



# Wisconsin Elections Commission

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**DATE:** March 20, 2025

**TO:** Wisconsin Municipal Clerks  
Wisconsin County Clerks  
City of Milwaukee Election Commission  
Milwaukee County Elections Commission

**FROM:** WEC Staff

**SUBJECT:** New Judicial Officer Privacy Law

1. **Summary.** Beginning on April 1, 2025, judicial officers (judges) and certain immediate family members have the right to request that specific personally identifiable information be kept confidential.<sup>1</sup> This memorandum specifically addresses the protection of voter and candidate information. Jurisdictions should consult with an attorney for information about the protection of other forms of information. NOTE: The new law has no effect on the conduct of the April 1 Spring Election. April 1 is the first day that a request may be submitted, but jurisdictions have ten (10) business days from the date of any request to implement the protections.
2. **Who is protected?** Under the Judicial Officer Privacy Law, a judicial officer means a current or former Wisconsin Supreme Court justice; a court of appeals, circuit court, municipal, or tribal judge; temporary or permanent reserve judge; or a circuit, supplemental, or municipal court commissioner.<sup>2</sup> Federal judges do not appear to be covered under the new law. Judicial officers may also request confidentiality for certain immediate family members including spouse, parents, adult children residing at the same address, or any other person who resides at the judicial officer's residence.<sup>3</sup>
3. **What information is protected?** Personal information must be made exempt from public disclosure upon the proper submission of a written request by a judicial officer.<sup>4</sup> Personal information includes:<sup>5</sup>
  - a. Home address
  - b. Telephone number
  - c. Personal email address
  - d. Social Security number, driver's license number, federal tax identification number, or state tax identification number
  - e. The identification of children under the age of 18 of a judicial officer or immediate family member
  - f. Date of birth

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<sup>1</sup> 2023 Wisconsin Act 235, <https://docs.legis.wisconsin.gov/2023/related/acts/235>, now codified as Wis. Stat. §757.07. ("Judicial Officer Privacy Law" or "new law")

<sup>2</sup> Wis. Stat. § 757.07(1)(e).

<sup>3</sup> Wis. Stat. § 757.07(1)(d).

<sup>4</sup> Wis. Stat. § 757.07(2)(a).

<sup>5</sup> Wis. Stat. § 757.07(1)(g).

*Wisconsin Elections Commissioners*

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

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Administrator  
Meagan Wolfe

- g. Marital status
- h. Bank account information (except as required for certain campaign finance requirements)

- 4. Where will requests be submitted?** Written requests by judicial officers must be submitted to each entity in possession of the data that is to be protected. Requests will usually arrive on a form prescribed by the Director of State Courts, though the law does permit judicial officers to submit requests directly as well.<sup>6</sup> The request must be in writing and must specify what personal information shall be maintained as private.<sup>7</sup> The request must also specify any immediate family members and secondary residences covered by the request.<sup>8</sup>
- 5. When does the new law apply?** The law becomes effective on April 1, 2025. A jurisdiction has ten (10) days to implement the protection upon receipt of a valid request. Written requests are valid for ten (10) years from the date of the request or until after the judicial officer's death, whichever occurs first.<sup>9</sup>
- 6. Why was this new law created?** The Judicial Officer Privacy Law states that it shall be construed broadly to favor the protection of the personal information of judicial officers and the immediate family of judicial officers.<sup>10</sup>
- 7. How will WEC implement the protections required?**

