



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: December 23, 2008
TO: Independent, Political and Caucus Committees Registered on the State Level
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: **2009 CAMPAIGN STATEMENT FILING DEADLINES**

- **The careful review of this memo is recommended to ensure that you are aware of the filings required of your committee during 2009.**
- **All Independent, Political and Caucus Committees registered on the state level that do not maintain a Reporting Waiver are required to file the January, July and October Campaign Statements. All Caucus Committees are also required to file an April Campaign Statement.**
- **Independent, Political and Caucus Committees that participate in elections conducted in 2009 may be required to file Late Contribution Reports and/or 24-Hour Reports (Caucus Committees only) as explained in this memo.**
- **If a Special Election is called, Independent, Political and Caucus Committees registered on the state level that make Independent Expenditures to support or oppose a candidate participating in the Special Election are required to file a Special Election Independent Expenditure Report.**
- **Each Independent, Political or Caucus Committee required to file with the Secretary of State that received or expended \$20,000.00 or more in the previous or current calendar year or expects to receive \$20,000.00 or more in the next calendar year is required to file electronically. Committees may apply for MERTS Plus software on line at the MERTS Plus Web site: www.mertsplus.com**
- **Independent, Political and Caucus Committees that are required to file Campaign Statements electronically must also file Late Contribution Reports, Special Election Independent Expenditure Reports and 24-Hour Reports (Caucus Committees only) electronically.**

This memorandum serves as the principle filing reminder notice you will receive from the Bureau of Elections for the 2009 calendar year. The memo can also be accessed on the Bureau's Web site: www.Michigan.gov/sos.

A reminder postcard will be mailed before each required filing after the February 2, 2009 filing. However, it will just be a reminder and will not contain all of the following information. It should be noted that failure to receive a reminder mailing is not a defense for failing to file a required Campaign Statement or a reason to request a good cause waiver of a late filing fee.

The following information is pertinent to the January, April, July and October Campaign Statements:

Required Campaign Statements

All Independent, Political or Caucus Committees registered on the state level that do not maintain a Reporting Waiver are required to file the Campaign Statements listed below. **The April Triannual Campaign Statement is required only of the four registered Caucus Committees.**

Close of books for January Triannual January Triannual filing deadline	December 31, 2008 February 2, 2009
Close of books for April Triannual April Triannual filing deadline	April 20, 2009 (Caucus Committees only) April 27, 2009 (Caucus Committees only)
Close of books for July Triannual July Triannual filing deadline	July 20, 2009 July 27, 2009
Close of books for October Triannual October Triannual filing deadline	October 20, 2009 October 26, 2009

The Campaign Statement is required even if the committee has no transactions to report for the period covered by the Campaign Statement.

Note that a Reporting Waiver maintained by an Independent or Political Committee is lost if the committee receives or spends more than \$1,000.00 during the course of the year, has an account balance over \$1,000.00 or has over \$1,000.00 in debts.

Coverage Dates of Statement

Campaign Statements open one day after the closing date of the previous Campaign Statement filed by the committee. If the committee has never filed a Campaign Statement, the first Campaign Statement filed opens on the earlier of the following two dates: 1) the committee's formation date or 2) the date the committee accepted its first contribution or made its first expenditure.

Identification Requirements

The Michigan Campaign Finance Act requires PACs, Ballot Question Committees and Political Party Committees to include an identifying statement on printed matter and in paid radio or television advertisements. The following wording is recommended: "Paid for with regulated funds (name and address of committee)."

ADDITIONAL FILING REQUIREMENTS – IMMEDIATE DISCLOSURE REPORTS

The following reports may be required by Independent, Political or Caucus Committees registered on the state level. If a committee meets the qualifications to file these reports, the reports must be filed even if the committee has a Reporting Waiver.

Late Contribution Reports, Special Election Independent Expenditure Reports and 24-Hour Reports (Caucus Committees Only) - Electronic Filing

The Immediate Disclosure Reporting or “e-IDR” program allows committees registered with the Department of State to file Late Contribution Reports, Special Election Independent Expenditure Reports and 24-Hour Reports (Caucus Committees only) electronically.

