

2005-06 SESSION

COMMITTEE HEARING RECORDS

Assembly Committee on Campaigns & Elections (AC-CE)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ **05hr_AC-CE_Misc_pt09**

➤ Record of Comm. Proceedings ... RCP

➤ **



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, ^{RSJ} Senior Staff Attorney

RE: 2005 Assembly Bill 707, Relating to Voter Registration for Certain Victims of Sexual Abuse, Sexual Assault, or Stalking

DATE: October 11, 2005

This memorandum describes 2005 Assembly Bill 707, relating to voter registration for certain victims of domestic abuse, sexual assault, or stalking. The bill was introduced by Representative Kreibich and others and cosponsored by Senator Roessler and others. The bill was referred to the Assembly Committee on Campaigns and Elections, which has scheduled a public hearing on the bill for October 13, 2005.

CURRENT LAW

Under current law, a victim of domestic abuse, sexual assault, or stalking may register to vote and have his or her name and address withheld from public inspection to protect the person's confidentiality. The name and address may be withheld from public inspection if the victim provides the municipal clerk with a valid written request for confidentiality. To be valid, a request must be accompanied by one of the following:

1. A copy of a protective order that is in effect, i.e., a domestic abuse or harassment temporary restraining order or injunction.
2. An affidavit dated within 30 days of the confidentiality request that is signed by the sheriff or the chief of police directed to the municipal clerk that verifies that a person has been charged with or convicted of an offense related to domestic abuse in which the person seeking a confidential registration was a victim and reasonably continues to be threatened.
3. 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 for confidentiality and that indicates that an

operator operates the shelter and that the individual making the confidentiality request resides in the shelter.¹

When a municipal clerk receives a valid request for confidentiality, the clerk must issue to the elector making the request a voting identification card that contains the name of the municipality of residence of the elector and, in the case of a town, the county in which the town is located, the elector's name, the ward in which the elector resides, and a unique identifying number.

Generally, the confidential listing expires on the date that the protective order expires, the date that the protected individual ceases to reside in the shelter, or at the end of a 24-month period that follows creation of the confidential listing, whichever is earlier.

A confidential listing must be cancelled by the municipal clerk in the following situations:

1. The clerk receives notice from the sheriff or chief of police that the person charged with or convicted of domestic abuse, sexual assault, or stalking is no longer charged or the conviction has been overturned.
2. The name of the person receiving the confidential listing has been legally changed.
3. The person receiving the confidential listing changes his or her address without notifying the clerk.
4. The clerk finds that the person receiving the confidential listing provided false information in order to obtain the listing.

Generally, access to a confidential listing may only be provided to certain government officials for official purposes, pursuant to a court order, or at the request of the individual receiving the listing.

2005 ASSEMBLY BILL 707

The bill makes several changes to current law. Those changes are described below:

1. The bill expands the list of officials who may make an affidavit verifying that a person has been charged with or convicted of domestic abuse, sexual assault, or stalking to include a ***district attorney*** or the ***authorized representatives of the sheriff, chief of police, or district attorney***.
2. The bill expands the list of items that will qualify an individual for a confidential listing to include a dated statement that is signed by an authorized representative of a Domestic Abuse Victim Service Provider or a Sexual Assault Victim Service Provider, and that indicates that the individual received services from the provider within the 24-month period ending on the date of the statement. [For purposes of the bill, a "Domestic Abuse Victim Service Provider"

¹ Under current law, "shelter" means a place where at least four unrelated individuals reside that provides residential shelter to individuals whose personal security is or may be threatened by family members or other persons with whom the individuals have had contact.

is defined as an organization that is certified by the Department of Health and Family Services (DHFS) as eligible to receive grants under current state law for domestic abuse and whose name is included on a list provided by DHFS to the Elections Board. In addition, the bill defines "Sexual Assault Victim Service Provider" as an organization that is certified by the Department of Justice (DOJ) as eligible to receive sexual assault victim services grants under current law and whose name is included on the list provided by DOJ to the Elections Board.]

3. The bill provides that a confidentiality listing will also expire on the date that updated information is received by the clerk from the sheriff, chief of police, district attorney, or an authorized representative of these officials.
4. The bill requires DOJ and DHFS to continually certify to the Elections Board, and requires the Elections Board to continually provide to each municipal clerk, the names and addresses of each Domestic Abuse Victim Service Provider and Sexual Assault Victim Service Provider in the state.

The provisions of the bill take effect on the first day of the second month beginning after publication of the bill as an act.

If you have questions about this memorandum, please contact me at the Legislative Council staff offices.

