

**2009 DRAFTING REQUEST**

**Bill**

Received: **08/13/2009**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Cory Mason (608) 266-0634**

By/Representing: **Shelle Michalak**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - campaign finance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Mason@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Electronic filing methodology

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**Instructions:**

Per attached E mail, 3/12/09.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 08/20/2009	jdye 08/24/2009		_____			
/1			rschluet 08/24/2009	_____	sbasford 08/24/2009	sbasford 09/30/2009	

FE Sent For:

<END>

→ Not Needed

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12/11	jkuesel 8/20/09	1/24 jld		_____			
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FE Sent For:  <END>

## Kuesel, Jeffery

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**From:** Gary, Aaron  
**Sent:** Wednesday, August 12, 2009 4:39 PM  
**To:** Michalak, Michelle  
**Cc:** Selkowe, Vicky; Kuesel, Jeffery  
**Subject:** RE: Bill Drafting Request for Rep. Mason

Hi Shelle,

This doesn't ring a bell. My drafting areas are Financial Institutions, Transportation, Alcohol Beverages, and SWIB.

I am copying Jeff Kuesel, our Elections drafter, on this e-mail. Perhaps Vicky talked to Jeff about it - I'll defer to him.

Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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**From:** Michalak, Michelle  
**Sent:** Wednesday, August 12, 2009 4:25 PM  
**To:** Gary, Aaron  
**Subject:** Bill Drafting Request for Rep. Mason

Hi Aaron,

Vicky from our office has indicated that she was talking with you a little bit about drafting this legislation. I have received approval from my boss and further details are below.

Feel free to contact me with any questions you or the drafter may have.

Thanks

**Shelle Michalak**  
**Office of State Representative Cory Mason**  
Room 321 East, State Capitol  
PO Box 8953  
Madison, WI 53708

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Phone: (608) 266-0634 Toll free: (888) 534-0062  
Fax: (608) 282-3662  
Email: [Michelle.Michalak@legis.wisconsin.gov](mailto:Michelle.Michalak@legis.wisconsin.gov)

E-mail correspondence to and from this address may be subject open records law and may be disclosed to outside parties.

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**From:** Pfohl, Mike  
**Sent:** Monday, August 10, 2009 2:52 PM  
**To:** Michalak, Michelle  
**Subject:** Old Finance reporting system

To follow-up,

Attached is a pdf of the old rule with the recent changes the GAB made to it to force people to use their new website (page 2). What we'd want the bill to say is:

Electronic format" means a computer file created using Excel software (or software that produces a delimited file) or the government accountability board's internet-based Campaign Finance Information System.

Again, the timeline is such that ideally, the co-sponsorship should go out at the end of August and then ideally be on track to be voted on in late October or the first week in November so that it may pass before the January reporting period.

I believe the Coggs office may want to be the lead in the Senate, the Smith office is checking with them.

Again, if you guys don't have time to draft it, that's fine, I can draft it on my end and ship it over to you if need be.

Mike Pfohl  
Office of Rep. Sheridan  
(608) 266-7503

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**From:** Adrian, Scott  
**Sent:** Monday, August 10, 2009 2:41 PM  
**To:** Pfohl, Mike  
**Subject:** rule

<< File: 09-040-0.pdf >>

**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 09-040

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

Submitted by GOVERNMENT ACCOUNTABILITY BOARD

05-29-2009 RECEIVED BY LEGISLATIVE COUNCIL.

06-25-2009 REPORT SENT TO AGENCY.

RNS:JK

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

## 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 09-040

## Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

**1. Statutory Authority**

a. In s. GAB 6.05 (2), why does the current rule apply to a registrant who makes disbursements in a total amount or value of \$20,000? The statute upon which the agency bases its statutory authority [s. 11.21 (16), Stats.] does not appear to apply to registrants who make disbursements in that amount, but, rather, applies to registrants who or which accept contributions in that amount.

**2. Form, Style and Placement in Administrative Code**

b. In the introductory clause, "proposes" should replace "proposed" and "Wis. Adm. Code," should be removed. [s. 1.02 (1), Manual.]

c. The rule preface should include a statement concerning the deadline for submission of comments about the rule. [s. 1.02 (2) (a) 12., Manual.]

d. In s. GAB 6.05 (1) (c), "~~data~~" should be inserted between "~~computer~~" and "~~file~~." Also, "~~text~~" should be inserted between "~~delimited~~" and "~~file~~."

e. The agency might consider including an initial applicability clause in the proposed rule. [s. 1.02 (3m), Stats.]