All committees are encouraged to use the e-IDR program voluntarily. However, committees that must file electronically because they have exceeded the \$20,000.00 threshold are also required to file Late Contribution Reports, Special Election Independent Expenditure Reports and 24-Hour Reports (Caucus Committees only) using e-IDR. Paper, email or fax copies no longer meet the filing requirements of the Michigan Campaign Finance Act; late filing fees may be assessed in instances where reports that are required to be filed electronically and are not filed using e-IDR.

To file using e-IDR, go to www.Michigan.gov/sos and click the following: “Elections in Michigan,” “Campaign Finance Disclosure,” “E-Filing” and then “Immediate Disclosure Reports (e-IDR).”

Late Contribution Reports

An Independent, Political or Caucus Committee registered on the state level must report all "late contributions." A late contribution is any single contribution of \$200.00 or more received by the committee between the 15th and 3rd day before the date of any "election" in which the committee participates. The term "election" is used to mean a primary, general, special, recall or millage election held in Michigan or a convention or caucus held by a political party in Michigan to nominate candidates.

An Independent, Political or Caucus Committee registered on the state level that participates in an election in 2009 is required to file a "Late Contribution Report" if the committee receives a single contribution of \$200.00 or more between the 15th and 3rd day before an election as detailed below:

<u>Election Date</u>	<u>Contribution Dates</u>
February 24, 2009	02/09/2009 through 02/21/2009
May 5, 2009	04/20/2009 through 05/02/2009
August 4, 2009	07/20/2009 through 08/01/2009
September 15, 2009	08/31/2009 through 09/12/2009
November 3, 2009	10/19/2009 through 10/31/2009

- A Late Contribution Report must be received by this office within 48 hours after the committee's receipt of the contribution. A Late Contribution Report must contain the date and amount of the contribution along with the contributor's name, street address, occupation, employer and principal place of business.

- Committees that are required to file electronically because they have exceeded the \$20,000.00 threshold must file Late Contribution Reports using e-IDR. To file using e-IDR, go to www.Michigan.gov/sos and click the following: “Elections in Michigan,” “Campaign Finance Disclosure,” “E-Filing” and then “Immediate Disclosure Reports (e-IDR).”
- The report may be made in a telegram, fax or by any other means of written communication. A Late Contribution Report need not contain an original signature. In addition to this report, the late contribution must be disclosed on the next Campaign Statement filed by the committee.
- A form for filing a Late Contribution Report is available on our website: www.Michigan.gov/sos.
- Late Contribution Reports are not waived by a Reporting Waiver. However, committees with a Reporting Waiver are not required to show late contributions on a Campaign Statement.
- A committee, treasurer or designated record keeper who fails to report a late contribution required under Michigan's Campaign Finance Act is responsible for the payment of a late filing fee of up to \$2,000.00.

Special Election Independent Expenditure Report

An Independent or Political Committee registered on the state level is required to file a Special Election Independent Expenditure Report if the committee makes an independent expenditure to support or oppose a candidate or ballot question within 45 calendar days before a special election in which the candidate or ballot question is involved.

The report must be filed with the Department of State’s Bureau of Elections within 48 hours after the independent expenditure is made. Independent expenditures are expenditures made on behalf of or in opposition to a candidate which are not made under the control or with the consent of the candidate’s Candidate Committee.

- Special Election Independent Expenditure Reports are not waived by a Reporting Waiver.
- Committees that are required to file electronically because they have exceeded the \$20,000.00 threshold must submit Special Election Independent Expenditure Reports using e-IDR. To file using e-IDR, go to www.Michigan.gov/sos and click the following: “Elections in Michigan,” “Campaign Finance Disclosure,” “E-Filing” and then “Immediate Disclosure Reports (e-IDR).”
- A Special Election Independent Expenditure Report is made by attaching an Itemized Independent Expenditures Schedule (2B-1) to a Campaign Statement Cover Page, entering the appropriate information and submitting the forms within the 48-hour period explained above. The Cover Page must list the committee’s name and identification number and be signed by the committee’s treasurer or designated recordkeeper. The Itemized Independent Expenditures Schedule must list the date and the amount of the

independent expenditure; the name of the candidate and the office he or she seeks; the name and address of the person to whom the independent expenditure was paid; and a description of the independent expenditure which specifies whether the independent expenditure was made to support or oppose the candidate or ballot question involved. The Summary Page is not completed.

