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WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

CLEARINGHOUSE RULE 09-013

Comments

[<u>NOTE</u>:   All citations to "Manual" in the comments below are to the <u>Administrative Rules Procedures Manual</u>, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2.   Form, Style and Placement in Administrative Code

a.   The amendment to s. GAB 1.28 should begin with the treatment clause: "SECTION 1. GAB 1.28 is amended to read:". [s. 1.04, Manual.]

b.   The agency should consider repealing and recreating s. GAB 1.28, rather than amending the section, given the substantial changes that are made to the section. Among other changes, the definitions could be alphabetized.   [s. 1.06 (5), Manual.]   If the section is to be amended, and not repealed and recreated, the following changes should be made:

- Section GAB 1.28 (1) (b) should be underlined, except "(b)". This language is not in the current rule. [s. 1.06, Manual.]

- In s. GAB 1.28 (1) (c), "(c)" should be underlined. [s. 1.06, Manual.]

- In s. GAB 1.28 (1) (c), "<u>political purposes</u> ~~the purpose of expressly advocating the election or defeat of an identified candidate~~" should be replaced with "~~the purpose of expressly advocating the election or defeat of an identified candidate~~ <u>political purposes</u>".   If material is deleted and added in the same location, the underlined material must follow the stricken material. [s. 1.06 (1), Manual.]

- In s. GAB 1.28 (2) (c), "communication <u>for a political purpose.</u>" should be replaced with "communication ~~containing~~ <u>for a political purpose.</u>" In addition, in s. GAB 1.28 (3) (a), "~~containing~~" should be removed. [s. 1.06 (1), Manual.]

- In s. GAB 1.28 (3) (a) 7., "or" should either be underlined or removed. This language is not in the current rule. [s. 1.06, Manual.]

- In s. GAB 1.28 (4), "(3)" should be inserted before "(4)". [s. 1.06, Manual.]

c. In s. GAB 1.28 (3) (b), an ending date should be added after "the period beginning on the 30ᵗʰ day preceding a primary election."

c. In s. GAB 1.28 (3) (b), an ending date should be added after "the period beginning on the 30th day preceding a primary election."

d. In s. GAB 1.28 (4), "sub. (1) or (2)" is referenced. Should sub. (3) also be referenced?

e. The effective date section should be labeled as "SECTION 2. EFFECTIVE DATE." [s. 1.02 (4), Manual.]

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

a. In item 3 of the rule summary, "s. 11.01 (16) (a) (1), Stats." should be replaced with "s. 11.01 (16) (a) 1., Stats." in the first paragraph. [s. 1.07, Manual.]

b. In item 3 of the rule summary, "s." should be inserted before "GAB 1.28 (2) (c)" in the first paragraph. [s. 1.07, Manual.]

c. In item 3 of the rule summary, "s." should be inserted before "GAB 1.28" in the second paragraph. [s. 1.07, Manual.]

d. In item 4 of the rule summary, "s." should be inserted before "GAB 1.28." [s. 1.07, Manual.]

e. In item 6 of the rule summary, "ss. 201, 203 BCRA" should be replaced with "BCRA ss. 201 and 203" in the second paragraph.

f. In item 6 of the rule summary, "11 CFR 100-114" should be replaced with "11 CFR Parts 110-114" in the third paragraph.

g. In item 7 of the rule summary, "Subd. 3" should be replaced with "Subds. 2 and 3" in the fifth paragraph. In addition, parentheses should then be inserted around "s. 211B.15 (Subds. 2 and 3), Minn Stats."

h. In item 7 of the rule summary, "(s. 211B.15 (Subds. 6 and 7), Minn Stats.)" should be inserted after the third sentence in the fifth paragraph.

i. In the effective date section, "s. 227.(22), Stats." should be replaced with "s. 227.22 (2) (intro.), Stats." [s. 1.02 (4), Manual.]

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

a. In the rule summary, if an acronym is used for Federal Election Commission or Wisconsin Right to Life, it should be spelled out in its first use, followed by the acronym in parentheses. In subsequent references to the phrase, the acronym should be used. [s. 1.01 (8), Manual.]

b. In item 3 of the rule summary, "that" should be inserted after "provides" on line 5 of the first paragraph.

c. In item 3 of the rule summary, "Under the" should be replaced with "The" on line 7 of the first paragraph.

d. In item 3 of the rule summary, a comma should be inserted after "Stats." on line 1 of the second paragraph.

e. In item 3 of the rule summary, the agency might consider modifying the first sentence of the second paragraph. The sentence appears to disregard certain categories of activity under s. 11.01 (16), Stats., such as attempting to influence an endorsement or nomination at a political party convention, that may also be subject to regulation.

f. In item 3 of the rule summary, a space should be inserted between "the" and "Elections" and a comma should be inserted after "Board" on line 8 of the second paragraph.

g. In item 3 of the rule summary, the quotation marks around the block quotations should be removed.

h. In item 3 of the rule summary, "a" should be inserted before "political purpose" on line 4 of the first block quotation.

i. In the rule summary, the agency should cite to the United States Reports (or the Supreme Court Reporter), rather than the case docket number, for all the referenced cases.

j. In item 3 of the rule summary, a period should be inserted at the end of the fifth paragraph.

k. In item 6 of the rule summary, a space should be inserted before "and" on line 2 of the third paragraph.

l. In item 7 of the rule summary, the second occurrence of "to" should be replaced with "with" on line 1 of the first paragraph.

m. In item 7 of the rule summary, a comma should be inserted after "committees" on line 2 of the second paragraph.

n. In item 7 of the rule summary, parentheses should be inserted around "s. 68A.503 (1), Iowa Stats." and "s. 68A.503 (4), Iowa Stats." in the third paragraph.

o. In item 7 of the rule summary, "its" should be replaced with "their" on line 2 of the third paragraph.