

Technical Drafting Issues
2015 Assembly Bill 388
2015 Senate Bill 294

All references are to page and line numbers in the Assembly Bill, LRB 3073/3. I assume that the Senate version is identical.

1. Elections Division Advice – Is it confidential or not, note there several conflicts within the bill including Section 205 at Page 96, Line 8 that includes Elections Commission advice as a public records exception while current 5.05 (5s)(f)2.c. remains in effect proving that such advice is not confidential.
2. Section 29, Page 16, Lines 1-3. Civil actions by Elections Commission are the sole means of enforcement of civil violations – what about current 5.06 giving the Election Commission authority to order local election officials to conform their conduct to law, action by DAs and Commission settlements?
3. 5.05 (5s)(c) – The Elections Commission is required to provide information on child support issues requested under 49.22, but it would not collect any financial information relevant to this directive. This should be removed. The Ethics Commission will still have this exception under the legislation.
4. Page 20, Lines 18-21 “appointing authority” ask for formal or informal opinion is not applicable to Election Commission duties. Election officials, candidates and members of the public may ask for advice from the Election Commission, but an “appointing authority” request for advice would only be directed to the Ethics Commission.
5. Page 21, Line 18 – “administrator” should be “commission” which is reviewing informal opinions of administrator. (See also Ethics #7)
6. Page 60, Line 14 – refers to biennial report, the Ethics Commission now files an annual report.
7. Page 73, Line 8 – Ethics “Administrator” review of informal opinions should be Ethics “Commission”. (See also Elections #5)
8. Sections 97, 99, 101 & 105 - Candidates file campaign registration statement with their nomination papers if not already filed. Nomination papers are filed with the Elections Commission, but registration statements are filed with the Ethics Commission. This needs clarity.

9. Sections 170, 172 - One additional commission member for each party qualifying for a separate ballot by receiving at least 1% of statewide general election vote. As written, this appears to add commission members for the Republican and Democratic parties. I believe this was meant to give 3rd parties a seat on the Commissions if they meet the 10% vote threshold.
10. Section 195, Page 89, Lines 16-18. Civil actions by Ethics Commission are the sole means of enforcement of civil violations – what about DAs and Commission settlements? (see also #2)
11. Budget issues beginning with Section 208 – appropriation charts do not match statutory appropriations for Election Commission. Chart for Agency 510 (Elections Commission) lacks (a), (bm), (c), (d), (h), (t) and (x) which are authorized in Sections 213, 215, 216, 217, 219, 255 and 226 of the legislation.
12. Page 114, Line 13 add word “ethics” before commission
13. Page 114, Line 17 “director and general counsel” should be “legal counsel”
14. Page 117, Line 4 “executive director” should be “legal counsel”