
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Senate Bill 291

**Assembly Substitute
Amendment 1**

2023 SENATE BILL 291

This bill provides certain protections to elections officials. Under the bill, an election official's personally identifiable information may not be released to the public, except that a public records custodian may provide access to the official's name and city and state of residence.

The bill enhances the penalty for battery, from a Class A misdemeanor to a Class I felony, for intentionally causing bodily harm to an election official, election registration official, county clerk, or municipal clerk who is acting in his or her capacity.

The bill also provides whistleblower protection for municipal clerks, county clerks, and election officials who witness and report election fraud or irregularities. The bill prohibits employment discrimination against a municipal clerk, county clerk, or election official who lawfully reports, or who is believed to have reported, witnessing what the clerk or election official reasonably believed to be election fraud or irregularities.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 to Senate Bill 291 retains some of the provisions of the original bill and creates or modifies other protections for election officials. Assembly Substitute Amendment 1 does all of the following:

- Creates a new crime of threatening an election official. Under the substitute amendment, it is a Class I felony to make use of or threaten to make use of force, violence, or restraint in order to induce or compel an election official to act contrary to his or her official duties.
- Limits the protected personally identifying information to an election official's address and telephone number and specifies that no municipal or county clerk may provide access to records containing this information during the term the person serves as an election official.
- Contains generally the same whistleblower protection as the bill, except the substitute amendment specifies that the protection extends to the election official's employment as an election official, that the observed and reported information must occur during the person's term as an election official, and that information must be reported to Wisconsin Elections Commission and to the district attorney for the county where the suspected activity occurs.
- Retains the enhanced penalty for battery to an election official, county clerk, or municipal clerk.
- Creates a new crime relating to unlawful use of a computerized communication system. Under the substitute amendment, it is a Class B misdemeanor to use social media, with the intent to threaten or abuse an election official or election official's family member, to distribute the telephone number

or address of an election official or an election official's family member if the distribution of the information is likely to result in unwanted physical contact or injury.

- Creates a civil cause of action relating to invasion of privacy for violating the new crime relating to unlawful use of a computerized communication system. Under current law and under the substitute amendment, a person may seek equitable relief to prevent and restrain the invasion of privacy, compensatory damages, and reasonable attorney fees.

BILL HISTORY

Assembly Substitute Amendment 1 to Senate Bill 291 was introduced by Representative Krug on February 19, 2024. On February 20, 2024, the Assembly Committee on Campaigns and Elections voted to recommend adoption of the amendment by a vote of Ayes, 9; Noes, 0 and to recommend concurrence in the Senate Bill as amended by a vote of Ayes, 9; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

PJH:jal