



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 07-059

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 January 2005.]

1. Statutory Authority

Section 6.26 (3), Stats., requires that the “procedures [for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election commissioners] shall be coordinated with training programs for special registration deputies conducted by municipal clerks under s. 7.315.” How does the proposed rule satisfy this statutory provision?

2. Form, Style and Placement in Administrative Code

a. In SECTION 3 of the analysis, “Section 6.26 (3), Stats.,” should replace “Subsection (3) of s. 6.26, Stats.,” on lines 2 to 3.

b. In SECTION 7 of the analysis, the agency should summarize rules from adjacent states that are similar to the proposed rule.

c. The treatment clause in the SECTION title does not match the introductory clause. [See s. 1.04, Manual.] The rule states: “**Section 1:** Chapter ElBd 3 is created to read.” Instead, the sections should be divided as follows:

Section 1. ElBd 3.01 is created to read:

Section 2. ElBd 3.02 is repealed and recreated to read:

Section 3. EIBd 3.03, 3.10, 3.11, 3.12, 3.13, and 3.20 are created to read:

d. In ss. EIBd 3.01 and 3.02, the introductions should be unnumbered and the remaining subunits should be numbered subsections.

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

a. Section 6.02 (2) (a), Stats., does not exist. In s. EIBd 3.01 (1) (a), the correct citation should replace “s. 6.02 (2) (a), Stats.”

b. Should s. 6.26 (2) (am), Stats., also be referenced for the definition of “special registration deputy” in s. EIBd 3.01 (1) (o)? If so, “s. 6.26 (2) (a) and (am), Stats.” should replace “s. 6.26 (2) (a), Stats.”

c. Sections EIBd 3.01 (q) and 3.10 (3) and (4) refer to forms. The requirements of s. 227.14 (3), Stats., should be met.

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

a. The following words, though defined in SECTION 1, are not used in the rule: “by mail,” “provider,” and “self-provider.”

b. In SECTION 1, “this state” should replace “Wisconsin” or “the State of Wisconsin.”

c. In s. EIBd 3.01 (1) (a), (e), and (o), the statutory references do not provide an actual definition of the word. The agency should consider creating more specific definitions for these words.

d. In s. EIBd 3.01 (1) (b), “state elections” should be deleted.

e. In s. EIBd 3.01 (1) (L), should the reference to “subsection” be “paragraph?”

f. In s. EIBd 3.01 (1) (m), does a “relier” provide election administration services itself or agree with another municipality or county that that municipality or county will provide services for the relier? The agency should clarify the definition of “relier.” Finally, it appears that it would be more appropriate in this paragraph to define the term “relier municipality.”

g. In s. EIBd 3.02 (1) (intro.), “all of” should be inserted after “provide” and periods should replace any semicolons at the end of the following paragraphs. [See also ss. EIBd (2) (e) and 3.13 (2).]

h. In s. EIBd 3.02 (1) (d), the semicolon on line 1 should be deleted, and the agency should redraft the paragraph to clarify the requirements. Does the paragraph create a preference of identification methods? In what circumstances can an elector use the last four digits of the elector’s Social Security number (i.e., does the rule require that the elector not have a driver’s license or identification card to use the last four digits of the elector’s Social Security number)? Should “identification card” be added to the last sentence of the paragraph? If so, the word “neither” should be replaced by the word “none.”

- i. In s. EIBd 3.03 (2), the colon on line 2 should be deleted.
- j. In s. EIBd 3.11 (2), “who is not disqualified from voting” is unnecessary and should be deleted.
- k. In s. EIBd 3.12 (2) (intro.), “all of” should be inserted after “include.”
- l. In s. EIBd 3.12 (2) (b), the second comma on line 3 should be deleted.
- m. In s. EIBd 3.12 (2) (c), “a voter registration application form,” the defined term, should replace “an application to register to vote.”
- n. In s. EIBd 3.12 (2) (e), “application” should be inserted after “registration.”
- o. In s. EIBd 3.13 (2) (e), the comma after “suppresses” should be deleted.
- p. In s. EIBd 3.20 (1), “prescribed by the board” should be deleted; the definition of “voter registration application form” describes the form as “board-prescribed.”
- q. In s. EIBd 3.20 (6), “prohibited” should replace “proscribed” to be consistent with the reference to s. 12.13 (3) (ze), Stats., in s. EIBd 3.12 (2) (g).