

# JOY GOEBEN

STATE REPRESENTATIVE • 5<sup>th</sup> ASSEMBLY DISTRICT

The purpose of the bill is to provide safeguards and protections for our state's hard-working election officials. We want them to feel safe while conducting their duties – they deserve to do their job without fear for their personal safety or their job security. To accomplish this goal, the bill does three things:

First, the bill prohibits the disclosure of the personally identifiable information of election officials, keeping their homes and families safe. I think we can all agree that a person who is doing their job should not have to fear that their personally identifiable information, including home address, nor where one of these people works for a “day” job, should be disclosed.

Second, the bill makes it a Class I felony to intentionally cause bodily harm to an election official acting in that person's official capacity. This bill makes it clear that assaulting an election official performing their duty will not be tolerated. It is true that Wisconsin already has strict criminal laws regarding assault and battery, and some may say that there is no need to specify that it is a crime to commit these acts against an election worker, but my co-author and I believe it is necessary to make this purposeful declaration: if you punch someone it's a crime and yes, it is the same crime if you punch an election worker who is just doing his or her job. Don't do it. We all know passions run high during elections. This simple act of clearly specifying the crime of assaulting an election official, in whatever capacity they are acting, is wrong and it is a crime in Wisconsin. This provision underlines and highlights the importance of keeping our elections civil.

Third, the bill protects an election officials job by providing whistleblower protection if he or she lawfully reports election irregularities. This is just common sense. This bill makes it clear that if anyone who works or volunteers at an election site sees something they believe to be amiss should not be afraid for their job, livelihood, or even their sense of volunteering for a civic duty because they saw something that they aren't sure about. And especially in the rare instance when what is witnessed turns out to be a real problem: protecting the person who reports this situation should be obvious.

No election official should be afraid of retaliation for disclosing illegal, unethical, or inappropriate activity, whether by physical harm, a fear from invasion of their privacy, or their job security.

COUNTY CLERK

*Brown County*

305 E. WALNUT STREET, ROOM 120  
P.O. BOX 23600  
GREEN BAY, WI 54305-3600

PATRICK W. MOYNIHAN, JR.  
COUNTY CLERK

PHONE (920) 448-4016

FAX (920) 448-4498

[www.browncountywi.gov](http://www.browncountywi.gov)

[Patrick.Moynihan@browncountywi.gov](mailto:Patrick.Moynihan@browncountywi.gov)

June 16, 2023

The Honorable Joy Goeben  
Wisconsin State Assembly – District 5  
Room 209 North, Wisconsin State Capitol  
P. O. Box 8952  
Madison, Wisconsin 53708

Dear Representative Goeben,

I write in strong support of the 2023 Bill – AB 300. As a former municipal Clerk, and now in my role as Brown County's Clerk, I can unequivocally state, "Now more than ever such safeguards are necessary, especially with the tenor of mistrust of election officials on a state and national level."

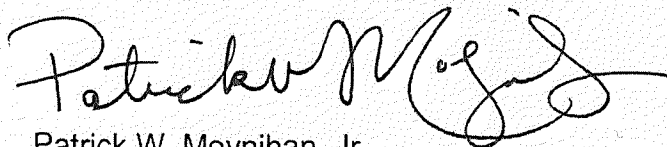
The recognition and importance of protecting and strengthening our election official's person and self-confidence is paramount. So too, the Whistleblower provisions as detailed within the bill provide reasonable assurances against any potential unlawful retribution.

Though laws cannot dissuade an individual from causing harm to election officials or committing fraudulent electoral acts, AB300 does provide a shield of protections that do not exist at present.

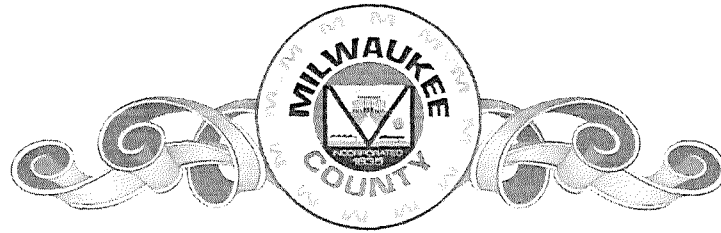
I behold a strong confidence in Brown County and the State of Wisconsin's electoral system. I am of the belief that our electoral processes far exceed those of the remaining forty-nine states of our great nation. AB 300 all but strengthens those processes.

Thank you for providing awareness and protections to these all-important issues.

