

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Campaigns &
Elections
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr_AC-Ed_RCP_pt01a
- > 05hr_AC-Ed_RCP_pt01b
- > 05hr_AC-Ed_RCP_pt02

Published Documents

> Committee Hearings ... CH (Public Hearing Announcements)

> **

> Committee Reports ... CR

> **

> Executive Sessions ... ES

> **

> Record of Comm. Proceedings ... RCP

> **

*Information Collected For Or
Against Proposal*

> Appointments ... Appt

> **

> Clearinghouse Rules ... CRule

01hr_CRule_02-082_AC-CE_pt01

> Hearing Records ... HR (bills and resolutions)

> **

> Miscellaneous ... Misc

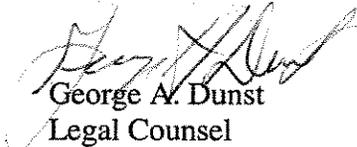
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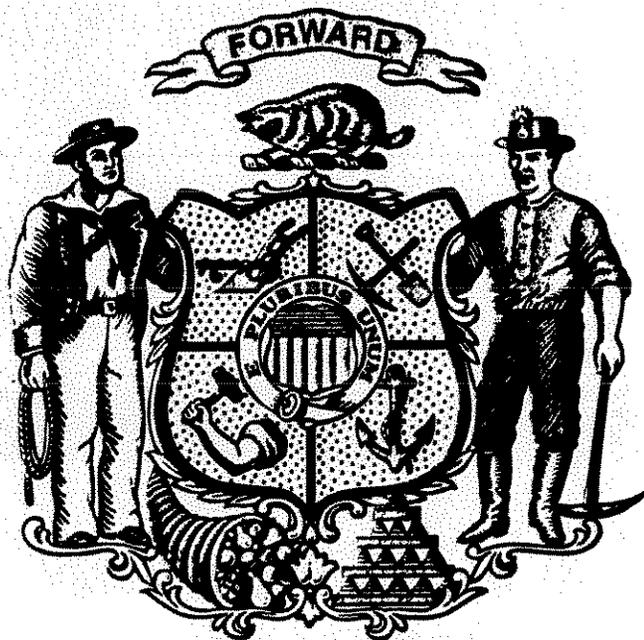
NOTICE

This notice is to inform you that the proposed rule-making of the State Elections Board, appearing in Clearinghouse Rule 02-082, amending s. ElBd 6.05(1)(c), (2), and (5), is submitted to the presiding officer of each house of the legislature. This submission includes the proposed rule, the Legislative Council's staff's report and the Elections Board's report. In addition, the Elections Board is placing in the Wisconsin Administrative Register a notice that the proposed rules have been submitted to the presiding officer of each house.

Dated June 28, 2002

STATE ELECTIONS BOARD


George A. Dunst
Legal Counsel



DATE: August 21, 2002

TO: Terri Griffiths

Committee on Campaigns and Elections

FROM: Patrick Fuller, Assembly Assistant Chief Clerk

RE: Clearinghouse Rules Referral

The following Clearinghouse Rule has been referred to your committee.

CLEARINGHOUSE RULE 02-082

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

Submitted by **Elections Board**.

Report received from Agency on **August 13, 2002**.

To committee on **Campaigns and Elections**.

Referred on **Wednesday, August 21, 2002**.

Last day for action - **Friday, September 20, 2002**.

