



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: January 13, 2014
TO: Statewide Ballot Question Committees
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: **2014 Campaign Finance Filing Deadlines**

2013 AMENDMENTS TO THE MICHIGAN CAMPAIGN FINANCE ACT ARE IN EFFECT!

Carefully read this memo to determine if the described filings are required of your committee. This memo provides all filing information for 2014. Please keep this in a handy place for easy and quick reference.

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Filing Reminder Communications

This memorandum or memo will be the main correspondence you will receive from the Bureau of Elections regarding your filing requirements for the 2014 calendar year. It is also available on our Web site: www.Michigan.gov/elections.

The following reminders will be sent by the Bureau of Elections.

- This memo serves as a reminder to file the 2014 Annual Campaign Statement due on January 31, 2014, in addition to the other filing requirements outlined in the memo. No additional reminder will be sent by regular mail for the 2014 Annual Campaign Statement.
- The Bureau of Elections will send a postcard or other regular mail reminder before the pre-election and post-election statements for the November General elections to the mailing address on record. A reminder will also be sent before the February, April and July Quarterly Campaign Statements. No regular mail reminder will be sent for the August Primary, February or May election statements.
- The Bureau of Elections will send an email reminder before the pre-election and post-election statements for the November General election, the Annual statement and before each Quarterly statement to committees that have provided up at least one up-to-date email address on the committee's Statement of Organization. All email addresses provided will be used to notify the committee. No reminder emails will be sent for the August Primary, February or May election statements.
- Finally, the Bureau of Elections will post filing reminders on Twitter @MichCFR.

Electronic Filing Requirement – NEW LOWER THRESHOLD!

Committees that spent or received \$5,000.00 or more in 2013 or that expect to spend or receive \$5,000.00 or more in 2014 are required by law to file electronically. A committee may become subject to the electronic filing requirement mid-year if its contributions or expenditures equal or exceed \$5,000.00. A committee that has reached the \$5,000.00 threshold is required to continue filing electronically even if the committee's balance falls below \$5,000.00. Committees that were previously required to file electronically are required to continue to file electronically. The lower threshold does not reset the electronic filing requirement. Committees that are not required to file electronically are encouraged to voluntarily file electronically.

NOTE PA 258 SIGNED BY THE GOVERNOR ON DECEMBER 27, 2013 LOWERS THE ELECTRONIC FILING THRESHOLD FROM \$20,000 TO \$5,000 WITH IMMEDIATE EFFECT. THIS MEANS THAT YOUR COMMITTEE IS REQUIRED TO FILE THE 2014 ANNUAL CAMPAIGN STATEMENT DUE JANUARY 31, 2014 ELECTRONICALLY IF IN 2013 YOUR COMMITTEE SPENT OR RECEIVED \$5,000.00 OR MORE.

Electronic filing software for filing Campaign Statements is provided free of charge. A separate internet application is provided for filing Late Contribution Reports. For additional information on filing electronically, go to www.michigan.gov/elections.

1. “Campaign Finance Disclosure”
2. “E-Filing”

If you are not currently using the MERTS software to file your Campaign Statements, you can go to www.Mertsplus.com for instructions on downloading and using the MERTS software.

Tips for MERTS Users

Back up your MERTS file. Having an extra copy of your file on a separate removable media is essential to ensure the committee is able to file accurate statements in the event of a catastrophic loss of data. It happens more often than you think!

Only create one file for the committee. To ensure accurate filings, the committee must use and create only one file in MERTS. A new report is created in the Reports Tab, not by creating a new committee file. After your initial set up of the committee, always select “Open an Existing Committee” upon opening the software.

Create Campaigns. Instructions for creating Campaigns in the software can be found in the MERTS User Guide. Using Campaigns ensures that the software is able to report cumulative totals accurately and the committee files complete and accurate statements. Committees that do not complete the campaigns will receive a Notice of Error or Omission requesting the missing information.

Start entering data early and file early. Don’t wait for the Close of Books to begin adding information. The data can be saved and changed as needed before the filing deadline.

Campaign Statement Filing Deadlines for 2014 Calendar Year

Close of books for Annual reporting period	December 31, 2013
Annual Campaign Statement filing deadline	January 31, 2014 by 5:00pm
Close of books for February Quarterly	February 10, 2014
February Quarterly filing deadline	February 18, 2014 by 5:00pm
Close of books for April Quarterly	April 20, 2014
April Quarterly filing deadline	April 25, 2014 by 5:00pm
Close of books for July Quarterly	July 20, 2014
July Quarterly filing deadline	July 25, 2014 by 5:00pm
Close of books for Pre-General reporting period	October 19, 2014
Pre-General Campaign Statement filing deadline	October 24, 2014 by 5:00pm

Close of books for Post-General reporting period
Post-General Campaign Statement filing deadline

November 24, 2014
December 4, 2014 by 5:00pm

Note: These statements are waived by the Reporting Waiver. A Reporting Waiver maintained by Ballot Question Committee is lost if the committee spends or receives more than \$1,000.00 for any election.

