



Wisconsin Elections Commission

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Report from Agency

PUBLIC NOTICE

FINAL DRAFT RULE TO LEGISLATURE

The Elections Commission announces that it is submitting the following rule for legislative committee review, pursuant to Wis. Stat. § 227.19:

CLEARINGHOUSE RULE #: **24-043**

SUBJECT: **Certification and Training of Municipal Clerks**

ADM. CODE REFERENCE: **EL 12**

APPROVED BY GOVERNOR: **August 1, 2024**

Dated this 2nd day of August, 2024.

STATE OF WISCONSIN
ELECTIONS COMMISSION

Meagan Wolfe
Wisconsin Elections Commission Administrator

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

Notice of Submittal of Rule to Legislature

The Wisconsin Elections Commission adopts an order to **amend** EL 12.01 (2) and 12.02 (7), relating to the certification and training of municipal clerks.

On August 2, 2024, the Wisconsin Elections Commission (EL) submitted CR 24-043, a proposed rule in final draft form to the chief clerk of each house of the legislature pursuant to s. 227.19 (2), Wis. Stats.

This rule was approved by the governor on August 1, 2024.

The statement of scope for this rule, SS 008-22, was approved by the Governor on February 3, 2022, published in Register No. 795A2 on March 14, 2022, and approved by the Wisconsin Elections Commission on April 20, 2022.

ORDER OF THE STATE OF WISCONSIN ELECTIONS COMMISSION AMENDING RULES

The Wisconsin Elections Commission adopts an order to **amend** EL 12.01 (2) and 12.02 (7), relating to the certification and training of municipal clerks.

Analysis Prepared by the Wisconsin Elections Commission

- 1. Statutes Interpreted:** Sections 7.15(1m) and 7.315(2), Stats.
- 2. Statutory Authority:** Sections 5.05(1)(f), 7.315(2), and 227.11(2)(a), Stats.
- 3. Explanation of Agency Authority:**

Section 5.05(1)(f), Stats., established the statutory authority and framework for regulation and administration of elections by the Commission. It states that:

The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may: . . . (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

Section 7.315(2) requires the Commission to:

by rule, prescribe requirements for, and the content of, training required of municipal clerks under s. 7.15 (1m). The commission may provide such training directly or arrange for such training to be provided by other organizations. The rules shall provide a method for notifying the relevant municipal governing body if a municipal clerk fails to attend required training.

Section 227.11(2)(a), Stats., authorizes an agency to promulgate rules interpreting the statutes administered by the agency, it states that:

[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

4. Related Statutes or Rules: N/A

5. Plain Language Analysis:

The Commission seeks to revise Ch. EL 12, Wis. Adm. Code, to:

- Correct the definition of election cycle.
- Establish how municipality governing bodies are contacted by commission staff to notify them if municipal clerks have not met required training standards.

Chapter EL 12, Wis. Adm. Code, establishes standards and procedures for the certification and training of municipal clerks. Section 7.15(1m) established that clerk training periods “begin[] on January 1 of each even-numbered year and end[] on December 31 of the following year.”

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

The Help America Vote Act of 2002 allocated federal funds to states where that state’s chief executive and chief election official provided verification that the funds would be used to modernize election operations in predefined ways, and those requirements included the training of election officials, poll workers, and election volunteers (see § 101(b)(1)(D)).

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

The commission held a virtual preliminary public hearing on the statement of scope on March 23, 2022. Thirteen members of the public attended the preliminary public hearing. No attendees provided testimony at the hearing. Comments were accepted through March 23, 2022. No written comments were received.

8. Comparison with Similar Rules in Adjacent States:

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo the training, they are subject to removal from their position.

Michigan: The election cycle is the first day after the last general election to the next general election. The general election is the first Tuesday after the first Monday in November in an even numbered year, odd year general elections are held on the same day in odd years. The director of elections must conduct election training schools for clerks in each county, if a clerk fails to have these school in their county the director of elections must conduct them in that county.