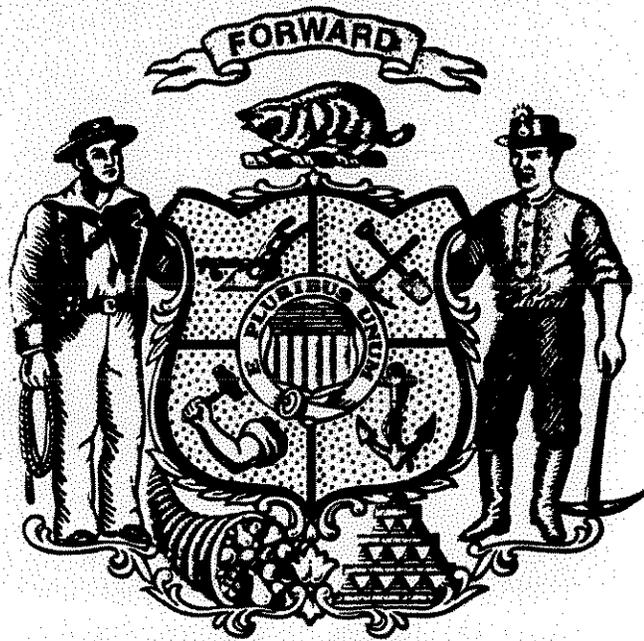
Under section 227.19 (4) of the Wisconsin Statutes, your committee has 30 days to take action or get an extension. The day **after** the official referral date is day one of your review period. Therefore, the 30th day should fall four weeks and two days after the referral date. For example, for Clearinghouse Rules referred on a Monday, a Wednesday would be your 30th day. For Clearinghouse Rules referred on a Tuesday, a Thursday would be your 30th day. For Clearinghouse Rules referred on a Wednesday, a Friday would be your 30th day. For Clearinghouse Rules referred on a Thursday or Friday, your 30th day would fall on a weekend. Therefore, your time would expire on the next working day (Monday) as provided for in s. 990.001 of the Wisconsin Statutes. Also, if the 30th day falls on a legal holiday, time would expire on the next working day.

Section 227.19 **requires** you to notify each member of your committee that you have received this Clearinghouse Rule. Although some committee chairs do so, you are not required to send a copy of the text of the rule to each member at this time. Your notice could state that members should contact you if they wish to receive a hard copy of the rule. **(Please note that the text of Clearinghouse Rules beginning with the prefix "01" is now available online in the Clearinghouse Rules infobase in FOLIO.)** Please put a copy of your official notification memo in the rule jacket.

Three copies of the Clearinghouse Rule and its accompanying documents are contained in the jacket. If you wish to have your Legislative Council attorney review the Clearinghouse Rule, send him/her a copy. I only need one copy remaining in the jacket when you report it out of committee at the end of the review period.

The identical process is happening simultaneously in the Senate. Keep track of their action on the rule.

For assistance with the Clearinghouse Rule process, please consult Ken Stigler (6-2406) or your Legislative Council attorney. If you wish to learn more on this subject, read section 227.19 of the Wisconsin Statutes or part 2 of the *Administrative Rules Procedures Manual* written by the Revisor of Statutes Bureau and the Wisconsin Legislative Council staff.





Rep. Steve Freese 115 West

Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese

TO: Members of the Assembly Committee on Campaigns and Elections

Rep. Bonnie Ladwig, Vice-Chair Rep. David Travis
Rep. Jeff Stone Rep. Mark Pocan
Rep. Jeff Fitzgerald

FROM: Representative Stephen Freese, Chair

DATE: August 23, 2002

RE: Clearinghouse Rule 02-082

On August 21, 2002, the following clearinghouse rule was referred to the Assembly Campaigns and Elections Committee:

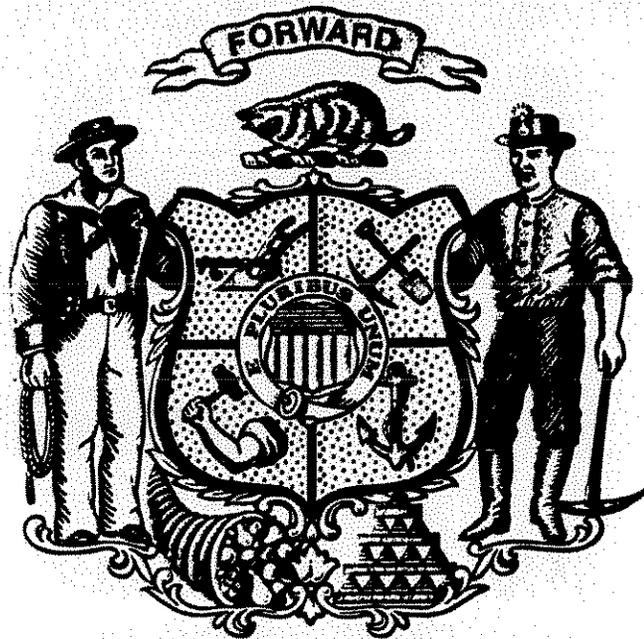
Clearinghouse Rule 02-082, relating to the promulgating of rules to regulate campaign finance reporting and to ensure the proper administration of that reporting.

