



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 17-035

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

- a. In the introductory clause, “ch.” should be inserted before “ETH 26”. [s. 1.02 (1) (Example), Manual.]
- b. Throughout the proposed rule, numbers should be expressed using Arabic numerals, except that numbers at the beginning of a sentence and the number “one” are generally spelled out. [s. 1.01 (5), Manual.]
- c. In s. ETH 26.01 (3), (6), (8), (12), (14) to (16), and (20) to (21), should “means” replace “includes”? The use of the term “means” limits the scope of the definition solely to the examples stated, whereas the use of the term “includes” expands the scope of the definition to encompass other reasonably related examples not specifically enumerated. [s. 1.01 (7) (c), Manual.]

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

- a. In s. ETH 26.01 (8), “11.0804 (1) (a) 7.” should replace “11.0804 (1) (a) 8.” because the latter appears to be an incorrect reference.
- b. In s. ETH 26.01 (20), “, Stats” should be inserted at the end of the subsection, before the period. [s. 1.07 (2), Manual.]
- c. In ss. ETH 26.02 (12), 26.03 (3), and 26.04 (2), “section” should replace “chapter”.

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

a. Throughout the proposed rule, the agency should replace passive voice with active voice and should clearly identify the commission as the actor that receives a report or extends a settlement offer. For example:

- In s. ETH 26.02 (1) (c) (intro.), (d) (intro.), and (e), “If the commission receives a continuing or September report” should replace “If a continuing or September report is received”.
- In s. ETH 26.02 (1) (c) 1. and (d) 1., “If the registrant has committed no prior offenses” should replace “If no prior offenses have been committed by the registrant”.
- In s. ETH 26.02 (1) (c) 2. and (d) 2., “If the registrant has committed a prior offense” should replace “If a prior offense has been committed by the registrant”.
- In s. ETH 26.02 (9), the subsection should be replaced with “If a registrant receives an excess contribution, the commission may extend a settlement offer in the amount by which the contribution exceeded the applicable limit.”.

b. In s. ETH 26.01 (3), the comma after “11.0404 (2) (c) and (d)” should be omitted and the semicolon after “11.0604 (2) (c), (3) (b), (4) (c) and (d)” should be omitted.

c. In s. ETH 26.01 (5), “as defined under s. 11.0101 (8), Stats.” should be omitted. This language is unnecessary because of the definition of “contribution” in s. ETH 26.01 (4).

d. In s. ETH 26.01 (20), the comma after “11.0804 (4) (d) and (5) (c)” should be replaced with a semicolon to be consistent with other punctuation in the subsection.

e. In s. ETH 26.02 (1) (b) 2., “a prior offense” should replace “one or more prior offenses” to be consistent with pars. (c) 2. and (d) 2. of the subsection.

f. In s. ETH 26.02 (5), the subsection should describe which disbursements are subject to the 5% calculation. Does the calculation apply to the total amount of disbursements on express advocacy made during the period described in ss. 11.0505, 11.0605, and 11.1001, Stats.?

g. In s. ETH 26.02 (5), the use of the word “registrant” appears to limit the application of the subsection to registered committees under ch. 11, Stats. Does the agency intend that the subsection apply to a person who reports under s. 11.1001, Stats., but is not a registered committee?

h. In s. ETH 26.02 (6) (b) and (7) (b), it appears that “total amount of” should be inserted before “contributions”. In addition, does “contributions with incomplete information” refer only to those contributions with missing contributor information, in sub. (6) (b), or missing disbursement information, in sub. (7) (b), or to those contributions with any missing information?

i. In s. ETH 26.02 (7) (b), “extend” should replace “issue”.

j. In s. ETH 26.02 (10) (a), it appears that a comma should be inserted after “\$500”.

k. In s. ETH 26.04 (1) (b), the commission’s settlement offer includes \$100 for every additional 15 days. Does “additional 15 days” refer to each 15-day period after the due date or after the 16th day following the due date?