



WISCONSIN STATE SENATE

P. O. Box 7882 Madison, WI 53707-7882

Senators Jennifer Shilling & Scott Fitzgerald

Testimony in Support of SB 488: Address Confidentiality Program

Senate Committee on Judiciary and Public Safety

January 13, 2016

Good afternoon Chairman Wanggaard and members of the committee. Thank you for holding a hearing on SB 488. I appreciate the opportunity to provide testimony in support of this bill and will be providing testimony on behalf of myself and Senator Fitzgerald.

Imagine trying to pay a utility bill, sign a child up for school activities or apply for a job if you're a survivor of domestic abuse, stalking or human trafficking. When it comes time to list an address, the fear of the address being discovered by the perpetrator and the survivor being harassed or worse can be paralyzing.

To help survivors of domestic abuse, stalking and human trafficking and their families reengage in their communities and rebuild their lives, Senator Fitzgerald and Representatives Kleefisch and Taylor and I introduced SB 488. While the four of us don't always agree, there's one thing we can all get behind: ensuring the safety of survivors.

SB 488 creates the WI Department of Justice (DOJ) Address Confidentiality Program which would add a layer of safety for survivors and their families.

Currently, 34 states have similar programs which provide at-risk families with a needed layer of protection. The program gives participants the opportunity to safely send and receive mail without divulging their location, pay utility bills, communicate with their child's school, and keep in touch with friends and relatives.

By shielding their actual address after a move, and providing safety planning through DOJ, a person or family member affected by abuse, stalking or human trafficking, can move forward with their life with less concern that their perpetrator will find them.

OVER

For survivors of domestic abuse, stalking and human trafficking, safety is always a top concern as they rebuild their lives. However, these survivors are particularly vulnerable to continued violence and harassment and many survivors live in fear that their perpetrators will find them.

The most dangerous time for a domestic violence survivor is immediately after they leave their abuser and many domestic violence homicides occur after the survivor has left. This bill would establish a system where survivors would create a safety plan and enter into the address confidentiality program after leaving their abuser or relocating.

Many have asked how this program will work logistically. Under the program, DOJ would receive and process applications, print new address cards for survivors, and provide them with a mailing address. DOJ would then sort and forward first-class mail and accept service of process for enrollees. Participants would be able to list the alternate address on utility bills, government documentation, online shopping orders, etc.

In Minnesota, Xcel Energy and CenturyLink have been excellent partners with the program and have worked closely with the state to make sure the alternate address is accepted and that the addresses of participants remains off all documentation.

Our offices worked closely with Legal Action of Wisconsin, End Domestic Abuse Wisconsin, and DOJ on drafting this legislation.

I hope you will support the "Safe at Home" bill which will add Wisconsin to the list of 34 states who already provide residents with this safety layer and will improve the lives of survivors and their families in Wisconsin.



To: Members, Senate Committee on Judiciary and Public Safety
From: Vicky Selkowe, Legislative Director, Legal Action of Wisconsin
Re: Senate Bill 488, creating a program to protect the confidentiality of addresses for victims of domestic abuse, sexual assault, or stalking
Date: January 12, 2016

Legal Action of Wisconsin is a nonprofit law firm which provides free legal advice and representation to low-income residents in Wisconsin's 39 southern counties. Among the services we provide is assistance to survivors of domestic violence who are fleeing abusive relationships. Our clients need legal representation in order to obtain divorces, establish custody orders, and safely enforce child support.

We strongly support Senate Bill 488; this legislation will create an important additional safety tool for many of our clients and their families. We appreciate the leadership of Senator Fitzgerald, Senator Shilling, Representative Kleefisch, and Representative Taylor for authoring this legislation.

Address Confidentiality Programs (ACPs) are a cost-effective and straightforward way to allow survivors of domestic violence, stalking, and human trafficking to keep their residential addresses confidential. ACPs give survivors a substitute address to use for mailing, public records, and service of process. At least 33 other states have implemented comprehensive ACPs.