- a. **Nomination Papers.** The new law creates a process for a candidate for a judicial office, instead of having his or her name and residential address listed on nomination papers and declarations of candidacy, to file a certification of residence with the Elections Commission before circulating nomination papers.<sup>11</sup> A judicial officer circulating nomination papers on behalf of a candidate for a nonpartisan office or signing nomination papers supporting a candidate for a nonpartisan office, may similarly file a certification of residence with the Elections Commission before circulating or signing nomination papers. The law requires the Commission, by rule, to verify the address provided in the certification of residence.<sup>12</sup> The Commission will remove any nomination papers and declarations of candidacy for judicial officers who submit data privacy protection requests from publicly available sources, including Badger Voters.
- b. **Voter Record Data.** Upon receipt of a request, the Wisconsin Elections Commission will flag the appropriate record(s) in WisVote as a Protected Voter. This will both identify the voter record as protected and automatically protect information in MyVote and Badger Voters. Protected records will also be segregated in poll books, so they are easily recognized. You should ensure that observers or the public cannot access this portion of the poll book, just as you would for confidential voters. Finally, the Wisconsin Elections Commission will notify the chief election official for the voter's county and municipality of the request. Note that while this is similar to the process for Confidential Voters, the two processes are separate, and the protections afforded each group are not identical. See "Frequently Asked Questions" below for additional information on the differences between Confidential and Protected voters.

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<sup>6</sup> Wis. Stat. § 757.07(4)(b)1.

<sup>7</sup> Wis. Stat. § 757.07(4)(d).

<sup>8</sup> Wis. Stat. § 757.07(4)(d).

<sup>9</sup> Wis. Stat. § 757.07(4)(e)1.

<sup>10</sup> Wis. Stat. § 757.07(6).

<sup>11</sup> Wis. Stat. § 8.10(8).

<sup>12</sup> Wis. Stat. § 8.10(8)(a).

**8. Recommendations.** The following recommendations are provided to achieve compliance with the new law.

- a. **Consult with your attorney.** This memorandum provides only a concise summary of the new law as it relates to elections. **Protections granted by the law are not limited to elections.** While the Wisconsin Elections Commission can assist with election related inquiries, the agency cannot provide legal counsel to jurisdictions and cannot advise on non-elections matters. Jurisdictions are therefore advised to consult with their own attorney regarding the implementation of the new law.
- b. **Educate Staff and Poll Workers.** As noted above, poll books and other sources of election information will be modified to comply with the new law. Any personnel working in elections, including inspectors, should be familiar with these changes. Noteworthy elements include:
  - 1) New “Protected Voter” status in WisVote to flag voter records protected under the new law.
  - 2) Protected Voter data will not be available through the MyVote Wisconsin website.<sup>13</sup> This means judicial officers who request protection under the law will not be able to use MyVote to look up their voter record or to request an absentee ballot.
  - 3) Protected Voter data will not be available through the Badger Voters portal.<sup>14</sup>
  - 4) Protected Voters will be listed separately in poll books.
  - 5) Protected Voters are not exempt from the requirement to state their name and address out loud if they choose to vote in person at the polls.<sup>15</sup> Only Confidential Voters are exempt from this requirement.<sup>16</sup> This requirement does not apply to the processing of absentee ballots—a poll worker is only required to read the name of an absentee voter, not the address.<sup>17</sup>
- c. **WisVote users should understand the WisVote Protected Voter process.** Commission staff will mark voters as Protected Voters for any sufficient request that we receive directly. However, it is possible that judicial officers may reach out to your office to file their request with you directly. Upon receipt of a lawful request under the Judicial Officer Privacy Law, any WisVote user may flag a voter record in their own jurisdiction as a Protected Voter. WisVote users should monitor WisVote news, the WisVote manual, and future training events for more information about this process.
- d. **Notes for Smaller Jurisdictions.** Small jurisdictions are not exempt from any part of the new law. While smaller jurisdictions may not have the extensive records or full-time staff of large jurisdictions, they must still ensure that lawful requests under the Judicial Officer Privacy Law are observed. WisVote relies should work with their providers. Towns may wish to consult with the attorneys at the Wisconsin Towns Association.

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<sup>13</sup> <https://myvote.wi.gov>

<sup>14</sup> <https://badgervoters.wi.gov>

<sup>15</sup> Wis. Stat. §§ 6.79(2) and 6.79(3).

