



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
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Richard Sweet
Clearinghouse Assistant Director

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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



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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.

State of Wisconsin \ Elections Board

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JERALYN B. WENDELBERGER
Chairperson

KEVIN J. KENNEDY
Executive Director

June 3, 2002

Ronald Sklansky
Administrative Rules Clearinghouse
Legislative Council
1 East Main St., Suite 401
Madison, WI 53703

Re: Administrative Rules of the State Elections Board

Dear Mr. Sklansky:

Enclosed please find a Notice of Proposed Rule concerning a newly amended rule, (EIBd 6.05, relating to filing campaign finance reports in electronic format), that the State Elections Board has adopted and wishes to promulgate pursuant to the 30-day notice procedure under s.227.16(2)(e), Stats..


No federal rules or regulations require the adoption or repeal of this rule nor relate to the substance of the rule. No court decision directly relates to the content or adoption of this rule.

The name of the person to contact about this rule is George A. Dunst, whose telephone number is (608) 266-0136.

The agency person responsible for internally processing this rule is George A. Dunst, legal counsel for the State Elections Board.

Please process this matter at your earliest convenience. Thank you.

STATE ELECTIONS BOARD


George A. Dunst
Legal Counsel

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 rules 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 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.

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 amended to read:

ELBD 6.05 FILING CAMPAIGN FINANCE REPORTS IN ELECTRONIC FORMAT

(1) Definitions: As used in this rule:

(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.

formal definition of electronic format in the statute's history but might be helpful to include a note providing a 'plain language' understanding.

(2) ~~Beginning with any campaign finance report filed on or after July 1, 1999, a~~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.

one who must file electronically
(5) If a A registrant ~~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 rule.

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:

George A. Dunst
Legal Counsel, State Elections Board
132 E. Wilson Street, P.O. Box 2973
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 June 3, 2002


KEVIN J. KENNEDY
Executive Director
State Elections Board

State of Wisconsin \ Elections Board

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JERALYN B. WENDELBERGER
Chairperson

KEVIN J. KENNEDY
Executive Director

TO: MEMBERS OF THE WISCONSIN LEGISLATURE

FROM: STATE ELECTIONS BOARD

DATE: JUNE 13, 2002

SUBJECT: EMERGENCY RULES OF THE STATE ELECTIONS BOARD

Enclosed please find a copy of the State Elections Board's rule Amended ElBd 6.05, relating to electronic filing of campaign finance reports, which the Elections Board adopted as an emergency rule at its meeting on May 22, 2002. A public hearing on the Board's emergency rule will be held on June 25, 2002 at the Elections Board's meeting to be held in the Brookfield Common Council Chambers at the Brookfield City Administration Building at 2000 North Calhoun Road, Brookfield, Wisconsin, beginning at 9:30 a.m.

If anyone has any questions about the Board's rule or about the Board's hearing on the rule, the person to contact is the Board's legal counsel, George A. Dunst, whose telephone number is (608) 266-0136

NOTICE OF ORDER
OF THE
STATE ELECTIONS BOARD

To adopt an emergency rule amending ElBd 6.05 relating to filing campaign reports by electronic transmission.

ANALYSIS:

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

Statutes interpreted: ss.11.06(1)(intro.), 11.12(5), 11.12(6), 11.21(1), 11.21(2), 11.21(9), 11.21(16), 11.23(6), 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.

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 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.

The Elections Board finds that an emergency exists in the implementation of the requirement of s.11.21(16), Stats., that each registrant for whom the board serves as filing officer and who or which accepts contributions in a total amount or value of \$20,000 or more during a campaign period, shall file each required campaign finance report in an electronic format, and finds that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

With the close of the legislature's 2001-02 biennial session, it is now apparent that the Board will not receive an additional appropriation to develop a software program that enables registrants to file reports that integrates with the agency's information management system. Implementing an alternate means to permit registrants to comply with s. 11.21 (16) Wis. Stats., is necessary for use of campaign finance reports filed in 2002 and thereafter. Filings in electronic format will improve the welfare of Wisconsin's citizens by making campaign finance information more readily available to citizens, candidates, journalists and advocacy groups. Filing reports electronically is the only viable means of ensuring that the public has the information necessary to participate in the selection of our governmental leaders.

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 amends 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 amended to read:

ELBD 6.05 FILING CAMPAIGN FINANCE REPORTS IN ELECTRONIC FORMAT

EIBd 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, 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.

(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 1, 1999, a~~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.

(3) 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 A~~ A registrant ~~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 rule.

(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:

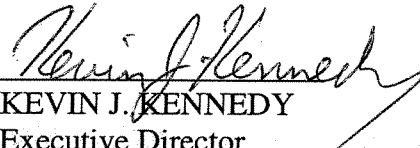
The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

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 29, 2002


KEVIN J. KENNEDY
Executive Director
State Elections Board

Sargent, Justin

From: Dunst, George
Sent: Wednesday, August 14, 2002 3:28 PM
To: Sargent, Justin
Subject: RE: Rule Request

-----Original Message-----

From: Sargent, Justin
Sent: Wednesday, August 14, 2002 2:26 PM
To: Dunst, George
Subject: Rule Request

In reviewing the Latest Wisconsin Administrative Register (No. 560), I noted that proposed rule CR 02-082 is listed as submitted to the legislature.

My records indicate that I have not received a copy, would you please send me a copy of the final draft of this rule.

Justin Sargent
JCRAR Clerk for State Senator Judy Robson

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~~ is in a format that ~~is compatible with~~ meets the board's ~~campaign finance data base~~ requirements set out in this section.