Survivors of domestic violence and stalking are particularly vulnerable to continued violence and harassment. The most dangerous time for domestic violence survivors is immediately after they leave their abuser. More than 70% of domestic violence murders happen after the survivors have escaped. SB 488 will protect survivors by shielding their actual address after they move, allowing them to reengage in their communities and rebuild their lives. The creation of an ACP will allow Wisconsin survivors to safely register their children for school, pay their utility bills, keep in contact with friends and relatives, and assert their legal rights.

A recent Legal Action client's experience provides a good example of how ACPs work in other states, and how important it will be for Wisconsin survivors of domestic violence to have a similar program:

Jane was a Legal Action of Wisconsin client who fled from Wisconsin to Washington to escape an abusive husband. During her divorce proceedings, her husband attempted to gain access to Jane's new residential address in Washington. Jane was able to participate in the State of Washington's Address Confidentiality Program, so her new address was protected. She was able to give the court a safe, secure, and reliable address for service of process. She had a safe substitute address to use for her bills and mail forwarding. Because Jane's home address was secure, she didn't have to worry that her abusive husband would find her. The Address Confidentiality Program was an important piece of Jane's safety and peace of mind as she moved on from an abusive relationship.

Thank you for this opportunity to comment on SB 488. Please do not hesitate to contact me if you have additional questions. I can be reached at (608) 620-2011 or VSS@legalaction.org.

**Testimony of Michael Haas
Elections Division Administrator
Wisconsin Government Accountability Board**

**Senate Committee on Judiciary and Public Safety
January 13, 2016**

**Room 201 Southeast, State Capitol
Public Hearing**

Senate Bill 488

Chairperson Wanggaard and Committee Members:

Thank you for the opportunity to provide testimony on Senate Bill 488. This bill would create a program within the Department of Justice (DOJ) to keep the addresses of certain crime victims confidential. Participants in the program would use an address assigned by DOJ as their mailing address. DOJ would forward mail received at the assigned address to the participant at his or her actual address. DOJ would be required to keep the participant's address confidential except disclosure pursuant to a court order or to law enforcement under certain circumstances.

Currently, Wis. Stat. § 6.47 provides an option for victims of domestic abuse, sexual assault, and stalking to ensure that the address listed on their voter registration form and in the statewide voter registration system remains confidential. Election officials are required to omit the address from the poll list, and to not disclose the address in response to any request for voter lists or other voter registration data. Clerks are required to notify the elector 30 days before their confidential status expires (typically after 24 months) so that the elector can apply for renewal of their confidential status. The eligibility for these "confidential electors," the time period in which the address must remain confidential, and the conditions under which the address may be disclosed, are similar to but not exactly the same as the provisions in SB 488.

Because the bill links the DOJ confidentiality program with the procedures under s. 6.47, some discrepancies exist and issues arise which we encourage the Committee to consider and address. For example, family members of abuse victims may participate in the DOJ program and thereby become confidential electors, which is not currently the case under s. 6.47. Also, individuals may register as a confidential elector and subsequently register under the DOJ confidentiality program. Questions will arise as to how that elector's address should be treated. Is it subject to the stricter confidentiality provisions of the bill or can the clerk provide the address to law enforcement and other government officials for broader purposes as described in s. 6.47(8)? Any uncertainty or discrepancy in the rules will complicate the procedures for local clerks.

More significantly, the bill does not require or authorize DOJ to share the individual's address with the G.A.B. or local election officials. If a person who is on the DOJ list wishes to register to vote, are they allowed to do so without providing their actual address? If so, this creates a number of significant problems for the administration of elections because addresses are the key to tying a voter to everything else in the election process. For example, which offices and candidates the elector may vote for, which clerk they register with, and which polling place they use. If local clerks do not have access to the elector's actual address, there is no way to verify the individual's eligibility to vote, which ballot they should receive, or where they need to vote.

