



LEGAL ISSUES  
RELATING TO COUNTY GOVERNMENT

# Daniel's Law

## THE WISCONSIN VERSION

*by Andy Phillips and Ben Conard, Attolles Law, s.c.*

In the June 2023 issue of Wisconsin Counties, we wrote about the federal law, commonly known as “Daniel’s Law,” that enacts new protections intended to prevent violence against federal judges and their families.

Recently, Wisconsin, like many other states across the country, approved state regulations aimed at providing state judicial officers with the same privacy protections as those enjoyed at the federal level. 2023 Wisconsin Act 235, which goes into effect in April 2025, provides for specific privacy protections for certain judicial officers and their immediate family members, including exemptions from the Wisconsin Public Records Law,<sup>1</sup> publicly available records of the county register of deeds offices, and county land records websites. This article will explore some of the details surrounding Act 235 and its implementation.

### ► For whom does Act 235 create privacy protections?

The privacy protections created by Act 235 apply to “judicial officers,” which are defined as current and former Supreme Court justices; court of appeals, circuit court, municipal and tribal judges; temporary and permanent reserve judges; and circuit, supplemental and municipal court commissioners.<sup>2</sup>

### ► Judicial officer nomination papers

Once Act 235 takes effect, judicial officers will no longer be required to indicate their address on nomination papers circulated on their behalf or on their declarations of candidacy.<sup>3</sup> Judicial officers also will be exempt from providing their address when circulating nomination papers on behalf of another candidate seeking a nonpartisan office or signing nomination papers to support a candidate for a nonpartisan office.<sup>4</sup> Instead, judicial officers will be required to certify on a form promulgated by the Wisconsin Elections Commission that they live in the appropriate geographic location required for holding office.

### ► Request to exempt from disclosure

Under the new law, records of judicial officers may be exempt from disclosure and availability under the Wisconsin Public Records Law, publicly available records of the county register of deeds offices, and county land records websites.

For a judicial officer’s personal information to be exempt from disclosure and public availability under the Public Records Law, the judicial officer must submit a written request. Without such a written request, a judicial officer’s

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personal information must be made available to the public the same as for any other person under the Public Records Law (subject to any other applicable exemptions or conditions) and other publicly available records.

The written request must be submitted to the applicable government agency specifying what personal information is to be maintained as private, including the personal information of any immediate family members to also be excluded.<sup>5</sup>

A properly submitted request is valid for 10 years or until the judicial officer's death, whichever occurs first.<sup>6</sup>

Importantly, notwithstanding a judicial officer's submission of a written request, a government agency may release a judicial officer's personal information if required in response to a court order or if the judicial officer consents to the release of their personal information. An immediate family member may also consent to the release of their own personal information, but they are not allowed to consent to the release of the personal information of the judicial officer.<sup>7</sup> A consent to release must be submitted on a form provided by the Wisconsin director of state courts.<sup>8</sup>

Further, a government agency is permitted to provide access to records containing personal information of a judicial officer to a third party if the third party possesses a signed consent document, as provided under Wis. Stat. § 757.07(4)(e); is subject to the federal financial institution requirements under 15 USC 6801, et seq.; or executes a confidentiality agreement with the government agency.<sup>9</sup>

► **Personal information exempt from disclosure**

Act 235 provides that two types of information can be made exempt from public disclosure upon the proper submission

of a written request by a judicial officer: a certification of residence as required under Wis. Stat. § 8.10(7) for nomination papers; and "personal information."

Under the new law, "personal information" means any of the following, but does not include information regarding employment with a government agency:<sup>10</sup>

1. Home address
2. Home or personal mobile telephone number
3. Personal email address
4. Social Security number, driver's license number, federal tax identification number, or state tax identification number
5. Bank account or credit or debit card information (except as required under Wis. Stat. Ch. 11)
6. License plate number or other unique identifiers of a vehicle owned, leased or regularly used by a judicial officer or an immediate family member
7. The identification of children under the age of 18 of a judicial officer or an immediate family member
8. Full date of birth
9. Marital status

After a government agency receives a properly submitted written request from a judicial officer, the government agency must remove any such publicly available content, including personal information of the judicial officer, within 10 business days and may not make any such information publicly available in the future except under the provisions stated above.<sup>11</sup>

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### ► Requirements related to land records and register of deeds offices

Act 235 also places specific requirements on public-facing land records websites<sup>12</sup> (e.g., a GIS website) and each county register of deeds.

The law requires the register of deeds to “shield from disclosure and keep confidential documents containing information covered by a written request of a judicial officer.” However, a judicial officer must identify the document number of any documents to be shielded and the request may only apply to electronic images of documents. Importantly, the responsibility does not fall on the register of deeds to identify such documents.

Similarly, any provider of a public-facing land records website is required to establish a process for judicial officers and their immediate family members to opt out from the display and search functions of their names on the provider’s website.<sup>13</sup> Again, a judicial official must affirmatively choose to opt out from their records (which contain personal information) being publicly available.

### ► Effective date



Act 235 becomes effective in April 2025, which gives counties and other government agencies time to implement processes and procedures for implementing its requirements.

The WCA is working diligently with other associations and stakeholders, including the director of state courts, to identify implementation concerns and address any areas of ambiguity under the new law. If you have questions about Act 235 or its requirements, contact the WCA or the authors. ■

*Attolles Law, s.c. works on behalf of Wisconsin counties, school districts and other public entities across the state of Wisconsin. Its president & CEO, Andy Phillips, has served as outside general counsel for the Wisconsin Counties Association for nearly 20 years.*


1. Wis. Stat. § 19.21, et. seq.
2. Wis. Stat. § 757.07(1)(e).
3. Wis. Stat. § 8.10(7)(a).
4. Id.
5. Wis. Stat. § 757.07(4)(b)-(d).
6. Wis. Stat. § 757.07(4)(e)1.
7. Wis. Stat. § 757.07(4)(e)2.
8. Note: If the director of state courts has a policy and procedure for a judicial officer to file the written request with the director of state court’s office to notify government agencies, the judicial officer may instead send the written request to the director of state courts. A representative from the judicial officer’s employer may submit a written request on the judicial officer’s behalf, provided that the judicial officer has given written consent to the representative and provided that the representative agrees to furnish a copy of that consent when the written request is made.
9. Wis. Stat. § 757.07(2)(b).
10. Wis. Stat. § 757.07(1)(g).
11. Wis. Stat. § 757.07(2)(a).
12. “Land records website” means a public website that allows users to search and retrieve a real estate property database or geographic records.
13. Wis. Stat. § 757.07(4m)(b).

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