

81.1 **ARTICLE 5**

81.2 **MINNESOTA BUSINESS FILING FRAUD PREVENTION ACT**

81.3 Section 1. Minnesota Statutes 2024, section 13.485, subdivision 1, is amended to read:

81.4 Subdivision 1. **Scope.** The sections referred to in subdivisions 3 to ~~6~~ 7 are codified

81.5 outside this chapter. Those sections classify corporation data as other than public, place

81.6 restrictions on access to government data, or involve data sharing.

81.7 Sec. 2. Minnesota Statutes 2024, section 13.485, is amended by adding a subdivision to

81.8 read:

81.9 Subd. 7. **Business fraud investigations.** Government data related to investigations under

81.10 sections 300.70 to 300.78 are governed by section 300.78.

81.11 Sec. 3. **[300.70] CITATION AND DEFINITIONS.**

81.12 Subdivision 1. **Citation.** Sections 300.70 to 300.78 may be cited as the "Minnesota

81.13 Business Filing Fraud Prevention Act."

81.14 Subd. 2. **Definitions.** (a) For purposes of sections 300.70 to 300.78, the following terms

81.15 have the meanings given.

81.16 (b) "Complainant" means a person who (1) delivers a declaration of wrongful filing, and

81.17 (2) has a connection to the allegedly wrongful filing or the related business.

81.18 (c) "Filer" means the person who has allegedly made a wrongful filing.

81.19 (d) "Office" means the Office of the Secretary of State.

81.20 Sec. 4. **[300.71] DECLARATION OF WRONGFUL FILING.**

81.21 Subdivision 1. **Form and contents of declaration.** (a) A complainant may deliver a

81.22 declaration of wrongful filing to the office if the complainant believes that a document filed

81.23 under chapters 301 to 323A:

81.24 (1) was not authorized to be filed; and

81.25 (2) was filed with the intent to: (i) modify the ownership, registered agent, business

81.26 address, contact information, governance, or other information of a business on record; or

81.27 (ii) register a business using another person's name, address, or identity.

81.28 (b) A declaration of wrongful filing must include:

81.29 (1) the file number of the allegedly wrongful filing;

82.1 (2) the complainant's name, mailing address, and email address;

42.23 **ARTICLE 3**

42.24 **BUSINESS FILING FRAUD AND DECEPTIVE MAILINGS**

43.19 Sec. 2. Minnesota Statutes 2024, section 13.485, subdivision 1, is amended to read:

43.20 Subdivision 1. **Scope.** The sections referred to in subdivisions 3 to ~~6~~ 7 are codified

43.21 outside this chapter. Those sections classify corporation data as other than public, place

43.22 restrictions on access to government data, or involve data sharing.

43.23 Sec. 3. Minnesota Statutes 2024, section 13.485, is amended by adding a subdivision to

43.24 read:

43.25 Subd. 7. **Business fraud investigations.** Government data related to investigations under

43.26 sections 300.70 to 300.78 are governed by section 300.78.

43.27 Sec. 4. **[300.70] CITATION AND DEFINITIONS.**

43.28 Subdivision 1. **Citation.** Sections 300.70 to 300.78 may be cited as the "Minnesota

43.29 Business Filing Fraud Prevention Act."

44.1 Subd. 2. **Definitions.** (a) For purposes of sections 300.70 to 300.78, the following terms

44.2 have the meanings given.

44.3 (b) "Complainant" means a person who (1) delivers a declaration of wrongful filing, and

44.4 (2) has a connection to the allegedly wrongful filing or the related business.

44.5 (c) "Filer" means the person who has allegedly made a wrongful filing.

44.6 (d) "Office" means the Office of the Secretary of State.

44.7 Sec. 5. **[300.71] DECLARATION OF WRONGFUL FILING.**

44.8 Subdivision 1. **Form and contents of declaration.** (a) A complainant may deliver a

44.9 declaration of wrongful filing to the office if the complainant believes that a document filed

44.10 under chapters 301 to 323A:

44.11 (1) was not authorized to be filed; and

44.12 (2) was filed with the intent to: (i) modify the ownership, registered agent, business

44.13 address, contact information, governance, or other information of a business on record; or

44.14 (ii) register a business using another person's name, address, or identity.