RJC:tlw:wu



Wisconsin Coalition Against Sexual Assault
600 Williamson Street, Suite N-2
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Wisconsin Coalition Against Sexual Assault Testimony in Favor of AB 707

My name is Mike Murray and I am the Policy Specialist for the Wisconsin Coalition Against Sexual Assault, Inc [WCASA]. I am here to testify in favor of AB 707. AB 707 would allow victims of sexual assault and stalking to have their names and addresses withheld from public voter registration or poll lists. AB 707 also makes changes to existing law that would allow sexual assault, domestic violence, and stalking victims to more easily attain a confidential voter listing. WCASA supports this legislation because we believe that victims of sexual and domestic violence and stalking have the right to participate in one of our most important civic activities without facing the terrifying possibility that perpetrators could use voter rolls to locate victims and assault or harass them again.

Victims of sexual assault or stalking are not protected by current law unless the sexual assault or stalking occurred within the context of domestic abuse. The current statute does not adequately protect the privacy of many sexual assault and stalking victims. Because the statute primarily addresses victims of domestic violence, current law does not adequately provide for confidential listing of victims of acquaintance or stranger sexual assault or stalking. Approximately 22% of victims are raped by intimates such as husbands or boyfriends, thereby enabling them to obtain a confidential voter listing under current law.¹ Therefore, 78% of sexual assault victims, many of whom may still be in fear or danger, may not qualify for the confidential listing program. This bill would protect these victims of acquaintance sexual assault.

Sexual assault and stalking victims deserve this confidentiality protection because they face many of the same threats to their safety as do domestic violence victims. Victims of sexual and domestic violence and stalking encounter major obstacles when escaping violence and rebuilding their lives. Many victims give up their home and possessions as they flee to safety. Many victims also give up the practice of voting because of the obstacles they may face as a potential voter due to safety concerns. Voter rolls are public record and are increasingly available via online internet databases. As a result, many victims fear re-victimization at the hands of the same

¹ Criminal Victimization in 1999: Changes 1998-1999, with Trends 1993-1999. U.S. Department of Justice, Bureau of Justice Statistics. August, 2000

perpetrator who could use the publicly available voter rolls to locate victims whom they wish to assault or harass.

In addition to protecting victims of sexual assault and stalking, AB 707 will make confidential voter easier for victims. The verification requirements under current law are too restrictive. Current Wisconsin law allows voters who are victims of domestic abuse to be listed confidentially on voter poll and registration lists. However, in order to qualify for "confidential listing," a victim must provide one of the following: 1) a valid restraining order; 2) proof of residence in a domestic abuse shelter; or 3) a written affidavit signed by the sheriff or chief of police that verifies that a person has been charged with an offense related to domestic abuse in which the person was the victim and that the person still continues to be threatened or in danger by the offender.

AB 707 will allow victims who receive services from either a domestic abuse or sexual assault service provider to provide proof of such services and qualify for a confidential listing. Additionally, the requirement that the written affidavit be signed by the sheriff or the chief of police is too limiting in larger, urban areas. This proposal would allow an authorized representative from a sheriff or police department to submit the written affidavit. It also permits a district attorney or authorized representative of the district attorney's office to submit the affidavit. The district attorney's office generally has longer term contacts with the victim while a case is pending—police have contact only related to the incident

This proposal gives victims the opportunity to participate fully in our democracy by exercising their right to vote without fear that their abusers or stalkers will be able to locate them by viewing voter registration lists. This is one example of the many ways that we can restore the liberties and rights of crime victims as citizens. The need for personal safety should never interfere with anyone's right to vote. WCASA and its members ask you to please support AB 707.

Vote Record
Committee on Campaigns and Elections

Date: 10/27/05

Moved by: Vos

Seconded by: Travis

AB 707 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Robin Vos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>6</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed

October 13, 2005

MEMORANDUM

TO: Members of Assembly Campaigns and Elections Committee

FROM: Patti Seger, Policy Director, Wisconsin Coalition Against Domestic Violence



RE: Testimony in support of Assembly Bill 707

Thank you for allowing me the opportunity to provide both written and oral testimony today regarding support for Assembly Bill (AB) 707. I am testifying on behalf of the Wisconsin Coalition Against Domestic Violence (WCADV). WCADV is the statewide membership organization representing over 100 Wisconsin domestic abuse programs, victims of domestic violence and their children, and citizens who are concerned with ending domestic violence.

Victims of domestic violence confront major obstacles to escaping violence and rebuilding their lives. Many victims give up their home and possessions as they flee to safety. Many victims also give up the practice of voting because of the obstacles they may face as a potential voter due to homelessness or safety concerns due to loss of confidentiality because voter roles are public record. Because of their unique circumstances, victims of domestic violence are a marginalized and disenfranchised population that is unlikely to vote or to be reached by traditional voter mobilization campaigns.