Minnesota: The election cycle is January 1 following a general election to December 31 of the next year. The general election is the first Tuesday after the first Monday in November in even years in some

counties and in odd years in other counties. A municipal clerk must successfully complete election administration training during each election cycle, the clerk must provide proof to the county auditor of completion of this training in order to be certified.

Iowa: The general election is the first Tuesday after the first Monday in November of even years. Commissioners are required to provide training courses for all election personnel and at least two personnel members must attend. Within 20 days following the general election the commissioner must file a document certifying that the training requirements were met.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

In October 2021, the Legislative Audit Bureau (LAB) published a report, 21–19, based on its evaluation of election administration containing recommendations for the Commission to consider during rule promulgation. On pages 9–13, the LAB recommended updating Wis. Admin Code Ch. EL 12 to reflect statutory changes made to municipal clerk training terms, to update the administrative rule to include the name of the statewide voter registration system, “WisVote,” and to specify how municipalities will be notified when clerk training requirements are not met. These proposed amendments are meant to conform with the recommendations from the LAB.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

Redefining the election cycle will have no economic impact nor an effect on small business. The proposed rule amendment to provide notice of training deficiencies will have no impact on small business and a negligible economic impact as it would simply require municipalities to provide official mailing addresses to the Commission and read notices of training deficiencies.

11. Effect on Small Business (initial regulatory flexibility analysis):

The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.

12. Agency Contact Person:

Brandon Hunzicker
Wisconsin Elections Commission
201 West Washington Avenue
Madison, WI 53703
608-267-0714
brandon.hunzicker@wisconsin.gov

13. Place where comments are to be submitted and deadline for submission:

Written comments could have been emailed to brandon.hunzicker@wisconsin.gov or mailed to P.O. Box 7984, Madison, WI 53703-7984. The deadline to submit comments concerning the Economic Impact Statement was May 8. The notice of a public hearing provided a deadline of June 12, 2024, to submit comments concerning the rule text.

RULE TEXT

SECTION 1. EL 12.01 (2) is amended to read:

EL 12.01 (2) “Election cycle” begins on January 1 of an ~~odd-numbered~~ even-numbered year and continues through December 31 of the following ~~even-numbered~~ odd-numbered year.

SECTION 2. EL 12.02 (7) is amended to read:

EL 12.02 (7) ~~The commission shall notify~~The ~~the~~ governing body of any municipality whose municipal clerk fails to meet the training standards set out in this chapter ~~shall be notified of that fact by the commission.~~ The commission shall request each municipality to submit to the commission its official municipal mailing address. Each municipality shall provide the requested information within 7 days of the request. The commission shall notify the top elected official in each municipality of a training deficiency by first class mail and within 30 days of an election cycle’s end.

SECTION 3. EFFECTIVE DATE.

This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date May 14, 2024</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Wis. Admin. Code ch. EL 12, Certification and Training of Municipal Clerks</p>	
<p>4. Subject Certification and Training of Municipal Clerks</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected Wis. Stat. 20.510 Elections Commission</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input checked="" type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule In October 2021, the Legislative Audit Bureau (LAB) published a report, 21-19, based on its evaluation of election administration containing recommendations for the Commission to consider. On pages 9 and 10, the LAB recommended updating Wis. Admin Code Ch. EL 12 to reflect statutory changes made to municipal clerk training terms, to update the administrative rule to include the name of the statewide voter registration system, "WisVote," and to specify how municipalities will be notified when clerk training requirements are not met. These proposed rule amendments are meant to conform with the recommendations from the LAB and update EL 12 to show current statutory and terminological information.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. All Wisconsin municipal clerks were contacted via a clerk communication on the Commission's website and newsletter to solicit comments on the proposed rule.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The proposed rule amendment pertaining to the definition of the Statewide Voter Registration System will also serve to make existing code clearer, thus reducing the risk that any party trying to interpret the provision will find it difficult and/or contact Commission staff seeking clarification. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the proposed rule amendments are conformity with LAB recommendations and statutory changes made to municipal clerk training terms, public clarity as to the name of the statewide voter registration system, and improved communication regarding the training of municipal clerks. The alternative to implementing the proposed rule amendments would be maintaining the status quo in which EL 12 does not reflect the correct election cycle date, the name of the statewide voter registration system is not defined and there is no communication process for when municipal clerks fail to meet training standards.

