



**ACR** – Administrative Codes and Registers Section  
 National Association of Secretaries of State  
 Robert J. Colborn, Jr. Innovation Award  
**2023 NOMINATION FORM**

ACR Use Only

Do not write in this space

**Answer all questions. If a question does not apply, type "not applicable" in the space provided.**

Nominations are due no later than **Friday, May 12, 2023**, and are selected by members of the Robert J. Colborn, Jr. Innovation Award Nomination Committee.

**2023 Robert J. Colborn, Jr. Innovation Award Committee Members:**

**Chair: TrINETTE Middlebrook**

Administrative Rules Specialist  
 State of Idaho  
 Department of Health and Welfare  
 Phone: (208) 334-0440

**Committee Member: Frank Powell**

Administrative Rules Specialist  
 State of Idaho  
 Department of Health and Welfare  
 Phone: (208) 334-5775

**Committee Member: Jack Ewing**

Administrative Code Editor and Senior Counsel  
 State of Iowa  
 Iowa Legislature  
 Phone: (515) 281-604

**NOMINATOR'S INFORMATION (if different than above)**

First Name	Last Name	Title	Agency	
Kylie	Cone	Sr. Business Analyst	Utah Office of Administrative Rules	
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(801)957-7103	( )	kmcone@utah.gov		

By submitting this form and nomination information you affirm you have read the Nomination Packet and affirm that:

- The information submitted is truthful and does not infringe on any copyright;
- None of the information included in this nomination, including the executive summary or statement of justification, is confidential, proprietary, or a trade secret.

**Please submit the following information with this nomination form:**

- An executive summary and statement of justification as outlined in the Robert J. Colborn, Jr. Innovation Award

Nomination Packet. Submit this nomination form and the information above to:

[trINETTE.middlebrook@dhw.idaho.gov](mailto:trINETTE.middlebrook@dhw.idaho.gov).

**NOMINATED PROGRAM INFORMATION**

Title of Nomination			Date
Prefiling Review			
Project Program Manager	First Name	Last Name	Title
	Sunnie Brody	Burningham Mangum	Publications/Code Editor Public Outreach Coordinator
Name of ACR member	First Name	Last Name	Title
	Michael	Broschinsky	Office Director

## **Executive Summary for the 2023 Robert J. Colborn, Jr. Innovation Award**

Use this area to complete a one-page executive summary about the program nominated. Refer to the nomination packet.

**Title of Nomination: Prefiling Review**

**Nominator: Kylie Cone**

Utah Executive Order 2021-12 required the Utah Office of Administrative Rules (Office) to review rules for adherence to the Rulewriting Manual of Utah. This posed a challenge to our small office, as staff was already limited and we did not want to increase turnaround times or introduce delays. To address this, the Office introduced a new program that would occur before a rule draft is formally filed. By allowing rulewriting agencies to submit a draft for a style and formatting review before filing, the Office was hoping that rulewriters would be more receptive to suggested additional changes. This program, introduced officially as prefiling, would help the Office abide by Executive Order 2021-12 without disrupting formal filings, Bulletin publications, or other time-sensitive duties.

Prefiling is an optional program in which rulewriting agencies may send drafts of their rule text and required forms to the Office for a style and formatting review before it is formally filed. This review is similar in scope to the Office's formal filing review, as it is designed to identify and resolve issues before the formal filing. As prefiling would always remain an optional step, the Office wanted to increase the chances of utilization by making submission enticing and simple for rulewriting agencies. This resulted in the Office relying on email to receive submissions from agencies while integrating new software for the Office that would increase efficiency.

The Office saw several benefits from introducing prefiling. For the agency, they could formally submit their filings with more confidence that large issues had been addressed before submission. This meant it was more likely their filings would sail through the process without rejection. Even if there were additional changes needed to the filing after submission, the agency could be assured the issues would be minor and quick to fix.

The Office also benefits from less filing rejections and quicker turnaround time as this preserves our relationship with rulewriters and prevents us from pushing against deadlines while still requiring changes. In addition to these procedural benefits, the Office also introduced several new tools that increased efficiency in prefilings as well as in other Office tasks.

Finally, benefits seen by the public are directly related to those previously discussed. The prefiling review's portion in the process provides for a more consistent reading experience throughout the entirety of the administrative code, standardizing style and language. Prefilings continue to provide learning opportunities for us and present numerous benefits to the Office, rulemaking agencies, and the public.

## **Statement of Justification:**

### **a) Project Description**

Please use this area to complete the project description. The Statement of Justification shall not exceed five (5) pages.