- An Independent Expenditure which is reported in the above manner must be listed on the committee's next required Campaign Statement.
- If the committee raised **\$10,000.00 or less** during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the report remains unfiled up to \$500.00.
- If the committee raised **more than \$10,000.00** during the previous 2 years, the maximum fee which can be assessed is increased to \$1,000.00.

24-Hour Reports (Filed By Caucus Committees Only)

Caucus Committee are also required to file daily reports, from the 14th day preceding a primary, general or special election to the day after the primary, general or special election, if the committee receives a contribution or makes an expenditure of more than \$1,000.00. Similar to a "late contribution report," a 24-Hour Report must fully disclose the contribution or expenditure.

<u>Election Date</u>	<u>Contribution/Expenditure Dates</u>
February 24, 2009	02/10/2009 through 02/25/2009
May 5, 2009	04/21/2009 through 05/06/2009
August 4, 2009	07/21/2009 through 08/05/2009
September 15, 2009	09/01/2009 through 09/16/2009
November 3, 2009	10/20/2009 through 11/04/2009

A 24-Hour Report is due no later than 4:00 p.m. on the first business day following the date the contribution in excess of \$1,000.00 is received or the expenditure in excess of \$1,000.00 is made. The 24-Hour Report closes on the day the contribution is received or the expenditure is made.

Caucus Committees are required to file 24-Hour Reports electronically because they have exceeded the \$20,000.00 threshold and must file all required Immediate Disclosure Reports using e-IDR. To file using e-IDR, go to www.Michigan.gov/sos and click the following: "Elections in Michigan," "Campaign Finance Disclosure," "E-Filing" and then "Immediate Disclosure Reports (e-IDR)."

As all Caucus Committee have raised more than \$10,000.00 during the previous 2 years, the maximum fee which will be assessed is increased to \$1,000.00.

Forms; Number of Copies Required

Forms for filing any Campaign Statement are available on our website at www.michigan.gov/sos.

When filing, one original copy of a Campaign Statement is required. A duplicate copy is not needed.

File on Time!

If the committee raised **\$10,000.00 or less** during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the Campaign Statement remains unfiled up to \$500.00. If the committee raised **more than \$10,000.00** during the previous 2 years, the maximum fee which will be assessed is increased to \$1,000.00.

- Electronic filings sent via the Internet must be transmitted and received by the Bureau of Elections by 5:00 p.m. on the date the Campaign Statement is due.
- A Campaign Statement submitted by a committee required to file electronically will not be accepted unless filed by removable media or over the Internet.
- A Campaign Statement that is hand-delivered or sent by first class mail must reach this office before 5:00 p.m. on the date the Campaign Statement is due. Be sure to allow ample mailing time if sending first class.
- A **“February 2”** Campaign Statement and an **“April 27”** (Caucus Committees only) Campaign Statement submitted on paper or removable media that is mailed by registered mail, certified mail or an overnight delivery service and postmarked on or before the filing deadline will be accepted as timely regardless of when it arrives.
- A **“July 27”** Campaign Statement and an **“October 26”** Campaign Statement submitted on paper or removable media that is mailed by registered mail, certified mail or an overnight delivery service and postmarked two or more calendar days before the filing deadline will be accepted as timely regardless of when it arrives.
- Be sure to fill out all forms as accurately as possible. Notices will be sent to the committee if forms are left off, figures are wrong, addresses are incorrect, etc. The committee is then required to file an amendment to correct the error.
- A Campaign Statement will not be accepted if it is illegible, does not bear a proper signature or is not the proper size.

A Campaign Statement that is filed by removable media will not be considered filed if we are unable to load it.

