

Chapter ETH 6

PROCEDURE

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ETH 6.05 Filing campaign finance reports in electronic format.

Note: Chapter ElBd 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.

ETH 6.02 Registration statement sufficiency.

(1) Any registration filed with a filing officer under ss. 11.0501, 11.0502, and 11.0503, Stats., which is insufficient as to essential form, information or attestation shall be rejected by such officer and shall be promptly returned if possible to the proposed registrant indicating the nature of the insufficiency. The proposed registrant shall be informed that the attempted registration is not effective.

(2) Any registration statement filed with a filing officer under ss. 11.0501, 11.0502, and 11.0503, 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.

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.

ETH 6.03 Assistance by ethics commission staff.

Pursuant to the authority and responsibility vested in the ethics commission by the statutes, specifically s. 19.46 (2), Stats., the staff of the board is authorized to provide advice to any interested person with respect to the proper application of title II. Such advice should not be construed as a formal opinion of the board under s. 19.46 (2) (c), Stats.

Note: Section 5.05 (6), Stats., is repealed by 2007 Wis. Act 1.

History: Cr. Register, March, 1978, No. 267, eff. 4-1-78; corrections made under s. 13.92 (4) (b) 6. and 7., Stats., Register June 2016 No. 726.

ETH 6.04 Filing documents by facsimile (FAX) 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.

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

(c) "FAX" has the same meaning as facsimile process.

(d) "Filing officer" means the ethics 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 those campaign finance reports provided in ss. 11.0103, 11.0204, 11.0304, 11.0404, 11.0504, 11.0604, 11.0704, 11.0804, 11.0904, and 11.1001, Stats., may not be filed with the filing officer by facsimile process. Nomination papers and recall petitions shall not be considered filed with the filing officer until the signed original of each nomination paper and each recall petition is received in the offices of the filing officer. Campaign finance reports which are provided in ss. 11.0103, 11.0204, 11.0304, 11.0404, 11.0504, 11.0604, 11.0704, 11.0804, and 11.0904, Stats., and which are delivered by the U.S. mails are considered filed with the filing officer when the report is postmarked. Campaign finance reports which are provided in ss. 11.0103, 11.0204, 11.0304, 11.0404, 11.0504, 11.0604, 11.0704, 11.0804, 11.0904, and

11.1001, Stats., and which are not delivered by the U.S. mails, are considered filed with the filing officer when received in the filing officer's offices.

Note: Section 11.50 (3), Stats., was repealed by 2015 Wis. Act 117.

(3) Except as provided in sub. (2), where the Wisconsin Statutes or rules of the ethics commission 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 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 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 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 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 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 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) and (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.

ETH 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. 11.1103, 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. 11.0101 (6), Stats.

(c) "Electronic format" means computer diskette or a computer data file created using Access or Excel software or software that produces a delimited text file.

(d) "Filing officer" means the ethics commission.

(e) "Registrant" has the same meaning as provided in s. 11.0101 (6) and (7), Stats.

(f) "Report" means any filing required by ss. 11.0103, 11.0204, 11.0304, 11.0404, 11.0501, 11.0502, 11.0503, 11.0504, 11.0505 (3), 11.0604, 11.0605 (3), 11.0704, 11.0804, 11.0904, and 11.1001, Stats.

(2) Any registrant who files with the ethics commission 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) 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) 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 Ethcf-2, Ethcf-2a, Ethcf-3, Ethcf-4, Ethcf-7, Ethcf-10, Ethcf-10a, Ethcf-12 or Ethcf-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.

Note: The forms listed in sub. (6) are the forms prescribed by the board for campaign finance reporting.

History: Cr. Register, August, 1998, No. 512, eff. 9-1-98; am., Register, August, 1999, No. 524, eff. 9-1-99; CR 02-082: am. (1) (c), (2) and (5), Register November 2002 No. 563, eff. 12-1-02; **correction in (1) (a), (b), (e), (f) made under s. 13.92 (4) (b) 7., Stats., and correction in (2), (6) made under s. 13.92 (4) (b) 6., Stats., Register June 2016 No. 726.**