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## INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

October 22, 2008

Honorable Pedro A. Cortes, Secretary  
Department of State  
302 North Office Building  
Harrisburg, PA 17120

Re: Regulation #16-42 (IRRC #2716)  
Department of State  
Alteration of Local Election Districts

Dear Secretary Cortes:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman  
Executive Director

wbg

Enclosure

cc: Honorable Jeffrey E. Piccola, Chairman, Senate State Government Committee  
Honorable Anthony H. Williams, Minority Chairman, Senate State Government Committee  
Honorable Babette Josephs, Majority Chairman, House State Government Committee  
Honorable Matthew E. Baker, Minority Chairman, House State Government Committee

# Comments of the Independent Regulatory Review Commission



## Department of State Regulation #16-42 (IRRC #2716)

### Alteration of Local Election Districts

October 22, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the August 23, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of State (Department) to respond to all comments received from us or any other source.

#### **Section 191.1 Definitions. – Clarity.**

We have two concerns with the definition of “Report.”

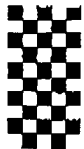
First, this definition contains the term “report.” However, Section 1.7(e) of the *Pennsylvania Code and Bulletin Style Manual (Style Manual)* states “The term being defined may not be included as part of the definition.” Therefore, the Department should remove the term “report” from the definition.

Second, Subsections (1) through (4) under this definition contain requirements for the content of the report. Section 1.7(c) of the *Style Manual* does not permit the inclusion of substantive language in a definition. To give the regulated community clear direction, these provisions should be moved to another section of the regulation.

#### **Section 191.2. Procedures for implementing alteration of local election districts. – Clarity.**

Subsection (a) requires the county board of elections to submit a report to the bureau. The final-form regulation should clarify if written or electronic, or both formats, are acceptable to the bureau.

Subsection (b) contains the following phrase: “...may not be implemented until the **next following** primary or election.” (Emphasis added). The bolded phrase is not clear. It appears that the word “following” could be deleted. We recommend the Department clarify this provision in the final-form regulation.



### Facsimile Cover Sheet



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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
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**To:** Elsa Mangual  
**Agency:** Department of State  
**Phone:** 7-6458  
**Fax:** 7-1734  
**Date:** October 22, 2008  
**Pages:** 3

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**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the Department of State's regulation #16-42 (IRRC #2716). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: *Jessica A. Bell* Date: 10/22/08

Fax 5

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