44.15 (b) A declaration of wrongful filing must include:

44.16 (1) the file number of the allegedly wrongful filing;

44.17 (2) the complainant's name, mailing address, and email address;

82.2 (3) whether the complainant is employed by or has an ownership interest in the business
82.3 that is the subject of the filing;

82.4 (4) any information or evidence supporting the complainant's allegations under this
82.5 section;

82.6 (5) a statement verifying the complainant believes in good faith that the facts stated in
82.7 the declaration are true; and

82.8 (6) any other information the office deems necessary.

82.9 (c) The office must provide a form for declarations filed under this section. A complainant
82.10 must use the provided form when submitting a declaration of wrongful filing.

82.11 (d) A false material statement of fact in a declaration of wrongful filing or any other
82.12 document submitted under sections 300.70 to 300.78 is a violation of section 609.48.

82.13 Subd. 2. **Review of declaration.** (a) The office must promptly accept or reject a
82.14 declaration of wrongful filing.

82.15 (b) The office may reject a declaration of wrongful filing that is incomplete, does not
82.16 use the provided form, or the office reasonably believes was delivered with the intent to
82.17 harass or defraud the filer. The office may reject a declaration of wrongful filing if the office
82.18 has already issued a final order on the filing identified in the declaration.

82.19 Subd. 3. **Nonexclusive remedy.** The remedy in sections 300.70 to 300.78 is not exclusive.
82.20 An aggrieved party may seek district court action regardless of whether the individual has
82.21 initiated or completed the procedure described in these sections.

82.22 Sec. 5. **[300.72] NOTICE.**

82.23 (a) When the office accepts a declaration of wrongful filing, the office must provide
82.24 notice of the declaration to the complainant and the filer. The notice must describe the
82.25 allegations made in the declaration and the process used to resolve the allegations. The
82.26 notice must prominently state the response timeline in section 300.73 and the consequences
82.27 if the filer does not respond. The notice must prominently state that a false statement of
82.28 material fact in any documents submitted under sections 300.70 to 300.78 is a violation of
82.29 section 609.48.

82.30 (b) The office must send the notice by first class mail, postage prepaid, to:

82.31 (1) the complainant at the mailing address provided in the declaration; and

83.1 (2) the filer at:

83.2 (i) the most recent registered business address associated with the filing named in the
83.3 declaration; or

44.18 (3) whether the complainant is employed by or has an ownership interest in the business
44.19 that is the subject of the filing;

44.20 (4) any information or evidence supporting the complainant's allegations under this
44.21 section;

44.22 (5) a statement verifying the complainant believes in good faith that the facts stated in
44.23 the declaration are true; and

44.24 (6) any other information the office deems necessary.

44.25 (c) The office must provide a form for declarations filed under this section. A complainant
44.26 must use the provided form when submitting a declaration of wrongful filing.

44.27 (d) A false material statement of fact in a declaration of wrongful filing or any other
44.28 document submitted under sections 300.70 to 300.78 is a violation of section 609.48.

44.29 Subd. 2. **Review of declaration.** (a) The office must promptly accept or reject a
44.30 declaration of wrongful filing.

45.1 (b) The office may reject a declaration of wrongful filing that is incomplete or does not
45.2 use the provided form or if the office reasonably believes it was delivered with the intent
45.3 to harass or defraud the filer. The office may reject a declaration of wrongful filing if the
45.4 office has already issued a final order on the filing identified in the declaration.

45.5 Subd. 3. **Nonexclusive remedy.** The remedy in sections 300.70 to 300.78 is not exclusive.
45.6 An aggrieved party may seek district court action regardless of whether the individual has
45.7 initiated or completed the procedure described in these sections.

45.8 Sec. 6. **[300.72] NOTICE.**

45.9 (a) When the office accepts a declaration of wrongful filing, the office must provide
45.10 notice of the declaration to the complainant and the filer. The notice must describe the
45.11 allegations made in the declaration and the process used to resolve the allegations. The
45.12 notice must prominently state the response timeline in section 300.73 and the consequences
45.13 if the filer does not respond. The notice must prominently state that a false statement of
45.14 material fact in any documents submitted under sections 300.70 to 300.78 is a violation of
45.15 section 609.48.

45.16 (b) The office must send the notice by first class mail, postage prepaid, to:

45.17 (1) the complainant at the mailing address provided in the declaration; and

45.18 (2) the filer at:

45.19 (i) the most recent registered business address associated with the filing named in the
45.20 declaration; or

83.4 (ii) if a mailing address for the filer cannot be identified, the notice may be served on
83.5 the filer as provided under section 5.25, subdivision 6.

