



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 17-043

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

The statutory authority section cites to ss. 5.05 (2m) (c) 2.a. and 5.06 (1), Stats., which relate to filing complaints with the Elections Commission alleging violations of election chapters or complaints against election officials. The section also cites to ss. 8.10 (5) and 8.20 (8), Stats., which relate to declarations of candidacy. Chapter EL 6, Wis. Adm. Code, as amended by the proposed rule, does not use the term “complaint” or “declaration”, but does refer to “other election related petitions”. Is the phrase “other elected related petitions” meant to include complaints filed with the Commission and declarations of candidacy? If so, this should be clarified in the proposed rule.

2. Form, Style and Placement in Administrative Code

a. In SECTION 4 of the proposed rule, s. EL 6.04 (1) is amended to add definitions of “email” and “email process”. It seems unnecessary to have separate definitions. Similarly, the existing definition of “FAX” could be eliminated since the term is defined to have the same meaning as “facsimile process” and only appears in the title of the section.

b. Since s. EL 6.04 (3) (a) is already amended in SECTION 7 of the proposed rule, the text in s. EL 6.04 (3) (intro.) and (a) should also be amended to conform to current drafting convention to read:

EL 6.04 (3) (intro.) Except as provided in sub. (2), where the Wisconsin statutes or rules of the elections commission require that a document be filed no later than

a date certain, that document shall be considered timely filed if both of the following occur:

(3) (a) A duplicate copy of the document is received by the filing officer, in its offices, by facsimile process or by email process, no later than the day and hours at which the document is required to be filed ~~and~~.

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

SECTION 1 of the proposed rule amends s. EL 6.02 (1) to replace campaign finance chapter cross-references and replace them with a reference to “chs. 8, 9, Stats.”. There should be an “and” between the chapters, rather than a comma.