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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Assembly Bill 577**

**Senate Substitute  
Amendment 1, as Amended by  
Senate Amendment 1**

### **2023 ASSEMBLY BILL 577**

Assembly Bill 577 exempts the personally identifiable information of election officials from certain public records disclosures, allows election officials who have been a victim of specified crimes and who fear for their safety to participate in a confidential address program administered by the Department of Justice (DOJ), and creates a specific cause of action for invasion of their privacy. Additionally, the bill allows an election official who obtains a harassment injunction or restraining order to recoup attorneys' fees and costs and enhances penalties for unlawful use of a computer or telephone that are committed against an election official.

The bill creates a new crime of using a computer to disseminate a person's identifying information via social media in order to subject the person to injury or harassment, as well as a new crime for threatening or using force, violence, or restraint to compel an election official to violate his or her official duties. The bill also creates a crime of battery to an election official that increases the existing penalty for battery to a Class I felony when the victim is an election official acting in his or her official capacity.

Finally, the bill provides whistleblower protections against retaliatory employment actions for an election official who lawfully reports suspected fraud or irregularities in the administration of an election.

### **SENATE SUBSTITUTE AMENDMENT 1, AS AMENDED**

Like the underlying bill, Senate Substitute Amendment 1 exempts certain personal information of election officials held by a municipal or county clerk from disclosure under the public records law. However, unlike the bill, the substitute amendment limits the protection to an election official's address and phone number.

The substitute amendment creates a similar civil cause of action for violating an election official's privacy as Assembly Bill 577. In contrast to the original bill, the substitute amendment does not allow an election official to participate in DOJ's confidential address program, does not permit election officials to recoup attorneys' fees and costs for a harassment injunction or restraining order, and does not provide a penalty enhancer for unlawful use of a computer or telephone committed against an election official.

The substitute amendment also creates a new crime of using a computer to disseminate a person's identifying information via social media, but with some differences from the original bill. The crime under the substitute amendment applies only to disseminating information of an election official or election official's family member, rather than the information of any individual, and requires that the

dissemination of information be likely to result in physical contact or injury.<sup>1</sup> The substitute amendment also creates a definition of “social media” for purposes of the crime not contained in the original bill, and makes a slight change to the applicable penalties.

Like the original bill, the substitute amendment creates new crimes for using force to compel an election official to violate his or her duties, and for battery to an election official.

Finally, the substitute amendment contains similar whistleblower protections as Assembly Bill 577, but specifies that “lawfully reporting” suspected election fraud or irregularities requires that the election official report to the district attorney and the Wisconsin Elections Commission.

## **BILL HISTORY**

Senate Substitute Amendment 1 was offered by Senator Knodl on January 22, 2024. On February 9, 2024, the Senate Committee on Shared Revenue, Elections, and Consumer Protection adopted Senate Amendment 1 to Senate Substitute Amendment 1, and adopted Senate Substitute Amendment 1, as amended on votes of Ayes, 5; Noes, 0. The committee then passed the substitute amendment, as amended, on a vote of Ayes, 5; Noes, 0.

For a full history of the bill, visit the Legislature’s [bill history page](#).

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<sup>1</sup> Senate Amendment 1 to Senate Substitute Amendment 1 deletes a reference to harassment. The original text of Senate Substitute Amendment 1 made it a crime to disseminate the personal identifying information of an election official or family member via social media that the person knows is likely to result in unwanted physical contact, injury, **or harassment**. After adoption of the simple amendment, disseminating personal information of an election official or family member is only a crime if the person knows it is likely to result in physical contact or injury.