**Title of Nomination: Prefiling Review**

**Length of time in operation: 1 yr., 9 mo.**

In May of 2021, the Utah Governor issued an Executive Order requiring the Office to review all proposed and published rule changes for adherence to the Rulewriting Manual of Utah. This requirement was issued in the hopes that consistent style review would result in a more comprehensive administrative code. However, after reviewing official submissions for just a few months, the Office quickly realized the difficulties this new review presented. The Office immediately received complaints from frustrated rulewriters at having to make significant changes during tight deadlines. In addition, the Office also saw increased rejection rates and filing delays as rulewriters made these changes. Trying to solve some of these issues, the Office decided to implement an optional prefiling review process. The Office hoped that by allowing rulewriting agencies to submit their drafts for style review before formal submission, rulewriters would be more receptive to additional changes. The Office also anticipated that by catching the majority of stylistic changes before formal submission, we could prevent drastic increases in filing rejection rates and delays.

As prefiling would always remain an optional step, the Office wanted to increase the chances of utilization by making submission to the process enticing and simple for rulewriting agencies. This meant the Office endeavored to only utilize software every state employee would have access to and limit the requirements of submission. We created a unique email address for prefiling submissions and heavily marketed this email address to agencies in the lead up to the release of the prefiling process in August 2022 rulewriters would send a copy of their draft filing in an editable format to this email address, and within a week they would receive a response from the Office. Our response would include a copy of their draft file in .docx format with all suggested changes commented on within Word.

While the Office tried to ensure submission on the agency side was as simple as possible, the process on the side of the Office was much more complicated. No additional staff was provided after the release of the Executive Order, and the Office was already trying to accommodate the new review process with current staff. We knew that for prefiling to be sustainable long-term with current staffing, the Office needed to automate and streamline the process.

To accomplish our goals, we created a prefiling process as follows:

- Rulewriter Sends Filing
  - Prefiling is sent to the designated email address.
  - A customized automated system comprised of Trello and Cardbox sets a deadline and sends a notification to Office staff.
- Available Office Staff Claim Prefiling
  - The system will assign a staff member to the prefiling task, providing them with the original email and document in one location.

- Initial Scan
  - Staff member will scan the document for prominent errors and comment on any immediate findings using Word's comment feature.
- Review for Unmarked Changes
  - Use Word's compare feature to check for unmarked changes in the rule text.
- Run Style Macro
  - Run a macro that will automatically comment on some of the most common and straightforward changes.
- Style Review
  - Use the customized PerfectIt script to review the text for consistency to the Utah Rulewriting Manual. This includes common errors and grammar, citation formatting, document style, and preferred phrasing. Suggestions can be left using TextExpander, an auto typing software.
- Return to Agency
  - Staff member will respond to the original email with the reviewed file attached.
  - Prefilings are completed and returned within a business week.

## Statement of Justification:

### **b) Project Scope -- What is the significance to the improvement of the operation of government?**

Please use this area to complete the improvements of the operation of government.

What is the significance of the idea or program, its effectiveness and practical applicability? Does it demonstrate excellence and continued development to the improvement of the operation of government? Does it exemplify vision and creativity? Is the idea or concept an original idea? If not, the nominee must demonstrate how the improvement is unique. For example, is it new technology, new operating, or new management practices?

With the Executive Order outlining some of the goals that the Office was to meet, we were able to identify weaknesses within both the administrative code and the rulemaking process. The code lacked cohesiveness in style and formatting, even within a single title. Language that, according to our own rulewriting guidelines, should have been standardized, was not. As far as the rulemaking process is concerned, we did not offer enough support to agencies during the writing period, mostly focusing our time and efforts on the filing portion.

To address style and formatting issues in the administrative code, filings would need to be reviewed under more scrutiny than in the past. By incorporating more style and formatting checks pulled directly from the Rulewriting Manual for Utah, rule drafts would match not only others in their title but others throughout the administrative code. With automated software including PerfectIt, TextExpander, and custom written VBA macros (explored in *Project Benefits*), the significant majority of suggested corrections are able to be made at least semi-automatically, saving staff review time.

Introducing another step in the review process was going to take up more staff time and effort. However, the Office encouraged staff to explore all possibilities for innovation and improvement to minimize disruption. Prefilings were created as a result of this exploration, designed as a tool that would not interfere with the Office's pre-existing duties. This also allowed staff members more time to review a rule outside of publication deadlines without inconveniencing rulewriters.

Prefiling was new to Utah and, as far as our Office could tell upon initial investigation, had not been attempted in a similar format in other states or systems. This introduced difficulties as we were unable to pull processes from existing programs, but also offered a unique opportunity to tune the prefilling process specifically for Utah's rulemaking agencies. The Office relied on tools already familiar to rulewriters to encourage adoption. This removed the responsibility of learning new material from the agency and placed it with the Office. Furthermore, the presentation of prefilling as an optional service meant that agencies did not feel as if another step was added to their jobs, and instead would feel that Office was providing another service.