Annual Campaign Statement

A Ballot Question Committee that does **not** fall under one of the following exemptions must file the Annual Campaign Statement:

- Currently has a Reporting Waiver or qualifies for and obtains a Reporting Waiver on or before January 31, 2014. (The Reporting Waiver exemption is discussed in greater detail later in this memo.)
- Files a Post-General Campaign Statement during December 2013.

Pre-Election, Post-Election and Quarterly Campaign Statements

A Ballot Question Committee must file the **Pre-General** Campaign Statement if by **October 19** the committee makes an expenditure to support or oppose a ballot question on the November 4 general election ballot.

A Ballot Question Committee must file the **Post-General** Campaign Statement if the committee was required to file the Pre-General Campaign Statement or **if between October 20 and November 24** the committee makes an expenditure to support or oppose a ballot question on the November 4 general election ballot.

The Pre-Election and Post-Election Campaign Statements also apply to committees that make ballot question related expenditures in local elections held on February 25, 2014, May 6, 2014 and August 5, 2014. See the “2014 Campaign Finance Reporting Dates to Remember” at www.michigan.gov/elections for details.

Petition Proposal Statement – NEW!

A state level Ballot Question Committee must file a Petition Proposal Campaign Statement. When the a filing is made under MCL 168.483a Ballot Question Committees that have supported or opposed the ballot issue must file the Petition Proposal Campaign Statement. The Campaign Statement closes 28 days after filing the petition form with the Bureau of Elections and is due not later than 35 days after the petition form is filed with the Bureau of Elections. MCL168.483a was added to the Michigan Election Law by PA 276 or 2012. **These reports are not waived by the Reporting Waiver.**

A state level Ballot Question Committee is no longer required to file a Qualification or Non Qualification Campaign Statement.

Coverage Dates of Statements

A Campaign Statement's opening date is the day after the closing date of the last Campaign Statement filed by the committee. If the committee has never filed Campaign Statements, the opening date of the first Campaign Statement filed is 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.

Forms; Number of Copies Required

A Committee required to file electronically cannot file paper forms in lieu of filing electronically. See the *Electronic Filing Requirement* section above for more information. If the committee is eligible to file on paper, [forms](#) for filing Campaign Statements are available on our Web Site at www.Michigan.gov/elections.

- When filing electronically, a paper submission is not required.
- When filing on paper, one original copy of the Campaign Statement is required. A duplicate copy is not required.

Late Contribution Reports – Failing to File will be Expensive!

A Ballot Question Committee that participates in an election in 2014 is required to file a "Late Contribution Report" if the committee meets both conditions stipulated below:

- Makes an expenditure during the late contribution reporting period to a ballot question appearing on the ballot; and
- Receives a single contribution or cumulative contribution from the same person of \$2,500.00 during the late contribution reporting period. See chart below.

Election Date	Late Contribution Reporting Period
February 25, 2014	02/10/2014 through 02/22/2014
May 6, 2014	04/21/2014 through 05/03/2014
August 5, 2014	07/21/2014 through 08/02/2014
November 4, 2014	10/20/2014 through 11/1/2014

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. The late contribution must also be disclosed on the next Campaign Statement filed by the committee.

- ✓ **Late filing fees will be assessed for missed late contributions that are not reported timely and later reported on a campaign statement.**

Committees that file electronically must use [e-IDR](#) (Immediate Disclosure Reporting) to file Late Contribution Reports. However, committees that file paper reports are encouraged to use the e-IDR program voluntarily. Late filing fees will be assessed in instances where reports that must be submitted electronically are not filed using e-IDR.

To file using e-IDR, go to www.michigan.gov/elections and select:

1. "Campaign Finance Disclosure"
2. "E-Filing"
3. "Immediate Disclosure Reports (e-IDR)"

For committees not required to file electronically and that choose not to use the e-IDR Internet application, the report may be submitted by fax or any other means of written communication. The fax number for the Bureau of Elections is (517) 373-0941. A Late Contribution Report need not contain an original signature. A [form](#) for filing a Late Contribution Report on paper is available on our Web site at www.michigan.gov/elections.

- 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 file a Late Contribution Report required under Michigan's Campaign Finance Act is responsible for the payment of a late filing fee up to \$2,000.00. **NOTE: [Appendix E](#) of the Ballot Question Committee Manual details how quickly this fee accumulates.**

Ensure Timely Filing

An electronic filing 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 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.

An Annual, Post-Election, February Quarterly or April Quarterly Campaign Statement filed 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 viewed as a timely filing regardless of when it arrives.

