



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

MEMORANDUM

DATE: December 23, 2008
TO: Statewide Ballot Question Committees
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: 2009 ANNUAL CAMPAIGN STATEMENT

Carefully read this memo to determine if the February 2, 2009 Annual Campaign Statement is required of your committee.

Exemptions:

- **A committee that has a Reporting Waiver is not required to file the 2009 Annual Campaign Statement. The Reporting Waiver is discussed later in this memo.**
- **A committee that filed the Post-General Campaign Statement during December 2008 is not required to file the 2009 Annual Campaign Statement.**

Each Ballot Question Committee registered on the state level that 1) received or expended \$20,000.00 or more in a calendar year or 2) expects to receive or expend \$20,000.00 or more in a 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.

Campaign Statement Filing Deadlines for 2009 Calendar Year

Close of books for Annual reporting period: December 31, 2008
Annual Campaign Statement filing deadline: February 2, 2009

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.

Annual Campaign Statement

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

- A Ballot Question Committee that currently has a Reporting Waiver or qualifies for and obtains a Reporting Waiver on or before February 2, 2009 is not required to file the Annual Campaign Statement. (The Reporting Waiver exemption is discussed in greater detail later in this memo.)
- A Ballot Question Committee that filed a Post-General Campaign Statement during December 2008 is not required to file the 2009 Annual Campaign Statement.

Campaign Statement Forms

Campaign Statement forms and instructions are available on the Department of State's website www.michigan.gov/sos.

Timely, Accurate Campaign Statements Required!

If a Ballot Question Committee fails to file a required Annual 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 \$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.

- Campaign Statements that are hand-delivered, sent by first class mail, or submitted electronically via the Internet must reach this before 5:00 p.m. on the due date. Be sure to allow ample mailing time if sending first class.
- An Annual Campaign Statement filed on paper or by diskette 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.
- Be sure to fill out all forms as accurately as possible. Notices will be sent to the committee if forms are omitted, 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, is not the proper size, or is presented in a computer format that has not been approved by the Department of State's Bureau of Elections.
- If filing on paper, a single original Campaign Statement must be filed. No additional copies are needed.
- A committee that files electronically via the Internet or by diskette is not required to submit a paper copy of the Campaign Statement.
- A committee planning to file electronically must use MERTS Plus software issued by the Department of State's Bureau of Elections.

Reporting Waiver Provisions

A committee that does not expect to receive or spend 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 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 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 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 required Campaign Statement.

Identification Requirements

The Michigan Campaign Finance Act requires 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 following wording is recommended: “Paid for with regulated funds by (name and address of committee).”

Statement of Organization

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 required Campaign Statement.

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 on time.

Dissolution Information

To be eligible for dissolution, a Ballot Question Committee must have no assets or outstanding debts. An unpaid late filing fee is considered a committee debt.

Funds leftover in a Ballot Question Committee's account may be returned to contributors, donated to another Ballot Question Committee or expended in any legal manner. Funds may not be given to a candidate, political party, PAC or any other type of committee that supports or opposes candidates.

When a dissolving committee contributes all or part of its remaining funds to a tax-exempt charitable organization, it must provide this office with an acknowledgement letter or a receipt from the charitable organization to confirm that the contribution was received.

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 detailed Campaign Statement with supporting Schedules.

Merts Plus Software for Ballot Question Committees

The following reminders are offered for Ballot Question Committees that must use MERTS Plus software to electronically file Campaign Statements via the Internet or by diskette. **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>.**

It merits note that all committees that file with the Bureau of Elections are encouraged to electronically file even if the committee does not expect to meet the \$20,000.00 receipts/expenditure threshold explained earlier.

- **Election Cycles** – Make sure the correct election cycle(s) are entered into the Election Cycles Window. For expenditures made after the November 4, 2008 general election to support or oppose an issue, a new election cycle must be created for each ballot issue. The election cycle begins on the day after the last general election and ends on the day of the general election.
- **Campaigns** – Make sure the correct campaign(s) are created in the Campaign Window for each issue supported or opposed by the committee. For expenditures made after the November 4, 2008 election to support or oppose issues, a new campaign must be created for each ballot issue. For specific dates, please refer to the Election Cycle Chart provided by the Bureau of Elections.
- **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.
- **Amendments to Campaign Statements** – An amended Campaign Statement cannot be filed until an original Campaign Statement has been electronically filed. If more than one amendment to a report has been created, each amendment must be electronically submitted in the order it was created.

Obtaining Merts Plus Software

State level committees wishing to obtain 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.

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

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 48918

Enclosure:
2009 Campaign Finance Reporting Dates to Remember