

**STATEMENT OF SCOPE
PURSUANT TO WIS. STAT. § 227.135
WISCONSIN ELECTIONS COMMISSION**

Rule No.: EL Ch. 12 Certification and Training of Municipal Clerks

Relating to: Content of Municipal Clerk Training Curriculum and Maintaining Records in the Statewide Voter Registration System

Rule Type: Permanent

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

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

The Wisconsin Elections Commission (“Commission”) proposes to amend Wis. Adm. Code EL Ch. 12 (“EL Ch. 12”), relating to responsibilities of clerks maintaining records in the Commission’s WisVote System. Audits of the Commission’s predecessor agencies conducted by the Legislative Audit Bureau in 2007 and 2014 generated recommendations relating to the maintenance of records contained in the statewide voter registration system. Specifically, the 2014 audit generated a recommendation that “the agency promulgate rules that formalize the procedures clerks use to maintain voter registration records, including inactivating the records of individuals who become ineligible to vote and mailing letters to notify these individuals that their records have been inactivated.” While Commission manuals and detailed instructions are provided to clerks on this topic already, some amendments to current Wis. Adm. Code Ch. EL 12 will be made to include this topic as a core competency of municipal clerk training curriculum provided by the Commission.

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:

Municipal clerks are required to attend elections training sponsored by the Commission at least once every two years. The core topics of the municipal clerk training is codified in current Wis. Adm. Code EL § 12.04. The Commission currently provides local election officials with detailed manuals and instructions on the processes and procedures used to maintain voter registration records in the WisVote system but those procedures are not part of the core curriculum provided by the Commission. A voter’s registration record can be updated in the WisVote system for a variety of reasons, some voter-initiated and some election official-initiated. Wisconsin statutes provide for the matching of records against various databases and to inactivate a voter’s record if they no longer meet voter eligibility requirements (death records and felon records). Other checks against databases maintained by the Department of Transportation and the Social Security Administration

(“HAVA Checks”) are conducted to ensure accuracy of the information provided by the voter, but discrepancies do not affect a voter’s ability to remain active and vote. Voters that no longer reside at the address for which they are registered to vote may be changed to inactive if the statutory process for voter notification is followed. Additionally, Wisconsin statutes provide that a voter’s record shall be inactivated if they have not voted in any election in a 4-year period if they were qualified to do so.

Proposed Policy:

The Commission proposes to amend current provisions in Wis. Adm. Code Ch. EL 12 to include voter registration list maintenance and procedures as a core training element which the Commission staff provides to municipal clerks. The amendments will be made to the municipal clerk training content portions of the rule currently in place.

Alternatives:

If the Commission does not amend Wis. Adm. Code Ch. EL 12, the current procedures will remain in clerk manuals and communications but will not be included in the current rule as required training content for municipal clerks.

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

Wis. Stat. § 7.31(2) states that the Elections Commission “shall, by rule, prescribe requirements for, and the content of, training required of municipal clerks under s. 7.15(1m).” Wis. Stat. § 5.05(1) 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 Elections Commission may “[p]romulgate 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 campaign financing, or ensuring their proper administration.” Wis. Stat. § 5.05(1)(f).

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

50 - 80 hours.

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

The proposed rules will affect municipal clerks in that a new core element of municipal clerk training will be added to the current curriculum.

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 proposed rule simply adds a core requirement to the municipal clerk training curriculum. The Commission is not aware of any existing or proposed federal regulation that is applicable.

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 rules is none. The proposed rules will not affect small businesses.

Contact person: Nathan W. Judnic
nathan.judnic@wi.gov – 608-267-0953



Michael Haas
Administrator
Wisconsin Elections Commission

July 25, 2017
Date Submitted