The deadline for committee action on this rule is **Friday, September 20, 2002**. If you are interested in requesting a hearing and/or submitting comments, please do so prior to the deadline date.

Attached is the proposed rule and report of the State Elections Board for your reference.

Fifty-First Assembly District

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(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789



REPORT
OF
STATE ELECTIONS BOARD

Clearinghouse Rule 02-082
Rules s. EIBd. 6.05(1)(c), (2) and (5)
Wisconsin Administrative Code

Sections EIBd. 6.05(1)(c), (2) and (5)

1. Findings of fact:

The Elections Board finds that the legislature has directed it to promulgate rules to regulate campaign finance reporting and to ensure the proper administration of that reporting. To facilitate compliance with Wisconsin's campaign finance law and the public's confidence in that compliance and to facilitate the reporting of campaign finance activity, the Board has adopted a rule authorizing and requiring electronic filing of campaign finance Reports..

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 amends the guidelines 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 current rule requires the registrant to use software designated by the Elections Board or software that meets the Board's specifications for a standard file format. The amendment to the rule, by limiting the term "electronic format," requires specified registrants to file campaign finance reports in one of three specified formats that are commercially available -- a computer data file created using Access or Excel software or software that produces a delimited text file. A delimited text file is a data format in which each piece of data is separated by a comma, tab, or other character.

Finally, the Board finds that a public hearing is not required by the statutes, and that a public hearing has neither been requested nor is necessary to the creation of this rule.

2. Conclusion and recommended action:

The State Elections Board unanimously concludes that s. EIBd. 6.05(1)(c), (2) and (5) should be amended. The amendment of this rule is necessary to establish the procedure for filing campaign finance reports in an electronic format.

The Board recommends promulgation of this rule.

3. Explanations of modifications to the proposed rule:

The State Elections Board makes no substantive modifications to this rule.

4. List of persons appearing at the public hearing:

No public hearing was held. The rule was submitted pursuant to the 30-day notice procedure of s.227.16(2)(e), Stats. No person who will be affected by the rule filed a petition for a public hearing within the 30-day period provided by that statute.

5. Response to Legislative Council staff report:

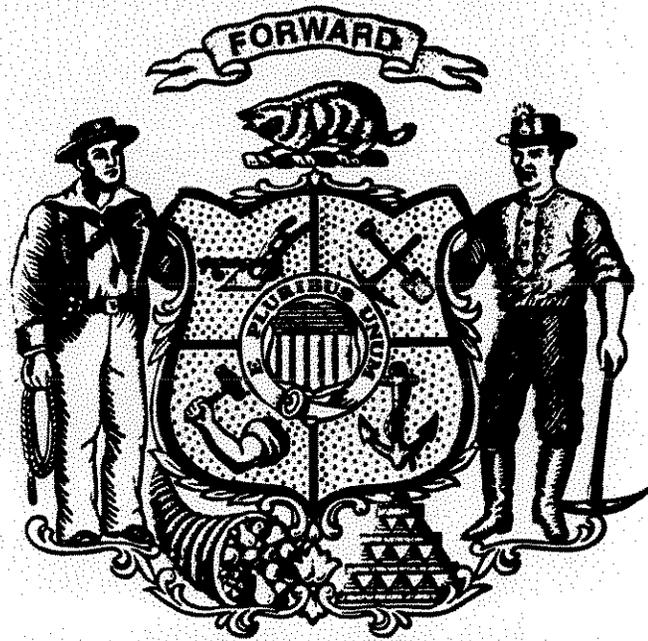
The State Elections Board adopts the Legislative Council's staff's comments and has incorporated the suggested changes in the rule without exception.