A Pre-Election, July Quarterly or October Quarterly Campaign Statement filed 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 prior to the due date** will be viewed as a timely filing regardless of when it arrives.

A campaign statement that is received on paper and required to be filed electronically will not be accepted as fulfilling the filing requirement.

Avoid Late Filing Fees!

Campaign Statements are required to be filed timely. Committees that file Campaign Statements late are assessed [late filing fees](#).

A Ballot Question Committee that fails to file a required **Annual Campaign Statement** is assessed a late filing fee as follows:

- 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 Statement remains unfiled up to \$500.00.
- If the committee raised **more than \$10,000.00** during the previous 2 years, a \$50.00 late filing fee will be assessed each business day the Statement remains unfiled up to \$1,000.00.

A Ballot Question Committee that fails to file a required **Pre-Election, Post-Election or Quarterly** Campaign Statement, a late filing fee is assessed as follows:

- 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 Statement remains unfiled up to \$1,000.00.
- If the committee raised **more than \$10,000.00** during the previous 2 years, a \$50.00 late filing fee will be assessed each business day the Statement remains unfiled up to \$2,000.00.

A Ballot Question Committee that fails to file a **Petition Proposal Campaign Statement** is assessed a fee up to \$1000.00.

Accurate Campaign Statements Required

Be sure to include complete and accurate information on the Statement forms. Notices will be sent to the committee if forms are left off, figures are wrong, required information is missing, etc. The committee is then required to file an amendment to correct the error.

- A Campaign Statement submitted on paper by a committee required to file electronically will not be accepted.
- A Campaign Statement that is filed by removable media will not be considered filed if it cannot be loaded due to circumstances that are not within the Department's control including missing files, incorrect file attachments or corrupt files.

A Campaign Statement will not be accepted if it is illegible, does not bear a proper

Reporting Waiver Provisions

A committee that does not expect to spend or receive more than \$1,000.00 **for any election** is eligible for a [Reporting Waiver](#). A committee that qualifies for, and receives, a Reporting Waiver is **exempt from filing Campaign Statements**.

- To become eligible for a Reporting Waiver, the committee must check YES on item 10 on its Statement of Organization. This tells the filing official that the committee does not expect to spend or receive more than \$1,000.00 for any election. The committee can check YES on item 10 on its original Statement of Organization or on an amendment to its Statement of Organization.
- A committee that does not check YES on item 10 on its Statement of Organization must file Campaign Statements regardless of the amount received or spent during the reporting period.
- A committee loses its Reporting Waiver if it spends or receives more than \$1,000.00 for an election. Funds held by the committee after the date of an election count toward the “amount received” for the next election. If the Reporting Waiver is lost, the committee must file the next required Campaign Statement.

Statement of Organization Amendments Required With Campaign Statement

We urge you to review your committee's [Statement of Organization](#) before you file a 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**. The committee is encouraged to file an amended Statement of Organization as soon as a change of information takes place. 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 any time information on the form changes.

To download a Statement of Organization form for Ballot Question Committees go to www.Michigan.gov/elections and select:

- “Campaign Finance Disclosure”
- “Forms and Filing Materials”
- “Ballot Question Committee”

Committees are responsible for notifying the Bureau of Elections when the committee’s mailing address changes. Failure to receive correspondence from the Bureau of Elections is not a defense for failing to file a required Statement in a timely manner.

Identification Requirements

Ballot Question Committees are required to add the statement “**paid for with regulated funds**” to the identification or disclaimer included on printed matter or in paid radio or television advertisements. The use of the phrase, "Paid for with regulated funds by (name and address of committee)" is recommended. See [Appendix J](#) of the Manual for more information.

PA 252 signed by the Governor on December 27, 2013 with immediate effect requires committees to provide an identification statement on mass mailings that in express terms advocate the election or defeat of a clearly identified candidate or ballot question. “Mass mailing” means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

In addition, the amendment requires committees to provide an identification statement on prerecorded telephone messages or robo-calls that in express terms advocates the election or defeat of a clearly identified candidate or ballot question. The identifier must contain the name, telephone number, address or other contact information of the person paying for the robo-call.

Dissolution Information

Committees that no longer participate in Michigan elections are encouraged to dissolve. A dissolved committee has no further filing obligations. See [Appendix W](#) of the Manual for more information.

Questions?

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

Michigan Department of State
Bureau of Elections
Post Office Box 20126
Lansing, Michigan 48901-0726
Email: Disclosure@Michigan.gov
Follow us on Twitter @MichCFR

If you would like to visit our office or mail a filing by an overnight delivery service, the address below is provided.

Michigan Department of State
Bureau of Elections
Richard H. Austin Building, 1st Floor
430 W. Allegan St.
Lansing, MI 48933

