

State of Wisconsin



2021 Senate Bill 943

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to create* 5.05 (16) (d) of the statutes; **relating to:** requiring the Elections Commission to send guidance documents to the Joint Committee for Review of Administrative Rules.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.05 (16) (d) of the statutes is created to read:

5.05 (16) (d) 1. The commission shall weekly submit to the joint committee for review of administrative rules all documents and communications from the commission that the commission issued in the previous week that are applicable to municipal clerks generally and qualify as guidance documents, as defined in s. 227.01 (3m). The commission shall submit the documents and communications to the committee in the manner established by the committee. If the committee determines that a document or communication it receives under this paragraph or under 2021 Wisconsin Act (this act), section 2 (1), satisfies the definition of a rule under s. 227.01 (13), the committee shall notify the commission of its determination and the commission shall notify all municipal clerks

to whom the document or communication was provided of the committee's determination and that the document or communication is withdrawn and no longer applicable. The commission may promulgate the withdrawn document or communication as a rule, if the document or communication satisfies the requirement under s. 227.24 (1) (a).

2. All guidance documents that the commission provides to municipal clerks shall include a disclaimer that provides the definition of "guidance document" under s. 227.01 (3m) and indicates that a guidance document does not have the force of law.

SECTION 2. Nonstatutory provisions.

(1) On the effective date of this subsection, the elections commission shall submit to the joint committee for review of administrative rules all guidance documents, as defined in s. 227.01 (3m), that the commission provided to municipal clerks beginning on January 1, 2020, and ending on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."