Similarly, if a participant in the DOJ program wishes to use their substitute address on nomination papers or other election petitions, the validity of their signature is based upon their residential address. The filing officer would not be able to correctly determine whether the individual is qualified to sign nomination papers or other election petitions if the substitute address is not in the same voting jurisdiction as the individual's actual address.

Another issue relates to election mailings. Clerks are required to mail a variety of election documents to voters. Some mailings are intended to verify whether the individual lives at a residential street address and is therefore eligible to vote in a given municipality. Mailing these notices to a post office box or substitute address will not allow for this verification. Also, closer to election dates, the use of the DOJ-assigned address may cause delays in the voter's receipt of an absentee ballot.

The G.A.B. certainly agrees with the concept of protecting addresses of individuals described in the bill, but the bill needs to be reconciled with the existing provisions of s. 6.47 to prevent unintended complications in the administration of elections. Possibly other states with similar programs have addressed how they interact with election laws.

Thank you for the opportunity to share our thoughts with you. I hope this testimony will help inform the Legislature's consideration of this bill. As always, we would be glad to answer questions and work with you to address these issues.

Respectfully submitted,



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testimony



To: Members of the Senate Committee on
Judiciary and Public Safety
Date: January 13, 2016
From: Tony Gibart, Public Policy Director

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Chairman Wanggaard and Members of the Committee, thank you for the opportunity to provide testimony in support of Senate Bill 488, the Safe at Home Bill. I want to thank Senators Fitzgerald and Shilling and Representatives Kleefisch and Taylor for authoring this important bill. I also want to thank the Department of Justice and Attorney General Brad Schimel for assisting with the drafting of the bill. My name is Tony Gibart, and I am with End Domestic Abuse Wisconsin. We are the statewide voice for local domestic violence victim service providers and survivors in Wisconsin. Our members serve victims in all of the state's 72 counties and 11 tribes.

We fully support the Safe at Home Bill. With this legislation, Wisconsin will join the majority of states, which provide a mechanism for domestic violence, sexual assault and stalking survivors to obtain a confidential address to use in the place of their physical addresses. The bill will allow an individual who is in danger to apply for a confidential address with the state Department of Justice (DOJ). DOJ would keep these individuals' home addresses secret and be responsible for forwarding mail to those addresses.

While most victims of domestic violence will never need to take this step, some survivors of very severe stalking, abuse or harassment will never feel safe unless the individual who is threatening them is not allowed to know their whereabouts. At End Domestic Abuse Wisconsin, we receive several calls from survivors each year who ask if they are able to obtain a confidential address in Wisconsin. Unfortunately, we have had to tell these survivors that public disclosure of their addresses may be unavoidable in Wisconsin because, unlike many states, we do not have an address confidentiality program in Wisconsin.

Survivors who are interested in address confidentiality typically have moved more than once to escape an abuser and have endured repeated upheavals in attempts simply to remain safe. One survivor described to me how her stalker followed her to two different states and that within months of moving he always appeared. The stress and anxiety of not knowing if or when a person who has threatened your life will be outside your door, of course, has enormous consequences on a victim's health and quality of life. Creating a system for confidential addresses will provide survivors in these very severe and high-risk cases peace of mind and an opportunity to live their lives free of an ever present and looming threat. More importantly, a Safe at Home program would potentially save lives because it would limit dangerous individuals' opportunities to commit acts of violence.

Before concluding, I would like to discuss a particular aspect of the bill. The legislation integrates safety planning with a survivor's enrollment in the program. Victim advocates at our local member programs will likely be involved in helping program participants develop these safety plans. Safety planning involves very practical things that victims can do to increase their chances of survival, such as changing the route they take to work and identifying trustworthy neighbors who know to call the police if the abusive person appears. Because having a confidential address does not guarantee that a determined batterer or stalker will not locate a victim, we believe it is wise to give survivors other strategies and tools to stay safe.

Thank you again for the opportunity to provide testimony. I want to again extend my thanks to the authors for bringing this legislation forward. I urge the Committee to support the Safe at Home Bill.