

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
GOVERNMENT ACCOUNTABILITY BOARD
(WISCONSIN ELECTIONS COMMISSION AND WISCONSIN ETHICS
COMMISSION)***

(* Effective June 30, 2016)

Rule No.: GAB Ch. 21 (EL Ch. 21 upon transfer to Wisconsin Elections Commission and ETH Ch. 21 upon transfer to Wisconsin Ethics Commission)

Relating to: Elections and Ethics Commission practice and procedure

Rule Type: Emergency and Permanent

1. Finding/nature of emergency (Emergency Rule only):

The Government Accountability Board/Wisconsin Elections Commission and Wisconsin Ethics Commission propose to amend portions of GAB Ch. 21 upon transfer of this rule to both Commissions. Current GAB Ch. 21 has been utilized by the entire agency, and this chapter can be used by both the Elections Commission and Ethics Commission upon transfer, effective June 30, 2016. Upon transfer to the new commissions, portions of Ch. 6 that are not applicable to the respective commission would be amended if necessary. The applicable portions of Ch. 21 would remain. As portions of Ch. 21 for both Commissions may not apply after June 30, 2016, action to align the provisions with the appropriate commission needs to be taken as soon as practicable. A permanent rule, promulgated parallel to the emergency rule to make these changes, using this same Statement of Scope, is intended by the Board/Commissions.

2. Detailed description of the objective of the proposed rule:

The proposed rule will amend portions of Ch. 21 that do not apply to the respective commissions upon transfer on June 30, 2016.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The proposed rule will amend portions of Ch. 21 that do not apply to the respective Commissions upon transfer on June 30, 2016. There is no new policy being proposed, only updating by way of amending portions of the chapter so they are consistent with the mission of each of the Commissions. The alternative would be to not amend the language that is not applicable to the respective Commissions. Such inaction could confuse voters, candidates, elected officials and the general public as rules that are not within the subject matter of the respective Commission appear to be active, when in fact there would be no relevancy to the Commission for which the rule appears.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

2015 Wisconsin Act 118, Section 266 (6) directs all current rules of the Government Accountability Board to transfer to the Elections Commission or the Ethics Commission and shall be effective on the date of the transfer, and remain in effect until the Commissions amend or

repeal the rules. The Government Accountability Board, and its successor Commissions have the responsibility for the administration of elections, campaign finance, lobbying and ethics of state public officials. ss. 5.05 (1), 19.48 (1), Stats. Pursuant to such responsibility, the Government Accountability Board and the Elections Commission may “[p]romulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than campaign financing, or ensuring their proper administration.” s. 5.05(1)(f), Stats. The Ethics Commission may “[p]romulgate rules necessary to carry out ch. 11, subch. III of ch. 13, and this subchapter.” s. 19.48(1), Stats. Finally, the Government Accountability Board/Elections Commission/Ethics Commission “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute[.]” s. 227.11 (2) (a), Stats.

Emergency and Permanent Rule

The agency plans to promulgate this rule as both an emergency rule and a permanent rule. This scope statement is submitted in support of both the emergency rule and the permanent rule.

5. Estimate of the amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

40 hours.

6. List with description of all entities that may be affected by the proposed rule:

Candidates, political parties, other political groups and the general public that request advice from the new Commissions will be able to continue with the practices and procedures established by the Government Accountability Board.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The Government Accountability Board/Elections Commission/Ethics Commission is unaware of any existing or proposed federal regulation that is applicable to this rule.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The Government Accountability Board/Elections Commission/Ethics Commission anticipate the rule having no economic impact, which includes no significant impact on small businesses.

Contact person:

Nathan W. Judnic

nathan.judnic@wi.gov (608) 267-0953