

Chapter EIBd 6 PROCEDURE

EIBd 6.02 Registration statement sufficiency
EIBd 6.03 Assistance by elections board staff

EIBd 6.04 Filing documents by facsimile (FAX) process

EIBd 6.02 Registration statement sufficiency. (1) Any registration filed with a filing officer under s. 11.05, Stats., which is insufficient as to essential form, information or attestation shall be rejected by such officer and shall be promptly returned if possible to the proposed registrant indicating the nature of the insufficiency. The proposed registrant shall be informed that the attempted registration is not effective.

(2) Any registration statement filed with a filing officer under s. 11.05, Stats., which is insufficient or incomplete in some manner but substantially complies with law shall be accepted by such officer who shall then promptly notify the registrant indicating the nature of the incompleteness or insufficiency. The registrant shall then have 15 days from the date of such notice to rectify the problem. If the incompleteness or insufficiency is not rectified by the registrant within 15 days from the date of the notice, the registration lapses and is not effective.

History: Emerg. cr. 8-9-74; cr. Register, November, 1974, No. 227, eff. 12-1-74.

EIBd 6.03 Assistance by elections board staff. Pursuant to the authority and responsibility vested in the state elections board by the statutes, specifically s. 5.05 (6) and (7), Stats., the staff of the board is authorized to provide advice to any interested person with respect to the proper application of title II. Such advice should not be construed as a formal opinion of the board under s. 5.05 (6), Stats.

History: Cr. Register, March, 1978, No. 267, eff. 4-1-78.

EIBd 6.04 Filing documents by facsimile (FAX) process. (1) As used in this rule:

- (a) "Document" means any form, statement, pleading or other writing which is required to be filed with the filing officer.
- (b) "Facsimile process" means the electronic transmission of a duplicate copy of a signed original document.
- (c) "FAX" has the same meaning as facsimile process.
- (d) "Filing officer" means the elections board or any other elections official with whom elections or campaign finance documents are required to be filed by chs. 5 to 12, Stats.

(2) Nomination papers, recall petitions, and those campaign finance reports provided in ss. 11.20 and 11.50 (12), Stats., may not be filed with the filing officer by facsimile process. Nomina-

tion papers and recall petitions shall not be considered filed with the filing officer until the signed original of each nomination paper and each recall petition is received in the offices of the filing officer. Campaign finance reports which are provided in ss. 11.20 and 11.50 (12), Stats., and which are delivered by the U.S. mails are considered filed with the filing officer when the report is post-marked. Campaign finance reports which are provided in ss. 11.20 and 11.50 (12), Stats., and which are not delivered by the U.S. mails, are considered filed with the filing officer when received in the filing officer's offices.

(3) Except as provided in sub. (2), where the Wisconsin Statutes or rules of the elections board require that a document be filed no later than a date certain, that document shall be considered timely filed if both:

(a) A duplicate copy of the document is received by the filing officer, in its offices, by facsimile process, no later than the day and hour at which the document is required to be filed and

(b) The signed original of the document is received at the offices of the filing officer with a postmark not later than the filing deadline; or the signed original is delivered to the filing officer not later than the filing deadline.

(4) Any document which is filed by facsimile process under this rule shall be considered received at the time of transmission as recorded and entered by the receiving equipment by the filing officer's staff when the facsimile copy is delivered to the filing officer's offices.

(5) If, for any reason, transmission of a document is not received at the filing officer's offices, whether because of a failure in the receiving system of the filing officer or because of a failure in the transmitting system of the person attempting to file or for any other reason, a document shall not be considered received or filed until a facsimile copy is delivered to and received at the filing officer's offices and the signed original is received at the filing officer's offices with a postmark not later than the filing deadline.

(6) The burden of establishing that a document has been received by facsimile process at the offices of the filing officer shall be upon the person who, or the committee or group which, is required to file the document.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92; am. (1) (a), (2), (3) (a) and (b), (4) to (6), cr. (1) (d), Register, June, 1996, No. 486, eff. 7-1-96.