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

a. In bullet point #2 of the analysis, the reference to s. 227.24, Stats., should be removed because the proposed rule is not an emergency rule. In addition, the statutory sections should be placed in numerical order.

f. In bullet points #3 and #5, "s. GAB 6.05" should replace "GAB 6.05." [s. 1.07, Manual.]

g. In bullet point #4 of the analysis, "ch. 11, Stats." should replace "Wisconsin Statutes ch. 11." [s. 1.07, Manual.]

h. In s. GAB 6.05 (1) (intro.), (2), (3), and (5), "this rule" should be replaced with a more specific reference. [s. 1.07 (1) (a), Manual.]

i. In s. GAB 6.05 (2), the period at the end of the subsection should not be underlined. [s. 1.06 (4), Manual.]

j. In s. GAB 6.05 (5), the underlined period in the third line should be removed and the period in the fourth line should not be stricken-through. [s. 1.06 (4), Manual.]

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

- a. In the title of the proposed rule, “PROPOSED” should replace “PROPSED” on page 1.
- b. In bullet point #3 of the analysis, a comma should be inserted after “GAB 6.05.”



CR09-040

**Clearinghouse Rule 09-040** **NOTICE OF PROPOSED ORDER ADOPTING RULE  
GOVERNMENT ACCOUNTABILITY BOARD**

The Government Accountability Board proposed an order to amend GAB 6.05, Wis. Adm. Code, relating to filing campaign finance reports in electronic format.

**ANALYSIS PREPARED BY GOVERNMENT ACCOUNTABILITY BOARD:**

1. Statutes interpreted: s.11.21(16), Stats.

2. Statutory authority: ss. 11.21(16), 5.05(1)(f), 227.11(2)(a) and 227.24, Stats.

3. Explanation of agency authority: Under the existing statute, s. 11.21(16), Stats., the Government Accountability Board is specifically charged with developing rules to address compliance with the electronic format filing requirement of this statute. Under the existing rule, GAB 6.05 the term “electronic format” does not restrict registrants to the electronic filing system currently in use by the Board. Adoption of this rule will create a uniform electronic format filing requirement that is compatible with the Board’s current electronic filing system.

4. Related statute(s) or rule(s): Wisconsin Statutes ch. 11—Campaign Financing.

5. Plain language analysis: This amended rule, GAB 6.05, creates a uniform requirement and restricts registrants to an “electronic format” compatible with the Board’s electronic filing system for filing campaign finance reports.

6. Summary of, and comparison with, existing or proposed federal regulations: Federal regulations mandated electronic filing of campaign finance reports with a standard uniform system since January 1, 2001. 11 CFR 104.18.

7. Comparison with rules in adjacent states: Illinois mandates electronic filing of campaign finance reports with a standard uniform system for committees exceeding \$10,000.00 in receipts or expenditures, strongly encouraging all other committees to file electronically. Michigan, Minnesota, and Iowa have optional electronic filing of campaign finance reports.

8. Summary of factual data and analytical methodologies: Adoption of the rule was primarily predicated upon the legislature's previous appropriation of funds to purchase an electronic filing system for campaign finance reports. In addition, the Government Accountability Board approved the use of an electronic filing system for campaign finance reports beginning year end 2008.

9. Analysis and supporting documentation used to determine effect on small businesses: The rule will have no effect on small business, nor any economic impact.

10. Effect on small business: The creation of this rule does not affect business.

11. Agency contact person: Shane W. Falk, Staff Counsel, Government Accountability Board, 212 E. Washington Avenue, 3<sup>rd</sup> Floor, P.O. Box 2973, Madison, Wisconsin 53701-2973; Phone 266-2094; Shane.Falk@wisconsin.gov

FISCAL ESTIMATE: The creation of this rule has no new fiscal effect. The legislature has previously appropriated funds to purchase the electronic filing system for campaign finance reports.

INITIAL REGULATORY FLEXIBILITY ANALYSIS: The creation of this rule does not affect business.

TEXT OF PROPOSED RULE:

SECTION 1. GAB 6.05 is amended to read:

**GAB 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 or a computer file created using Access or Excel software or software that produces a delimited file~~ the government accountability board's internet-based Campaign Finance Information System.

(d) "Filing officer" means the government accountability 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) Any registrant who files with the government accountability 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~~ the electronic format specified by this rule.

