

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
GOVERNMENT ACCOUNTABILITY BOARD**

Rule No.: GAB Ch. 13

Relating to: Training for Election Inspectors and Special Voting Deputies

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

WIS. STAT. §7.315 (1) (a) provides that the Government Accountability Board (“G.A.B.” or “Board”) shall promulgate administrative rules that prescribe the contents of training that municipal clerks must provide to election inspectors and special voting deputies. G.A.B. staff previously included and continues to include information proscribing the contents of training for election inspectors and special voting deputies in election manuals provided to municipal clerks. The Board proposes to enact GAB Ch. 13, which will a) codify information already provided to municipal clerks, and b) afford the Legislature the opportunity to determine if the proposed provisions will enhance G.A.B.’s authority to administer and oversee the clerks’ trainings.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Existing policy:

The G.A.B. prescribes the contents of training that municipal clerks must provide to election inspectors and special voting deputies in its Election Manual. WIS. GOV’T ACCOUNTABILITY BD., ELECTIONS DIV., ELECTION ADMINISTRATION MANUAL FOR WISCONSIN ELECTION OFFICIALS (Aug. 2014), pp. 125, 127-28, 131-32, 195, available at <http://gab.wi.gov/clerk/education-training/election-day-manual> (hereafter, “MANUAL”). The Election Manual provides that municipal clerks must train election inspectors and special voting deputies to understand Election Day duties and absentee voting in nursing homes, retirement homes, and adult care facilities. MANUAL, p. 125, 127-28, 132; *see also, generally*, WIS. GOV’T ACCOUNTABILITY BD., ABSENTEE VOTING IN RESIDENTIAL CARE FACILITIES AND RETIREMENT HOMES (Oct. 2014).

Proposed policy:

The Board seeks to codify an existing policy (already described in the Election Manual) in the Administrative Code pursuant to WIS. STAT. §7.315(1)(a); *see also, generally*, MANUAL.

Alternatives:

If the Board does not promulgate rules as provided in WIS. STAT. §7.315 (1) (a), the G.A.B. will not be compliant with that statute, which provides that the Board “shall, by rule, prescribe the contents of the training that municipal clerks must provide” to election inspectors and special voting deputies.

In contrast, if the Board promulgates rules as provided in WIS. STAT. §7.315 (1) (a), it will be compliant with that statute. Further, the proposed rules are substantively identical to the information already contained in the Election Manual, so no substantive changes in Board policy are proposed. *See generally*, MANUAL.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

WIS. STAT. §7.315 (1) (a) provides that the “board shall, by rule, prescribe the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, to special voting deputies appointed under s. 6.875, and to special registration deputies appointed under ss. 6.26 and 6.55 (6).” The Board seeks to promulgate this rule under this authority.

5. Estimate of the amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

15 hours.

6. List with description of all entities that may be affected by the proposed rule :

The rules will affect municipal clerks, election inspectors, and special voting deputies, but only to the extent that the procedures already guiding training of the election inspectors and special voting deputies will now be codified in this rule in addition to being available in the Election Manual.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

The Help America Vote Act (“HAVA”) provides that States shall use funds provided under HAVA to perform various federal election-related functions, including training election officials, poll workers, and election volunteers. 42 U.S.C. §§ 15301(b)(1)(D), 15421(b)(2). HAVA also provides that State plans for administering federal elections must include information about how the “State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State” in administering uniform and nondiscriminatory elections. 42 U.S.C. § 15404(a)(3). Finally, HAVA also provides funds to states to “support training in the use of voting systems and technologies[.]” 42 U.S.C. § 15461(c)(1)-(2).

The proposed rules are consistent with these federal provisions, and such rule would help the G.A.B. further effectuate these federal requirements.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The anticipated economic impact from the implementation of the proposed order is minimal to none. There may be some minimal impact on local officials who may obtain the information in the rule from both the Administrative Code and the Election Manual, but the rule will not affect small businesses.

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