Regards,



Patrick W. Moynihan, Jr.  
County Clerk



**GEORGE L. CHRISTENSON**  
MILWAUKEE COUNTY CLERK

**Written Testimony on Assembly Bill 300: Improving the  
Safety of Election Officials**

Chairman Krug and Committee Members,

I write to express support for Assembly Bill 300, which aims to improve the safety of election officials throughout the State of Wisconsin, thus helping ensure the overall security of our democracy. From the state level to counties, cities, towns, and villages in Wisconsin, election officials provide a critical service and are essential to the overall administration of the election process. In Milwaukee County alone, we have over 200 polling locations on any countywide election day and eight municipal governments that process absentee ballots at a central count location. Thousands of election officials work tirelessly to ensure every eligible person who wishes to may exercise their constitutional right to cast their ballot and have their vote counted.

Since 2020, we have witnessed shocking instances of violent behaviors and intimidation directed towards election officials in Milwaukee County, in Wisconsin, and throughout the nation. These threats show up by way of emails, voicemails, and personal verbal and physical threats against the dedicated public servants who stand at the front door of our democracy. Sadly, some of our hard-working public servants have even received death threats. It should not be a surprise to anyone that as a result of this unbelievable behavior, we have also seen an unprecedented departure of election officials at all levels of government in Wisconsin and across the country. Regretfully, they take with them years of institutional knowledge and experience, and all because these individuals find themselves fearful of simply doing their jobs. This abusive and criminal behavior should not be tolerated any longer.

Election officials are essential to the free, fair, safe, and accessible administration of Wisconsin elections and we must act to ensure the safety of these dedicated public servants. Assembly Bill 300 demonstrates the serious nature of these unacceptable behaviors and makes it clear that such attacks on election officials in Wisconsin will not be tolerated. The protection of election officials is essential to the welfare of our democracy.

###

**ROCK COUNTY, WISCONSIN**

Office of the Rock County Clerk  
51 South Main Street  
Janesville, WI 53545

Lisa Tollefson, Rock County Clerk



Office (608) 757-5660

Fax (608) 757-5662

[www.co.rock.wi.us](http://www.co.rock.wi.us)

[Lisa.Tollefson@co.rock.wi.us](mailto:Lisa.Tollefson@co.rock.wi.us)

June 20, 2023

Assembly Committee on Campaigns and Elections Chair and Members:

Testimony for Public Hearing

Chair Krug and Committee Members:

Thank you of allowing testimony today.

**Assembly Bill 300 – 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.**

- **Support**

*2020 was a year we will never forget. It was crazy. I do not expect 2024 to be any less crazy.*

*2020 brought out the best of us. Communities pulled together to ensure our elections ran as smoothly as possible.*

*In some cases, it brought out the worst.*

*This bill shows the legislature's support of our election officials; and the need to protect those individuals that are so crucial to the running of elections in our state.*

- *It protects election officials' personal information to a degree.*
- *It protects an election official from retaliation, if they report an election irregularity.*
- *It takes the right to vote away from an individual who causes bodily harm to someone performing their duties as an election official.*

2020 and the aftermath took its toll on our election officials. The turnover in clerks has increased throughout the state. Longtime pollworkers have said I have had enough.

The only piece of the bill that concerns me is in the Whistleblower section. Each time I read the bill I have a different take on it. Some clarification in this section of the bill may be needed.

- *Can the reporting of an election irregularity act as a shield to protect an election official from something else that would cause them to be disciplined or release them from employment?*
- *What is lawfully reported?*

Thank you for your consideration and your goal to help protect election officials.

Lisa Tollefson  
Rock County Clerk

## **AB 300 Testimony**

**June 20, 2023**

Thank you Mr. Chair, and good morning, members. My name is Edgar Lin, and I am Protect Democracy's Wisconsin policy advocate & counsel. Protect Democracy is a cross-ideological nonprofit organization—we defend elections, the rule of law, and fact-based political debate against authoritarian threats — regardless of who wins or who is in power. The central focus of my work is on policies and legislation that can strengthen protections for our election workers in WI.

I want to thank Representative Goeben for inviting Protect Democracy to discuss this important bill and to provide candid feedback and analysis to AB 300. We appreciate the work of this committee and are encouraged by the growing understanding that protecting our election workers is a key component in securing our elections, and our democratic republic. However, at this point, we have concerns that would need to be addressed before we can support the bill.

Election workers are an essential part of the voting ecosystem, without them, the voting process cannot be sustained. Wisconsin's democracy cannot work without free and fair elections, which cannot work without voluntary election workers—who are made up of our neighbors, family, and friends.

Yet, our election workers are left with little or no protection as the administrators of our election system. They have experienced harassment, intimidation, doxxing<sup>1</sup>, and disrespect. Importantly, election workers are being subjected to these bad acts regardless of their political affiliation and regardless of where they live.

