



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-093

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 January 2005.]

1. Statutory Authority

Section 7.31, Stats., does not appear to contemplate a waiver of certification for a chief inspector as is provided in s. EIBd 11.05.

2. Form, Style and Placement in Administrative Code

Does the rule need an initial applicability provision? How will the training requirement apply to chief inspectors in the middle of their terms? Is it intended to apply only once someone has been newly appointed? Will current chief inspectors have to complete certification before they can serve at the next election after the rule is effective? Or, is certification already being performed under the statutory provisions such that chief inspectors are already certified? The rule analysis alludes to training being commenced in 2004 but it is not clear whether certification has occurred. Either the rule or the analysis should address this comment.

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

a. In s. EIBd 11.03 (2) (intro.), and other locations throughout the rule, the rule refers to a subsection as a paragraph. For example, “sub. (1)” is referred to as “par. (1).” The entirety of the rule should be reviewed for correct internal references.

b. In s. EIBd 11.03 (2) (d), the rule makes a citation to a statutory provision as “Wis. Stats.” Similarly, in s. EIBd 11.04 (2), the rule cites to a provision of the “Wisconsin Statutes.” It is sufficient to cite to statutory provisions as “Stats.” [See s. 1.07 (2), Manual.]

c. In s. EIBd 11.04, the rule parenthetically refers to “Form EB-104.” Generally, a rule should avoid using parenthetical references. [s. 1.01 (6), Manual.] Instead, the material should either be set off by commas or put in a note to the rule.

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

a. The title contained in the treatment clause of SECTION 1 of the rule should be deleted. Instead, the title should be shown, in all capital letters, after the treatment clause and before the first substantive provision. Accordingly, that portion of the rule should be revised substantially as follows:

“SECTION 1. Chapter EIBd 11 is created to read:

CHAPTER ELBD 11
TRAINING AND CERTIFICATION OF CHIEF ELECTION
INSPECTORS”

b. The rule, in a number of locations, uses the phrase “elections board” and “board.” Consistent terms should be used throughout the rule. To facilitate this, it might be useful to create a definitions provision for the rule. In it, “board” could be defined as the state elections board. Then, the rule could just refer to “board” instead of elections board. Similarly, the rule could also define “executive director” as the executive director of the state elections board so that the rest of the rule could just refer to “executive director” instead of “board’s executive director.” The rule should be reviewed for other terms that might benefit from the use of a definition provision.

c. Generally, a rule should avoid using capital letters except for proper names. [s. 1.01 (4), Manual.] The rule consistently capitalizes “elections board,” “election day,” “inspectors’ statement” and other terms that should not be capitalized, especially in s. EIBd 11.03 (2). The rule should be reviewed for proper use of capitalization.

d. The period at the end of s. EIBd 11.03 (2) (intro.) should be replaced by a colon.