



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

DATE: August 10, 2004
TO: Candidate Committees
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: **POST-PRIMARY CAMPAIGN STATEMENT FILING DEADLINE**

THE SEPTEMBER 2, 2004 POST-PRIMARY CAMPAIGN STATEMENT FILING DEADLINE IS DISCUSSED BELOW.

CAREFULLY READ THIS MEMO TO DETERMINE IF THE DESCRIBED FILING IS REQUIRED OF YOUR COMMITTEE. A COMMITTEE THAT HAS A REPORTING WAIVER IS NOT REQUIRED TO FILE CAMPAIGN STATEMENTS. THE REPORTING WAIVER IS DISCUSSED AT THE END OF THIS MEMO.

ALL COMMITTEES REQUIRED TO FILE WITH THE SECRETARY OF STATE THAT SPEND OR RECEIVE \$20,000.00 OR MORE IN A CALENDAR YEAR OR EXPECT TO SPEND OR RECEIVE \$20,000.00 OR MORE IN A CALENDAR YEAR ARE REQUIRED TO FILE ELECTRONICALLY. COMMITTEES ARE AUTOMATICALLY REGISTERED FOR THE MERTS PLUS SOFTWARE WHEN A STATEMENT OF ORGANIZATION IS FILED. TRAINING (ON-SITE OR ON-LINE) CAN BE ARRANGED BY ACCESSING THE MERTS PLUS WEB PAGE AT WWW.MERTSPLUS.COM.

Post-Primary Campaign Statement Due Date

- **THE POST-PRIMARY CAMPAIGN STATEMENT**, due September 2, covers the Candidate Committee's financial activity from July 19 through August 23, 2004.

A Candidate Committee must file the Post-Primary Campaign Statement if the candidate's name appeared on the August 3 primary election ballot or if the candidate received or spent funds in connection with a write-in campaign.

NOTE: A write-in candidate who was nominated at the primary election who did not receive or spend any funds in connection with the campaign should contact the Bureau of Elections in Lansing for filing instructions.

Campaign Statement Coverage Dates

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.

Campaign Statement Forms

Candidate Committee Campaign Statement forms are available on the Department of State's web page at www.michigan.gov/sos.

Timely, Accurate Campaign Statements Required!

If a Candidate Committee fails to file a Post-Primary 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 a maximum of \$500.00.
- If the committee raised **more than \$10,000.00** during the previous 2 years, the maximum late filing fee that can be assessed is increased to \$1,000.00. The fee is assessed as follows:
 - (a) \$25.00 for each business day the Statement remains unfiled.
 - (b) An additional \$25.00 for each business day after the first 3 business days the Statement remains unfiled.
 - (c) An additional \$50.00 for each business day after the first 10 business days the Statement remains unfiled.
- Campaign Statements that are hand-delivered, sent by first class mail, or submitted electronically via the Internet must reach this office before 5:00 p.m. on the due date. Be sure to allow ample mailing time if sending first class.
- A Post-Primary Campaign Statement submitted on paper or diskette that is sent by registered mail, certified mail or an overnight delivery service and postmarked on or before September 2, 2004 (the due date) will be accepted as a timely filing 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 the proper signature(s), is not the proper size, does not contain the Schedule(s) required to substantiate information listed on the Summary Page, or is presented in a computerized format that has not been pre-approved by the Bureau of Elections.
- Committees filing on paper must provide two (2) copies of each required Campaign Statement (one original and one photocopy).

Reporting Waiver Provisions

- A Candidate Committee that does not expect to receive or spend more than \$1,000.00 for any election is eligible for a Reporting Waiver. A Candidate Committee is exempt from the Campaign Statement filing requirement if it currently has a Reporting Waiver or qualifies for and obtains a Reporting Waiver on or before the due date of a required Campaign Statement.
- A Reporting Waiver cannot be obtained between the Pre-Primary Campaign Statement and the Post-Primary Campaign Statement. A Candidate Committee that is required to file a Pre-Primary Campaign Statement must also file a Post-Primary Campaign Statement.
- To become eligible for a Reporting Waiver, the Candidate Committee must check item 10 on its Statement of Organization. This tells the filing official that the committee does not expect to receive or spend more than \$1,000.00 for any election. The committee can check item 10 on its original Statement of Organization or on an amendment to its Statement of Organization.
- A Candidate Committee that does not check item 10 on its Statement of Organization is not eligible for a Reporting Waiver. This means that the committee must file Campaign Statements regardless of the amount received or spent during the reporting period.
- A Candidate Committee loses its Reporting Waiver if it receives or spends 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 Campaign Statement required of the committee.

