

Chapter EL 6

PROCEDURE

EL 6.02 Registration statement sufficiency.

EL 6.04 Filing documents by facsimile or email process.

Note: Chapter EIBd 6 was renumbered chapter GAB 6 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 6., Stats., Register June 2008 No. 630. Chapter GAB 6 was renumbered Chapters EL 6 and ETH 6 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

EL 6.02 Registration statement sufficiency. (1) Any registration filed with a filing officer under chs. 8 and 9, Stats., which is insufficient as to essential form, information or attestations shall be rejected by such officer and shall be promptly returned if possible to the proposed registrant indicating the nature of the insufficiency. The filing officer shall inform the proposed registrant that the attempted registration is not effective.

(2) Any registration statement filed with a filing officer under chs. 8 and 9, 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. The filing officer shall inform the registrant that the registration has lapsed and is not effective.

History: Emerg. cr. 8-9-74; cr. Register, November, 1974, No. 227, eff. 12-1-74; corrections made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 17-043: am. Register December 2017 No. 744, eff. 1-1-18.

EL 6.04 Filing documents by facsimile or email 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.

(am) “Email process” means the electronic transmission of a duplicate copy of a signed original document.

(b) “Facsimile process” means the electronic transmission of a duplicate copy of a signed original document.

(d) “Filing officer” means the elections commission 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 other election related petitions under s. 8.40, Stats., may not be filed with the filing officer by facsimile process or email process. Nomination papers, recall petitions, and other election related petitions under s. 8.40, Stats., shall not be considered filed with the filing officer until the signed original of each nomination paper, recall petition,

or other election related petition under s. 8.40, Stats., are received in the offices of the filing officer. Sworn complaints filed under ss. 5.05 (2m) and 5.06, Stats., and declarations of candidacy filed under ss. 8.10 (5) and 8.20 (8), Stats., may be filed with the filing officer by facsimile or email process.

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

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

(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 or by email 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 or email 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 or email 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 or by email 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; correction in (1) (d), (3) made under s. 13.92 (4) (b) 6., Stats., and correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 17-043: am. (title), cr. (1) (am), r. (1) (c), am. (2), (3) (intro.), (a), (4) to (6) Register December 2017 No. 744, eff. 1-1-18; correction in (2) made under s. 35.17, Stats., Register December 2017 No. 744.