(3) Any registrant not required to file reports electronically may elect to file any campaign finance report in ~~an~~ the electronic format specified by this rule.

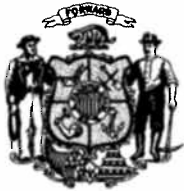
(4) Any campaign finance report filed in ~~an~~ electronic format shall be transmitted in time to be received by the filing officer no later than the time provided by law for filing the report. Any registrant who files a campaign finance report electronically shall, thereafter, file electronically all campaign finance reports required to be filed by the registrant.

~~(5) A registrant shall submit a trial report to the board before the end of the report period to determine if the report is in a format that meets the board's requirements set out in this rule.~~

~~(6)~~(5) Each registrant who files a report in ~~an~~ the electronic format specified by this rule shall also 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.~~ That 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.

## SECTION 2. EFFECTIVE DATE.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227. 22(2)(intro.), Stats.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3271

JTK

wanted by the 8/25

jd

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

✓

Gen

1

AN ACT ...; relating to: the methodology for filing campaign finance reports in

2

electronic format

*Analysis by the Legislative Reference Bureau*

Currently, each registrant under the campaign finance law for whom the Government Accountability Board (GAB) serves as filing officer and who or which accepts political contributions in a total amount or value of \$20,000 or more during a campaign period, as defined by law, must file reports in an electronic format. GAB is directed to specify, by rule, a type of software that is suitable for compliance with the electronic filing requirement. GAB must provide copies of the software to registrants at a price fixed by GAB that may not exceed cost.

This bill directs GAB to provide an Internet-based system that registrants may use to file campaign finance reports in an electronic format. The bill also directs GAB to permit registrants to file campaign finance reports in electronic format either by using the Internet-based system or by using software that produces a delimited file (such as Microsoft Office Excel software).

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3

SECTION 1. 11.21 (16) of the statutes is amended to read:

4

11.21 (16) Require each registrant for whom the board serves as filing officer

5

and who or which accepts contributions in a total amount or value of \$20,000 or more

1 during a campaign period to file each campaign finance report that is required to be  
2 filed under this chapter in an electronic format, and accept from any other registrant  
3 for whom the board serves as a filing officer any campaign finance report that is  
4 required to be filed under this chapter in an electronic format. A registrant who or  
5 which becomes subject to a requirement to file reports in an electronic format under  
6 this subsection shall initially file the registrant's report in an electronic format for  
7 the period which includes the date on which the registrant becomes subject to the  
8 requirement. ~~To facilitate implementation of this subsection, the~~ The board shall  
9 provide an Internet-based system that registrants may use to file campaign finance  
10 reports in an electronic format. The board shall permit registrants to file campaign  
11 finance reports in electronic format either by using the Internet-based system or by  
12 using software that produces a delimited file. ~~The board shall specify, by rule, a type~~  
13 of software that is suitable for compliance with the electronic filing requirement  
14 under this subsection. The board shall provide copies of the software to registrants  
15 at a price fixed by the board that may not exceed cost. Each registrant who or which  
16 files a report under this subsection in an electronic format shall also file a copy of the  
17 report with the board that is recorded on a medium specified by the board. The copy  
18 shall be signed by an authorized individual and filed with the board by each  
19 registrant no later than the time prescribed for filing of the report under this chapter.  
20 The board shall provide complete instructions to any registrant who or which files  
21 a report under this subsection. In this subsection, the "campaign period" of a  
22 candidate, personal campaign committee or support committee begins and ends with  
23 the "campaign" of the candidate whose candidacy is supported, as defined in s. 11.26

1 (17), and the “campaign period” of any other registrant begins on January 1 of each  
2 odd-numbered year and ends on December 31 of the following year.

**History:** 1973 c. 334; 1975 c. 93 ss. 73 to 78, 119 (2); 1977 c. 107; 1979 c. 260, 328; 1981 c. 390 s. 252; 1983 a. 27, 538; 1985 a. 303; 1987 a. 370; 1989 a. 192; 1997 a. 230; 2001 a. 109; 2005 a. 177; 2007 a. 1.

3

**(END)**

**Basford, Sarah**

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**From:** Selkove, Vicky  
**Sent:** Wednesday, September 30, 2009 9:04 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-3271/1 Topic: Electronic filing methodology

Please Jacket LRB 09-3271/1 for the ASSEMBLY.