

Election bill would make it illegal to knowingly spread false information that impedes voting

By: [Deena Winter](#) - March 7, 2023 6:01 am



Voters wait in socially distanced lines to cast their ballots at Edison High School in Minneapolis Tuesday, Nov. 3, 2020. Photo by Nicole Neri/Minnesota Reformer.

Despite a dozen hearings in the Minnesota House and Senate, lawmakers have scarcely mentioned a key provision of a major elections bill that would make it a crime to spread election misinformation to try to stop people from voting.

The Democracy for the People Act, ([HF3](#)), includes a provision that would make it a gross misdemeanor — punishable by up to a year in jail and a \$3,000 fine — to knowingly spread materially false information with the intent to impede or prevent people from voting. It would apply before 60 days an election.

It would be illegal to spread false information about the “time, place or manner of holding an election,” qualifications for or restrictions on voter eligibility, and threats to physical safety associated with voting.

Such dirty tactics have long been employed to suppress voting, usually in Black neighborhoods. [A 2018 report](#) by voting rights groups cited several examples:

- During the 2004 presidential election, fliers purporting to be from the “Milwaukee Black Voters League” were distributed in some neighborhoods claiming “If you’ve already voted in any election this year, you can’t vote in the presidential election; if anybody in your family has ever been found guilty of anything, you can’t vote in the presidential election; if you violate any of these laws, you can get 10 years in prison and your children will get taken away from you.”
- In Pennsylvania, a letter with a township seal falsely told voters that Republicans would vote on Nov. 2 and Democrats would vote on Nov. 3 — the day after the election — to cut down on long lines. Similar fliers were distributed at an Allegheny County mall.
- In Ohio, a memo on phony Board of Elections letterhead warned voters that if they were registered by the NAACP, America Coming Together, the Kerry campaign, or their local congressional campaign, they would not be able to vote.

Rep. Emma Greenman, DFL-Minneapolis, a national voting rights attorney and chief author of the election bill, said the provision is designed to protect voters from intimidation, harassment or anything that would hinder them from voting.

“We realized Minnesota (statute) is not strong and clear enough,” she said.

Now that the state is [restoring](#) voting rights for over 50,000 people on parole or probation, Greenman anticipates disinformation that might say, “You’re a felon and you can’t vote.”

Secretary of State Steve Simon said he supports the bill, which he thinks has enough safeguards to protect First Amendment rights. The person would have to have the intent to impede someone from voting, which is a high bar, he said.

“In America, everyone has a right to be wrong,” Simon said.

Greenman said social media has made it easy to disseminate false information with no consequences. The bill would allow the attorney general and county attorneys to file civil lawsuits against offenders. That’s important, Greenman said, because if someone is spreading false information on social media, “We want to be able to stop it” with injunctions and civil penalties of up to \$1,000 per violation.

Would it be a crime to tweet that the election is on Wednesday when you ~~know~~ it’s on Tuesday? It would be if the tweeter ~~knew~~ it was false and did it to impede someone from voting, Greenman said.

What about when people such as MyPillow CEO Mike Lindell and former President Donald Trump say election machines aren’t to be trusted, making people less inclined to vote? Former Minnesota Republican secretary of state candidate Kim Crockett sowed distrust in the system, [saying](#) the 2020 election was “lawless” and [alleging](#) election machines use “vulnerable wireless equipment connected to the internet.”

Simon said someone expressing views during a political campaign likely wouldn’t violate the law.

“I think that would be a very hard sell,” Simon said. “I think it’d be very, very difficult.”

Greenman said the “broader swirl of disinformation,” which has permeated American discourse, undermining people’s faith in elections and leading to [attacks on election workers](#) and the Jan. 6 insurrection, will remain legal.

Those issues go far beyond election law.

“We are very clear,” she said, “that the First Amendment allows people to say all sorts of stuff that is not true.”

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Minnesota House of Representatives

Legislative News and Views - Rep. Cedrick Frazier (DFL)

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Rep. Cedrick Frazier statement on Restore the Vote Lawsuit

Thursday, June 29, 2023

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SAINT PAUL, Minn. – The Minnesota Voters Alliance (MVA) has filed a lawsuit against the new Restore the Vote law, which became effective on June 1, 2023. The lawsuit challenges the constitutionality of the law, which restores voting rights to people who have been convicted of felonies once they have completed their sentence, including parole or probation.

Representative Cedrick Frazier (DFL – New Hope), chief author of the law in the House, released the following statement:

"This is nothing more than an attempt to suppress the vote of certain members in our communities across the state. By bringing this lawsuit, MVA is seeking to create confusion and fear among our neighbors who have recently had their voting rights restored. It is not lost on me that the previous voter disenfranchisement law had a disproportionate impact on communities of color, particularly African Americans.

Although disappointed, I am not surprised by this lawsuit and I remain weary and highly skeptical of groups that seek to limit access to our democracy, as we all should. However, I am confident that this lawsuit will not prevail. In the meantime, along with other advocates that have dedicated their time and passion to expand access to our democracy, I will continue to spread the word to ensure that the 55,000 plus Minnesotans who this new law benefits understand that they now have their voices back in our democracy and that they should exercise it without fear."

The lawsuit is being filed in the Minnesota Court of Appeals. A hearing is scheduled for August 1, 2023.

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