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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 08-081

#### 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**

In the first paragraph on page 1, “5.93” should be removed. Section 5.93, Stats., provides that the Government Accountability Board may promulgate reasonable rules for the administration of subch. III of ch. 5, Stats., which governs electronic voting systems. Section 5.93, Stats., does not appear to be relevant statutory authority. This comment also applies to the “Statutory Authority” section in the rule preface.

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

- a. In the rule preface, item 12. should include a comment submission deadline date.
- b. The introductory clause on page 3 should be replaced with the following: “The Government Accountability Board proposes an order to repeal GAB 21.01 and 21.04; and to amend GAB 20.01, relating to [the agency should insert the relating clause].” [s. 1.02 (1), Manual.]
- c. SECTIONS 1 and 2 should be reversed, so that SECTION 1 amends s. GAB 20.01 and SECTION 2 repeals ss. GAB 21.01 and 21.04. [s. 1.04 (1), Manual.]
- d. In s. GAB 20.01, the contents of the section should be replaced with the following [ss. 1.06 and 1.07 (3) (a), Manual.]:

**GAB 20.01 Applicability.** This chapter applies to complaints filed with the government accountability board pursuant to ss. 5.05, 5.06;

~~11.60~~(5) and ~~11.66~~ 5.061, Stats., requesting the government accountability board to enforce the election and ~~campaign finance~~ laws and compliance with the [the agency should insert the citation to the U.S. Code for the Help America Vote Act]. This chapter does not apply to complaints to challenge ~~to~~ nomination papers or petitions which are filed under s. GAB ~~2.05~~ 2.07 or 2.11.

e. The effective date section should be labeled as “SECTION 3. EFFECTIVE DATE.” [s. 1.02 (4), Manual.]

f. Footnote 2 on page 3 should be removed because it repeats the information in footnote 1.

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

a. In the “Explanation of Agency Authority” section, “ss.” should replace “rules sections” and “s.” should replace “section” in the first sentence. This comment also applies to the “Plain Language Analysis” section. [s. 1.07, Manual.]

b. In the “Explanation of Agency Authority” section, “ch. GAB 20” should replace “GAB ch. 20.” [s. 1.07, Manual.]

c. In the “Related Statute or Rule” section, the reference to s. 19.535, Stats., is incorrect; that section does not exist. Is the correct reference “s. 19.37, Stats.”?

d. In footnote 1, “Stats.” should be inserted after “s. 13.92 (4) (b) 1.,” and “ss.” should be inserted before “Eth 3.01.” [s. 1.07, Manual.]

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

a. In the “Explanation of Agency Authority” section, “are” should replace “is” on line 11 of the section.

b. In the “Plain Language Analysis” section, the comma after “GAB 20.01” should be removed.