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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 15-047

#### 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 December 2014.]**

#### **1. Statutory Authority**

In the statutory authority section of the rule summary, the agency should omit “5.05 (6a)” from the cited statutes because that subsection relates to advisory opinions and does not grant rule-making authority. In addition, the agency might consider also citing to s. 227.11 (2) (a), Stats., for rule-making authority. If s. 227.11 (2) (a), Stats., is cited, the authority provided by that statutory section should also be explained in the explanation of agency authority. [s. 1.02 (2m), Manual.]

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

a. The proposed rule should include an introductory clause that reads: “The Government Accountability Board proposes an order to create ch. GAB 10, relating to the use of Wisconsin technical college system identification cards for voting purposes.”. [s. 1.02 (1), Manual.]

b. In the statutes interpreted section of the rule summary, the agency might consider including all the statutory sections that are cited in s. GAB 10.02.

c. The text in SECTIONS 1, 2, and 4 should be combined into a single section, with the following treatment clause: “SECTION 1. Chapter GAB 10 is created to read:”. In SECTION 1, the chapter title should appear first, followed by the contents of ss. GAB 10.01 and 10.02. The chapter title should be centered and written in solid capital letters. [s. 1.05 (2) (a), Manual.]

d. In s. GAB 10.01 (1) (intro.), “satisfies all of the following” should be inserted after “that”. In addition, s. GAB 10.01 (1) (a) to (d) should end in periods, rather than semicolons, and, in s. GAB 10.01 (1) (e), a period should replace “; and”. [s. 1.03 (3) and (4), Manual.]

e. SECTION 3 should be numbered SECTION 2, and it should read as follows: “SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.”. [s. 1.02 (4), Manual.]

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

a. Throughout the rule summary, references to statutes should be formatted as “s. \_\_\_, Stats.”, or, if multiple sections are referenced, “ss. \_\_\_, Stats.”. [s. 1.07 (2), Manual.]

b. In the summary of federal regulation section of the rule summary, should “52 USC § 15301 et seq.” be replaced with “52 USC § 20901 et seq.”?

c. In s. GAB 10.02, the following changes should be made: (1) “Stats.” should replace “Wis. Stat.” in both instances; (2) “6.15 (2) (bm) and (3)” should replace “6.15 (2) (bm), 6.15 (3)”; and (3) “6.86 (1) and (3)” should replace “6.86 (1), 6.86 (2)”. [s. 1.07 (2), Manual.]

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

a. In the explanation of agency authority section of the rule summary, the word “emergency” should be omitted in the second paragraph. The proposed rule is not an emergency rule. In addition, in the discussion of the JCRAR action, the agency should explain that the emergency rule was promulgated and that the proposed rule is a permanent rule.

b. The plain language analysis section of the rule summary describes the requirements that a technical college system identification card must satisfy in order to be used for voting. That description should explain all of the six requirements in s. GAB 10.01 (1).

c. In s. GAB 10.01 (1), “student identification card” is defined by listing the requirements that the document must satisfy. The requirements are from s. 5.02 (6m) (f) and (16c), Stats. However, s. 5.02 (16c), Stats., contains an additional requirement that is not explicitly included in the list in s. GAB 10.01 (1), which a requirement that the document contain “the name of the individual to whom the document was issued”. Why is that requirement not explicitly included in the list? Does the board consider the reference to a signature in s. GAB 10.01 (1) (c) sufficient to capture the name requirement?

d. In ss. GAB 10.01 (2) and 10.02 (title), “Technical College System” should not be capitalized. [ss. 1.01 (4) and 1.05 (2) (b), Manual.]

e. In s. GAB 10.02, the period after “10.02” in the section number should be omitted.