2005 DRAFTING REQUEST

Bill

Received: **08/25/2005**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing: **Jennifer Stegall**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Roessler@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Confidential registration for domestic abuse, sexual assault or stalking victims

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Instructions:

Per LRB-2846/2, with permission of Brad Hub, Rep. Kreibich's office, p/c, 8/25/05.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	jkuesel 08/25/2005	wjackson 08/25/2005		_____ _____			S&L
/1			pgreensl 08/26/2005	_____ _____	lnorthro 08/26/2005	sbasford 09/19/2005	

FE Sent For: at intro 9/21

<END>

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/?/1	jkuesel 8/25/05	/1 wlj 8/25	8/25 pg	8/25 [illegible]			

FE Sent For:

<END>

Fri 8/26

2005 – 2006 LEGISLATURE

-3553/1
LRB-~~2846/2~~
JTK:cjs:~~pg~~
stays

2005 BILL

Regen

1 AN ACT ***to renumber*** 6.47 (1) (a) (intro.) and 1. and 6.47 (1) (a) 3.; ***to renumber***
2 ***and amend*** 6.47 (1) (a) 2.; ***to amend*** 6.47 (title), 6.47 (1) (b), 6.47 (2), 6.47 (4),
3 6.47 (5) (a) 1., 6.47 (7) (b), 6.47 (10) and 7.08 (1) (c); and ***to create*** 6.47 (1) (ag),
4 6.47 (1) (am) 4., 6.47 (1) (dm), 7.08 (10), 46.95 (4) and 165.93 (4) of the statutes;
5 **relating to:** voter registration for certain victims of domestic abuse, sexual
6 assault, or stalking.

Analysis by the Legislative Reference Bureau

Currently, a victim of a crime relating to domestic abuse, sexual assault, or stalking may exercise the right to have his or her name and voter registration address withheld from disclosure. To have a name and address treated confidentially, a victim must submit a request for a confidential listing and must 1) reside in a shelter for domestic abuse, sexual assault, or stalking victims; 2) be under a protective order that restrains another person from having contact with the victim; or 3) submit an affidavit signed by a sheriff or the chief of a police department that verifies that a person has been charged with or convicted of an offense relating to domestic abuse, sexual assault, or stalking in which the victim was involved and reasonably continues to be threatened by that person. A confidential listing expires no later than 24 months after the date that it becomes effective.

This bill permits a district attorney or any authorized representative of a sheriff, chief of police, or district attorney to sign an affidavit verifying the victim's

status. The bill also permits a victim of domestic abuse, sexual assault, or stalking to obtain a confidential address listing by submitting a statement dated within 30 days of the date of the request signed by an authorized representative of an organization that qualifies as a domestic abuse victim service provider or a sexual assault victim service provider for purposes of state laws providing grants to such organizations which indicates that the victim has received services from the organization within the 24–month period preceding the date of the statement.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 6.47 (title) of the statutes is amended to read:

2 **6.47** (title) **Confidentiality of information relating to victims of**
3 **domestic abuse, sexual assault, or stalking.**

4 **SECTION 2.** 6.47 (1) (a) (intro.) and 1. of the statutes are renumbered 6.47 (1)
5 (am) (intro.) and 1.

6 **SECTION 3.** 6.47 (1) (a) 2. of the statutes is renumbered 6.47 (1) (am) 2. and
7 amended to read:

8 6.47 **(1)** (am) 2. An individual who files an affidavit with the municipal clerk
9 of the municipality where the individual resides, on a form prescribed by the board,
10 that is signed by a sheriff ~~or~~, the chief of a police department, or a district attorney
11 or the authorized representative of a sheriff, chief, or district attorney and directed
12 to the municipal clerk, and that verifies that a person has been charged with or
13 convicted of an offense relating to domestic abuse, sexual assault, or stalking in
14 which the individual was a victim and reasonably continues to be threatened by that
15 person.

16 **SECTION 4.** 6.47 (1) (a) 3. of the statutes is renumbered 6.47 (1) (am) 3.

17 **SECTION 5.** 6.47 (1) (ag) of the statutes is created to read:

1 6.47 **(1)** (ag) "Domestic abuse victim service provider" means an organization
2 that is certified by the department of health and family services as eligible to receive
3 grants under s. 46.95 (2) and whose name is included on the list provided by the board
4 under s. 7.08 (10).

5 **SECTION 6.** 6.47 (1) (am) 4. of the statutes is created to read:

6 6.47 **(1)** (am) 4. An individual who submits a dated statement to the municipal
7 clerk that includes the individual's full name, that is signed by an authorized
8 representative of a domestic abuse victim service provider or a sexual assault victim
9 service provider, and that indicates that the individual received services from the
10 provider within the 24–month period ending on the date of the statement.

