

# Clearinghouse Rule 96-012

## 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, relating to filing documents by fax transmission, was duly amended by this board on January 31, 1996.

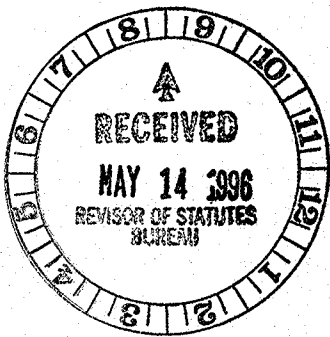
I further certify that this copy has been compared by me with the original on file in this board and that the same is a true copy thereof and of the whole of such original.

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 May 9, 1996.

*Kevin J. Kennedy*

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Kevin J. Kennedy  
Executive Director



96-012  
7-1-96



ORDER  
OF

STATE ELECTIONS BOARD

To amend Chapter ElBd.6.04 relating to filing documents with filing officers by means of facsimile (FAX) transmission

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

The rule identifies those documents which may be filed by facsimile (FAX) process with the State Elections Board or other filing officer, and be considered timely and those documents which may not. The amendment makes clear that documents may be filed by fax transmission with any elections or campaign finance filing officer, not just with the State Elections Board, as the rule may have been understood to read previously.

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 Section ElBd.6.04 interpreting 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., as follows:

SECTION 1. ElBd 6.04(1)(a) is amended to read:.

**ElBd 6.04 FILING DOCUMENTS BY FACSIMILE (FAX) PROCESS**

- (a) "Document" means any form, statement, pleading or other writing which is required to be filed with the elections-board filing officer.

SECTION 2. ElBd 6.04(1)(d) is created to read:.

- (d) "Filing officer" means the elections board or any other elections official with whom elections or campaign finance documents are required to be filed by chs. 5 to 12, Stats.

SECTION 3. ElBd 6.04(2), (3)(a) and (b), (4), (5) and (6) are amended to read:.

- (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 filing officer by facsimile process. Nomination papers and recall petitions shall not be considered filed with the board filing officer until the signed original of each nomination paper and each recall petition is received in the offices of the board filing officer. 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 filing officer 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 filing officer when received in the board's filing officer'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 filing officer, in its 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 filing officer with a postmark not later than the filing deadline; or the signed original is delivered to the board filing officer 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 filing officer's staff when the facsimile copy is delivered to the board filing officer's offices.
- (5) If, for any reason, transmission of a document is not received at the board's filing officer's offices, whether because of a failure in the receiving system of the board 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 is delivered to and received at the board's filing officer's offices and the signed original is received at the board's 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 at the offices of the board filing officer shall be upon the person who, or the committee or group which, is required to file the document.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

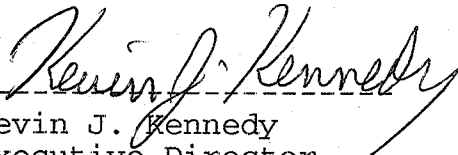
The creation of this rule does not affect business.

FISCAL ESTIMATE

The creation of this rule has no fiscal effect.

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 9, 1996

  
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Kevin J. Kennedy  
Executive Director  
State Elections Board



State of Wisconsin \ ELECTIONS BOARD

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BARBARA KRANIG
CHAIRPERSON

Kevin J. Kennedy
Executive Director

May 9, 1996

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 statutes of the promulgation of
Elections Board amended rule ElBd.6.04, contained within
Clearinghouse Rule 96-012. The amendments to ElBd.6.04 were
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 this
rule. The Legislative Council reviewed and commented about the rule.
After submitting the rule to both houses of the legislature on
February 28, 1996, both houses took no action on the rule within the
appropriate 30-day period. The Board, through its Executive Director,
Kevin J. Kennedy, has ordered the appropriate action on the rule.
The original and a copy of the Board's order for the rule are
enclosed.

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

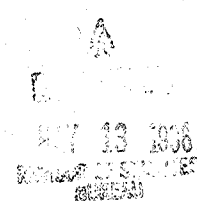
If you have any questions about the rules or the order, please contact
me.

Thank you for your assistance.

Sincerely,

STATE ELECTIONS BOARD

George A. Dunst
Legal Counsel



GAD/dl

Enclosures



State of Wisconsin \ ELECTIONS BOARD

BARBARA KRANIG  
CHAIRPERSON

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Kevin J. Kennedy  
Executive Director

May 15, 1996

Gary L. Poulson, Assistant Revisor  
Revisor of Statutes Bureau  
119 Martin Luther King Jr. Blvd., 2nd Floor  
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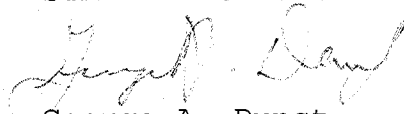
Dear Mr. Poulson:

Enclosed please find a corrected version of the order amending the Elections Board's Rule El.Bd. 6.04. Per our conversation of May 14, 1996, I have added back the changes that were made by the Board in amending the rule this year.

If you have any questions about this matter, or if I can be of any other assistance, please let me know.

Sincerely,

STATE ELECTIONS BOARD

  
George A. Dunst  
Legal Counsel

GAD/dl

Enclosure