16. Long Range Implications of Implementing the Rule

The election cycle and the name of the statewide voter registration system would be as amended as such until a new change to either was presented by the WEC. Municipalities would need to provide email addresses and receive communications from the WEC regarding municipal clerks failing to meet training standards. This would be a permanent change though relatively burdenless on municipalities.

17. Compare With Approaches Being Used by Federal Government

In the United States the election cycle is the day after the last general election to the day of the next general election. The general election is the first Tuesday after the first Monday in November of even years. The election cycle in Wisconsin is from January 1 of even years to December 31 of the following odd year. The other two proposed rule amendments have no comparison to any federal process.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. Illinois gives rules for a particular statewide voter registration system but does not specifically define or name their statewide voter registration system. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo training, they are subject to removal from their position.

Michigan: The election cycle is the first day after the last general election to the next general election. The general election is the first Tuesday after the first Monday in November in an even numbered year, odd year general elections are held on the same day in odd years. Michigan defines their statewide voter registration system as the “uniform voting system.” The director of elections must conduct election training schools for clerks in each county, if a clerk fails to have these school in their county the director of elections must conduct them in that county.

Minnesota: The election cycle is January 1 following a general election to December 31 of the next year. The general election is the first Tuesday after the first Monday in November in even years in some counties and in odd years in other counties. Minnesota defines their statewide voter registrations system as, “statewide registration system.” A municipal clerk must successfully complete election administration training during each election cycle, the clerk must provide proof to the county auditor of completion of this training in order to be certified.

Iowa: The general election is the first Tuesday after the first Monday in November of even years. Iowa law mentions a statewide voter registration system but does not give a specific name or definition to it. Commissioners are required to provide training courses for all election personnel and at least two personnel members must attend. Within 20 days following the general election the commissioner must file a document certifying that the training requirements were met.

19. Contact Name

Brandon Hunzicker, Staff Attorney

20. Contact Phone Number

(608) 267-0714

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

There will be no economic or fiscal impact on small businesses from the implementation of this proposed rule.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

N/A

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

N/A

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

5. Describe the Rule's Enforcement Provisions

N/A

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

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 **24-043**

AN ORDER to amend EL 12.01 (2) and (5) and 12.02 (7), relating to the certification and training of municipal clerks.

Submitted by **ELECTIONS COMMISSION**

05-15-2024 RECEIVED BY LEGISLATIVE COUNCIL.

06-06-2024 REPORT SENT TO AGENCY.

SG:PH



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-043

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. The amendment of s. EL 12.01 (2) and (5) may be reflected in a single SECTION of the rule text, beginning with a treatment clause that states, “EL 12.01 (2) and (5) are amended to read:”. [s. 1.03 (2) (c) 2., Manual.] Note the current treatment clause for SECTION 1 of the proposed rule inaccurately refers to amendment of s. EL 12.02.

b. The proposed rule must include an effective date SECTION to indicate the date on which the rule changes take effect. [s. 1.03 (4), Manual.] Relatedly, is it necessary for the agency to specify the initial applicability of the proposed rule, as described in s. 1.03 (3) of the Manual?

c. The proposed language inserted into s. EL 12.01 (5) is not a definition. Options to amend the definition and to comply with the Legislative Audit Bureau’s (LAB) recommendations include:

- (1) Insert “, known as WisVote,” after “the election administration software application”.
- (2) Instead of changing the definition of Statewide Voter Registration System, insert a Note that the Statewide Voter Registration System is currently known as WisVote. See s. PSC 160.02 (21) (a) 4. as an example.
- (3) Strike “Statewide Voter Registration System” and substitute “WisVote” in ss. EL 12.01 (5) and 12.03 (5) (b).