<sup>16</sup> Wis. Stat. § 6.79(6).

<sup>17</sup> Wis. Stat. § 6.88(3)(a).

## 9. Frequently Asked Questions.

### **Q1: What are my responsibilities as a filing officer under the new law?**

**A1:** The Commission will transmit to you certificate of residency forms properly completed by judicial candidates who indicate that they will be filing with your office. These candidates will then be able to write “Residence Certified with WEC” in lieu of their residential address on their nomination papers and declarations of candidacy (DOC). Judicial officers will also be able to write “Residence Certified with WEC” in lieu of their residential address when signing or circulating nomination papers for other nonpartisan candidates. If you see “Residence Certified with WEC” on a nomination paper or DOC, check to see if you have received a certificate of residency form from the Commission to determine whether the individual is permitted to withhold a residential address. If you have not received a form from the WEC, please contact us to see if a proper form is on file.

### **Q2: What are my responsibilities if I receive a request to keep a judicial officer’s data confidential?**

**A2:** The Commission recommends you work with your attorney to review and implement a request; however, you may contact the Wisconsin Elections Commission for assistance with voter data. A written request must be made on a form prescribed by the Director of State Courts and must be signed by the judicial officer.<sup>18</sup> In general, you are required to protect applicable data from public release within ten days of receiving a valid request.

### **Q3: How is the new Protected Voter type different from Confidential Voters?**

**A3:** These two types of voters are similar but not identical. Confidential Voters are victims of domestic abuse, sexual assault, or stalking as designated in Wis. Stat. § 6.47. They receive a special identification card and are exempt from the requirement to state their name and address out loud at a polling place. Protected Voters are judicial officers, or their family members, as designed in Wis. Stat. § 757.07 (the new judicial officer privacy law). Protected Voters do not receive an identification card, and the law does not exempt them from the requirement to state their name and address out loud at a polling place.

### **Q4: How does a county know if the person making a written request is actually the judicial officer or an immediate family member of a judicial officer?**

**A4:** A written request must be made on a form prescribed by the Director of State Courts and must be signed by the judicial officer.<sup>19</sup> Any immediate family members also wishing to have their information protected must be included in the judicial officer’s written request and not through a separate request.

### **Q5: Where does someone find the form prescribed by the Director of State Courts?**

**A5:** The form will only be available to judicial officers directly from the Director of State Courts.<sup>20</sup> Election officials will not distribute the forms.

### **Q6: Should the written request be notarized?**

**A6:** There is no statutory requirement that the written request be notarized.

### **Q7: What does “home address” mean? Does “home address” include anything more than just the property’s address?**

**A7:** “Home address” is defined by the Act to include “a judicial officer’s permanent residence and any secondary residence affirmatively identified by the judicial officer.” “Home address” does not include a judicial officer’s work

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<sup>18</sup> Wis. Stat. §§ 757.07(1)(k) and 757.07(4)(d).

<sup>19</sup> Wis. Stat. §§ 757.07(1)(k) and 757.07(4)(d).

<sup>20</sup> <https://www.wicourts.gov/courts/offices/director.htm>

address.”<sup>21</sup> “Permanent residence” means the place where a person’s habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.<sup>22</sup>

**Q8: What if a judicial officer sells his or her home and the home address was included in a written request?**

**A8:** Such information would no longer be exempt under the Act. The jurisdiction would not have an automatic duty to add the new address of the judicial official unless the judicial official submitted a new written request.

**10. Additional Questions.** Call the WEC Help Desk at 608-261-2028 or e-mail [elections@wi.gov](mailto:elections@wi.gov).

**Enclosures:**

- a. Judicial Officer Information Sheet: “2023 Wisconsin Act 235 – Privacy Protections for Judicial Officers”
- b. 2023 Wisconsin Act 235

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<sup>21</sup> Wis. Stat. § 757.07(1)(c).

<sup>22</sup> Wis. Stat. § 757.07(1)(f).