

CERTIFICATE

State of Wisconsin)) ss. Elections Board)

I Kevin J. Kennedy, Executive Director of the State Elections Board and custodian of the official records, do hereby certify that the annexed rule, ElBd 1.15, that relates to special reports of late campaign activity, was duly approved and adopted by this board on May 20, 1991.

I further certify that this copy has been compared by me with the original on file in this board and that the same is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the State Elections Board at 132 East Wilson Street, in the City of Madison, on November 29, 1991.

Kevin J. Kennedy Executive Director ENED

2-1-92

DEC - 2 1991 H:15 Flovisor of Statutes Bureau

STATE ELECTIONS BOARD

To create ElBd 1.15 relating to Filing Special Reports of Late Campaign Activity

ANALYSIS:

Statutory authority: ss.5.05(1)(f) and 227.11(2)(a) Statutes interpreted: ss.11.12(5),(6), 11.20, 11.23(6), and 990.001

This rule interprets ss.11.12(5),(6), 11.20, 11.23(6), and 990.001, The rule provides that special reports of late independent Stats. disbursements must be filed on Elections Board Form EB-7 and special reports of late contributions in excess of \$500 must be filed on Elections Board Form EB-3; or the person filing a special report must use a format which is acceptable to the filing officer and which contains the information requested by the Board's form. Except for a special report that is required to be filed on the day of or the day immediately preceding a primary or election, any special report of late campaign activity shall be considered filed as of the date it is in the physical possession of the filing officer; or as of the date a facsimile copy is received by the filing officer if the signed original is delivered to the filing officer on that date or the signed original is received with a postmark not later than that date; or as of the date of the postmark on the envelope containing the report if the report is filed by mail. Special reports that are required to be filed on the day of or the day immediately preceding a primary or election are timely filed only if they are received at the office of the filing officer before the close of business on that day, except if that day is a Saturday, Sunday or legal holiday. If the due date of a special report is a Saturday, Sunday, or legal holiday, the due date of the report shall be the next business day.

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 ElBd 1.15 interpreting ss.11.12(5),(6), 11.20, 11.23(6), and 990.001, Stats., as follows:

SECTION 1. ElBd 1.15 is created to read:

ElBd 1.15 FILING REPORTS OF LATE CAMPAIGN ACTIVITY. (1) Any registrant required to file a special report of late campaign activity pursuant to ss.11.12(5),(6) and 11.23(6), Stats., shall comply with the provisions of this section.

(2) A registrant required to file a special report disclosing the receipt of contributions from a single source, totaling \$500 or more cumulatively during the 15 day period immediately preceding a primary or an election, shall use Form EB-3 or use a format which is acceptable to the filing officer and which contains the information required by the Board on Form EB-3.

(3) A registrant required to file a special report of late independent disbursement exceeding \$20 during the 15 day period

immediately preceding a primary or an election shall use Form EB-7 or shall use a format which is acceptable to the filing officer and which contains the information required by the Board on Form EB-7.

(4) A special report of late campaign activity is timely filed when it is in the physical possession of the filing officer within the time prescribed for filing. Except as provided in section (6) of this rule, any special report of late campaign activity also shall be treated as timely filed when it is mailed with the U.S. Postal Service, by first class mail, with sufficient prepaid postage, addressed to the appropriate filing officer, and postmarked not later than the date prescribed by law for the filing of such report.

(5) If the date on which a special report of late campaign activity is due is a Saturday, Sunday, or legal holiday, the special report shall not be due until the next business day.

(6) If a special report of late campaign activity is required to be filed on the day of or the day immediately preceding a primary or an election, the report is not timely filed unless it is actually received at the office of the appropriate filing officer before the close of business on that day, unless that day is a Saturday, Sunday, or legal holiday.

(7) If the filing officer for a special report of late campaign activity is the State Elections Board, a registrant filing the report on the day of or the day immediately preceding a primary or an election may file by sending a facsimile (FAX) copy by telecopier on that date, if the signed original of the report is received through the U.S. Mail with a postmark not later than the date due.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE

The creation of this rule has no fiscal effect.

