

STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
WISCONSIN ELECTIONS COMMISSION

Rule No.: EL Ch. 13

Relating to: Training for Election Inspectors and Special Voting Deputies

Rule Type: Permanent

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

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

Wis. Stat. § 7.315(1)(a) provides that the Wisconsin Elections Commission (“Commission”) shall promulgate administrative rules that prescribe the contents of training that municipal clerks must provide to election inspectors and special voting deputies. Wis. Stat. § 7.315(4) states that election registration officials shall receive the same training that election inspectors receive from their municipal clerk. The Commission currently publishes comprehensive manuals that municipal clerks use to train their election inspectors, election registration officials and special voting deputies. The Commission proposes to enact EL Ch. 13, which will a) codify information already provided to municipal clerks in the manuals, and b) afford the Legislature the opportunity to review the contents of the training that municipal clerks provide their election inspectors, election registration officials and special voting deputies.

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:

Existing policy:

The Commission prescribes the contents of training that municipal clerks must provide to election inspectors, election registration officials and special voting deputies by publishing comprehensive manuals on election administration, election day activities and absentee voting in residential care facilities and retirement homes. The current Elections Administration manual published by the Commission can be accessed here: <http://elections.wi.gov/clerks/education-training/election-administration-manual>. The current Election Day Manual published by the Commission can be accessed here: <http://elections.wi.gov/clerks/education-training/election-day-manual>. The current Absentee Voting in Residential Care Facilities and Retirement Homes manual published by the Commission can be accessed here: <http://elections.wi.gov/publications/manuals/nursing-home-absentee>

Proposed policy:

Similar to current Wis. Admn. Code Ch. EL 12 (training contents for municipal clerks), the Commission seeks to codify the basic contents of the manuals used by municipal clerks to train their election inspectors, election registration officials and special voting deputies.

Alternatives:

If the Commission does not promulgate rules as provided in Wis. Stat. § 7.315(1)(a), the Commission will not be compliant with that statute, but will continue publishing comprehensive manuals that are used by municipal clerks to train election inspectors, election registration officials and special voting deputies.

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

Wis. Stat. § 7.315(1)(a) provides that the “commission shall, by rule, prescribe the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, and to special voting deputies appointed under s. 6.875.” Wis. Stat. §7.315(4) states that “election registration officials shall receive the training as provided under this section for inspectors, other than chief inspectors” therefore the content of the training materials as set forth in the rule will apply equally to election inspectors, election registration officials and special voting deputies.

Wis. Stat. § 5.05(1) states that the Commission “shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing.” Pursuant to such responsibility, 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.” Wis. Stat. § 5.05(1)(f).

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:

The rules will affect municipal clerks, election inspectors, election registration officials and special voting deputies, but only to the extent that the procedures already guiding training of these officials will now be codified in this rule in addition to being available in the comprehensive manuals drafted and published by the Commission.

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 Help America Vote Act (“HAVA”) provides that States shall use funds provided under HAVA to perform various federal election-related functions, including training election officials, poll workers, and election volunteers. 42 U.S.C. §§ 15301(b)(1)(D), 15421(b)(2). HAVA also provides that State plans for administering federal elections must include information about how the “State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State” in administering uniform and nondiscriminatory elections. 42 U.S.C. § 15404(a)(3). Finally, HAVA also provides funds to states to “support training in the use of voting systems and technologies[.]” 42 U.S.C. § 15461(c)(1)-(2).

The proposed rules are consistent with these federal provisions, and such rule would help the Commission further effectuate these federal requirements as well as the state statutory requirements under Wis. Stat. § 7.315.

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

The anticipated economic impact from the implementation of the proposed order is minimal to none. There will likely be little impact, economic or otherwise, on current processes already in place to train local election officials. There is no anticipated economic impact on small businesses.

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