# WISCONSIN LEGISLATIVE COUNCIL STAFF

*RULES CLEARINGHOUSE*

**Ronald Sklansky**
Director
(608) 266–1946

**Richard Sweet**
Assistant Director
(608) 266–2982

**Terry C. Anderson**
Director
Legislative Council Staff
(608) 266–1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701–2536
FAX: (608) 266–3830

## CLEARINGHOUSE RULE 00–153

## Comments

**[NOTE:  All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

## 2.  Form, Style and Placement in Administrative Code

a.  In SECTION 1 of the rule, the title to s. ElBd 2.05 should not be reproduced in the rule.

b.  In SECTION 2 of the rule, the administrative code section number should precede the creation of par. (f).  In addition, because par. (f) is being created by the rule, it need not be underscored.  Finally, it is not clear that s. ElBd 2.05 (16) (f) is appropriately placed in sub. (16). The introductory provision to sub. (16) provides that:  "An individual's signature on a nomination paper may not be counted when any of the following occur:".  Paragraph (f) as created by the rule relates to correcting or rehabilitating nomination papers.  It appears to be an exception to the introductory provision of sub. (16).  Accordingly, it may be more appropriate to renumber sub. (16) (intro.) as sub. (16) (a), renumber pars. (a) to (e) as subds. 1. to 5. and rewrite par. (f) as a new par. (b).

c.  Rule sections are to be treated in sequential order.  Therefore, the repeal of s. ElBd 2.05 (15) should precede, in a separate SECTION, the treatment of s. ElBd 2.05 (16).

d.  In SECTION 4 of the rule, the title to s. ElBd 2.07 need not be shown.  In addition, the (2) before par. (b) need not be shown.  Finally, at the beginning of the text, the notation "ElBd 2.07" should precede (2) (a).

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

In s. ElBd 2.05 (16) (f), the rule refers to "any other rule."  Can the rule be made any more specific in terms of which rule provision is being referred to?  For example, could the rule be rewritten to provide "notwithstanding any other provision of this chapter"?  The rule should be clarified.  In addition, the final sentence of par. (f) refers to the "due date for the nomination papers being corrected."  When is that date?  Is this the time period referred to in s. ElBd 2.07?  An appropriate cross-reference should be provided, or the rule should be otherwise clarified.

### *5. Clarity, Grammar, Punctuation and Use of Plain Language*

a.  In the analysis to the rule, the rule is described as though the rule has already gone into effect.  For example, the analysis provides that "nomination papers now are required to be numbered."  In order to provide more clarity to the analysis, this sentence and similar sentences should be rewritten to provide that "the rule proposes to . . . ."  Without such a change, it is not clear what the effect of the rule is vis ′a vis the current rule.

b.  In s. ElBd 2.05 (16) (f), the phrase "nomination paper errors in information" is awkward.  To improve the clarity of that phrase, might the phrase be rewritten substantially as follows:  "errors in information contained in nomination papers"?  Also, in the second sentence, both occurrences of the word "must" should be replaced by the word "shall."

c.  Current s. ElBd 2.07 (2) (a) requires that service of a complaint challenging nomination papers must comply with the requirements of ch. ElBd 10.  The rule deletes this requirement but yet provides that the complaint must be delivered to the respondent within 24 hours of the complaint being filed with the filing officer.  What is meant by "delivered"?  Is a postmark sufficient?  Must the delivery be made personally to the respondent?  The rule should be clarified.

d. In s. ElBd 2.07 (2) (b), the current rule contains a comma after the word "challenged."  That comma is missing in the rule.  If the comma is to be deleted, it should be shown as stricken.  However, it is not clear that that comma and the comma after the word "filed" are necessary.