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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3666

02/21/2022 Authored by Greenman, Bahner and Kotyza-Witthuhn The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act
1.2 relating to elections; prohibiting intimidation of election officials; prohibiting
1.3 interference with the performance of a duty of election administration by an election
1.4 official; providing penalties; amending Minnesota Statutes 2020, sections 8.31,
1.5 subdivision 1; 211B.32, subdivision 1; proposing coding for new law in Minnesota
1.6 Statutes, chapter 211B.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2020, section 8.31, subdivision 1, is amended to read:

1.9 Subdivision 1. Investigate offenses against provisions of certain designated sections;
1.10 assist in enforcement. The attorney general shall investigate violations and assist in the
1.11 enforcement of the following laws as provided in this section:

1.12 (1) the law of this state respecting unfair, discriminatory, and other unlawful practices
1.13 in business, commerce, or trade, and specifically, but not exclusively, the Nonprofit
1.14 Corporation Act (sections 317A.001 to 317A.909), the Act Against Unfair Discrimination
1.15 and Competition (sections 325D.01 to 325D.07), the Unlawful Trade Practices Act (sections
1.16 325D.09 to 325D.16), the Antitrust Act (sections 325D.49 to 325D.66), section 325F.67
1.17 and other laws against false or fraudulent advertising, the antidiscrimination acts contained
1.18 in section 325D.67, the act against monopolization of food products (section 325D.68), the
1.19 act regulating telephone advertising services (section 325E.39), the Prevention of Consumer
1.20 Fraud Act (sections 325F.68 to 325F.70), and chapter 53A regulating currency exchanges
1.21 and assist in the enforcement of those laws as in this section provided; and

1.22 (2) section 211B.076, regulating intimidation and interference related to the performance
1.23 of duties by an election official.

2.1 **EFFECTIVE DATE.** This section is effective July 1, 2022.

2.2 Sec. 2. **[211B.076] INTIMIDATION AND INTERFERENCE RELATED TO THE**
2.3 **PERFORMANCE OF DUTIES BY AN ELECTION OFFICIAL; PENALTIES.**

2.4 Subdivision 1. **Definition.** For the purposes of this section, "election official" means a
2.5 member of the State Canvassing Board, a member of a county canvassing board, the county
2.6 auditor or municipal clerk charged with duties relating to elections, a member of an absentee
2.7 ballot board, an election judge, an election judge trainee, or any other individual assigned
2.8 by a state entity or municipal government to perform official duties related to elections.

2.9 Subd. 2. **Intimidation.** (a) A person may not directly or indirectly use or threaten force,
2.10 coercion, violence, restraint, damage, harm, or loss, including loss of employment or
2.11 economic reprisal, against another with the intent to influence an election official in the
2.12 performance of a duty of election administration.

2.13 (b) In a civil action brought to prevent and restrain violations of this subdivision or to
2.14 require the payment of civil penalties, the moving party may show that the action or attempted
2.15 action would cause a reasonable person to feel intimidated. The moving party does not need
2.16 to show that the actor intended to cause the victim to feel intimidated.

2.17 Subd. 3. **Interfering with or hindering the administration of an election.** A person
2.18 may not intentionally hinder, interfere with, or prevent an election official's performance
2.19 of a duty related to election administration.

2.20 Subd. 4. **Dissemination of personal information about an election official.** A person
2.21 may not knowingly and without consent, make publicly available, including but not limited
2.22 to through the Internet, personal information about an election official or an election official's
2.23 family or household member if:

2.24 (1) the dissemination poses an imminent and serious threat to the official's safety or the
2.25 safety of an official's family or household member; and

2.26 (2) the person making the information publicly available knows or reasonably should
2.27 know of any imminent and serious threat.

2.28 Subd. 5. **Knowingly false allegations about an election official.** A person may not
2.29 knowingly make false allegations against an election official concerning the official's
2.30 performance of official duties with intent to influence or tamper with the official's
2.31 performance of those duties.

3.1 Subd. 6. **Obstructing access.** A person may not intentionally and physically obstruct
3.2 an election official's access to or egress from a polling place, meeting of a canvassing board,
3.3 place where ballots and elections equipment are located or stored, or any other place where
3.4 the election official performs official duties.

3.5 Subd. 7. **Vicarious liability; conspiracy.** A person may be held vicariously liable for
3.6 any damages resulting from the violation of this section and may be identified in an order
3.7 restraining violations of this section if that person:

3.8 (1) intentionally aids, advises, hires, counsels, abets, incites, compels, or coerces a person
3.9 to violate any provision of this section or attempts to aid, advise, hire, counsel, abet, incite,
3.10 compel, or coerce a person to violate any provision of this section; or

3.11 (2) conspires, combines, agrees, or arranges with another to either commit a violation
3.12 of this section or aid, advise, hire, counsel, abet, incite, compel, or coerce a third person to
3.13 violate any provision of this section.

3.14 Subd. 8. **Criminal penalties; civil remedies.** (a) A person who violates this section is
3.15 guilty of a gross misdemeanor.

3.16 (b) The attorney general or an election official may bring a civil action to prevent or
3.17 restrain a violation of this section if there is a reasonable basis to believe that an individual
3.18 or entity is committing or intends to commit a prohibited act.

3.19 (c) The attorney general, or an election official injured by an act prohibited by this
3.20 section, may bring a civil action pursuant to section 8.31 to recover damages, together with
3.21 costs of investigation and reasonable attorney fees, and receive other equitable relief as
3.22 determined by the court. An action brought by an election official under section 8.31,
3.23 subdivision 3a, is in the public interest. In addition to all other damages, the court may
3.24 impose a civil penalty of up to \$1,000 for each violation.

3.25 (d) Civil remedies allowable under this section are cumulative and do not restrict any
3.26 other right or remedy otherwise available. An action for a penalty or remedy under this
3.27 section must be brought within two years of the date the violation is alleged to have occurred.
3.28 The complaint process provided in sections 211B.31 to 211B.36 does not apply to violations
3.29 of this section.

3.30 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to crimes
3.31 committed on or after that date.

4.1 Sec. 3. Minnesota Statutes 2020, section 211B.32, subdivision 1, is amended to read:

4.2 Subdivision 1. **Administrative remedy; exhaustion.** (a) Except as provided in ~~paragraph~~
4.3 paragraphs (b) and (c), a complaint alleging a violation of chapter 211A or 211B must be
4.4 filed with the office. The complaint must be finally disposed of by the office before the
4.5 alleged violation may be prosecuted by a county attorney.

4.6 (b) Complaints arising under those sections and related to those individuals and
4.7 associations specified in section 10A.022, subdivision 3, must be filed with the Campaign
4.8 Finance and Public Disclosure Board.

4.9 (c) Violations of section 211B.076 may be enforced as provided in section 211B.076.