Respectfully submitted,

June 28, 2002

STATE ELECTIONS BOARD


George A. Dunst, Legal Counsel



WISCONSIN ADMINISTRATIVE CODE

STATE ELECTIONS BOARD

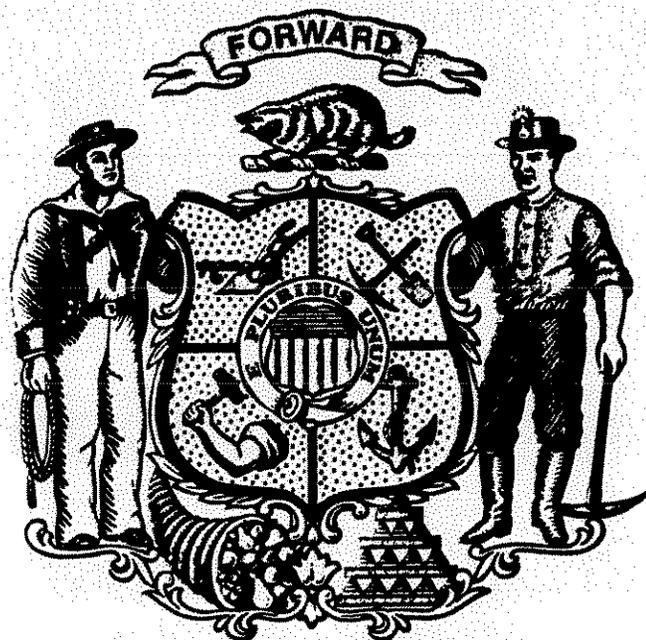
SECTION 1. EIBd 6.05(1)(c), (2) and (5) are amended to read:

(1) (c) "Electronic format" means computer diskette, ~~modem, or other means of electronic transfer,~~ a computer data file created using Access or Excel software designated by the board or software that meets the board's specifications for a standard file format produces a delimited text file.

Note: A delimited text file is a data format in which each piece of data is separated by a comma, tab, or other character. This is a popular format for transferring data from one application to another, because most database systems are able to import and export delimited data. Commas are the most common delimiter used and are the default in many applications.

(2) ~~Beginning with any campaign finance report filed on or after July 1, 1999,~~ any 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 ch. 11, Stats., in an electronic format.

(5) ~~If a~~ A registrant who must file electronically under this section uses its own software to file electronically, it must shall submit a trial report to the board before the end of the report period to determine if the software can generate a report is in a format that is compatible with meets the board's campaign finance data base requirements set out in this section.





WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 02-082

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. The treatment clause of SECTION 1 of the rule should indicate that s. EIBd 6.05 (1) (c), (2) and (5) are being amended.
- b. In s. EIBd 6.05 (1) (intro.), the term "Definitions:" should be deleted.
- c. The title to s. EIBd 6.05 should be deleted. [See s. 1.05 (3) (b), Manual.]
- d. In s. EIBd 6.05 (2), the word "any" in the current rule should be stricken through and the term "Any" should follow it and be underscored. [See s. 1.06, Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

Section EIBd 6.05 (5) ends with the phrase "requirements set out in this rule." A more specific cross-reference should be provided. For example, the phrase could be redrafted as follows: "requirements set out in this section."

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section EIBd 6.05 (1) (c) refers to a "delimited text file." Although this phrase is a term of art and generally understood in the technology industry, it might be helpful to include a note to the rule providing a "plain language" understanding of what the term means. This would facilitate a better understanding on the part of campaign treasurers and other users of the rule who may not be as technology savvy.

b. In s. ElBd 6.05 (5), the rule should be modified to clarify that a registrant who must submit a trial report is a registrant who is required to file electronically under s. ElBd 6.05. Accordingly, the beginning of sub. (5) could be rewritten to read "~~If a~~ A registrant who must file electronically under this section . . ." Additionally, the period at the end of sub. (5) should not be underscored as it currently exists in the present rule.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
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Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[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 02-082

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

Submitted by **ELECTIONS BOARD**

06-04-2002 RECEIVED BY LEGISLATIVE COUNCIL.

06-21-2002 REPORT SENT TO AGENCY.

RNS:RJC

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