



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-78

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 2008.]

2. Form, Style and Placement in Administrative Code

a. Throughout the rule, a space should be left between “s.” and the number of the statute.

b. There are two unnumbered paragraphs in s. GAB 5.01 (3). Either the two paragraphs should be combined or they should be identified as “(a)” and “(b).” A similar problem occurs in s. GAB 5.03 (2) and (5).

c. In s. GAB 5.02 (1) “can” should be changed to “may.” [See s. 1.01 (2), Manual.] This problem also occurs in s. GAB 5.03 (4) and (5).

d. In s. GAB 5.03 (2), “Election Day” should be changed to lower case. [See 1.01 (4), Manual.] In sub. (4), the use of slashed alternatives should be avoided. [See 1.01 (9) (a), Manual.] Also in sub. (4), “must” should be changed to “shall.” [See s. 1.01 (2), Manual.] This problem also occurs in s. GAB 5.04 (2) and (4).

e. In s. GAB 5.04 (2), the use of parentheses should be avoided. [See Manual 1.01 (6), Manual.] This problem also occurs in s. GAB 5.05 (2) and elsewhere throughout the rule. The material should either be worked into the text of the rule or deleted.

f. In s. GAB 5.15 (1), “Government Accountability Board” should be changed to “board.” In sub. (2) (intro.), “Board” should be changed to lower case. This problem also occurs in sub. (2) (a) and (d). Throughout the rule, terms like “Board,” “Inspectors’ Statement,”

“Election Day” and “Chief Election Inspector” should be lower case. Also in sub. (2) (intro.), “will” should be changed to “shall.”

g. Section GAB 5.15 (2) (intro.) is incorrectly drafted as introductory material. The period should be replaced by “as follows:”.

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

a. Sections GAB 5.01 (2) and (3) use the terms “ballot” and “voted ballot,” but these terms are not defined in the rule. The terms “ballot” and “voted ballot” should be defined and added to the list of definitions under s. GAB 5.01 (1). In sub. (3), the notation “(EB-101)” should be deleted and a note should be added which explains that the signed ballot container certification form is EB-101 and how and where the form may be obtained. This or a similar problem also occurs in sub. (7) and ss. GAB 5.02 (6), 5.03 (5), 5.04, and 5.05 (2).

b. In s. GAB 5.01 (5), should “the ballots” replace “them” in the last sentence?

c. In s. GAB 5.02 (1), “These procedures” should be changed to “The procedures under this section.” In subs. (2) and (3), the term “memory devices” is used but not defined, although examples of memory devices are provided in sub. (1). The term “memory devices” should be defined in the list of definitions under s. GAB 5.01 (1).

d. In s. GAB 5.05 (2), the term “proper documentation” should be clarified to specify what types of documentation are required. In addition, the rule should clarify who should maintain the proper documentation by using the active voice.

e. In s. GAB 5.15 (1), “these procedures” should be changed to “the procedures under this chapter.” Subsections (2) (c) and (d) should be changed to clarify the board’s intent; do alternative security procedures require director and general counsel approval, board approval, or both and in what order? In sub. (2) (d), the term “continued use” should be clarified.