

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.

Recent News for Rep. Cedrick Frazier

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[Rep. Cedrick Frazier statement on Restore the Vote Lawsuit - \(6/29/2023\)](#)

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Conservative law firm challenges new law restoring voting rights to felons

By: [Deena Winter](#) - June 29, 2023 4:13 pm



Jafar Braylock, center, signs his Minnesota voter registration form at the Arlington Hills Community Center in St. Paul on Thursday June 1, 2023. Photo by Michelle Griffith/Minnesota Reformer.

A conservative law firm is challenging the constitutionality of a new Minnesota law [restoring](#) voting rights to felons once they're released.

Previously, felons had to wait until they were off probation or parole and had paid their fines or restitution. About 55,000 Minnesotans who have been convicted of a felony but aren't imprisoned are eligible to vote in the next election.

On behalf of a conservative outfit, Minnesota Voters Alliance, the Upper Midwest Law Center filed a lawsuit challenging the law, which went into effect in June.

The [lawsuit](#) argues the new statute exceeds the Legislature's authority under the Minnesota Constitution, which says felons lose their right to vote until the right is restored to them. But it doesn't specify the timing, so the DFL-controlled Legislature stepped in this session, restoring voting rights as soon as a person's incarceration term is done.

Rep. Cedrick Frazier, DFL-New Hope, chief author of the House bill, released a statement saying he's confident the lawsuit won't prevail, calling it an attempt to suppress the franchise and create confusion and fear among those who have had their voting rights restored.

"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," he said.

The Minnesota Supreme Court ruled in February that the previous law banning felons from voting was constitutional. The Upper Midwest Law Center said in a press release that the Supreme Court ruled civil rights are restored upon completion of a felon's sentence, but the new law restores the right to vote to people still on supervised release, i.e., before their sentence is complete and "directly contradicting constitutional law."

James Dickey, senior counsel for the law center, said in a release that felons on supervised release, work release or probation don't meet the constitution's requirements.

"If the Legislature wants to fundamentally change our constitution, they have an avenue to do that and can put a constitutional amendment before the people of Minnesota," he said.

The Minnesota Voters Alliance [bills itself](#) as an election integrity watchdog and has sued Secretary of State Steve Simon and counties over election administration.

Rep. Emma Greenman, DFL-Minneapolis, is a national voting rights attorney and said she is not surprised to see the Minnesota Voters Alliance and the Upper Midwest Law center bring another lawsuit “in pursuit of their goal of rolling back the freedom to vote.”

“While I’m confident the right to vote for Minnesotans on probation and parole will survive this meritless challenge, this is a shameful attempt to use the legal system to sow doubt and confuse voters in order to suppress the vote,” she said.

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[Deena Winter](#)

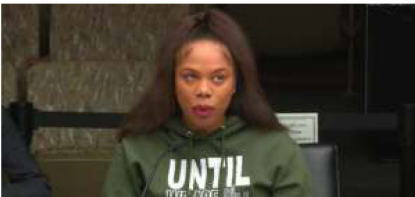
Deena Winter has covered local and state government in four states over the past three decades, with stints at the Bismarck Tribune in North Dakota, as a correspondent for the Denver Post, city hall reporter in Lincoln, Nebraska, and regional editor for Southwest News in the western Minneapolis suburbs.

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STATE OF MINNESOTA
COUNTY OF ANOKA

DISTRICT COURT
TENTH JUDICIAL DISTRICT

Minnesota Voters Alliance, Mary Amlaw,
Ken Wendling, and Tim Kirk,

**TOM HUNT AND ANOKA COUNTY'S
SEPARATE MOTION TO DISMISS**

Petitioners,

vs.