83.6 (c) Notice is deemed received by the complainant and the filer upon mailing.

83.7 (d) If the notice to the filer is returned as undeliverable, the office may deem the filing
83.8 fraudulent and immediately issue a final order as provided under section 300.76,
83.9 notwithstanding the time period under section 300.73.

83.10 Sec. 6. **[300.73] RESPONSE.**

83.11 (a) After notice is received, the filer must respond in writing to the allegations in the
83.12 declaration. The response must be received by the office within 21 calendar days of receipt
83.13 of the notice.

83.14 (b) The filer's response under this section must include any information refuting the
83.15 allegations contained in the complainant's declaration.

83.16 Sec. 7. **[300.74] PROCEDURE WHEN NO RESPONSE RECEIVED.**

83.17 If the filer does not respond within the time period under section 300.73, the office must
83.18 deem the filing fraudulent and issue a final order as provided under section 300.76.

83.19 Sec. 8. **[300.75] PROCEDURE WHEN RESPONSE RECEIVED.**

83.20 Subdivision 1. **Preliminary determination.** (a) If the filer responds within the period
83.21 under section 300.73, the office must further investigate the allegations in the declaration
83.22 and information in the response and make a preliminary determination regarding whether
83.23 the filing named in the declaration is fraudulent.

83.24 (b) The office may request additional information from the complainant and the filer if
83.25 necessary to make the preliminary determination.

83.26 Subd. 2. **Notice of preliminary determination.** The office must send notice of the
83.27 preliminary determination to the complainant and the filer in the manner described under
83.28 section 300.72. Notice is deemed received in the manner described under section 300.72.

83.29 Subd. 3. **Response.** After notice is received, the nonprevailing party must respond to
83.30 the preliminary determination within ten calendar days with additional information or
84.1 evidence in support of the nonprevailing party's position. The prevailing party may send
84.2 additional information or evidence within the same time period. The response must be
84.3 received by the office within the time period provided under this subdivision.

84.4 Subd. 4. **Procedure if no second response is received.** If the nonprevailing party does
84.5 not respond as required under subdivision 3, the preliminary determination becomes final
84.6 and the office must issue a final order under section 300.76.

84.7 Subd. 5. **Procedure if second response is received.** If the nonprevailing party responds
84.8 as required under subdivision 3, the office must consider the additional information provided,

45.21 (ii) if a mailing address for the filer cannot be identified, the notice may be served on
45.22 the filer as provided under section 5.25, subdivision 6.

45.23 (c) Notice is deemed received by the complainant and the filer upon mailing.

45.24 (d) If the notice to the filer is returned as undeliverable, the office may deem the filing
45.25 fraudulent and immediately issue a final order as provided under section 300.76,
45.26 notwithstanding the time period under section 300.73.

45.27 Sec. 7. **[300.73] RESPONSE.**

45.28 (a) After notice is received, the filer must respond in writing to the allegations in the
45.29 declaration. The response must be received by the office within 21 calendar days of receipt
45.30 of the notice.

46.1 (b) The filer's response under this section must include any information refuting the
46.2 allegations contained in the complainant's declaration.

46.3 Sec. 8. **[300.74] PROCEDURE WHEN NO RESPONSE RECEIVED.**

46.4 If the filer does not respond within the time period under section 300.73, the office must
46.5 deem the filing fraudulent and issue a final order as provided under section 300.76.

46.6 Sec. 9. **[300.75] PROCEDURE WHEN RESPONSE RECEIVED.**

46.7 Subdivision 1. **Preliminary determination.** (a) If the filer responds within the period
46.8 under section 300.73, the office must further investigate the allegations in the declaration
46.9 and information in the response and make a preliminary determination regarding whether
46.10 the filing named in the declaration is fraudulent.

46.11 (b) The office may request additional information from the complainant and the filer if
46.12 necessary to make the preliminary determination.

46.13 Subd. 2. **Notice of preliminary determination.** The office must send notice of the
46.14 preliminary determination to the complainant and the filer in the manner described under
46.15 section 300.72. Notice is deemed received in the manner described under section 300.72.

46.16 Subd. 3. **Response.** After notice is received, the nonprevailing party must respond to
46.17 the preliminary determination within ten calendar days with additional information or
46.18 evidence in support of the nonprevailing party's position. The prevailing party may send
46.19 additional information or evidence within the same time period. The response must be
46.20 received by the office within the time period provided under this subdivision.