A national survey of almost 11k election workers between March and April of this year showed that:

- 21% of local election officials may be departing for the 2024 election
- 30% of election officials have been personally abused, harassed, or threatened.
- Nearly 3 in 4 election officials believe threats have increased in recent years.

Again, it is heartening to see members of the legislature stand up for election workers. That said, we will share our analysis on this bill—with an emphasis on issues related to the whistleblower section.

---

<sup>1</sup> Oxford Languages: Search for and publish private or identifying information about (a particular individual) on the internet, typically with malicious intent.

AB 300's whistleblower protection prevents employment discrimination for election workers who lawfully report what the election worker reasonably believed to be fraud or irregularities. There are three main issues within the current bill language that will need further clarification; these surround the terms "lawfully report", "reasonable belief" and "irregularities."

**First, "lawfully report" should have a developed process.** I'll start with the "who" question. Who will the election worker—whether it be a county clerk or an election official at the polls report a bad act to? How does different levels of government impact who an election worker reports to?

Followed by, who will review the disclosure since election administration involves multiple levels of government? Would it be the same HR reviewing the complaint? Or an independent entity?

Then there's the "when" questions: When does a disclosure need to be reviewed, investigated, and decided upon?

There's also the "how" and "what" questions: How does an employee report the alleged bad act? Does an oral disclosure count? Or does it have to be in writing? How should the reviewing entity decide whether the disclosure contains enough merit to warrant an investigation? What is the burden of proof in the initial merit determination?

What happens if a disgruntled employee weaponizes this protection by making a false or frivolous disclosure? Will they be required to pay attorneys fees and costs? Or even damages? What are the remedies if the employer was found liable for retaliatory action against a whistleblower?

Without a clear process, a whistleblower event—regardless of merit—could descend into chaotic litigation, which could further undermine the confidence in our election system. From our review of information provided in surveys, election workers have not reported the lack of whistleblower protection as a main concern. That said, the concept of whistleblower protections in any government entity can be helpful in garnering trust in our systems. Currently, there is state law that governs the detailed whistleblowing process for state employees (Wis. Stat. 230.80). That existing law could be used as a guide for this bill.

**Second, an election worker's "reasonable belief" about fraud or irregularities should be defined.** Is it a reasonable election worker standard? A reasonable person standard? Or simply that election worker's own subjective belief? An

objective reasonable election worker standard is likely the best option simply because election workers have specialized knowledge, training and experience that the general public lacks.

**Third and final issue, “irregularities” should be defined.** The current language states that a person could lawfully report “election fraud” or “irregularities.” “Election Fraud (Wis. Stat. 12.13)” is defined under Chapter 12’s “Prohibited Election Practice.” “Irregularities” is not defined.

That chapter includes an array of prohibited election practices from false representation, election threats, election fraud, and so forth. Election fraud is only one component of prohibited election practice. I assume that the word “irregularities” acts as the catch-all. But “irregularities” is too broad without a concrete definition. It may inadvertently catch benign events that may technically be an irregularity. For example, if the post office takes a small chunk out of an absentee ballot during their handling and without any evidence of actual ballot tampering, should that be counted as an “irregularity?”

Instead of “irregularities”—a vague and broad term that could be widely interpreted depending on perspective—the bad act should be grounded by existing laws, rules, regulation, and/or guidance.

—

There are two other components of AB 300 that I’ll briefly address—the special battery and open records protection.

On the special battery section, surveys show election workers have reported experiencing bad acts such as threats, harassment, doxxing, and stalking-related behavior. I will be limited in my discussion here because we are currently working on comprehensive solutions to address harassment, doxxing, stalking-type behaviors. The goal is to create enough awareness and accountability measures for harassment-type behaviors since those are the most common bad acts election workers have reported experiencing.

—

Finally, on AB 300’s open records protection, we are fully supportive of protecting election workers’ personal identifying information (or PII) from open records requests as a starting point. I believe none of us want bad actors obtaining our PII such as our home address, personal phone, social security, and releasing it to the public for

harassment purposes. This component is a great first step to protecting our election workers' privacy. However, I will say that if the election worker is a homeowner or a voter, there's certainly ways a bad actor could still get their information through other records. We are happy to work with this committee on closing those loopholes, creating laws that prohibit the unlawful release of PII, or creating mitigation processes if someone's PII was released to the public unlawfully. For example, one solution would be allowing election workers who fell victim to doxxing and harassment the opportunity to enroll in WI's existing Address Confidentiality Program (Wis. Stat 165.68).

Other comprehensive protections for election workers legislation can include providing them adequate funding to support their training and physical safety. We are more than happy to be a resource on helping improve this bill. That way, we can achieve our united goal in protecting our election workers, and in turn, protecting our state's democracy.

Edgar Lin  
United to Protect Democracy  
WI Policy Advocate & Counsel