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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3862

03/02/2026 Authored by Freiberg; Greenman; Lee, K.; Virnig; Acomb and others
The bill was read for the first time and referred to the Committee on Elections Finance and Government Operations

1.1 A bill for an act
1.2 relating to elections; requiring the secretary of state to prepare and distribute a
1.3 voter information guide prior to each statewide general election; authorizing
1.4 rulemaking; proposing coding for new law as Minnesota Statutes, chapter 213.

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

1.6 Section 1. [213.01] DEFINITIONS.

1.7 (a) For purposes of this chapter, the terms in this section have the meanings given.

1.8 (b) "Candidate" means an individual whose name is or is expected to be printed on the
1.9 official ballot.

1.10 (c) "Guide" means the voter information guide as prescribed in this section.

1.11 (d) "Measure" means a proposed amendment to the Minnesota Constitution submitted
1.12 to the people for their approval or rejection at an election.

1.13 Sec. 2. [213.02] PRINTING AND DISTRIBUTION OF VOTER INFORMATION
1.14 GUIDE.

1.15 (a) The secretary of state shall print and distribute a voter information guide for every
1.16 statewide general election. The secretary of state shall distribute the voter information guide
1.17 to each household containing registered voters in the state, to all public libraries, to all public
1.18 colleges and universities, and to any other locations the secretary deems appropriate.
1.19 Consistent with section 213.04, the secretary of state must make the material required to be
1.20 distributed by this chapter available to the public in electronic form.

2.1 (b) Not less than 53 days before the general election, the secretary of state shall mail a  
 2.2 printed copy of the voter information guide to every household where at least one registered  
 2.3 voter resides, as indicated by the statewide voter registration system at the time of the  
 2.4 mailing. The secretary of state must make additional copies available upon request.

2.5 (c) A voter information guide is not required to be mailed to a voter who registered after  
 2.6 the 29th day before an election.

2.7 **Sec. 3. [213.03] INFORMATION INCLUDED IN VOTER INFORMATION GUIDE.**

2.8 Subdivision 1. Contents of guide. (a) The voter information guide must include an  
 2.9 information section that contains the following:

2.10 (1) the eligibility requirements for voting;

2.11 (2) when a voter is required to register or update a voter registration;

2.12 (3) a statement on the front or back cover of the voter information guide, developed in  
 2.13 consultation with the county auditors, that the guide may be used to assist electors in voting;  
 2.14 and

2.15 (4) any other information the secretary of state considers relevant to the conduct of the  
 2.16 election.

2.17 (b) The information section may also include the following:

2.18 (1) maps showing the boundaries of state senate and state house of representatives  
 2.19 districts;

2.20 (2) a voter registration form;

2.21 (3) an absentee ballot application form; and

2.22 (4) voter instructions, including the right of a voter to request a second ballot if the first  
 2.23 ballot is spoiled and the right of a voter to seek assistance in marking the ballot.

2.24 Subd. 2. Name of secretary of state, county auditor, or municipal clerk. The name  
 2.25 of the secretary of state, county auditor, or municipal clerk may not appear in the voter  
 2.26 information guide in their official capacity if the secretary, county auditor, or municipal  
 2.27 clerk is a candidate at the election for which the voter information guide is printed.

2.28 **Sec. 4. [213.04] ACCESSIBILITY.**

2.29 (a) The guide must, to the extent reasonably practicable:

3.1 (1) be written in English and the three most commonly spoken non-English languages  
 3.2 as determined by the state demographer;

3.3 (2) explain in each language that an electronic copy of portions of the guide are publicly  
 3.4 available in those languages; and

3.5 (3) provide the website address where the guide in each language can be found.

3.6 (b) The statements required or permitted by paragraph (a) must be clearly readable. The  
 3.7 secretary of state must post an electronic version of the voter information guide on the  
 3.8 secretary's website.

3.9 (c) The secretary of state shall prepare a recording of the voter information guide and  
 3.10 must make the recording available in English to any voter upon request, without cost.