46.21 Subd. 4. **Procedure if no second response is received.** If the nonprevailing party does
46.22 not respond as required under subdivision 3, the preliminary determination becomes final
46.23 and the office must issue a final order under section 300.76.

46.24 Subd. 5. **Procedure if second response is received.** If the nonprevailing party responds
46.25 as required under subdivision 3, the office must consider the additional information provided,

84.9 make a final determination regarding whether the filing named in the declaration is fraudulent,
84.10 and issue a final order under section 300.76.

84.11 Subd. 6. **Factors.** When making a preliminary or final determination under this section,
84.12 the office may consider various factors, including but not limited to:

84.13 (1) whether the office has previously received declarations of wrongful filing or issued
84.14 final orders relating to the business, the filer, or the complainant;

84.15 (2) the previous filing history relating to the business, the filer, or the complainant;

84.16 (3) whether the filer or complainant failed to respond to a request for additional
84.17 information; and

84.18 (4) whether the office is able to independently verify the information provided by the
84.19 filer or complainant using publicly available information.

84.20 Sec. 9. **[300.76] FINAL ORDER.**

84.21 Subdivision 1. **Filings deemed fraudulent.** (a) If the office deems a filing fraudulent
84.22 under section 300.74 or 300.75, the office must issue a final order under this subdivision.
84.23 The final order must provide the office's rationale for deeming the filing fraudulent.

84.24 (b) When a filing is deemed fraudulent pursuant to a final order under this subdivision,
84.25 the filing must be treated for legal purposes as if the filing never existed. In the case of a
84.26 business registered using a Minnesota resident's name, address, or identity without the
84.27 resident's authorization, the business is deemed dissolved.

84.28 (c) When a filing is deemed fraudulent pursuant to a final order, the office must:

84.29 (1) mark the unauthorized filing or the business record as unauthorized or fraudulent;

84.30 (2) redact names and addresses that were used without authorization; and

84.31 (3) retain a copy of the final order.

85.1 (d) In addition to the actions in paragraph (c), the office may:

85.2 (1) disable additional filing functionality on the business entity's record; or

85.3 (2) take other action the office deems necessary to prevent further unauthorized filings,
85.4 protect private information, or prevent misuse of unauthorized information.

85.5 Subd. 2. **Filings deemed not fraudulent or insufficient evidence.** If the office
85.6 determines that a filing is not fraudulent or that insufficient information is available to make
85.7 a determination, the office must issue a final order stating that the office is not removing
85.8 the filing from the database. The final order must provide the office's rationale for
85.9 determining that the filing is not fraudulent or that insufficient information is available to
85.10 make a determination.

46.26 make a final determination regarding whether the filing named in the declaration is fraudulent,
46.27 and issue a final order under section 300.76.

46.28 Subd. 6. **Factors.** When making a preliminary or final determination under this section,
46.29 the office may consider various factors, including but not limited to:

46.30 (1) whether the office has previously received declarations of wrongful filing or issued
46.31 final orders relating to the business, the filer, or the complainant;

47.1 (2) the previous filing history relating to the business, the filer, or the complainant;

47.2 (3) whether the filer or complainant failed to respond to a request for additional
47.3 information; and

47.4 (4) whether the office is able to independently verify the information provided by the
47.5 filer or complainant using publicly available information.

47.6 Sec. 10. **[300.76] FINAL ORDER.**

47.7 Subdivision 1. **Filings deemed fraudulent.** (a) If the office deems a filing fraudulent
47.8 under section 300.74 or 300.75, the office must issue a final order under this subdivision.
47.9 The final order must provide the office's rationale for deeming the filing fraudulent.

47.10 (b) When a filing is deemed fraudulent pursuant to a final order under this subdivision,
47.11 the filing must be treated for legal purposes as if the filing never existed. In the case of a
47.12 business registered using a Minnesota resident's name, address, or identity without the
47.13 resident's authorization, the business is deemed dissolved.

47.14 (c) When a filing is deemed fraudulent pursuant to a final order, the office must:

47.15 (1) mark the unauthorized filing or the business record as unauthorized or fraudulent;

47.16 (2) redact names and addresses that were used without authorization; and

47.17 (3) retain a copy of the final order.

47.18 (d) In addition to the actions in paragraph (c), the office may:

47.19 (1) disable additional filing functionality on the business entity's record; or

47.20 (2) take other action the office deems necessary to prevent further unauthorized filings,
47.21 protect private information, or prevent misuse of unauthorized information.

