

**CITY OF MADISON, WISCONSIN**

AN ORDINANCE \_\_\_\_\_

PRESENTED July 12, 2022  
REFERRED Public Safety Review Committee (7/13/22); Common Council (8/2/22)

Amending Section 24.02 and 1.08(3)(a) to prohibit disorderly conduct directed at an election official.

**DRAFT**

Drafted by: Michael Haas, Amber R. McReynolds, Omar Cancio

Date: July 27, 2022

SPONSOR: Mayor Rhodes-Conway, Alder Heck

DRAFTER’S ANALYSIS: This ordinance expands Sec. 24.02, MGO, to prohibit the harassment of an individual on the basis of their status as an election official. The intent of the ordinance is to protect election officials from unprovoked harassment in both private and public spaces, and to require an increased forfeiture for violations of this nature.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 24.02 entitled “Disorderly Conduct” of the Madison General Ordinances is amended as follows:

“Whoever does any of the following within the limits of the City of Madison shall be subject to a forfeiture as outlined in subsection (7) ~~of not more than one thousand dollars (\$1000).~~

- (1) In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or
- (2) With intent to harass, annoy, or offend another, sends a telecommunication message to a telecommunication device and uses any violent, abusive, indecent, or profane language or image, or any other message which tends to cause or provoke a disturbance; or
- (3) While under the influence of alcohol, in a public place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or
- (4) Engages in any of the behavior outlined in numbered paragraphs (1) and (2) of this subsection directed at an individual working in their capacity as an election official or based on their position as an election official.
- (45) Definitions .

**Approved as to form:**

- (a) "Election official" has the same definition provided in Wis. Stat. § 5.02(4e), meaning an individual who is charged with any duties related to the conduct of an election.
  - (b) "Telecommunication device" means any instrument, equipment, machine or other device that facilitates telecommunication, including but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, radio, transponder, receiver, modem or device that enables the use of a modem.
  - (c) "Telecommunication message" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature.
- (56) Exception. It is not a violation of this section if the only behavior observed is the loading, carrying or going armed with a firearm, regardless as to whether the firearm is loaded or concealed or openly carried. This exception does not apply if there are facts and circumstances that indicate a criminal or malicious intent on the part of the individual with the firearm.
- (7) Penalties. Whoever violates subsections (1), (2), or (3) of this ordinance shall be subject to a forfeiture of not more than one thousand dollars (\$1,000). Whoever violates subsection (4) of this ordinance shall be subject to a forfeiture of not less than three hundred (\$300) nor more than one thousand dollars (\$1,000)."

2. Table located under subdivision (3) entitled "Schedule of Deposits" within section 1.08 entitled "Issuance of Citations and Complaints for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating therein the following:

Offense	Ord. No./Adopted Statute No.	Deposit
<u>Disorderly conduct directed at an election official.</u>	<u>24.02(4)</u>	<u>\$500<sup>1</sup></u>

<sup>1</sup> A new or revised forfeiture range must be approved by the Municipal Judge prior to adoption. The above-referenced deposits have ~~has~~ been so approved."