

## Report From Agency

### STATE OF WISCONSIN ELECTIONS COMMISSION

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IN THE MATTER OF RULEMAKING	:	
PROCEEDINGS BEFORE THE	:	REPORT TO THE LEGISLATURE
ELECTIONS COMMISSION	:	CR 24-043

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS: N/A**

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

The basis and purpose of the proposed rule is to revise Wisconsin Administrative Code ch. EL 12, according to the recommendations of the Legislative Audit Bureau in its 21-19 report. The rule would advance statutory purposes by adding the correct dates of an election cycle and adding a requirement that the Commission send letters to the governing body of a municipal clerk who does not complete training on time.

**V. SUMMARY OF PUBLIC COMMENTS AND THE AGENCY'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Elections Commission held a public hearing on the draft rule on June 12, 2024. No written or oral public comments were received. The Elections Commission held a preliminary public hearing and comment period on the scope statement on March 23, 2022 and no written or oral comments were received during this hearing.

**VI. SUMMARY OF CHANGES TO THE RULE ORDER OR FISCAL ESTIMATE**

There were no changes made to the analysis prepared under s. 22.14(2) or the fiscal estimate prepared under s. 227.14(4).

**VII. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS: Comment:**

2.a. "The amendment of s. EL 12.01 (2) and (5) may be reflected in a single SECTION of the rule text, beginning with a treatment clause that states, "EL 12.01 (2) and (5) are amended to read:". [s. 1.03 (2) (c) 2., Manual.] Note the current treatment clause for SECTION 1 of the proposed rule inaccurately refers to amendment of s. EL 12.02."

**Response:** The Commission accepted this recommendation in whole, however, after the Commission accepted the recommendation to use a note to clarify that the Statewide Voter Registration system is called WisVote, it no longer needs to amend section (5), and that amendment has been removed.

**Comment:** 2.b. “The proposed rule must include an effective date SECTION to indicate the date on which the rule changes take effect. [s. 1.03 (4), Manual.] Relatedly, is it necessary for the agency to specify the initial applicability of the proposed rule, as described in s. 1.03 (3) of the Manual?”

**Response:** The Commission accepted this recommendation in part and added the default effective date. It is not necessary to specify an initial applicability because the rule updates will not change existing procedures, so the Commission rejected only this aspect of the suggestion.

**Comment:** 2.c. “The proposed language inserted into s. EL 12.01 (5) is not a definition.” The Legislative Council staff provided several options for the Commission to address this issue.

**Response:** The Commission accepted in whole the recommendation option to add a clarifying note under section EL 12.01(5) instead of changing the name by rule. References to Wis. Stat. § 6.36 and descriptions and amendments concerning the name WisVote have therefore been removed from the rule order.

**Comment:** 5.a. “SECTION 9 of the analysis cites LAB Report 21-19 and refers specifically to pages 9 and 10 of the report. It appears that LAB recommendations related to the proposed rule also appear on pages 12 and 13 of the report.”

**Response:** The Commission accepted this recommendation in whole.

**Comment:** 5.b. The Legislative Council staff recommended that the discussion of Wis. Stats. §§ 6.36 and 7.15(1m) would be more appropriate in the plain language analysis section rather than the related statutes or rule since the Commission is interpreting those statutes in updating the rule. It also recommended clarifying that while WisVote contains the official registration list under § 6.36, WisVote also encompasses more than just the list.

**Response:** The Commission accepted this recommendation in whole, but also removed the citation to Wis. Stat. § 6.36 due to proceeding with a note concerning the name WisVote instead of a rule.

**Comment:** 5.c. and d. The Legislative Council staff recommended amending the exiting rule text of EL 12.02(7) to use the active voice, to reorder the new rule text chronologically, and to not capitalize “commission” in the rule text.

**Response:** The Commission accepted this recommendation in whole.

**VIII. REPORT FROM THE SBRRB, ENERGY IMPACT REPORT, HOUSING IMPACT ANALYSIS, AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A**