The creation of this rule takes 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 20, 1991.

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KEVIN J ' KENNEDY Executive Director State Elections Board

DEC - 2 1991

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July 11, 1991

SENATE

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CONSUMER AFFAIRS JUDICIARY AND

The committee on_

reports and recommends:

STATE OF WISC. ELECTIONS BOARD

Clearinghouse Rule 90-261 A proposed order of the Elections Board relating to reports of late campaign activity and in-kind contributions, capital assets, contributions by minors, ballot security and filing documents.

NO ACTION TAKEN

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State of Wisconsin \ ELECTIONS BOARD

GORDON BALDWIN CHAIRMAN 132 EAST WILSON STREET THIRD FLOOR MADISON, WISCONSIN 53702 (608) 266-8005 FAX (608) 267-0500

> Kevin J. Kennedy Executive Director

November 27, 1991

Gary L. Poulson, Assistant Revisor Revisor of Statutes Bureau 119 Martin Luther King Jr. Blvd., 2nd Floor Madison, WI 53703

Dear Mr. Poulson:

This letter is to inform you of the status of the promulgation of Elections Board rules ElBd 1.15, ElBd 1.20, ElBd 1.75, ElBd 1.95, ElBd 5.01 and ElBd 6.04, all contained within Clearinghouse Rule 90-261. Each of the rules was promulgated pursuant to the 30 day notice procedure.

No petition under ch.227, Stats., was filed with the Board within 30 days to request a public hearing on the proposed action regarding any of these rules. The legislative Council reviewed and commented about each rule. After submitting these rules to both houses of the legislature on May 20, 1991, both houses took no action on these rules within the appropriate 30 day period. The Board through its Executive Director, Kevin J. Kennedy, has ordered the appropriate action on these rules. The original and a copy of the Board's orders for each rule are enclosed.

Please publish these at your earliest convenience to become effective according to their terms.

If you have any questions about the rules or the orders, please contact me.

Thank you for your assistance.

Sincerely,

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George A. Dunst Legal Counsel

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(part I)

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CERTIFICATE

DEC - 2 1991 Revisor of Statutes Rureau

State of Wisconsin)) ss. Elections Board)

I Kevin J. Kennedy, Executive Director of the State Elections Board and custodian of the official records, do hereby certify that the annexed rule, ElBd 1.20, that relates to treatment and reporting of in-kind contributions, was duly approved and adopted by this board on May 20, 1991.

I further certify that this copy has been compared by me with the original on file in this board and that the same is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the State Elections Board at 132 East Wilson Street, in the City of Madison, on November 29, 1991.

Kevin/J. Kennedy Executive Director

2-1-92

OF

STATE ELECTIONS BOARD

To create ElBd 1.20, relating to Treatment and Reporting of In-Kind Contributions

ANALYSIS:

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

Statutes Interpreted: ss.11.01(6)(a)(1), 11.16(1)(b), and 11.20(3)(f) and (g)

This rule interprets ss.11.01(6)(a)(1), 11.16(1)(b), and 11.20(3)(f) and (g), Stats. The rule provides that the contributor of an in-kind contribution must obtain the consent and authorization of the recipient of the contribution prior to making the contribution. The rule also specifies the information that must be provided to, and obtained and reported by, the recipient of an in-kind contribution, including an estimate of the fair market value of the contribution. The rule further establishes that an in-kind contribution shall be reported in the reporting period in which the benefit of the contribution is conferred upon the recipient.

