



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **08-024**

AN ORDER to create chapter GAB 12, relating to certification and training of municipal clerks.

Submitted by **GOVERNMENT ACCOUNTABILITY BOARD**

04-01-2008 RECEIVED BY LEGISLATIVE COUNCIL.

04-25-2008 REPORT SENT TO AGENCY.

RNS:JK



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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.]

2. Form, Style and Placement in Administrative Code

a. The agency should follow the format described in s. 1.02 (1), Manual, for the introductory clause.

b. The fourth item of the analysis, “s. 7.31, Stats.” should replace “s. 7.31.” Throughout the analysis, “Stats.” should be included in statutory citations.

c. In the sixth item of the analysis, the language of the quotation in the bullet point is not consistent with the statutory language. In addition, “of the Act” should replace “(of the Act)” in the bullet point.

d. In the seventh item of the analysis, the agency should provide a citation to the quotation in the fourth paragraph.

e. The chapter title should be replaced with the following: “CHAPTER GAB 12, CERTIFICATION AND TRAINING OF MUNICIPAL CLERKS.” [s. 1.05 (2) (a), Manual.]

f. The titles of ss. GAB 12.01 and 12.04 should be written with an initial capital letter and end with a period. [s. 1.05 (2) (b), Manual.] The agency might consider changing the title of s. GAB 12.01 to “**Definitions.**” to better reflect the section’s contents. Since there is no sub. (2) in that section, “(1) Definitions:” should be deleted, and the definitions should be subs. (1) to (5).

g. In s. GAB 12.01 (1) (intro.), “chapter” should replace “rule.”

h. In s. GAB 12.01 (1) (e), “or ‘SVRS’” should be removed. The acronym “SVRS” is not used in the proposed rule.

i. The effective date section should be labeled “SECTION 2.” and should immediately follow the text of the rule. [s. 1.02 (4) (a), Manual.]

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

a. Section 7.315 (2), Stats., provides statutory authority for the promulgation of, and is interpreted by, the proposed rule. Accordingly, it should be listed in the first two items of the analysis and in the introductory clause.

b. In the introductory paragraph on page 3, “227.11 (2) (a), Stats.” should replace “227.(11) (2) (a), Stats.” on line 2, and “chapter GAB 12” should replace “Rule Chapter GAB12” on line 3.

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

a. In item 11 of the analysis, the agency should insert a comma after the P.O. box number and delete the final parenthesis. In items 3 of the analysis, s. 7.315 (2), Stats.” should replace “s. 7.315 (3)” and “chapter GAB 12” should replace “GAB, Chapter 12.”

b. Throughout the proposed rule, the agency should use the active voice. [s. 1.01 (1), Manual.] For example, s. GAB 12.02 (4) should read as follows: “The board shall maintain a record of the municipal clerks who meet the training requirements established by this chapter.” As another example, s. GAB 12.03 (3) should begin: “The board shall conduct ...”

c. In s. GAB 12.01 (1) (b), “the following even-numbered year” should replace “an even-numbered year.”

d. In s. GAB 12.02, “standards” and “requirements” are used interchangeably to describe “training.” The agency should select one word and use it consistently.

e. Section GAB 12.03 (1) should be removed. The subsection is repetitive of s. GAB 12.02 (1) and (2). It should also be noted that s. GAB 12.03 (1) uses “shall” when referring to certification of municipal election officials, other than municipal clerks, by the board, whereas s. GAB 12.02 (2) uses “may.”

f. In s. GAB 12.04 (2) (j), a comma should be inserted after “voters,” and the comma after “including” should be removed.

g. In s. GAB 12.04 (2) (m), a comma should be inserted after “equipment.”

h. In s. GAB 12.05 (1) to (3) and (6), the agency should clarify what a municipal clerk or municipal election official must do to maintain certification in the initial training election cycle and subsequent election cycles. Must the individual have both the initial training and three additional hours of training to maintain certification during the initial election cycle in which the individual is certified? For certification in subsequent years, must an individual have six hours

of training or three hours of training in the election cycle to maintain certification for that election cycle? See also s. GAB 12.03 (5).

i. In s. GAB 12.05 (1), “3 hours” should replace “three (3) hours.” A similar change is needed in sub. (2). [s. 1.01 (5), Manual.]

j. In s. GAB 12.05 (4), does the training, in any combination, have to cover all the training content? The agency should clarify the subsection.

k. In s. GAB 12.05 (4) (b), a comma should replace the period after “staff” on line 2; “including” should be inserted after the comma; and “This includes” should be removed.

l. In s. GAB 12.05 (4) (e), a comma should be inserted after “(11),” and “Wis.” should be removed.

m. In the effective date section, “This rule takes” should replace “The creation of this rule will take.” [s. 1.02 (4) (a), Manual.]