Tom Hunt, Steve Simon, Anoka County,
The Office of the Minnesota Secretary of State,
and Shannon Reimann,

Respondents

Dist. Ct. File No. 02-CV-23-3416
Case Type: Other Civil

Pursuant to Minn. R. Civ. Proc. 12.02, Respondents Tom Hunt and Anoka County (the “Anoka Respondents”) move to dismiss the Petition for a Writ of Quo Warranto or, in the alternative, for a Declaratory Judgment filed by Petitioners Minnesota Voters Alliance, Mary Amlaw, Ken Wendling, and Tim Kirk. The Anoka Respondents move this Court for an order dismissing the petition under Rules 12.02(a) and 12.02(e), as this Court lacks jurisdiction over the subject matter of the petition and the petition fails to state a claim upon which relief can be granted. Petitioners lack standing to bring the claims asserted in the petition and Petitioners’ request for a writ of quo warranto is not a proper request for relief. This motion to dismiss is made in lieu of an answer, as authorized by Rule 12.02.

The Anoka Respondents will join in and incorporate by reference selected portions of the Memorandum of Law to be submitted by Steve Simon, the Office of the Minnesota Secretary of State, and Shannon Reimann (the “State Respondents”) in support of their separate motion to dismiss. Specifically, the Anoka Respondents will join in that portion of the State Respondents’ brief that addresses the procedural deficiencies present in the petition. The Anoka Respondents’

motion to dismiss is based on the arguments contained in those portions of the State Respondents' brief, as well as the petition itself and all the files and proceedings herein.

The Anoka Respondents do not join in any portion of the State Respondents' Memorandum of Law that addresses the merits of Petitioners' allegations. Petitioners have challenged the constitutionality of a law passed by the Minnesota Legislature. The Anoka Respondents take no position as to whether that law is constitutional or not. The Anoka Respondents' role under state law is to comply with the laws passed by the Legislature, which are presumed constitutional until a court rules otherwise. The Anoka Respondents will enforce the challenged law as written unless and until this Court rules that law to be unconstitutional.

Dated: July 20, 2023

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ANOKA COUNTY ATTORNEY

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ATTORNEYS FOR RESPONDENTS
TOM HUNT AND ANOKA COUNTY

State of Minnesota

District Court

County of Anoka

Judicial District: 10th - Anoka
Court File Number: 02-CV-23-3416
Case Type: Civil

Minnesota Voters Alliance, Mary Amlaw, Ken
Wendling, Tim Kirk
Plaintiff

Vs

Notice of Visual or Audio Coverage

Tom Hunt, Steve Simon, Office of the
Minnesota Secretary of State, Anoka County,
Shannon Reimann

Minn. Gen. R. Prac. 4.03(a)

Defendant

To: County Court Administrator Lori O'Brien
Trial Judge Thomas Lehmann
State Court Administrator's Office (Court Information Office)
Media Coordinator (List available at www.mncourts.gov)

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Minnesota Public Radio News would like visual/audio access to any and all proceedings in this matter. MPR would like any audio and visual recording the court will permit, including but not limited to the Aug. 24, 2023 hearing. This would apply to the undersigned or another designee of MPR News

As required by Minn. Gen. R. Prac. 4.03(a), the court administrator is required to promptly provide a copy of this notice to all counsel of record, and any parties appearing without counsel.

Dated: Aug. 11, 2023 _____

Brian Bakst

Signature

Name: Brian Bakst

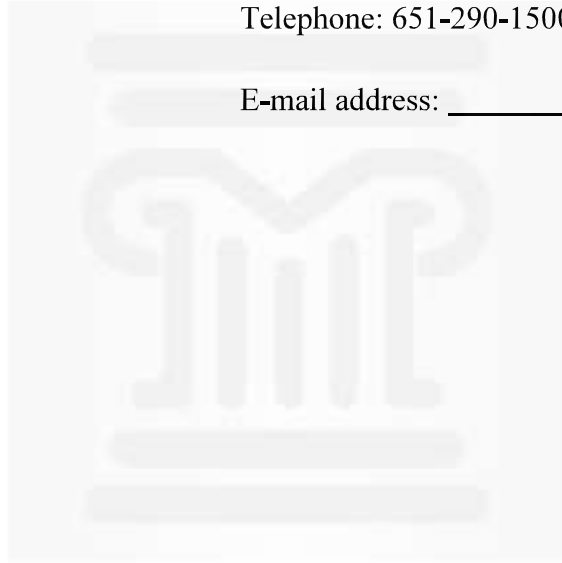
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