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 ElBd 1.20 interpreting ss.11.10(6)(a)(1), 11.16(1)(b), and 11.20(3)(f) and (g), Stats., as follows:

SECTION 1. ElBd 1.20 is created to read:

ElBd 1.20 TREATMENT AND REPORTING OF IN-KIND CONTRIBUTIONS

- (1) Definitions: in this section:
 - (a) "Actual value" means the fair market value.
 - (b) "Authorized person" means a candidate, treasurer, agent, other person whom a candidate designates, or a person whom any other registrant designates to authorize a proposed in-kind contribution.
 - (c) "Contributor" means any individual or registrant who proposes to make an in-kind contribution.
 - (d) "Date of contribution" means the time as of which the benefit, of the thing of value given or of the service performed, is conferred upon the candidate's campaign or upon the registrant.
 - (e) "In-kind contribution" means a disbursement by a contributor to procure a thing of value or service for the benefit of a registrant who authorized the disbursement.
 - (f) "Registrant" has the same meaning as provided in sub.11.01(18m), Stats.

- (2) Before making an in-kind contribution to a candidate or other registrant, the prospective contributor shall notify an authorized person and obtain that person's oral or written consent to the contribution.
- (3) When an individual other than a registrant receives authorization to make an in-kind contribution, the authorized person shall obtain from the contributor, in writing: the contributor's name and address and, where applicable, the contributor's occupation and the name and address of his or her principal place of employment; the nature of the contribution, its actual value and the date of the contribution.
- (4) When a registrant receives authorization to make an in-kind contribution, the registrant shall provide to the authorized person, in writing, before the closing date of the next campaign finance report in which the contribution is required to be listed: the registrant's name and address; the nature of the contribution and its actual value; and the date of the contribution.
- (5) If a contributor does not know the actual value of an in-kind contribution, the contributor shall give an authorized person a good-faith and reasonable estimate of the fair market value, before the closing date of the next campaign finance report in which the contribution is required to be listed. When the contributor receives bills or other statements reflecting the actual value of the in-kind contribution, the contributor shall immediately forward that information to an authorized person.
- (6) An in-kind contribution shall be reported as received and accepted by the candidate or registrant on the date that the benefit, of the material supplied or the service performed, is conferred upon the candidate or other registrant.
- (7) A candidate or registrant shall report the value of the in-kind contribution disclosed to him by the contributor. If a contributor estimates the fair market value, a candidate or registrant shall report the estimated value. After being informed of the actual value, by the contributor, a candidate or registrant shall report the actual value on the next campaign finance report.
- (8) Without the proper authorization to make an in-kind contribution, a contributor may not make the proposed in-kind contribution unless the contribution qualifies as an independent expenditure under s.11.06(7), Stats., and under s. ElBd 1.42.
- (9) Any registrant who makes or receives an in-kind contribution shall report the contribution on Schedule 3-C of its campaign finance 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.

The creation of this rule takes 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 20, 1991

KEVIN J. KENNEDY Executive Director State Elections Board

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DEC - % 1991

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CR 90-261 (part III)

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State of Wisconsin)) ss. Elections Board)

I Kevin J. Kennedy, Executive Director of the State Elections Board and custodian of the official records, do hereby certify that the annexed rule, ElBd 1.75, that relates to purchase of capital assets by campaign registrants, was duly approved and adopted by this board on May 20, 1991.

I further certify that this copy has been compared by me with the original on file in this board and that the same is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the State Elections Board at 132 East Wilson Street, in the City of Madison, on November 29, 1991.

Kevin J. Kennedy Executive Director

OF

STATE ELECTIONS BOARD

To create ElBd 1.75, relating to the Purchase of Capital Assets by Campaign Registrants.

ANALYSIS:

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

Statutes Interpreted: ss.11.01(16) and (18m); 11.19(1); and 11.25

This rule interprets ss.11.01(16) and (18m); 11.19(1); and 11.25, Stats. The rule provides that campaign funds may be used to purchase capital assets only if the principal use of those assets is for political purposes and any non-political use is minimal. The rule also provides that a registrant may lease a capital asset from an individual for use for political purposes only if the individual is reimbursed by the registrant in an amount comparable to the prevailing standard commercial rate for lease of such assets. The rule further provides that campaign funds may be used to pay for the cost of materials, supplies and other expenses incident to the use of a capital asset leased for political purposes.