Statement Of Organization Amendments Required With Campaign Statement

A committee registered under Michigan's Campaign Finance Act is required to amend its Statement of Organization if any information presented on the form changes. Required amendments to the form must be filed no later than the due date of the next upcoming Campaign Statement required of the committee. Therefore, if your committee is required to file a Campaign Statement discussed in this memo, we urge you to review your committee's Statement

of Organization before you file the Campaign Statement. If any information on the Statement of Organization has changed, be sure to file an appropriate amendment to the form no later than the due date of the Campaign Statement. An amended Statement of Organization cannot be filed electronically.

If a committee has a Reporting Waiver and is not required to file Campaign Statements, amendments to the Statement of Organization may be filed whenever information on the form changes. A committee without a Reporting Waiver is also encouraged to file an amended Statement of Organization as soon as a change of information takes place.

MERTS Plus Software For Independent, Political and Caucus Committees

The following reminders are offered for Independent, Political and Caucus Committees using MERTS Plus software to electronically file Campaign Statements. **Questions concerning use of the software should be directed to MERTS Plus Tech Support at: (703) 749-4642 or sent by e-mail to mertstechsupport@nicusa.com.**

- **Election Cycles** – Make sure the correct election cycle(s) are entered into the Election Cycles Window (Section 1.4 of the MERTS Plus Training Manual). The election cycle begins on the day after the last general election and ends on the day of the next general election in which the office is on the ballot. Additional information on Election Cycles can be found at: www.Michigan.gov.
- **Campaigns** – Make sure up to date campaign(s) are created in the Campaigns Window for each candidate or issue supported or opposed by the committee.
- **Reporting Periods** – A separate report record (with correct coverage period dates) must be created in the Reports Window for each Campaign Statement that will be submitted by the committee electronically.
- **Amendments to Campaign Statements** – An amended Campaign Statement cannot be filed electronically until an original Campaign Statement has been filed electronically. If more than one amendment to a Statement has been created, each amendment must be electronically submitted in the order it was created.

Obtaining the MERTS Plus Software

State level committees wishing to obtain the MERTS Plus software may apply on-line at the MERTS Plus Web site (www.mertsplus.com). Both on-site and on-line software training options are available. Access to the software is provided to committees that have completed the training session and submitted an original or amended Statement of Organization requesting the MERTS Plus software.

Independent, Political and Caucus Committees

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Questions?

If you have any questions, please phone us at (517) 373-2540 or write us at the address indicated below. The address below should also be used to mail your filing by first class mail, registered mail or certified mail.

Michigan Department of State
Bureau of Election
Post Office Box 20126
Lansing, MI 48901-0726

If you would like to visit our office or use an overnight delivery service, the address below is provided

Richard H. Austin Building 1st Floor
430 West Allegan Avenue
Lansing, MI 48918-1700

Enclosure:
2009-2010 PAC Dates to Remember

**2009 - 2010
Campaign Statement (CS) Due Dates
For Independent and Political Committees (PACs)
Filing with the Michigan Department of State
Bureau of Elections**

December 31, 2008	Close of Books (Ending Cover Date of CS)
February 2, 2009	Triannual Campaign Statement Filing Deadline
July 20, 2009	Close of Books (Ending Cover Date of CS)
July 27, 2009	Triannual Campaign Statement Filing Deadline
October 20, 2009	Close of Books (Ending Cover Date of CS)
October 26, 2009	Triannual Campaign Statement Filing Deadline
April 20, 2010	Close of Books (Ending Cover Date of CS)
April 26, 2010	Triannual Campaign Statement Filing Deadline
July 20, 2010	Close of Books (Ending Cover Date of CS)
July 26, 2010	Triannual Campaign Statement Filing Deadline
October 20, 2010	Close of Books (Ending Cover Date of CS)
October 25, 2010	Triannual Campaign Statement Filing Deadline

If a committee does not have a Reporting Waiver, the Triannual Campaign Statements are due even if the committee does not spend or receive any money during the reporting period.

Additional Campaign Statements may be required if the committee makes an independent expenditure to support or oppose a ballot issue or candidate involved in a “special” election. Contact the Michigan Department of State’s Bureau of Elections for filing deadline information if an independent expenditure has been made in a special election.