

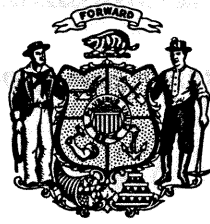
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

**RULES CLEARINGHOUSE**

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 99-077**

AN ORDER to amend EIBd 6.05, relating to filing campaign finance reports in electronic format.

Submitted by **ELECTIONS BOARD**

04-23-99 RECEIVED BY LEGISLATIVE COUNCIL.

05-20-99 REPORT SENT TO AGENCY.

RS:SPH:jal;wu

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES  NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES  NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES  NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached YES  NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES  NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES  NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

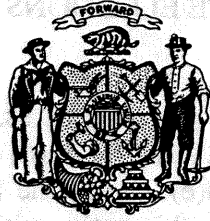
Comment Attached YES  NO

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## CLEARINGHOUSE RULE 99-077

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. Since s. EIBd 6.05 currently exists, the rule revision should declare that s. EIBd 6.05 (2), (3), (4) and (6) are amended, rather than declaring that s. EIBd 6.05 is created.
- b. The amendment to s. EIBd 6.05 (2) should show the phrase "January 1, 1999, covering activity on or after January" stricken through followed by the underscored word "July." The second occurrence of "1999" should not be affected.
- c. The word "any" in the proposed amendment to s. EIBd 6.05 (3) should be shown stricken followed by the underscored word "Any."

## NOTICE OF PROPOSED RULE

### STATE ELECTIONS BOARD

NOTICE IS HEREBY GIVEN that pursuant to ss.5.05(1)(f) and 227.11(2)(a), Stats., and interpreting ss.11.21(2), 11.21(9), 11.21(16), 11.31(6) and 20.510(1)(i), Stats., and according to the procedure set forth in s.227.16(2)(e), Stats., the State of Wisconsin Elections Board will adopt the following rule as proposed in this notice without public hearing unless within 30 days after publication of this notice, the Elections Board is petitioned for a public hearing by 25 persons who will be affected by the rule; by a municipality which will be affected by the rule; or by an association which is representative of a farm, labor, business, or professional group which will be affected by the rule.

#### ANALYSIS PREPARED BY STATE ELECTIONS BOARD:

Statutory authority: ss.5.05(1)(f) and 227.11(2)(a)

Statutes interpreted: ss.11.21(2), 11.21(9), 11.21(16), 11.31(6) and 20.510(1)(i)

This amended rule interprets ss.11.21(2), 11.21(9), 11.21(16), 11.31(6) and 20.510(1)(i), Stats. The rule provides standards for those registrants who are required to file campaign finance reports in electronic format and those registrants who may elect to file campaign finance reports in electronic format. The rule requires the registrant to use the Elections Board's software or use software that is compatible with the Board's campaign finance data base. The rule further requires registrants who file electronically to also file a hard copy of their reports. The amendment to the rule eliminates optional electronic filing between January 1, 1999 and July 1, 1999 and requires registrants who file a report electronically to file electronically thereafter.

Pursuant to the authority vested in the State of Wisconsin Elections Board by ss.5.05(1)(f) and 227.11(2)(a), Stats., the Elections Board hereby creates Rule EIBd 6.05 interpreting ss.11.21(2), 11.21(9), 11.21(16), 11.31(6) and 20.510(1)(i), Stats., as follows:

SECTION 1. EIBd 6.05 is created to read:

#### ELBD 6.05 FILING CAMPAIGN FINANCE REPORTS IN ELECTRONIC FORMAT

(1) Definitions: As used in this rule:

(a) "Campaign period" for a candidate, personal campaign committee or support committee has the same meaning as provided in s.11.26(17), Stats., and for any other registrant begins on January 1 of an odd-numbered year and ends on December 31 of the following year.

- (b) "Contribution" has the same meaning as provided in s.11.01(6), Stats.
- (c) "Electronic format" means computer diskette, modem, or other means of electronic transfer, using either software designated by the board or software that meets the board's specifications for a standard file format.
- (d) "Filing officer" means the state elections board.
- (e) "Registrant" has the same meaning as provided in s.11.01(18m), Stats.
- (f) "Report" means any filing required by ss.11.05, 11.06, 11.12(5) and (6), 11.20, and 11.23, Stats.

(2) Beginning with any campaign finance report filed on or after July January 1, 1999, ~~covering activity on or after January 1, 1999~~, any registrant who files with the state elections board and who accepts contributions or makes disbursements in a total amount or value of \$20,000 or more during a campaign period shall file each campaign finance report that is required to be filed by Chapter 11, Stats., in an electronic format.

(3) ~~Beginning with the Fall 1998 preprimary report, covering activity from July 1, 1998, through the close of the reporting period,~~ Any registrant not required to file reports electronically may elect to file any campaign finance report in an electronic format.

(4) Any campaign finance report filed in an electronic format shall be transmitted in time to be received by the filing officer no later than the time provided by law for filing the report. Any registrant who files a campaign finance report electronically shall, thereafter, file electronically all campaign finance reports required to be filed by the registrant.

(5) If a registrant uses its own software to file electronically, it must submit a trial report to the board before the end of the report period to determine if the software can generate a report in a format that is compatible with the board's campaign finance data base.

(6) Each registrant who files a report in an electronic format shall file, with the filing officer, a paper copy of the report that complies with the format set forth in Forms EB-2, EB-2a, EB-3, EB-4, EB-7, EB-10, EB-10a, EB-12 or EB-24. The paper copy of the report shall be signed by an individual authorized by the registrant to file and filed no later than the time prescribed by law for filing the report.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

**CONTACT PERSON:**

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Madison, Wisconsin 53701-2973; Phone 266-0136

The creation of this rule will take effect on the first day of the month following its publication in the Wisconsin Administrative Register pursuant to s.227.22(2), Stats.

Dated May 6, 1999

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**KEVIN J. KENNEDY**  
Executive Director  
State Elections Board