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CLEARINGHOUSE RULE 99-137

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In the second sentence of the analysis, the second occurrence of the phrase “ceases to” should be deleted.

b. Clearinghouse Rule 99-137 proposes to create ss. ElBd 7.01, 7.02 and 7.03. In s. ElBd 7.03 (1), the rule makes a reference to “this chapter.” However, the rule does not specifically create ch. ElBd 7. The rule should do so and, in addition, give the new chapter a title.

c. In s. ElBd 7.01 (1) (intro.), the phrase “all of” should precede the phrase “the following.” Following the introduction, all of the notations indicating a lettered paragraph should be enclosed within parentheses; for example, the notation “a)” should be replaced by the notation “(a).” All of the paragraphs should conclude with a period. Finally, all of the occurrences of the word “Board” in the rule should be replaced by the word “board.”

d. In s. ElBd 7.02 (1), the phrase “the voting system” should be replaced by the phrase “a voting system approved under s. ElBd 7.01.”

e. Subsection (2) of s. ElBd 7.02 should be incorporated as a second sentence to sub. (1) of s. ElBd 7.02. If this were done, it would be clear that the test referred to in this provision is the test that the board is required to conduct under sub. (1). In the alternative, a cross-reference

to the test identified in sub. (1) could be included in sub. (2), if that provision is retained as a separate subsection.

f. For consistency of style, the directive “must” in subs. (2) and (3) of s. ElBd 7.03 should be changed to “shall.”

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

a. In s. ElBd 7.03 (3), the term “escrow,” which is a noun, is used as a verb. If this word is retained, it should be used properly--e.g., “place in escrow.” Consideration should be given to using terminology that is easily understood by all persons affected by the rule. Since all that appears to be required by this provision is that the vendor provide a copy of the program’s documentation and source code to an agent of the board, consideration should be given to using more commonplace terminology, such as “furnish . . . to an agent approved by the board.”

b. Section ElBd 7.03 (6) provides that the board may provide “for the exemption of any electronic voting system.” From what is the electronic voting system to be exempt? Further, in order to make the rule meaningful, standards should be included to determine when an electronic voting system should be “exempt.”