3.11 **Sec. 5. [213.05] PROHIBITION AGAINST DECEPTIVELY SIMILAR CAMPAIGN**  
 3.12 **MATERIALS.**

3.13 (a) No person or entity may publish or distribute any campaign material that is deceptively  
 3.14 similar in design or appearance to a voter information guide that was published by the  
 3.15 secretary of state during the ten-year period before the publication or distribution of the  
 3.16 campaign material by the person or entity. The secretary of state shall take reasonable  
 3.17 measures to prevent or to stop violations of this section. Such measures may include, among  
 3.18 others, petitioning the Minnesota Court of Administrative Hearings for a temporary  
 3.19 restraining order or other appropriate injunctive relief. In addition, the secretary may request  
 3.20 the Minnesota Court of Administrative Hearings to impose a civil fine on a violator of this  
 3.21 section. The court is authorized to levy on and recover from each violator a civil fine not  
 3.22 to exceed the greater of: (1) \$5 for each copy of the deceptive material distributed; or (2)  
 3.23 \$10,000. In addition, the violator is liable for the state's legal expenses and other costs  
 3.24 resulting from the violation. Any funds recovered under this section must be transmitted to  
 3.25 the commissioner of revenue for deposit in the general fund.

3.26 (b) Nothing in this section prohibits a person or entity from republishing or distributing  
 3.27 all or a portion of the content of a voter information guide, provided that the content is  
 3.28 otherwise republished or distributed in an unaltered form.

3.29 **Sec. 6. [213.06] FORMAT, LAYOUT, AND CONTENTS.**

3.30 (a) The secretary of state shall determine the format and layout of the voter information  
 3.31 guide. The guide must be printed in clear, readable type on a size, quality, and weight of

4.1 paper that, in the judgment of the secretary of state, best serves the voters. The guide must  
 4.2 contain a table of contents.

4.3 (b) The voter information guide must contain:

4.4 (1) information about each proposed state constitutional amendment as required by  
 4.5 section 213.08;

4.6 (2) a statement and contact information, if submitted, from each candidate for the offices  
 4.7 of president and vice president of the United States; United States senator; United States  
 4.8 representative; governor and lieutenant governor; secretary of state; state auditor; attorney  
 4.9 general; state senator; state representative; justice of the supreme court; judge of the state  
 4.10 court of appeals; and judge of the district court;

4.11 (3) contact information for the Campaign Finance and Public Disclosure Board, including  
 4.12 the following statement: "For a list of the people and organizations that donated to statewide,  
 4.13 legislative and judicial campaigns, visit [cfb.mn.gov](http://cfb.mn.gov)." The statement must be placed in a  
 4.14 prominent position, such as the first two pages of the voter information guide. The secretary  
 4.15 of state may modify the wording as is necessary for accuracy and clarity and consistent with  
 4.16 the intent of this section;

4.17 (4) contact information for each major political party;

4.18 (5) a list of each college and university in Minnesota, and their campus vote coordinator  
 4.19 and their contact information;

4.20 (6) a page providing information on accessing an electronic copy of the voter information  
 4.21 guide; and

4.22 (7) any additional information pertaining to elections as may be required by law or rule.

4.23 (c) If a candidate does not submit a candidate statement pursuant to this section, the  
 4.24 document shall include with the candidate's listing the words "no statement submitted."

4.25 **Sec. 7. [213.07] PARTY PREFERENCE.**

4.26 The voter information guide must list the political party affiliation or political principle  
 4.27 for each candidate appearing on the ballot, as identified on the candidate's affidavit of  
 4.28 candidacy or nominating petition.

4.29 **Sec. 8. [213.08] CONSTITUTIONAL AMENDMENT PROVISIONS.**

4.30 (a) A state constitutional amendment proposal must be printed in the voter information  
 4.31 guide so that language proposed for deletion is enclosed by double parentheses and has a

5.1 line through it. Proposed new language must be underlined. A statement explaining the  
5.2 deletion and addition of language must appear as follows: "Any language in double  
5.3 parentheses with a line through it is the existing state constitution and will be taken out of  
5.4 the constitution if this measure is approved by voters. Any underlined language does not  
5.5 appear in the existing state constitution but will be added to the constitution if this measure  
5.6 is approved by voters."

