



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

**MEMORANDUM**

**DATE:** June 15, 2009

**TO:** Independent, Political and Caucus Committees Registered on State Level

**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 that was scheduled to be mailed in July.**
- **All Independent, Political and Caucus Committees registered on the state level that do not maintain a Reporting Waiver are required to file the July Campaign Statement due on July 27, 2009.**
- **Independent, Political and Caucus Committees that participate in the August 4 primary or the November 3 general election may be required to file Late Contribution Reports and/or 24-Hour Reports as explained in this memo.**
- **Independent, Political and Caucus Committees that participate in the August 4 special primary or the November 3 special election scheduled in State Senate District 19 may be 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](http://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.**

## **July Campaign Statement**

All Independent, Political or Caucus Committees registered on the state level that do not maintain a Reporting Waiver are required to file the July Campaign Statement due on July 27, 2009. The Campaign Statement is required even if the committee has no transactions to report for the period covered by the Campaign Statement.

The July Campaign Statement is not required of an Independent, Political and Caucus Committee registered on the state level that maintains a Reporting Waiver. 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**

The July Campaign Statement due on July 27, 2009 opens on the day after the "closing date" of the last Campaign Statement filed by the committee. If the committee has never filed a Campaign Statement, the July 27 Campaign Statement 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.

The July 27, 2009 Campaign Statement closes on July 20, 2009.

## **Forms: Number of Copies Required**

Forms for filing the July Campaign Statement are available on our website at [www.michigan.gov/sos](http://www.michigan.gov/sos).

When filing, one original copy of the July 27 Campaign Statement is required. A duplicate copy is no longer 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 July 27, 2009.
- 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 July 27 Campaign Statement that is hand-delivered or sent by first class mail must reach this office before 5:00 p.m. on Monday, July 27, 2009. Be sure to allow ample mailing time if sending first class.
- A July 27 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 the July 27 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 July 27, 2009. 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. 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.

### **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](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**

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 the August 4, 2009 primary is required to file a "Late Contribution Report" if the committee receives a contribution of \$200.00 or more from July 20 through August 1, 2009.

An Independent, Political or Caucus Committee registered on the state level that participates in the November 3, 2009 general election is required to file a "Late Contribution Report" if the committee receives a contribution of \$200.00 or more from 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 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.
- 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](http://www.Michigan.gov/sos) and click the following: "Elections in Michigan," "Campaign Finance Disclosure," "Electronic Filing and MERTS" and then "Immediate Disclosure Reports (e-IDR)." Please bookmark this page for easy access the next time you need to file.
- A form for filing a Late Contribution Report is available on our website: [www.Michigan.gov/sos](http://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 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.

An Independent or Political Committee registered on the state level that makes an independent expenditure from June 20, 2009 through August 4, 2009 to support or oppose a candidate participating in the August 4, 2009 special primary scheduled in State Senate District 19 is required to file a "Special Election Independent Expenditure Report."

Similarly, an Independent or Political Committee registered on the state level 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.

- 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 file Special Election Independent Expenditure 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," "Electronic Filing and MERTS" and then "Immediate Disclosure Reports (e-IDR)." Please bookmark this page for easy access the next time you need to file.
- 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 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 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. Similar to a “late contribution report,” a 24-Hour Report must fully disclose the contribution or expenditure, may be made in a telegram, fax or by any other means of written communication, and need not contain an original signature.

- 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 because they have exceeded the \$20,000.00 threshold 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,” “Electronic Filing and MERTS” and then “Immediate Disclosure Reports (e-IDR).” Please bookmark this page for easy access the next time you need to file.
- 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.
- A Caucus Committee that participates in the August 4, 2009 primary or the August 4, 2009 special primary scheduled in State Senate District 19 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 July 21 through August 5, 2009.
- A Caucus Committee that participates in the November 3, 2009 general election or the November 3, 2009 special election scheduled in State Senate District 19 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.

## **Identification Requirements**

PA 250 of 2001 amended the Michigan Campaign Finance Act to require PAC’s, Ballot Question Committees and Political Party Committees 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 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](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 August 4<sup>th</sup> primary 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.

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