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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 09-035

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

#### **2. Form, Style and Placement in Administrative Code**

a. In the introductory clause, “proposes” should replace “proposed” and “Wis. Adm. Code,” should be removed. [s. 1.02 (1), Manual.]

b. The rule preface should include a statement concerning the deadline for submission of comments about the rule. [s. 1.02 (2) (a) 12., Manual.]

c. Throughout SECTION 1, the paragraphs should be enclosed in parentheses, not followed by a period. [s. 1.03, Manual.]

d. The definition of “file a paper copy” in s. GAB 22.01 (10) should be removed from the rule because the phrase “file a paper copy” is not used in the rule. [See s. 1.01 (7), Manual.]

e. The definition of “pre-primary report and pre-election report” in s. GAB 22.01 (15) should be changed to define “pre-primary or pre-election campaign finance report.” The former phrase is not used in the rule, whereas the latter is used in s. GAB 22.02 (3). [See s. 1.01 (7), Manual.]

f. In s. GAB 22.02, it appears that the first sentence in each subsection is the title for the subsection. Subsection titles should be written in solid capital letters. [s. 1.05 (2) (c), Manual.]

g. In s. GAB 22.03, the material following the title also should be treated as part of the title by placing that material in bold type. Also, the title should conclude with a period rather than a comma.

h. In s. GAB 22.04, it appears that the first sentence in each subsection is the title for the subsection. Subsection titles should be written in solid capital letters. [s. 1.05 (2) (c), Manual.] In addition, s. GAB 22.04 (7) should contain a title because all subsections in a section must contain a title if one subsection contains a title. [s. 1.05 (1), Manual.]

i. The pages of the rule-making order should be numbered.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In bulletpoint #1 of the analysis, “13.625” should follow “11.26,” not “13.68.”

b. In bulletpoint #2 of the analysis, “ss. 5.05 (1) (f) and (2m) (c) 12.” should replace “ss. 5.05 (2m) (c) 12., 5.05 (1) (f),”.

c. In bulletpoint #4 of the analysis, “ch. 11, Stats.” should replace “Wisconsin Statutes ch. 11”; “subch. III of ch. 13, Stats.” should replace “ch. 13, subchapter III”; “subch. III of ch. 19, Stats.” should replace “ch. 19, subchapter III”; and “Chapter GAB 1” should replace “Administrative Code, Ch. GAB 1.” [s. 1.07, Manual.]

d. In bulletpoint #5 of the analysis, “13” should replace “12.”

e. In s. GAB 22.01 (11), “subsection” should replace “section.”

f. In s. GAB 22.02 (1) (e), “in pars. (a) to (d)” should replace “by the settlement terms provided by the preceding paragraphs.” [s. 1.07, Manual. The entire rule should be reviewed for this problem.]

g. In s. GAB 22.02 (5), “s. 11.21 (16), Stats.” should replace “s. 11.21 (6), Stats.”

h. In s. GAB 22.02 (12), “ch. 11, Stats.” should replace “chapter 11 of the Wisconsin Statutes” on the first and second lines. [s. 1.07 (2), Manual.]

i. In s. GAB 22.03 (title), “subch. III of ch. 19, Stats.” should replace “Subchapter III of Chapter 19, Stats.” [s. 1.07 (2), Manual.]

j. In s. GAB 22.04 (title), “subch. III of ch. 13, Stats.” should replace “Subchapter III of Chapter 13, Stats.” [s. 1.07 (2), Manual.]

k. In s. GAB 22.04 (3) (intro.), “s. 13.65, Stats.” should replace “s. 13.65 Stats.”

l. In s. GAB 22.04 (7), “subch. III of ch. 13, Stats.” should replace “Subchapter III of Chapter 13, Stats.” [s. 1.07 (2), Manual.]

m. In SECTION 2, “s. 227.22 (2) (intro.), Stats.” should replace “s. 227.(22), Stats.” [s. 1.02 (4), Manual.]