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 ElBd 1.75 interpreting ss.11.01(16) and (18m); 11.19(1); and 11.25, Stats., as follows:

SECTION 1. ElBd 1.75 is created to read:

ElBd 1.75 PURCHASE OF CAPITAL ASSETS BY CAMPAIGN REGISTRANTS.

(1) Definitions: in this section:

(a) "Capital Asset" means any asset, purchased by, or contributed to, a campaign committee, which has a useful life greater than the campaign period in which the asset was purchased, received or otherwise acquired.

(b) "Non-political use" means any usage, by a registrant, for purposes other than those specified in sub.11.01(16), Stats.

(c) "Political purposes" has the meaning provided in sub.11.01(16), Stats.

(d) "Registrant" has the same meaning as provided in sub. 11.01(18m), Stats.

(2) No capital asset may be purchased with campaign funds by a registrant unless the asset will be used principally for political purposes.

(3) Any non-political use of a capital asset purchased with campaign funds shall be incidental.

(4) A capital asset purchased and owned by an individual for personal use may be leased by a campaign registrant for use for political purposes only.

(5) Any rent or reimbursement paid for the use of a capital asset, by a registrant, shall be comparable to the commercial rate paid for the lease or rent of a similar item.

(6) The cost of materials, supplies or other expenses incurred in the use of a capital asset for political purposes may be paid with campaign funds by a registrant.

(7) If campaign funds are used by a registrant to pay for the lease and service of a capital asset, the terms of the lease or other rental agreement, including those of a service or maintenance contract, shall be in writing.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

The creation of this rule takes 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 20, 1991

KEVIN J. KENNEDY Executive Director State Elections Board

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DEC - 2 1991

Revisor of Statutes Pureau (part #2)

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DEC - 2 1991 Revisor of Statutes Pureau

State of Wisconsin)) ss. Elections Board)

I Kevin J. Kennedy, Executive Director of the State Elections Board and custodian of the official records, do hereby certify that the annexed rule, ElBd 1.95, that relates to contributions of minors, was duly approved and adopted by this board on May 20, 1991.

I further certify that this copy has been compared by me with the original on file in this board and that the same is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the State Elections Board at 132 East Wilson Street, in the City of Madison, on November 29, 1991.

Kevin J. Kennedy Executive Director

OF

STATE ELECTIONS BOARD

To create ElBd 1.95, relating to the political contributions of minors.

ANALYSIS:

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

Statutes interpreted: ss.11.06(1), 11.12(3), 11.16(2), 11.24, 11.26, 11.27, 11.50(2)(b)5., and 11.01(6)(a)

This rule interprets ss.11.01(6)(a), 11.06(1), 11.12(3), 11.16(2), 11.24, 11.26, 11.27, and 11.50(2)(b)5., Stats. The rule provides that campaign contributions, as defined in sub.11.01(6)(a), Stats., of children under the age of fourteen shall be attributed to their parents or legal guardians for purposes of campaign finance regulation under ch. 11 of the Statutes and the contributions of children 14 and over shall be treated as the contribution of the child for purposes of ch. 11, Stats. The rule also provides that the attribution to more than one parent or legal guardian shall be in equal shares or in such shares as the parents or guardians provide by written agreement.

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 ElBd 1.95 interpreting ss. 11.01(6)(a), 11.06(1), 11.12(3), 11.16(2), 11.24, 11.26, 11.27, and 11.50(2)(b)5., Stats., as follows:

SECTION 1. ElBd 1.95 is created to read:

ELBD 1.95 CONTRIBUTIONS OF INDIVIDUALS UNDER THE AGE OF EIGHTEEN.

For purposes of campaign finance regulation under ch. 11, Stats., the contribution to a candidate for election or nomination to any of the offices specified in s.11.26, Stats., of any individual less than 18 years of age at the time of contribution, shall be treated as follows:

(1) The contribution of individual contributors less than 14 years of age at the time of the contribution shall be treated as the contribution of the contributor's parents or legal guardians. If the contributor has more than one parent or one legal guardian, the contribution shall be attributed to each parent or each guardian in equal shares or in such shares as the parents or the quardians determine by written agreement.