## **Statement of Justification:**

### **c) Project Benefits -- What are the benefits realized by citizens, the state, or others associated with the rulemaking?**

Please use this area to complete the project benefits. Does it provide a useful service to state, regional or federal governmental operations? Does it provide a useful service to another jurisdiction, such as territories or protectorates? Does it provide a useful service to the citizens?

While the Executive Order acted as the catalyst for the project, the Office has since found numerous benefits from prefilings. Before introducing prefilling, the Office provided trainings and materials to agencies starting their rule drafts. While this was helpful, issues that were specific to an agency or, more commonly, to an individual draft, were rarely discovered and addressed before the formal filing process began. These issues would lead to delayed filings and publication, which in turn led to the frustration of the rulewriting agency and our Office. Prefiling has improved this by reducing formal review time and providing more opportunities to work on specific filings and drafts.

In addition to reducing formal review time, prefilings also allowed the Office to experiment with productivity tools, including Trello and Cardbox, VBA macros, PerfectIt, and TextExpander. This software has also been transitioned into traditional filing reviews, meaning that the benefits seen in prefilings are also realized elsewhere.

The automated tracking system is made of two parts. The first is Trello, a common productivity software. At its base, Trello is a to-do list making software. However, customization of this to-do list is endless. The Office has created three sections to track the progress of a prefilling. Allowing for a visual representation of what needs to be done and what is in progress.

This brings us to the second largest benefit of Trello: automation. This software allows you to create automation rules that are fully customizable. The Office has created many customization rules to increase efficiency of the software. This includes automatically setting deadlines, sending notifications, assigning staff members to tasks, and removing completed tasks from the visual board.

After integrating Trello, the Office realized we were spending too much time manually adding prefilings to the to-do list. The discovery of Cardbox, the second part of the tracking system, completely changed this. Cardbox syncs with the prefilling email account gmail address and will automatically create a Trello card upon email receipt and auto populate with the email content and attachments. This was the final piece in streamlining this process as Trello cards no longer needed to be manually created by Office staff.

As our Office uses Microsoft Word as the primary processor for rule filings, macros were already in common use before prefilings were introduced. Used to automate functions and steps in Word, macros felt like a natural fit with prefilings. Our prefilling macro scans a document for issues and leaves a comment directly addressing the issue for the rulewriter. Obviously, something like this took a fair amount of fine-tuning to ensure that we were leaving as few irrelevant comments as possible, but by automatically addressing a list of over 140 common issues, the Office saves manual review time. For example, the Office saved just over 6 hours in April using the auto-typing features of TextExpander. The prefilling macro continues to evolve as the Office learns more about specific agency styles and common issues.

Using a user-defined database of key terms and searchable characters, PerfectIt scans through prefiling drafts, stopping when a specific issue is found and presenting our prefiling reviewer with a suggestion to leave on the document. Bringing PerfectIt in meant that less time was spent scanning individual words and lines for issues and consulting the Rulewriting Manual. As an added benefit, PerfectIt allows our Office to pull from multiple style sources, meaning that, for example, if the Rulewriting Manual does not provide an answer to a discovered issue, the Chicago Manual of Style can be used as a fallback. PerfectIt was already in use in formal filings before being included in prefilings, but the extra reviews have helped to expand the database of terms and ensure that PerfectIt's scans are accurate and useful.

Finally, TextExpander is an auto-typing software that replaces user-defined text keyphrases with other phrases. Leaving a longer comment or suggestion on a rule draft might take a while to type, especially if it needs to be typed multiple times. With TextExpander, our Office can type a smaller keyword or phrase which will be immediately replaced with a longer comment. For example, to leave a comment suggesting a citation formatting change, the Office can type "#cite" and TextExpander will autofill the suggestion. This also works well when writing correspondence with prefiling agencies, as common responses can be typed in seconds.

Our Office has not been the only entity to benefit from prefilings. Rulemaking agencies are provided an easy and direct line of contact while drafting. Prefiling's flexibility means that feedback can be as frequent and as specific as desired by the agency, and the informal nature invites a level of agency/Office conversation that is less prevalent during the deadline-oriented formal filings.

Finally, benefits seen by the public are directly related to those previously discussed. The prefiling review's portion in the process provides for a more consistent reading experience throughout the entirety of the administrative code, standardizing style and language. Prefilings continue to provide learning opportunities for us and present numerous benefits to the Office, rulemaking agencies, and the public.