a civil action under this section.

9 (3) A false statement as described in subsection (1) is
10 defamation per se that impugns and calls into question the
11 integrity, diligence, and fealty to oath and duty of every election
12 official, worker, or volunteer who provided election services in
13 connection with the election about which false statements were
14 made. A person other than an elected election official that brings
15 an action under this section must not be deemed to be a public
16 official or required to demonstrate actual malice on the part of
17 the maker of the false statement or statements.

18 (4) There is an irrebuttable presumption that each election
19 official, worker, or volunteer who provided election services in
20 connection with an election about which false statements as
21 described in subsection (1) were made has suffered damages in an
22 amount not less than \$10,000.00.

23 (5) If a plaintiff prevails in an action brought under this
24 section, the court shall award all of the following:

25 (a) Injunctive relief sufficient to prevent the defendant from
26 engaging in conduct described in subsection (1).

27 (b) Damages of not less than \$10,000.00.

28 (c) Actual costs and attorney fees.

29 (6) A person may bring an action under this section not later

1 than 2 years after the date that the cause of action accrues.

2 (7) Notwithstanding any other law to the contrary, none of the
3 following are a defense to an action brought under this section:

4 (a) Ignorance or mistake of law or fact.

5 (b) A defendant's belief that this section is unconstitutional
6 or was unconstitutional.

7 (c) A defendant's reliance on any court decision that has been
8 overruled on appeal or by a subsequent court, even if that court
9 decision had not been overruled when the defendant engaged in
10 conduct described in subsection (1).

11 (d) A defendant's reliance on any state or federal court
12 decision that is not binding on the court in which the action has
13 been brought.

14 (e) That the false statements were not made with actual
15 malice.

16 (f) That making the false statements constituted ordinary
17 negligence.

18 (g) That the false statements, declared in this section to be
19 defamation per se, are protected free speech.

20 (8) This section must not be construed to impose liability on
21 any speech or conduct that is protected by the First Amendment of
22 the United States Constitution, as made applicable to the states
23 through the United States Supreme Court's interpretation of the
24 Fourteenth Amendment of the United States Constitution, or that is
25 protected by section 5 of article I of the state constitution of
26 1963.

27 (9) Notwithstanding any other law to the contrary, this state,
28 a state official, or a prosecuting attorney may not intervene in an
29 action brought under this section. This subsection does not

1 prohibit a person described in this subsection from filing an
2 amicus curiae brief in the action.

3 (10) Notwithstanding any other law to the contrary, in an
4 action brought under this section, the court shall not award costs
5 or attorney fees to a defendant.

6 (11) A statement described in subsection (1) constitutes
7 willful and malicious injury for purposes of 11 USC 523(a)(6).

8 (12) This section does not limit or affect any other civil
9 remedy available under law.