



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2882/1
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2023 ASSEMBLY BILL 300

May 25, 2023 - Introduced by Representatives GOEBEN, ORTIZ-VELEZ, SORTWELL, ALLEN, BALDEH, BEHNKE, BINSFELD, GUSTAFSON, KITCHENS, KRUG, MAXEY, MICHALSKI, MOSES, MURPHY, MYERS, NEDWESKI, O'CONNOR, SCHMIDT, STEFFEN, SUBECK, TITTL and WICHGERS, cosponsored by Senators JACQUE, TAYLOR, QUINN and TOMCZYK. Referred to Committee on Criminal Justice and Public Safety.

AN ACT *to create* 19.36 (14), 66.0512 and 940.20 (4m) of the statutes; relating

to: an election official's personal information, battery against election officials, whistleblower protection for municipal clerks, county clerks, and election officials who witness and report election fraud or irregularities, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits public access to records that contain the personally identifiable information of election officials or election registration officials, except that a public records custodian may provide access to the name and city and state of residence of an election official or election registration official. Current law provides a number of similar exceptions for providing public access to records. For example, current law limits access to records containing personal information regarding individuals who hold a state or local public office or the personal information of applicants for a public position.

Current law also allows access to certain records that are not otherwise accessible. For example, state agencies and local units of government may provide records to assist legislative committees. This bill does not affect the operation of that provision nor other similar provisions.

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Under current law, a person who intentionally causes bodily harm to another person commits the crime of simple battery and is guilty of a Class A misdemeanor. Current law provides greater penalties for special circumstances battery, which is defined as intentionally causing or threatening to cause bodily harm to certain persons. For example, under current law, a person who intentionally causes bodily harm to a public officer to influence his or her action or as a result of an action he or she took is guilty of a Class I felony. This bill makes it a Class I felony to intentionally cause bodily harm to an election official, election registration official, county clerk, or municipal clerk who is acting in his or her capacity.

This bill also provides whistleblower protection for municipal clerks, county clerks, and election officials who witness and report election fraud or irregularities. Under the bill, “municipal clerk” means a city clerk, town clerk, village clerk, and the executive director of the city election commission and their authorized representatives, as well as, in appropriate circumstances, the clerk of a school district. Under the bill, “county clerk” includes the executive director of the county board of election commissioners and their authorized representatives. Also, under the bill, “election official” means an individual who is charged with any duties relating to the conduct of an election.

The bill prohibits employment discrimination against a municipal clerk, county clerk, or election official, including by being discharged, disciplined, or demoted, as a reprisal because the clerk or election official lawfully reported, or is believed to have reported, witnessing what the clerk or election official reasonably believed to be election fraud or irregularities.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 19.36 (14) of the statutes is created to read:

19.36 (14) IDENTITIES OF ELECTION OFFICIALS OR ELECTION REGISTRATION OFFICIALS. Unless access is specifically authorized or required by statute, an authority shall not provide access under s. 19.35 (1) to records containing the personally identifiable information of an election official, as defined in s. 5.02 (4e), or an election registration official, as defined in s. 5.02 (4g), except that an authority

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may provide access to the name of an election official or election registration official and the city and state where the official resides.

SECTION 2. 66.0512 of the statutes is created to read:

66.0512 Whistleblower protection for certain disclosures made by municipal clerks. No municipal clerk, as defined in s. 5.02 (10), county clerk, as defined in s. 5.02 (2), or election official, as defined in s. 5.02 (4e), may be discharged, disciplined, demoted, or otherwise discriminated against in regard to employment, or threatened with any such treatment, as a reprisal because the clerk or election official lawfully reported, or is believed to have reported, witnessing what the clerk or election official reasonably believed to be election fraud or irregularities. For purposes of this section, “lawfully reported” means a report of information the disclosure of which is not expressly prohibited by state or federal law, rule, or regulation.

SECTION 3. 940.20 (4m) of the statutes is created to read:

940.20 (4m) BATTERY TO ELECTION OFFICIALS, ELECTION REGISTRATION OFFICIALS, OR CLERKS. (a) In this subsection:

1. “County clerk” has the meaning given in s. 5.02 (2).
2. “Election official” has the meaning given in s. 5.02 (4e).
3. “Election registration official” has the meaning given in s. 5.02 (4g).
4. “Municipal clerk” has the meaning given in s. 5.02 (10).

(b) Whoever intentionally causes bodily harm to an election official, election registration official, county clerk, or municipal clerk who is acting in his or her official capacity is guilty of a Class I felony if the person knows or has reason to

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know that the victim is an election official, election registration official, county clerk, or municipal clerk and the victim does not consent to the harm.

(END)