1999 Wisconsin Act 49 enacted on April 25, 2000. Act 49 created provisions for victims of domestic violence to obtain a confidential listing as voters. Currently, voter registration lists are open to public inspection. There were concerns that some domestic abuse perpetrators could locate victims who may be residing in shelters or who may otherwise be under the protection of a restraining order simply by reviewing voter registration lists. The voter confidentiality law creates a process for victims to register as voters without risk of their names and addresses appearing on the public voter roles. In 2004, WCADV launched a non-partisan voter education project to better assist victims of domestic violence in Wisconsin to safely exercise their right to vote using the domestic violence confidentiality law that became law in 2000. The voter confidentiality law created by 1999 Act 49 had rarely been utilized up to this point because very little effort had been extended to make victims of abuse aware of this important confidentiality protection.



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NATIONAL CLEARINGHOUSE ON ABUSE IN LATER LIFE

As we completed the 2004 effort to educate victims about the confidential listing law for voters, we were able to evaluate some of the shortcomings of the law. First, we realized that although the law identifies victims of sexual assault and stalking as potential beneficiaries of the law, the current language implies that only victims of sexual assault or stalking occurring within the context of *domestic abuse* qualify for this relief. The proposal before the legislature today will make clear that victims of sexual assault and/or stalking who are at risk of danger will qualify for this protective relief... whether or not their victimization occurred within the context of an abusive relationship.

The other issue that arose out of our education campaign was the realization the obtaining a signed affidavit from the Sheriff or Police Chief in some jurisdictions could present difficulties. In smaller jurisdictions, it was possible to obtain an affidavit while in large, urban jurisdictions it was very difficult to gain access to the Police Chief. This bill allows the agency to appoint or authorize an agency representative to provide the affidavit for victims seeking this protection. It also includes District Attorneys as an additional office from which a victim might seek an affidavit to support their request for confidential listing.

Victims of domestic violence should have the opportunity to participate fully in our democracy by exercising their right to vote. This proposal is an example of the many ways that can restore the liberties and rights of victims of domestic violence, sexual assault and stalking as citizens. The need for personal safety should never interfere with anyone's right to vote. On behalf of the Wisconsin Coalition Against Domestic Violence, we urge you to support these practical changes to an already existing law offered by Assembly Bill 707.

Confidential Listing

1999 Wisconsin Act 49 authorizes electors who are victims of domestic abuse to be listed confidentially on poll and registration lists. An individual is eligible if they have been granted a protective order that is in effect, have an affidavit which is signed by a sheriff or the chief of police which verifies that the individual was a victim and continues to be threatened, or the individual resides in a shelter. The name and address of the protected individual is not disclosed on the poll/registration list.

Request for Confidentiality

An individual must *personally* register to vote in the office of the municipal clerk and make a *written request* for confidentiality. ss.6.28(1), 6.47(2), Stats. The individual may use the form entitled Elector Request for Confidential Listing (EB-146). A physically disabled individual may be accompanied to the clerk's office by another elector of Wisconsin and may designate the other elector to make a request for confidentiality on their behalf. 6.47(2), Stats.

If an individual is not registered on election day and wishes to obtain a confidential listing, the elector must register at the clerk's office before they may vote at the polling place serving their residence. s.6.55(2)(cm), Stats.

To be eligible, an individual must provide 1 of 3 documents:

- Copy of temporary restraining order or an injunction. ss.6.47(1)(a)1., (d), (2), Stats.
- Affidavit from sheriff or chief of police (Affidavit of Sheriff or Chief of Police, EB-147) that is dated within 30 days of the date of the request. ss.6.47(1)(a)2., (2), Stats.
- Statement signed by the operator or authorized agent of a shelter that is dated within 30 days of the date of the request that indicates the operator operates the shelter and that the individual making the request resides in the shelter. ss.6.47(1)(a)3., (2), Stats.

Clerk issues a voting identification card (Identification Card of Protected Individual, EB-148) to the protected individual and notes the identification serial number on the voter registration form in the space provided. ss.6.33(1), 6.47(3), Stats. *The unique identification serial number is created by taking the HINDI number of the municipality and adding 2 digits starting with 01, i.e. if the HINDI number of the municipality is 01100 then the first ID issued will be 0110001. The 5-digit HINDI number is located on the mailing label from the State Elections Board to the municipal clerk.*

When voting absentee, the protected individual who provides an ID number does not need to provide a street address on the absentee certificate. s.6.87(2), Stats. The clerk makes a notation of the individual's name and identification number in the Absentee Elector Log. The clerk notes on the Absentee Elector Log and on the Absentee Certificate (EB-122) that the voter is a protected individual. The clerk does not disclose the protected individual's information on the Absentee Elector Log.