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In the title of the rule order, “PROPOSED” should replace “PROPOSED” on page 1.

b. In bulletpoint #7 of the analysis, the first sentence should be replaced with the following: “Illinois statutes prescribe an automatic civil penalty of \$25.00 per business day for late filing or failing to file statements of organization of political committees, except that the

civil penalty for committees formed to support candidates for statewide offices is \$50.00 per business day.”

c. In bulletpoint #7 of the analysis, “Iowa’s Ethics and Campaign Disclosure Board” should replace “Iowa’s Ethics and Campaign Finance Disclosure Board” in the second paragraph on page 2.

d. In bulletpoint #7 of the analysis, “4.452” should replace “4.52” and “, Mich. Adm. Code” should follow “169.4” in the third paragraph on page 2.

e. In bulletpoint #7 of the analysis, “fee for campaign registration statements is” should replace “fees campaign registration statements are” on the third line of the third paragraph on page 2.

f. In bulletpoint #7 of the analysis, “s. 169.233, Mich. Stats.” should be inserted at the end of the third paragraph on page 2.

g. In SECTION 1, the agency might consider replacing “will be extended” with “may be extended” in its reference to settlement offers. [s. 1.01 (2), Manual.]

h. In s. GAB 22.01 (4), “contribution” should be in quotation marks. [s. 1.01 (7), Manual.]

i. In s. GAB 22.01 (5), “contributor” should be in quotation marks. [s. 1.01 (7), Manual.]

j. In s. GAB 22.02 (1) (intro.), “finance” should be inserted after “campaign.”

k. In s. GAB 22.02 (2) (d), the paragraph should be replaced with the following sentence:

If a continuing campaign finance report is received within 16 to 30 days of the due date for that report, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, .1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant. [Using the phrase “the greater of” in this order has no meaning when a candidate committee is not involved.]

Section GAB 22.02 (2) (e), (3) (d), (4) (b), (7) (b), (8) (a), (b), and (c), (9) (a), (b), and (c), and (10) (a), (b), and (c) should also be modified to mirror the above changes. [See s. 1.01 (6), Manual.] In addition, in these sections, is it more appropriate to use “personal campaign committee” instead of “candidate committee”?

l. Section GAB 22.02 (2) (d) imposes a penalty of \$50 per day for a report that is 16 to 30 days late, and s. GAB 22.02 (2) (e) imposes a penalty of \$25 per day for a report that is more than 30 days late. Is it the agency’s intent to impose a smaller penalty for a later report?

m. In s. GAB 22.02 (3) (intro.), “or” should replace “and” in order to be consistent with similar language in s. GAB 22.02 (3).

n. In s. GAB 22.02 (6), “board” should replace “Board.” [s. 1.01 (4), Manual.]

o. In s. GAB 22.02 (7) (a) and (b), a comma should replace the hyphen.

p. Section GAB 22.02 (11) provides that a committee may be required to pay a portion of a contribution to an organization recognized as a charity by the Internal Revenue Code. However, s. GAB 22.02 (7) (b) simply refers to a charity. The entire rule should be reviewed for use of consistent terminology.

q. In s. GAB 22.02 (10) (b), “e)” on the last line of the paragraph should be removed.

r. In s. GAB 22.02 (11), “receives” on the second line of the paragraph and “makes” on the seventh line of the paragraph should not be underlined. [See s. 1.06, Manual.]

s. Throughout s. GAB 22.04 (1), “principal” should replace “registrant.”

t. In s. GAB 22.04 (2) (a), the commas on the fourth line of the paragraph should be removed.

u. In s. GAB 22.04 (2) (e), “after” should replace “of” on the second line of the paragraph. The entire rule should be reviewed for this issue; the use of the word “after” is clearer than use of the word “of” in these circumstances.

v. In s. GAB 22.04 (3) (a), the second comma on the fourth line of the paragraph and the comma on the fifth line of the paragraph should be removed.

w. In s. GAB 22.04 (4) (intro.), “expenses” should replace “expenditures” in order to be consistent with similar language in s. GAB 22.04 (4).

x. In s. GAB 22.04 (5), “board” should replace “Board.” [s. 1.01 (4), Manual.]