The agency’s choice among these or other options depends on the relationship between WisVote and the term “Statewide Voter Registration System”, as well as whether it is desirable to refer to WisVote as a clarification or as a term that carries the force of law. On the one hand, if the reference to WisVote is a clarification of “Statewide Voter Registration System”, it may be created as a Note, and changed from time to time, but it will not carry the force of law. [See option 2, above, and s. 1.12 (1) (c) and (2) (b), Manual.] Alternatively, if the term is intended to carry the force of law, and explain or replace the term “Statewide Voter Registration System”, it should be

incorporated into the rule text. However, as a result, the term may not be changed without future rulemaking, and text such as the current rule text “and the name may change in the future” should be omitted in order to avoid the insinuation that such name change could occur in the absence of future rulemaking. [See options 1 and 3, above.]

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

a. SECTION 9 of the analysis cites LAB Report 21-19 and refers specifically to pages 9 and 10 of the report. It appears that LAB recommendations related to the proposed rule also appear on pages 12 and 13 of the report.

b. In the rule analysis, as ss. 6.36 and 7.15 (1m), Stats., are listed as statutes interpreted by the proposed rule, it may be more helpful to explain the role of these provisions relative to the proposed rule in the Plain Language Analysis, rather than describing them as “Related Statutes or Rules”. Additionally, in this description, the statement that the “Commission has named [the official registration] list WisVote, but the name could be changed in the future” may not be accurate. As reflected in the current and proposed administrative rule, WisVote is the name of the statewide voter registration system, not the name of the official registration list. It may be more accurate to state that the official registration list is compiled and maintained by the election administration software application called WisVote.

c. In s. EL 12.02 (7), consider amending the existing rule text to use an active voice: “The commission shall notify the governing body of any municipality whose municipal clerk fails to meet the training standards set out in this chapter.”. Additionally, consider restructuring the underscored material so that the request made by the commission and each municipality’s response to that request follow more closely and so that the chronological order of the notice being sent after an election cycle is clearer. For example, it appears this text could be written: “The commission shall request each municipality to submit to the commission its official municipal mailing address. Each municipality shall provide the requested information within 7 days of the request. The commission shall notify the top elected official in each municipality of a training deficiency by first class mail and within 30 days of an election cycle’s end.”

d. In the last sentence of s. EL 12.02 (7), do not capitalize “commission”.

Report From Agency

**STATE OF WISCONSIN
ELECTIONS COMMISSION**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
ELECTIONS COMMISSION : CR 24-043**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The basis and purpose of the proposed rule is to revise Wisconsin Administrative Code ch. EL 12, according to the recommendations of the Legislative Audit Bureau in its 21-19 report. The rule would advance statutory purposes by adding the correct dates of an election cycle and adding a requirement that the Commission send letters to the governing body of a municipal clerk who does not complete training on time.

V. SUMMARY OF PUBLIC COMMENTS AND THE AGENCY'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Elections Commission held a public hearing on the draft rule on June 12, 2024. No written or oral public comments were received. The Elections Commission held a preliminary public hearing and comment period on the scope statement on March 23, 2022 and no written or oral comments were received during this hearing.

VI. SUMMARY OF CHANGES TO THE RULE ORDER OR FISCAL ESTIMATE

There were no changes made to the analysis prepared under s. 22.14(2) or the fiscal estimate prepared under s. 227.14(4).

VII. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS: Comment:

2.a. "The amendment of s. EL 12.01 (2) and (5) may be reflected in a single SECTION of the rule text, beginning with a treatment clause that states, "EL 12.01 (2) and (5) are amended to read:". [s. 1.03 (2) (c) 2., Manual.] Note the current treatment clause for SECTION 1 of the proposed rule inaccurately refers to amendment of s. EL 12.02."

Response: The Commission accepted this recommendation in whole, however, after the Commission accepted the recommendation to use a note to clarify that the Statewide Voter Registration system is called WisVote, it no longer needs to amend section (5), and that amendment has been removed.

Comment: 2.b. “The proposed rule must include an effective date SECTION to indicate the date on which the rule changes take effect. [s. 1.03 (4), Manual.] Relatedly, is it necessary for the agency to specify the initial applicability of the proposed rule, as described in s. 1.03 (3) of the Manual?”

Response: The Commission accepted this recommendation in part and added the default effective date. It is not necessary to specify an initial applicability because the rule updates will not change existing procedures, so the Commission rejected only this aspect of the suggestion.

