



2005 SENATE BILL 341

September 20, 2005 – Introduced by Senators ROESSLER, BROWN, DARLING, OLSEN, A. LASEE, KANAVAS, ERPENBACH and TAYLOR, cosponsored by Representatives KREIBICH, KAUFERT, BERCEAU, HUNDERTMARK, FREESE, OWENS, SHILLING, ALBERS, PARISI, HINES, VAN ROY, MUSSER, TURNER, MOLEPSKE, LEHMAN and CULLEN. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

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

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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:

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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

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

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

14 6.47 (4) Except as provided in sub. (5), a confidential listing under sub. (2)
15 expires on the date that a protective order expires, the date that the protected
16 individual ceases to reside in a shelter, the date that updated information is received
17 from a sheriff, the chief of a police department, or a district attorney or the authorized
18 representative of a sheriff, chief, or district attorney, or at the end of the 24-month
19 period that follows creation or renewal of the listing under sub. (2), whichever is
20 earlier.

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

22 6.47 (5) (a) 1. The clerk receives notification from a sheriff ~~or~~, chief of police,
23 or district attorney or the authorized representative of a sheriff, chief, or district
24 attorney under sub. (8) (10).

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

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1 6.47 (7) (b) If notice to a protected individual is not provided under par. (a), the
2 municipal clerk shall provide notice to the subject individual upon ~~canceled~~
3 ~~confidential listing~~ changing a listed individual to ineligible status under sub. ~~(2)~~ (6).

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

5 6.47 (10) If a sheriff ~~or~~, chief of a police department ~~who signs, or district~~
6 attorney has signed or the authorized representative of a sheriff, chief, or district
7 attorney has signed an affidavit under sub. (1) ~~(a)~~ (am) 2. and the sheriff, chief,
8 district attorney or authorized representative later obtains information that the
9 person who was charged with an offense relating to domestic abuse, sexual assault,
10 or stalking is no longer so charged or that the person's judgment of conviction has
11 been vacated, and the charge or conviction was the sole basis for the affidavit, the
12 sheriff ~~or~~, chief, district attorney or authorized representative shall provide written
13 notice of that information to the municipal clerk to whom the affidavit was directed.

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

15 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
16 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
17 forms shall contain a statement of the penalty applicable to false or fraudulent
18 registration or voting through use of the form. Forms are not required to be furnished
19 by the board.

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

21 7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to
22 each municipal clerk, on a continuous basis, the names and addresses of
23 organizations that are certified under s. 46.95 (4) or 165.93 (4) to provide services to
24 victims of domestic abuse or sexual assault.

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