Recordkeeping

- The original registration card is filed alphabetically after the forms of other electors. ss.6.35(1)intro, (1m), Stats.
- Registration lists contain the full name and address of each registered voter, except that the address of the protected elector does not appear on copies of lists used at the polling place. ss.6.36(2)(a), (b), Stats.
- Names and identification serial numbers of protected individuals appear separately after the remainder of the list. Names and serial numbers are arranged alphabetically by last name of elector. s.6.36(4), Stats.

Clerk keeps the file confidential

Access to poll/registration list does not apply to information that is confidential. ss.6.45(1m), 6.46(2), Stats.

When the clerk furnishes a copy of the current registration list, the clerk excludes information that is confidential. s.6.45(2), Stats.

The confidential listing expires:

- On the date the protective order expires,
- The date the protected individual ceases to reside in a shelter, or
- After the 24-month period that follows creation or renewal of the listing, whichever is earlier. s.6.47(4), Stats.

The municipal clerk cancels a confidential listing if:

- The clerk receives notification from a sheriff or chief of police. ss.6.47(5)(a)1., (10), Stats.
- The name of the protected individual is legally changed. s.6.47(5)(a)2., Stats.
- The protected individual changes their address without notifying the clerk. s.6.47(5)(a)3., Stats.
- The clerk finds that the protected individual provided false information. s.6.47(5)(a)4., Stats.

If the municipal clerk has notice that a confidential listing is scheduled to expire, the clerk provides 30-day notice to the individual of the scheduled expiration of the listing. If notice to the protected individual is not provided, the clerk provides notice upon canceling. s.6.47(7), Stats. The clerk may use Notice of Cancellation of Registration and Confidential Listing (EB-149) to notify the elector.

The municipal clerk may use the sample *Tracking of Confidential Listing* to assist them in maintaining their records.

Upon expiration or cancellation of the confidential listing, an individual may file a new request and qualify by filing the proper documents. The individual may apply for and qualify to obtain a nonconfidential (regular) voter registration. ss.6.47(5)(b), (6), Stats.

Access to confidential name and address is permitted only under certain circumstances:

- To a law enforcement officer for official purposes. s.6.47(8)(a), Stats.
- To a state or local governmental officer pursuant to a specific law. s.6.47(8)(b), Stats.
- Pursuant to a court order. s.6.47(8)(c), Stats.

Confidential Listing

- To the clerk of court. s.6.47(8)(d), Stats.
- At the request of the protected individual. s.6.47(8)(e), Stats.

No person who obtains access to a protected individual's name and address may disclose it to any person other than a public employee for the same purpose for which the information was obtained. s.6.47(9), Stats.

At Polling Place

- A protected individual presents their identification card to election inspectors in lieu of providing their name and address and is not required to provide separate identification. ss.6.79(1), (6), Stats.
- The inspectors put the name and identification number in a separate section of the poll list (or find the name and identification number on the confidential portion of the poll/registration list) and record a voting serial number on the list. s.6.79(6), Stats. When using a poll list, the inspectors write "Protected Elector" on the line where the elector's name and address would normally appear, and use the number of the line as the voter serial number in the separate section for protected individuals.
- When the protected individual is voting absentee, only the identification serial number is announced when processing the absentee ballot. s.6.88(3)(a), Stats.
- The inspectors may only disclose to observers/public the existence of a confidential list, the number of protected individuals on a poll/registration list and the number of those who may have voted. No observer may view the absentee certificate of a protected individual. s.7.41(4), Stats.
- The inspectors should not permit access to the name of any protected elector during the canvass. s.7.51(1), Stats.

The board of canvassers at a recount should not permit access to the name of any protected individual. s.9.01(1)(b)12., Stats.

Violations With Respect to Confidential Listings

- To intentionally disclose the name and address of a protected individual to any person who is not authorized by law to obtain that information. s.12.13(2)(b)8., Stats.
- Willfully provide to a municipal clerk false information for the purpose of obtaining a confidential listing. s.12.13(3)(zm), Stats.
- To disclose confidential information to any person provided by law, when not authorized to do so. s.12.13(3)(zn), Stats.

Persons who violate the confidentiality of a protected individual may be fined not more than \$1,000, or imprisoned not more than 6 month, or both. s.12.60(1)(b), Stats.

LINKS:

- [Elector Request for Confidential Listing \(EB-146\)](#)
- [Affidavit of Sheriff or Chief of Police \(EB-147\)](#)
- [Notice of Cancellation of Registration and Confidential Listing \(EB-149\)](#)

Available upon request by clerks only: Identification Card of Protected Individuals (EB-148)