Statement of Organization Amendments Due With Campaign Statements

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.

The Candidate Committee Statement of Organization form is available on the Department of State's web page at www.michigan.gov/sos.

Dissolution Information

To be eligible for dissolution, a Candidate Committee must have no assets or outstanding debts. An unpaid late filing fee is considered to be a committee debt. Committees of unsuccessful candidates are encouraged to dissolve on the Post-Primary Campaign Statement if possible to avoid further filing requirements and potential late filing fees. An officeholder cannot dissolve his or her Candidate Committee until his or her term of office expires. Exceptions to this provision exist for officeholders who are not eligible to seek reelection. For further information on the exceptions, contact the Department of State's Bureau of Elections.

Funds leftover in a Candidate Committee account must be disbursed in the following ways:

- given to a Political Party Committee (state central, congressional district or county);
- given to a tax exempt charitable organization (as long as the candidate does not become

an officer or director of the organization or receive compensation, either directly or indirectly, from the organization);*

- returned to the contributors of the funds;
- given to a House Political Party Caucus Committee (if the Candidate Committee was established by a candidate for the State House);
- given to a Senate Political Party Caucus Committee (if the Candidate Committee was established by a candidate for the State Senate);
- given to an Independent Committee;
- given to a Ballot Question Committee; or
- transferred to another Candidate Committee simultaneously held by the same person if the contribution limits that apply to the Candidate Committee receiving the funds are the same or greater than the contribution limits that apply to the Candidate Committee transferring the funds. (Further information on such fund transfers can be obtained by contacting the Department of State's Bureau of Elections.)

*When a dissolving committee contributes all or part of its remaining funds to a tax-exempt charitable organization, the committee must submit confirmation (letter, receipt, etc.) from the charitable organization acknowledging that the contribution was received.

Judicial candidates are advised to contact the Michigan State Bar Association at 517-346-6300 for additional information on dispersing leftover committee funds.

If the committee has a Reporting Waiver, it is dissolved by filing a single-page Dissolution Campaign Statement form. If the committee does not have a Reporting Waiver, it is dissolved by filing a final Campaign Statement with supporting Schedules. If the candidate is not participating in the November 2 general election, a Dissolution Campaign Statement can be combined with the September 2 Post-Primary Campaign Statement.

Candidate Committees Using MERTS Plus Software

The following reminders are offered for Candidate Committees using MERTS Plus software to electronically submit their Campaign Statements. **(For step by step instructions, please refer to Section 6 of the MERTS Plus Guide for Candidate Committees.)**

- **Election Cycles** – Make sure the current election cycle is entered into the Election Cycles Window. (See Section 1 of the MERTS Plus Guide for Candidate Committees.) For specific dates, refer to the attached Election Cycle Chart.
- **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 electronically submitted by the committee. A candidate whose name appeared on the August 3 primary ballot must create a record for the 2004 Post-Primary Campaign Statement. A candidate whose name appears on the November 2 general election ballot must create records for the 2004 Pre and Post- General Campaign Statements. (See Section 1 of the MERTS Plus Guide for Candidate Committees.)

- **Amendments to Campaign Statements** – An amended Campaign Statement cannot be submitted until an original Campaign Statement has been electronically filed. If you create more than one amendment to a report, each amendment must be electronically submitted in the order it was created before any further amendments can be filed.

Questions concerning the use of the software should be directed to MERTS Plus Tech Support at (703) 749-4642 or sent by e-mail to techsupport@nicusa.com.

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 Elections
Post Office Box 20126
Lansing, Michigan 48901-0726

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

Michigan Department of State
Bureau of Elections
1st Floor – Treasury Building
430 West Allegan Street
Lansing, Michigan 48918-1700