

# THREATENING ELECTION OFFICIALS IS A CRIME IN WISCONSIN

How do I know what actions constitute a threat?

## "True Threats" Defined\*:



- "Threat" or "threatening" means, **when all circumstances are considered**, a communication of or communicating an intention to inflict injury or impending danger or harm.
- The communication may be oral, in writing, or by conduct.
- A "threat" must be such that the person communicating the threat is aware that others could regard the communication as threatening injury or impending danger or harm and engages in the communication.
- A "threat" does not require a person making the threat to have the ability to carry out the threat nor does a "threat" require that the threat be made to the subject of the threat. (Example: a threat made toward an election official directed through a family member or friend)

"True Threat" Examples	NOT a "True Threat" Examples
"If they don't elect this candidate, I'm going to shoot those corrupt officials."	"If they don't elect this candidate, that proves the elections officials are corrupt."
"If they don't stop counting mail in ballots, I'll expose you for ( <i>something</i> ) and you'll be ruined."**	"If they don't stop counting mail-in ballots, I'll have to expose these corrupt election workers."
"If these officials don't stop the steal of the election, I'm going to burn the elections commission to the ground."	"If these officials don't stop the steal of the election, this whole country is going up in flames."

\*\* Note: Wis. Stat. § 943.31 requires the intention to compel action or non-action by threatening to disseminate or communicate information, regardless of its credibility.

## What statutes protect me as an election worker?



- "Whoever, either verbally or by any written or printed communication, maliciously threatens ...to commit any injury to the person, property, business, profession of another...with intent to compel the person so threatened to do any act against the person's will or omit to do a lawful act, is guilty of a Class H felony." Wis. Stat. § 943.30(1)
- "Whoever, either verbally or by any written or printed communication, maliciously threatens ...to commit any injury to the person, property, business, profession of another...attempting to influence the official action of any public officer is guilty of a Class H felony." Wis. Stat. § 943.30(4)
- "A 'public officer' is any person appointed or elected according to law to discharge a public duty for the state or one of its subordinate governmental units." Wis. Stat. § 939.22(30)
- \*\*\*"Whoever maliciously threatens, with intent to...compel the person so threatened to do any act against the person's will, to disseminate or to communicate to anyone information, whether true or false, that would humiliate or injure the reputation of the threatened person is guilty of a Class I felony." Wis. Stat. § 943.31

\*Citing to State v. Perkins, supra, 2001 WI 46, ¶ 28-29, EDITED to account for Counterman.



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