(2) The contribution of individual contributors who are 14 years of age or older at the time of the contribution shall be treated for all purposes of campaign finance regulation under ch. 11, Stats., as the contribution of the individual contributor.

(3) This section shall not affect the determination of an individual's right or authority to make contributions from a multi-party account at a financial institution.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

The creation of this rule takes 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 20, 1991

KEVIN J. KENNEDY Executive Director State Elections Board

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DEC - 2 1991)

Revisor of Statutes Pureau CR 90-261 (port 2)

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DEC - 2 19911 Reviser of Slatutes

State of Wisconsin ss. Elections Board

I Kevin J. Kennedy, Executive Director of the State Elections Board and custodian of the official records, do hereby certify that the annexed rule, ElBd 5.01, that relates to security of ballots and ballot containers, was duly approved and adopted by this board on May 20, 1991.

I further certify that this copy has been compared by me with the original on file in this board and that the same is a true copy of the original, and of the whole of the original.

> IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the State Elections Board at 132 East Wilson Street, in the City of Madison, on November 29, 1991.

Kevin J. Kennedy

Executive Director

STATE ELECTIONS BOARD

To create ElBd 5.01, relating to the security of ballots and ballot containers.

ANALYSIS:

Statutory Authority:	ss.5.01(1)(f) and 227.11(2)(a)
Statutes Interprested:	ss.7.23, $7.51(3)$, $9.01(1)$, (7) , (9) and
	19.35, Stats.

This rule interprets ss. 7.23, 7.51(3), 9.01(1), (7), (9), and 19.35, Stats. The rule prescribes the standards and procedures applicable to maintaining the security of the ballots between the time they are cast and the time that they are destroyed. The rule provides that both the ballots and the container in which they are kept must be stored in such a manner that any access to the container and the ballots - whether authorized or unauthorized - will leave an indelible record or evidence of that access until the ballots are re-secured. The rule acknowledges that authorized access to the ballots may be obtained only by a petition for recount, by a court order, or by a public records request under s.19.35, Stats. The rule also provides that destruction of the ballots under s.7.23, Stats., means obliterating, not discarding, the ballots.

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 ElBd 5.01 interpreting 7.23, 7.51(3), 9.01(1), (7), (9), and 19.35, Stats., as follows:

SECTION 1. ElBd 5.01 is created to read:

ElBd 5.01 BALLOT SECURITY

(1) Within the requirements of s.7.51(3), Stats., the terms "secure" and "seal" shall be interpreted together to mean that the ballots, within the container in which they are held, must be bound together in such a manner that no ballot may be removed, nor any ballot added, to the bound ballots without a visibly discernible and indelible record of or evidence of interference with or damage to that binding.

(2) Within the requirements of s.7.51(3)(a), Stats., a ballot container shall be considered "sealed" or "locked," only if no ballot may be removed from the container or deposited into the container, and no other form of access to the bound ballots inside may be gained, without leaving visibly discernible and indelible evidence of, or record of, that entry or access into the container.

(3) A ballot container shall not be considered "secured" unless it is stored in a room or other facility access to which is limited only to the clerk of the election district or to other persons known to the clerk, and access to which is not available to any other person. (4) Whenever the custodian of the ballots is required to open the ballot container and unseal the ballots - as part of a recount, an appeal of a recount, or as part of a public records request under s.19.35, Stats. - the custodian shall make a record of that entry and of that ballot review. Upon completion of the review of the ballots, the custodian shall re-secure them in the manner provided in s.7.51, Stats., unless destruction is authorized under 7.23, Stats.