Comment: 2.c. “The proposed language inserted into s. EL 12.01 (5) is not a definition.” The Legislative Council staff provided several options for the Commission to address this issue.

Response: The Commission accepted in whole the recommendation option to add a clarifying note under section EL 12.01(5) instead of changing the name by rule. References to Wis. Stat. § 6.36 and descriptions and amendments concerning the name WisVote have therefore been removed from the rule order.

Comment: 5.a. “SECTION 9 of the analysis cites LAB Report 21-19 and refers specifically to pages 9 and 10 of the report. It appears that LAB recommendations related to the proposed rule also appear on pages 12 and 13 of the report.”

Response: The Commission accepted this recommendation in whole.

Comment: 5.b. The Legislative Council staff recommended that the discussion of Wis. Stats. §§ 6.36 and 7.15(1m) would be more appropriate in the plain language analysis section rather than the related statutes or rule since the Commission is interpreting those statutes in updating the rule. It also recommended clarifying that while WisVote contains the official registration list under § 6.36, WisVote also encompasses more than just the list.

Response: The Commission accepted this recommendation in whole, but also removed the citation to Wis. Stat. § 6.36 due to proceeding with a note concerning the name WisVote instead of a rule.

Comment: 5.c. and d. The Legislative Council staff recommended amending the exiting rule text of EL 12.02(7) to use the active voice, to reorder the new rule text chronologically, and to not capitalize “commission” in the rule text.

Response: The Commission accepted this recommendation in whole.

VIII. REPORT FROM THE SBRRB, ENERGY IMPACT REPORT, HOUSING IMPACT ANALYSIS, AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A



Tony Evers

Office of the Governor | State of Wisconsin

August 1, 2024

By Electronic Mail Only

Dear Secretaries and Agency Heads:

On this day, I approved the following statements of scope pursuant to Wis. Stat. § 227.135(2):

- A statement of permanent and emergency scope by the Elections Commission, submitted July 2, 2024, relating to confidentiality of judicial officer information on certain election materials (Wis. Admin. Code ch. EL 19); and
- A statement of permanent and emergency scope by the Pharmacy Examining Board, submitted July 10, 2024, relating to electronic prescriptions, prescription labeling, CPR for pharmacists, epinephrine delivery systems, controlled substance prescription transfers, remote dispensing, managing pharmacist definition, initial consultation, alteration, and final check (Wis. Admin. Code ch. Phar 7); and
- A statement of scope by the Department of Safety and Professional Services, submitted June 10, 2024, relating to licensed midwives comprehensive review (Wis. Admin. Code chs. SPS 180-183); and
- A statement of scope by the Controlled Substances Board, submitted July 17, 2024, relating to scheduling 2-methyl AP 237 (Wis. Admin. Code ch. CSB 2); and
- A statement of scope by the Controlled Substances Board, submitted July 17, 2024, relating to scheduling ADB-BUTINACA, α -PiHP, and 3-MMC (Wis. Admin. Code ch. CSB 2).

On this day, I approved the following proposed administrative rules pursuant to Wis. Stat. § 227.185:

- A proposed rule by the Elections Commission, submitted July 3, 2024, relating to the certification and training of municipal clerks (Wis. Admin. Code ch. EL 12); and
- A proposed rule by the Controlled Substances Board, submitted July 17, 2024, relating to transferring Flualprazolam and scheduling four (4) synthetic benzodiazepine substances (Wis. Admin. Code ch. CSB 2).

Please direct any questions about this letter to my policy director, Katie Domina.

Sincerely,

A handwritten signature in black ink that reads "Tony Evers". The signature is written in a cursive, flowing style.

Tony Evers
Governor

cc: Mel Barnes, chief legal counsel (mel.barnes@wisconsin.gov)
Katie Domina, policy director (katherine.dominal@wisconsin.gov)
DOA State Budget Office (SBOAdminRules@spmail.wi.gov)
DSPS (DSPSAdminRules@wisconsin.gov)
Angela O'Brien Sharpe, Wisconsin Elections Commission
(angela.sharpe@wisconsin.gov)