



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

**MEMORANDUM**

**DATE:** October 19, 2009

**TO:** Michigan House Democratic Fund, House Republican Campaign Committee,  
Senate Democratic Fund, Senate Republican Campaign Committee

**FROM:** Michigan Department of State, Bureau of Elections

**SUBJECT: UPCOMING FILING REQUIREMENTS**

- **The careful review of this memo is recommended to ensure that you are aware of the filings required of your committee in the coming months. This memorandum replaces the post card reminder that is commonly mailed to you in October.**
- **All Caucus Committees are required to file the October Campaign Statement due on October 26, 2009.**
- **All Caucus Committees are required to file campaign statements electronically.**
- **Caucus Committees that participate in the November 3 general election may be required to file:**
  - **Late Contribution Reports**
  - **24-Hour Reports**
  - **Special Election Independent Expenditure Reports**
- **Caucus Committees must also file Late Contribution Reports, Special Election Independent Expenditure Reports and 24-Hour Reports electronically. To avoid serious Late Filing Fees on Late Contribution Reports be sure to file timely and electronically.**

## **October Campaign Statement**

All Caucus Committees are required to file the October Campaign Statement due on 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.

## **Coverage Dates of Statement**

The October Campaign Statement due on October 26, 2009 opens on the day after the "closing date" of the last Campaign Statement filed by the committee.

The October 26, 2009 Campaign Statement closes on October 20, 2009.

## **File on Time!**

Since all Caucus Committees raised **more than \$10,000.00** during the previous two years, the maximum late filing fee which may be assessed is \$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 October 26, 2009.
- An October 26 Campaign Statement on removable media that is hand-delivered or sent by first class mail must reach this office before 5:00 p.m. on Monday, October 26, 2009. Be sure to allow ample mailing time if sending first class.
- An October 26 Campaign Statement submitted on 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.
- A Campaign Statement submitted on paper by a committee required to file electronically will not be accepted.
- Be sure to include complete and accurate information required on the Statement forms. 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 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.

## **Statement of Organization Amendments Required With Campaign Statement**

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 October 26, 2009. An amended Statement of Organization cannot be filed electronically.

To download a Statement of Organization form for Independent Committees and Political Committees go to [www.Michigan.gov/sos](http://www.Michigan.gov/sos) and click on "Elections in Michigan," "Campaign Finance Disclosure," "Forms and Filing Materials," and then "Independent/Political (PAC) Committees."

## **ADDITIONAL FILING REQUIREMENTS – IMMEDIATE DISCLOSURE REPORTS**

When required, the following reports must be filed by Caucus Committees.

### **Late Contribution Reports, Special Election Independent Expenditure Reports and 24-Hour Reports - Electronic Filing**

Caucus Committees must use e-IDR to file Late Contribution Reports, 24-Hour Reports and Special Election Independent Expenditure Reports electronically.

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/sos](http://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**

Caucus Committees that participate in the November 3, 2009 general election are required to file a "Late Contribution Report" if the committee receives a contribution of \$200.00 or more beginning on October 19 through October 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.
- The late contribution must also be disclosed on the next Campaign Statement filed by the committee.
- 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 Political Committee and Independent Committee Manual details how quickly this fee accumulates.**

### **Special Election Independent Expenditure Report**

A Caucus Committee 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.

Given the above, a Caucus Committee that makes an independent expenditure from September 19, 2009 through November 3, 2009 to support or oppose a candidate participating in the November 3, 2009 special election scheduled in State Senate District 19 is required to file a “Special Election Independent Expenditure Report.”

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 the candidate which are not made under the control or with the consent of the candidate’s Candidate Committee.

- An Independent Expenditure must also be disclosed on the committee's next required Campaign Statement.
- Since all Caucus Committees raised **more than \$10,000.00** during the previous two years, the maximum fee which can be assessed is \$1,000.00.

### **24-Hour Reports**

Caucus Committees are also required to file daily reports from the 14<sup>th</sup> day preceding a primary, a 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.

- A Caucus Committee that participates in the November 3, 2009 is required to file a 24-Hour Report if the committee receives a contribution or makes an expenditure of more than \$1,000.00 from October 20 through November 4, 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.
- Committees that are required to file electronically must file 24-Hour Reports using e-IDR. To file using e-IDR, go to [www.Michigan.gov/sos](http://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 Committees have raised **more than \$10,000.00** during the previous two years, the maximum fee which will be assessed is \$1,000.00.

### **Identification Requirements**

All PAC's, Ballot Question Committees and Political Party 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.

### **MERTS Plus Software For Caucus Committees**

The following reminders are offered for 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](mailto:mertstechsupport@nicusa.com).**

- **Election Cycles** – Make sure the correct election cycle(s) are entered into the Election Cycles Window. The election cycle for a candidate participating in the November 3rd election ends on November 3, 2009. For expenditures made after the November 3, 2009 general election to support or oppose candidates or issues, a new election cycle will need to be created for each candidate or ballot issue (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.

- **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. For expenditures made after the November 3, 2009 general election to support or oppose candidates or issues, a new campaign will need to be created for each candidate or ballot issue (Section 1.5 of the MERTS Plus Training Manual).
- **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 (Section 1.6 of the MERTS Plus Training Manual).
- **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](http://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.

### **Questions?**

If you have any questions, please do not hesitate to contact this office.

Michigan Department of State  
Bureau of Elections  
Post Office Box 20126  
Lansing, Michigan 48901-0726  
Phone: (517) 373-2540  
Email: [disclosure@Michigan.gov](mailto:disclosure@Michigan.gov)

Office location: Richard H. Austin Building, 1<sup>st</sup> Floor  
430 West Allegan  
Lansing, Michigan 48918-1700