(5) Security of the ballots and the ballot container shall be maintained as provided under s.7.51, Stats., until destruction of the ballots is conducted under s.7.23, Stats. Destruction of the ballots under s.7.23, Stats., requires shredding, incinceration, or some other form of obliteration of the ballots.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

The creation of this rule takes 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 20, 1991

Kevin Ø. Kennedy Executive Director State Elections Board

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DEC - 2 19917

Revisor of Statutes

(pant II)

CERTIFICATE

State of Wisconsin)) ss. Elections Board)

I Kevin J. Kennedy, Executive Director of the State Elections Board and custodian of the official records, do hereby certify that the annexed rule, ElBd 6.04, that relates to filing documents by facsimile process, was duly approved and adopted by this board on May 20, 1991.

I further certify that this copy has been compared by me with the original on file in this board and that the same is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the State Elections Board at 132 East Wilson Street, in the City of Madison, on November 29, 1991.

Kevin J. Kennedy Executive Director

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DEC - 2 1991 H: Kon Statutes Pureau

2-1-92

OF

STATE ELECTIONS BOARD

To create ElBd 6.04, relating to filing documents by facsimile process.

ANALYSIS:

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

Statutes Interpreted: ss.5.06(1), (2) and (3), 5.62(1)(b) and (2), 8.10(6)(a), 8.15(4)(b) and (8)(a), 8.16(2)(a) and (c), 8.185(2), 8.19, 8.20(7), 8.21, 8.50(3), 9.01(1)(ar)1. and (ar)2., 9.01(4), 9.10(1)(a) and (d), 10.68, 10.72, 10.78, 10.80, 10.82, 11.05, 11.06(7), 11.08, 11.16(5), 11.20, 11.23, 11.31(2m), 11.38(1)(a)2., 11.50(2) and (12), and 11.66

This rule interprets ss.5.06(1), (2), and (3), 5.62(1)(b) and (2), 8.10(6)(a), 8.15(4)(b) and (8)(a), 8.16(2)(a) and (c), 8.185(2), 8.19, 8.20(7), 8.21, 8.50(3), 9.01(1)(ar)1. and (ar)2., 9.01(4), 9.10(1)(a) and (d), 10.68, 10.72, 10.78, 10.80, 10.82, 11.05, 11.06(7), 11.08, 11.16(5), 11.20, 11.23, 11.31(2m), 11.38(1)(a)2., 11.50(2) and (12) and 11.66, Stats. The rule specifies those documents which may be filed by facsimile (FAX) process with the State Elections Board, and be considered timely and those documents which may not. The rule provides that those documents which may be filed by facsimile process shall be considered timely filed if both a duplicate copy of the document is received by the Board, in its offices, by facsimile process, no later than the day and hour at which the document is required to be filed and the signed original of the document is received at the offices of the Board with a postmark not later than the filing deadline.

SECTION 1. ElBd 6.04 is created to read:

ElBd 6.04 FILING DOCUMENTS BY FACSIMILE (FAX) PROCESS.

- (1) Definitions: as used in this rule:
 - (a) "Document" means any form, statement, pleading or other writing which is required to be filed with the Elections Board.
 - (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.
- (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 Elections Board by facsimile process. Nomination papers and recall petitions shall not be considered filed with the Board until the signed original of each nomination paper and each recall petition is received in the offices of the Board. 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 Board when the report is postmarked. 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 Board when received in the Board's offices.

(3) Except as provided in section (2) of this rule, 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 Board, in it 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 Board with a postmark not later than the filing deadline; or the signed original is delivered to the Board 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 Board's staff when the facsimile copy is delivered to the Board offices.
- (5) If, for any reason, transmission of a document is not received at the Board's offices, whether because of a failure in the receiving system of the Board 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 Board's offices and the signed original is received at the Board'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 Board shall be upon the person who, or the committee or group which, is required to file the document.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

This rule takes effect on the first day of the month following its publication in the Wisconsin administrative register pursuant to s.227.22(2), Stats.

- SEIVED

Dated May 20, 1991

DEC - 2 1991

Kevin J. Kennedy Executive Director State Elections Board

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