47.22 Subd. 2. **Filings deemed not fraudulent or insufficient evidence.** If the office
47.23 determines that a filing is not fraudulent or that insufficient information is available to make
47.24 a determination, the office must issue a final order stating that the office is not removing
47.25 the filing from the database. The final order must provide the office's rationale for
47.26 determining that the filing is not fraudulent or that insufficient information is available to
47.27 make a determination.

85.11 Sec. 10. [300.77] JUDICIAL REVIEW.

85.12 (a) Any party who is aggrieved by a final order under section 300.76 may appeal the
85.13 order to the district court of the Minnesota county where the business that is the subject of
85.14 the final order is registered or was registered before the business's dissolution or, if the
85.15 business is not registered in Minnesota, to the district court of Ramsey County. The aggrieved
85.16 party may also appeal the final order as part of any district court action between the filer
85.17 and complainant where the filing at issue is relevant to the issues in the case.

85.18 (b) The aggrieved party must serve a written copy of a notice of appeal upon the office
85.19 and any adverse party of record within 30 calendar days after the date the final order was
85.20 issued and must also file the original notice and proof of service with the court administrator
85.21 of the district court. Service may be made in person or by mail. Service by mail is complete
85.22 upon mailing. The court administrator is prohibited from requiring a filing fee for appeals
85.23 taken pursuant to this section.

85.24 (c) The office may elect to become a party to the proceedings in the district court.

85.25 (d) The court may order that the office furnish the court and all parties to the proceedings
85.26 with a copy of the decision, the filing that is the subject of the decision, and any materials
85.27 or information submitted to the office. Any materials provided under this section that are
85.28 filed with the court must be done so under restricted access unless the court orders otherwise.

85.29 (e) A party may obtain a hearing at a special term of the district court by serving a written
85.30 notice of the hearing's time and place at least ten days before the date of the hearing.

86.1 (f) A party aggrieved by the order of the district court may appeal the order as in other
86.2 civil cases. Costs or disbursements must not be taxed against a party. A filing fee or bond
86.3 must not be required of a party.

86.4 Sec. 11. [300.78] DATA PRACTICES.

86.5 Subdivision 1. **Definitions.** For purposes of this section, "nonpublic data" has the meaning
86.6 given in section 13.02, subdivision 9, and "private data on individuals" has the meaning
86.7 given in section 13.02, subdivision 12.

86.8 Subd. 2. **Data classification.** Data submitted by a complainant or filer under sections
86.9 300.70 to 300.78 is classified as nonpublic data or private data on individuals. A final order
86.10 under section 300.76 is public data, subject to the following: the complainant or filer's
86.11 personal contact information is classified as private data on individuals. The unredacted
86.12 version of a filing deemed fraudulent pursuant to a final order under section 300.76,
86.13 subdivision 1, is classified as nonpublic data or private data on individuals. The version of
86.14 the filing that has been redacted pursuant to section 300.76, subdivision 1, paragraph (c),
86.15 is classified as public data.

47.28 Sec. 11. [300.77] JUDICIAL REVIEW.

47.29 (a) Any party who is aggrieved by a final order under section 300.76 may appeal the
47.30 order to the district court of the Minnesota county where the business that is the subject of
48.1 the final order is registered or was registered before the business's dissolution or, if the
48.2 business is not registered in Minnesota, to the district court of Ramsey County. The aggrieved
48.3 party may also appeal the final order as part of any district court action between the filer
48.4 and complainant where the filing at issue is relevant to the issues in the case.

48.5 (b) The aggrieved party must serve a written copy of a notice of appeal upon the office
48.6 and any adverse party of record within 30 calendar days after the date the final order was
48.7 issued and must also file the original notice and proof of service with the court administrator
48.8 of the district court. Service may be made in person or by mail. Service by mail is complete
48.9 upon mailing. The court administrator is prohibited from requiring a filing fee for appeals
48.10 taken pursuant to this section.

48.11 (c) The office may elect to become a party to the proceedings in the district court.

48.12 (d) The court may order that the office furnish the court and all parties to the proceedings
48.13 with a copy of the decision, the filing that is the subject of the decision, and any materials
48.14 or information submitted to the office. Any materials provided under this section that are
48.15 filed with the court must be done so under restricted access unless the court orders otherwise.