11 **SECTION 7.** 6.47 (1) (b) of the statutes is amended to read:

12 6.47 **(1)** (b) "Offense relating to domestic abuse, sexual assault, or stalking"
13 means an offense specified in s. 940.19, 940.20 (1m), 940.201, 940.22, 940.225,
14 940.32, 947.013, 948.02, 948.025, 948.06, 948.09 or 948.095.

15 **SECTION 8.** 6.47 (1) (dm) of the statutes is created to read:

16 6.47 **(1)** (dm) "Sexual assault victim service provider" means an organization
17 that is certified by the department of justice as eligible to receive grants under s.
18 165.93 (2) and whose name is included on the list provided by the board under s. 7.08
19 (10).

20 **SECTION 9.** 6.47 (2) of the statutes is amended to read:

21 6.47 **(2)** Except as authorized in sub. (8), the board, each municipal clerk, each
22 agent designated under s. 6.33 (5) (b), and each election official shall withhold from
23 public inspection under s. 19.35 (1) the name and address of any eligible individual
24 whose name appears on a poll list or registration list if the individual provides the
25 municipal clerk with a valid written request to protect the individual's

confidentiality. To be valid, a request under this subsection must be accompanied by a copy of a protective order that is in effect, an affidavit under sub. (1) ~~(a)~~ (am) 2. that is dated within 30 days of the date of the request ~~or~~, a statement signed by the operator or an authorized agent of the operator of a shelter that is dated within 30 days of the date of the request and that indicates that the operator operates the shelter and that the individual making the request resides in the shelter, or a statement signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider under sub. (1) (am) 4. that is dated within 30 days of the date of the request. A physically disabled individual who appears personally at the office of the municipal clerk accompanied by another elector of this state may designate that elector to make a request under this subsection on his or her behalf.

SECTION 10. 6.47 (4) of the statutes is amended to read:

6.47 **(4)** Except as provided in sub. (5), a confidential listing under sub. (2) expires on the date that a protective order expires, the date that the protected individual ceases to reside in a shelter, the date that updated information is received from a sheriff, the chief of a police department, or a district attorney or the authorized representative of a sheriff, chief, or district attorney, or at the end of the 24–month period that follows creation or renewal of the listing under sub. (2), whichever is earlier.

SECTION 11. 6.47 (5) (a) 1. of the statutes is amended to read:

6.47 **(5)** (a) 1. The clerk receives notification from a sheriff ~~or~~, chief of police, or district attorney or the authorized representative of a sheriff, chief, or district attorney under sub. ~~(8)~~ (10).

SECTION 12. 6.47 (7) (b) of the statutes is amended to read:

6.47 **(7)** (b) If notice to a protected individual is not provided under par. (a), the municipal clerk shall provide notice to the subject individual upon ~~canceling a confidential listing~~ changing a listed individual to ineligible status under sub. ~~(2)~~ (6).

SECTION 13. 6.47 (10) of the statutes is amended to read:

6.47 **(10)** If a sheriff ~~or~~, chief of a police department ~~who signs~~, or district attorney has signed or the authorized representative of a sheriff, chief, or district attorney has signed an affidavit under sub. (1) ~~(a)~~ (am) 2. and the sheriff, chief, district attorney or authorized representative later obtains information that the person who was charged with an offense relating to domestic abuse, sexual assault, or stalking is no longer so charged or that the person's judgment of conviction has been vacated, and the charge or conviction was the sole basis for the affidavit, the sheriff ~~or~~, chief, district attorney or authorized representative shall provide written notice of that information to the municipal clerk to whom the affidavit was directed.

SECTION 14. 7.08 (1) (c) of the statutes is amended to read:

7.08 **(1)** (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1), 6.40 (1) (a), 6.47 (1) ~~(a)~~ (am) 2. and (3), 6.55 (2) and (3), and 6.86 (2) and (3). All such forms shall contain a statement of the penalty applicable to false or fraudulent registration or voting through use of the form. Forms are not required to be furnished by the board.

SECTION 15. 7.08 (10) of the statutes is created to read:

7.08 **(10)** DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to each municipal clerk, on a continuous basis, the names and addresses of organizations that are certified under s. 46.95 (4) or 165.93 (4) to provide services to victims of domestic abuse or sexual assault.

SECTION 16. 46.95 (4) of the statutes is created to read:

1 46.95 **(4)** LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the
2 elections board, on a continuous basis, a list containing the name and address of each
3 organization that is eligible to receive grants under sub. (2).

4 **SECTION 17.** 165.93 (4) of the statutes is created to read:

5 165.93 **(4)** LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the
6 elections board, on a continuous basis, a list containing the name and address of each
7 organization that is eligible to receive grants under sub. (2).

8 **SECTION 18. Effective date.**

9 (1) This act takes effect on the first day of the 2nd month beginning after
10 publication.

11 **(END)**

Basford, Sarah

From: Stegall, Jennifer
Sent: Friday, September 16, 2005 4:49 PM
To: LRB.Legal
Subject: Jacket for LRB 3553

Please send the jacket for LRB 3553 to Senator Roessler's office...thanks!