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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2104

03/10/2021 Authored by Greenman, Sundin, Hollins and Keeler
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, deceptive practices, and interference
1.3 with voter registration and voting; providing penalties; amending Minnesota
1.4 Statutes 2020, sections 8.31, subdivision 1; 211B.32, subdivision 1; proposing
1.5 coding for new law in Minnesota Statutes, chapter 211B.

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

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

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

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

1.21 (2) section 211B.075 regulating voter intimidation, interference, and deceptive practices
1.22 in elections.

2.1 Sec. 2. [211B.075] VOTER INTIMIDATION, INTERFERENCE, AND DECEPTIVE
2.2 PRACTICES PROHIBITED; CIVIL ENFORCEMENT.

2.3 Subdivision 1. **Intimidation.** (a) A person, whether acting under color of law or
2.4 otherwise, may not directly or indirectly use or threaten force, coercion, violence, restraint,
2.5 damage, harm, or loss, including loss of employment or economic reprisal against:

2.6 (1) an individual with respect to registering or abstaining from registering to vote, voting
2.7 or abstaining from voting, or voting for or against a candidate or ballot question;

2.8 (2) an elections official with respect to the performance of duties related to election
2.9 administration; or

2.10 (3) any person with respect to that person's efforts to encourage another to cast a ballot
2.11 or assist another in registering to vote, traveling to a polling place, casting a ballot, or
2.12 participating in any other aspect of the election process.

2.13 (b) In an action brought to prevent and restrain violations of this section or to require
2.14 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. 2. **Deceptive practices.** (a) No person, whether acting under color of law or
2.18 otherwise, shall within 60 days of an election cause, by any means, information to be
2.19 transmitted that the person:

2.20 (1) intends to impede or prevent another person from exercising the right to vote; and

2.21 (2) knows to be materially false.

2.22 (b) The prohibition in this subdivision includes but is not limited to information regarding
2.23 the time, place, or manner of holding an election; the qualifications for or restrictions on
2.24 voter eligibility at an election; and threats to physical safety associated with casting a ballot.

2.25 Subd. 3. **Interference with registration or voting.** No person, whether acting under
2.26 color of law or otherwise, shall intentionally hinder, interfere with, or prevent another person
2.27 from voting, registering to vote, or aiding another person in casting a ballot or registering
2.28 to vote.

2.29 Subd. 4. **Vicarious liability; conspiracy.** A person, whether acting under color of law
2.30 or otherwise, may be held vicariously liable for any damages resulting from the violation
2.31 of this section and may be identified in an order restraining violations of this section if that
2.32 person:

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

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

3.7 Subd. 5. **Enforcement.** (a) The attorney general or any injured person may enforce this
3.8 section consistent with the authority provided in section 8.31. An action filed by an injured
3.9 person under section 8.31, subdivision 3a, is in the public interest.

3.10 (b) Remedies allowable under this section are cumulative and do not restrict any other
3.11 right or remedy otherwise available to an injured person. An action for a penalty or remedy
3.12 under this section must be brought within two years of the date the violation is alleged to
3.13 have occurred. The complaint process provided in sections 211B.31 to 211B.36 does not
3.14 apply to violations of this section.

3.15 Sec. 3. **[211B.076] VOTER INTIMIDATION, INTERFERENCE, AND DECEPTIVE**
3.16 **PRACTICES PROHIBITED; CRIMINAL PENALTIES.**

3.17 Subdivision 1. **Intimidation.** A person is guilty of a crime if the person, whether acting
3.18 under color of law or otherwise, directly or indirectly uses or threatens force, coercion,
3.19 violence, restraint, damage, harm, or loss, including loss of employment or economic reprisal
3.20 against another with the intent to:

3.21 (1) compel an individual to register or abstain from registering to vote, vote or abstain
3.22 from voting, or vote for or against a candidate or ballot question;

3.23 (2) influence an elections official in the performance of duties related to election
3.24 administration; or

3.25 (3) interfere with any person's efforts to encourage another to cast a ballot or assist
3.26 another person in registering to vote, traveling to a polling place, casting a ballot, or
3.27 participating in any other aspect of the election process.

3.28 Subd. 2. **Deceptive practices.** (a) A person is guilty of a crime if the person, whether
3.29 acting under color of law or otherwise, within 60 days of an election causes, by any means,
3.30 information to be transmitted that the person:

3.31 (1) intends to impede or prevent another person from exercising the right to vote; and

3.32 (2) knows to be materially false.

4.1 (b) The prohibition in this subdivision includes but is not limited to information regarding
4.2 the time, place, or manner of holding an election; the qualifications for or restrictions on
4.3 voter eligibility at an election; and threats to physical safety associated with casting a ballot.

4.4 Subd. 3. **Interference with registration or voting.** A person is guilty of a crime if the
4.5 person, whether acting under color of law or otherwise, intentionally hinders, interferes
4.6 with, or prevents another person from voting, registering to vote, or aiding another person
4.7 in casting a ballot or registering to vote.

4.8 Subd. 4. **Enforcement.** The complaint process provided in sections 211B.31 to 211B.36
4.9 does not apply to violations of this section.

4.10 Subd. 5. **Penalty.** A person who violates this section is guilty of a gross misdemeanor.

4.11 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
4.12 committed on or after that date.

4.13 Sec. 4. Minnesota Statutes 2020, section 211B.32, subdivision 1, is amended to read:

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

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

4.21 (c) Violations of sections 211B.075 and 211B.076 may be enforced as provided in those
4.22 sections.