48.16 (e) A party may obtain a hearing at a special term of the district court by serving a written
48.17 notice of the hearing's time and place at least ten days before the date of the hearing.

48.18 (f) A party aggrieved by the order of the district court may appeal the order as in other
48.19 civil cases. Costs or disbursements must not be taxed against a party. A filing fee or bond
48.20 must not be required of a party.

48.21 Sec. 12. [300.78] DATA PRACTICES.

48.22 Subdivision 1. **Definitions.** For purposes of this section, "nonpublic data" has the meaning
48.23 given in section 13.02, subdivision 9, and "private data on individuals" has the meaning
48.24 given in section 13.02, subdivision 12.

48.25 Subd. 2. **Data classification.** Data submitted by a complainant or filer under sections
48.26 300.70 to 300.78 is classified as nonpublic data or private data on individuals. A final order
48.27 under section 300.76 is public data, subject to the following: the complainant or filer's
48.28 personal contact information is classified as private data on individuals. The unredacted
48.29 version of a filing deemed fraudulent pursuant to a final order under section 300.76,
48.30 subdivision 1, is classified as nonpublic data or private data on individuals. The version of
48.31 the filing that has been redacted pursuant to section 300.76, subdivision 1, paragraph (c),
48.32 is classified as public data.

86.16 Subd. 3. **Dissemination permitted.** Notwithstanding subdivision 2, the office may
86.17 disseminate data of any classification collected, created, or maintained under sections 300.70
86.18 to 300.78:

86.19 (1) to the attorney general to aid the office in the investigation and review of a filing
86.20 that is the subject of a declaration of wrongful filing;

86.21 (2) to a person or agency if the office determines that access to the data aids a criminal
86.22 or civil investigation; or

86.23 (3) if required or authorized by a court order or other state or federal law.

86.24 Sec. 12. **[300.80] PROHIBITION ON DECEPTIVE BUSINESS MAILINGS.**

86.25 Subdivision 1. **Definition.** For purposes of this section, "solicitation" means a
86.26 communication that is sent by a nongovernment third party to a business and that purports
86.27 to:

86.28 (1) notify the business of an operating requirement, including but not limited to filing
86.29 documents with or retrieving documents from the Office of the Minnesota Secretary of
86.30 State; or

87.1 (2) offer a service that relates to filing documents with, producing documents for, or
87.2 reporting information to the Office of the Minnesota Secretary of State.

87.3 Subd. 2. **Design and content requirements.** (a) A solicitation must:

87.4 (1) include a clear statement indicating that the solicitation is an advertisement and is
87.5 not from a government agency. The statement must be placed at the top of a physical
87.6 document or the beginning of an electronic communication and must be in at least 24-point
87.7 font. All other text in the document must be smaller than the statement required by this
87.8 clause;

87.9 (2) provide information indicating where an individual is able to directly file documents
87.10 with the secretary of state or retrieve copies of public records;

87.11 (3) disclose the name and physical address of the company sending the solicitation. The
87.12 physical address must not be a post office box; and

87.13 (4) for a mailed solicitation, prominently display in capital letters on the envelope or
87.14 outer wrapper the words "THIS IS NOT A GOVERNMENT DOCUMENT."

87.15 (b) The overall design and language of a solicitation must not:

87.16 (1) create the impression that the solicitation is an official government notice or document;

87.17 (2) incorporate the Minnesota state seal or other logo or branding of the state or any
87.18 state agency; or

49.1 Subd. 3. **Dissemination permitted.** Notwithstanding subdivision 2, the office may
49.2 disseminate data of any classification collected, created, or maintained under sections 300.70
49.3 to 300.78:

49.4 (1) to the attorney general to aid the office in the investigation and review of a filing
49.5 that is the subject of a declaration of wrongful filing;

49.6 (2) to a person or agency if the office determines that access to the data aids a criminal
49.7 or civil investigation; or

49.8 (3) if required or authorized by a court order or other state or federal law.

49.9 Sec. 13. **[300.79] PROHIBITION ON DECEPTIVE BUSINESS MAILINGS.**

49.10 Subdivision 1. **Definition.** For purposes of this section, "solicitation" means a
49.11 communication that is sent by a nongovernment third party to a business and that purports
49.12 to:

49.13 (1) notify the business of an operating requirement, including but not limited to filing
49.14 documents with or retrieving documents from the Office of the Secretary of State; or

49.15 (2) offer a service that relates to filing documents with, producing documents for, or
49.16 reporting information to the Office of the Secretary of State.