5.7 (b) The voter information guide must provide the following information for each state  
5.8 constitutional amendment proposal:

5.9 (1) the legal identification of the measure by bill numbers as given by the senate and  
5.10 house of representatives;

5.11 (2) the official ballot title of the constitutional amendment proposal;

5.12 (3) a statement prepared by the revisor of statutes explaining the law as it presently  
5.13 exists;

5.14 (4) a statement prepared by the revisor of statutes explaining the effect of the proposed  
5.15 measure if it becomes law;

5.16 (5) any fiscal notes stating the fiscal impact of the constitutional amendment proposal  
5.17 that were generated during the legislative process, if applicable;

5.18 (6) the total number of votes cast for and against the measure in the senate and house  
5.19 of representatives; and

5.20 (7) the full text of the measure.

5.21 (c) Explanatory statements on state constitutional amendment proposals shall be prepared  
5.22 by the revisor of statutes. Explanatory statements must be written in clear and concise  
5.23 language, avoiding legal and technical terms when possible. Explanatory statements shall  
5.24 also include the meanings of "yes" and "no" votes on state constitutional amendment  
5.25 proposals. Statements must be initiated by written request from the secretary of state to the  
5.26 revisor of statutes and must be filed with the secretary of state by the date provided in the  
5.27 request.

5.28 (d) When the explanatory statements on state constitutional amendment proposals are  
5.29 filed with the secretary of state, the secretary of state shall immediately provide the text of  
5.30 the statements to the secretary of the senate, the chief clerk of the house of representatives,  
5.31 the chief author of the bill in the senate, the chief author of the bill in the house of  
5.32 representatives, and any others who have made a written request for notification of the exact  
5.33 language of the statements.

6.1 Sec. 9. [213.09] ELECTRONIC FILING SYSTEM.

6.2 The secretary of state by rule shall adopt an electronic filing system to allow portraits  
6.3 and statements to be filed electronically.

6.4 Sec. 10. [213.10] PHOTOGRAPHS; REQUIREMENTS.

6.5 (a) All photographs of candidates submitted for publication must conform to standards  
6.6 established by the secretary of state by rule. No photograph may reveal clothing or insignia  
6.7 suggesting the holding of a public office. A candidate may not submit for inclusion in the  
6.8 voter information guide a portrait that was taken more than four years before the date the  
6.9 portrait is filed with the secretary of state. A portrait submitted for inclusion in the guide  
6.10 must:

6.11 (1) be a conventional photograph with a plain background;

6.12 (2) show the face or the head, neck, and shoulders of the candidate; and

6.13 (3) be prepared and processed for printing as prescribed by the secretary of state.

6.14 (b) A portrait submitted for inclusion in the voter information guide may not:

6.15 (1) include the hands or anything held in the hands of the candidate;

6.16 (2) show the candidate wearing a judicial robe, a hat, or a military, police, or fraternal  
6.17 uniform; or

6.18 (3) show the uniform or insignia of any organization.

6.19 (c) A photograph may include a hat or head covering that is religious in nature.

6.20 (d) The secretary of state shall prescribe by rule the size and manner of placement of  
6.21 the photograph printed in the voter information guide, except that the size of the printed  
6.22 photograph shall not be smaller than 1.5 inches by 1.75 inches. The rule shall apply in the  
6.23 same manner to all candidates for the same nomination or office.

6.24 (e) All photographs shall be printed in black and white, but may be submitted by  
6.25 candidates to the secretary of state in color.

6.26 (f) Candidates for governor and lieutenant governor must submit two photographs as a  
6.27 combined ticket: one of the candidate for governor and one of the candidate for lieutenant  
6.28 governor.

6.29 Sec. 11. [213.11] LENGTH OF CANDIDATE STATEMENTS.

6.30 (a) The maximum number of words for statements submitted by candidates is as follows:

7.1 (1) state representative, state senator, district court judge, 100 words;

7.2 (2) judge of the court of appeals, justice of the supreme court, secretary of state, attorney  
7.3 general, state auditor, 200 words; and

7.4 (3) president and vice president, United States senator, United States representative,  
7.5 governor and lieutenant governor, 300 words.

7.6 (b) Governor and lieutenant governor candidates shall submit one statement as a combined  
7.7 ticket.

7.8 (c) The secretary of state shall allocate space in the guide based on the number of  
7.9 candidates or nominees for each office.