49.17 Subd. 2. **Design and content requirements.** (a) A solicitation must:

49.18 (1) include a clear statement indicating that the solicitation is an advertisement and is
49.19 not from a government agency. The statement must be placed at the top of a physical
49.20 document or the beginning of an electronic communication and must be in at least 24-point
49.21 font. All other text in the document must be smaller than the statement required by this
49.22 clause;

49.23 (2) provide information indicating where an individual is able to directly file documents
49.24 with the secretary of state or retrieve copies of public records;

49.25 (3) disclose the name and physical address of the company sending the solicitation. The
49.26 physical address must not be a post office box; and

49.27 (4) for a mailed solicitation, prominently display in capital letters on the envelope or
49.28 outer wrapper the words "THIS IS NOT A GOVERNMENT DOCUMENT."

49.29 (b) The overall design and language of a solicitation must not:

49.30 (1) create the impression that the solicitation is an official government notice or document;

50.1 (2) incorporate the Minnesota state seal or other logo or branding of the state or any
50.2 state agency; or

87.19 (3) indicate or imply a legal duty to act on the solicitation or a penalty for failure to act
87.20 on the solicitation.

87.21 Subd. 3. **Penalties.** (a) A person who sends a solicitation that does not comply with the
87.22 requirements of this section is guilty of a misdemeanor.

87.23 (b) A violation of this section is a violation of sections 325D.43 to 325D.48.

87.24 Sec. 13. Minnesota Statutes 2024, section 609.48, subdivision 1, is amended to read:

87.25 Subdivision 1. **Acts constituting.** Whoever makes a false material statement not believing
87.26 it to be true in any of the following cases is guilty of perjury and may be sentenced as
87.27 provided in subdivision 4:

87.28 (1) in or for an action, hearing or proceeding of any kind in which the statement is
87.29 required or authorized by law to be made under oath or affirmation;

87.30 (2) in any writing which is required or authorized by law to be under oath or affirmation;

88.1 (3) in any writing made according to section 358.115;

88.2 (4) in any writing made according to section 358.116; ~~or~~

88.3 (5) in any writing made according to sections 300.70 to 300.78; or

88.4 ~~(5)~~ (6) in any other case in which the penalties for perjury are imposed by law and no
88.5 specific sentence is otherwise provided.

88.6 Sec. 14. **RULEMAKING.**

88.7 The secretary of state may adopt rules to carry out the provisions of this act.
88.8 Notwithstanding section 14.125, no time limit applies to the authority granted under this
88.9 section.

88.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

88.11 Sec. 15. **EFFECTIVE DATE.**

88.12 Sections ~~3~~ to ~~11~~ are effective for filings made on or after January 1, 2026.

50.3 (3) indicate or imply a legal duty to act on the solicitation or a penalty for failure to act
50.4 on the solicitation.

50.5 Subd. 3. **Penalties.** (a) A person who sends a solicitation that does not comply with the
50.6 requirements of this section is guilty of a misdemeanor.

50.7 (b) A violation of this section is a violation of sections 325D.43 to 325D.48.

50.8 Sec. 14. Minnesota Statutes 2024, section 609.48, subdivision 1, is amended to read:

50.9 Subdivision 1. **Acts constituting.** Whoever makes a false material statement not believing
50.10 it to be true in any of the following cases is guilty of perjury and may be sentenced as
50.11 provided in subdivision 4:

50.12 (1) in or for an action, hearing or proceeding of any kind in which the statement is
50.13 required or authorized by law to be made under oath or affirmation;

50.14 (2) in any writing which is required or authorized by law to be under oath or affirmation;

50.15 (3) in any writing made according to section 358.115;

50.16 (4) in any writing made according to section 358.116; ~~or~~

50.17 (5) in any writing made according to sections 300.70 to 300.78; or

50.18 (6) in any other case in which the penalties for perjury are imposed by law and no specific
50.19 sentence is otherwise provided.

50.20 Sec. 15. **RULEMAKING.**

50.21 The secretary of state may adopt rules to carry out the provisions of this article.
50.22 Notwithstanding Minnesota Statutes, section 14.125, no time limit applies to the authority
50.23 granted under this section.

50.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

50.25 Sec. 16. **EFFECTIVE DATE.**

50.26 Sections ~~2~~ to ~~12~~ and ~~14~~ are effective for filings made on or after January 1, 2026.