7.10 (d) Pages on which candidates' photographs or statements appear must be clearly  
7.11 identified with the words "images and statements provided by the candidate."

7.12 (e) No candidate statement may identify or reference another candidate running for the  
7.13 same office as the candidate providing the statement.

7.14 Sec. 12. **[213.12] DEADLINE FOR SUBMISSION OF CANDIDATE STATEMENTS**  
7.15 **AND PHOTOGRAPHS.**

7.16 The secretary of state may, by rule, set a deadline for submission of candidate statements  
7.17 and photographs for inclusion in the voter information guide. The deadline for submission  
7.18 of candidate statements and photographs must not be earlier than ten days immediately  
7.19 following the deadline for filing affidavits of candidacy.

7.20 Sec. 13. **[213.13] REJECTION OR DISPUTE OF CANDIDATE STATEMENTS.**

7.21 Subdivision 1. **Obscene or other prohibited material.** If in the opinion of the secretary  
7.22 of state any candidate statement submitted for inclusion in the voter information guide is  
7.23 obscene or contains matter that is otherwise prohibited by law from distribution through  
7.24 the mail, the secretary may petition the Minnesota Court of Administrative Hearings for a  
7.25 determination that the argument or statement may be rejected for publication or edited to  
7.26 delete the matter. The court shall not enter such an order unless it concludes that the matter  
7.27 is obscene or otherwise prohibited for distribution through the mail.

7.28 Subd. 2. **False or misleading statements.** A candidate's statement submitted for inclusion  
7.29 in the voter information guide shall not contain false or misleading statements about the  
7.30 candidate's opponent. A false or misleading statement shall be considered "libel or defamation  
7.31 per se" if the statement tends to expose the candidate to hatred, contempt, ridicule, or

8.1 obloquy, or to deprive him or her of the benefit of public confidence or social intercourse,  
8.2 or to injure him or her in his or her business or occupation. If a candidate believes his or  
8.3 her opponent has libeled or defamed him or her, the candidate may commence an action  
8.4 under subdivision 3.

8.5 Subd. 3. **Defamation action.** (a) A person who believes that he or she may be defamed  
8.6 by a candidate statement offered for inclusion in the voter information guide offered in  
8.7 support of a candidate may petition the Court of Administrative Hearings for a determination  
8.8 that the argument or statement may be rejected for publication or edited to delete the  
8.9 defamatory statement.

8.10 (b) The court shall not enter such an order unless it concludes that the statement is untrue  
8.11 and that the petitioner has a very substantial likelihood of prevailing in a defamation action.

8.12 (c) An action under this subdivision must be filed and served no later than the tenth day  
8.13 after the deadline for the submission of the statement to the secretary of state.

8.14 (d) If the secretary of state notifies a person named or identified in a statement of the  
8.15 contents of the statement within three business days after the deadline for submission to the  
8.16 secretary, then neither the state nor the secretary is liable for damages resulting from  
8.17 publication of the argument or statement unless the secretary publishes the argument or  
8.18 statement in violation of an order entered under this section. Nothing in this section creates  
8.19 a duty on the part of the secretary of state to identify, locate, or notify the person.

8.20 Subd. 4. **Resolution of disputes.** Parties to a dispute under this section may agree to  
8.21 resolve the dispute by rephrasing the statement, even if the deadline for submission to the  
8.22 secretary of state has elapsed, unless the secretary determines that the process of publication  
8.23 is too far advanced to permit the change. The secretary shall promptly provide any such  
8.24 revision to all parties of the dispute.

8.25 Subd. 5. **Court of Administrative Hearings procedure.** In an action under this section  
8.26 the campaign committee or candidate must be named as a defendant and may be served  
8.27 with process by certified mail directed to the address contained in the secretary's records  
8.28 for that party. The secretary of state shall be a nominal party to an action brought under  
8.29 subdivision 3 solely for the purpose of determining the content of the voter information  
8.30 guide. The Court of Administrative Hearings shall give such an action priority on its calendar.

8.31 Sec. 14. **[213.14] RULEMAKING.**

8.32 The secretary of state may adopt rules necessary to facilitate the administration of this  
8.33 chapter.