



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

**MEMORANDUM**

**DATE:** December 16, 2011  
**TO:** Independent and Political Committees Registered on State Level  
**FROM:** Michigan Department of State, Bureau of Elections  
**SUBJECT:** **2012 Campaign Statement Filing Deadlines – UPDATED 10/12**

The careful review of this memo is recommended to ensure that you are aware of the filings required of your committee during 2012. This memo provides all filing information for 2012. Please keep this in a handy place for easy and quick reference.

• **Covered in this memo:**

**Electronic Filing Requirement**

**Updated Version of MERTS Software**

**Required Campaign Statements**

- **2012 January Due January 31<sup>st</sup> (Caucus Committees only)**
- **2012 April Due April 25<sup>th</sup>**
- **2012 July Due July 25<sup>th</sup>**
- **2012 October Due October 25<sup>th</sup>**

**Coverage Dates of Statements**

**Forms; Number of Copies Required**

**Late Contribution Reports – Failing to File will be Expensive! - UPDATED**

**Special Election Independent Expenditure Reports**

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**Ensure Timely Filing**

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This memorandum will be the main correspondence provided by the Bureau of Elections regarding filing requirements for the 2012 calendar year. This memorandum is also available on our Web Site: [www.Michigan.gov/elections](http://www.Michigan.gov/elections).

You will receive a postcard before the 2012 July Campaign Statement and the 2012 October Campaign Statement. However, the postcard will just be a reminder and will not contain all of the following information. In addition, committees that provide an up-to-date email address on the committee's Statement of Organization will receive an email filing reminder in addition to the postcard. Filing an amendment to the Statement of Organization is discussed later in this memo. Follow us on Twitter @MichCFR for additional filing reminders.

### **Electronic Filing Requirement**

Committees that received or spent \$20,000.00 or more in the preceding calendar year or that expect to receive or expend \$20,000.00 or more in the current calendar year 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 \$20,000.00. A committee that has reached the \$20,000.00 threshold since 2004 is required to continue filing electronically even if the committee's balance falls below \$20,000.00. Committees that are not required to file electronically are encouraged to voluntarily file electronically.

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](http://www.Michigan.gov/elections) and select:

1. "Campaign Finance Disclosure"
2. "E-Filing"

### **Updated Version of MERTS Software**

An updated version of the MERTS software is now available at [www.Mertsplus.com](http://www.Mertsplus.com). The new version has added features that afford greater usability and flexibility over the previous version. Current users of the software received an e-mail explaining how to obtain the new version and how it has changed. The memo can be found at [www.Michigan.gov/elections](http://www.Michigan.gov/elections). You must switch to the new software version as soon as possible. Select:

1. "Campaign Finance Disclosure"
2. "Spotlight"

If you are not currently using the MERTS software to file your Campaign Statements, you can go to [www.Mertsplus.com](http://www.Mertsplus.com) for instructions on downloading and using the MERTS software.

### **Required Campaign Statements**

All Independent Committees and Political Committees that do not maintain a Reporting Waiver are required to file the following Campaign Statements:

Close of books for January Triannual  
January Triannual filing deadline

December 31, 2011 (Caucus Comm. Only)  
January 31, 2012 (Caucus Comm. Only)

Close of books for April Triannual	April 20, 2012
April Triannual filing deadline	April 25, 2012
Close of books for July Triannual	July 20, 2012
July Triannual filing deadline	July 25, 2012
Close of books for October Triannual	October 20, 2012
October Triannual filing deadline	October 25, 2012

The Campaign Statement is required even if the committee has no transactions to report for the period covered by the Campaign Statement.

Note: 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 Statements**

Campaign Statements open one day after the closing date of the previous statement. If the committee has never filed a Campaign Statement, the first Campaign Statement filed 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.

### **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](http://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! – UPDATED 10/12**

An Independent or Political Committee that participates in an election in 2012 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 candidate or 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.

<b>Election Date</b>	<b>Late Contribution Reporting Period</b>
<b>May 8, 2012</b>	<b>04/21/2012 through 05/05/2012</b>
<b>August 7, 2012</b>	<b>07/21/2012 through 08/04/2012</b>
<b>November 6, 2012</b>	<b>10/21/2012 through 11/3/2012</b>

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.**

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](http://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](http://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 Political Committee and Independent Committee Manual details how quickly this fee accumulates.**

### **Special Election Independent Expenditure Reports**

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.

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 or in opposition to a 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 must submit Special Election Independent Expenditure Reports using e-IDR. To file using e-IDR, follow the instructions provided under *Late Contribution Reports*.
- For paper filers, 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 record keeper. 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 or ballot question involved. The Summary Page is not completed.
- An Independent Expenditure 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 two years, the maximum fee which may be assessed is increased to \$1,000.00.

#### **24-Hour Reports (Caucus Committees Only)**

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. See below:

<u>Election Date</u>	<u>Contribution Dates</u>
February 28, 2012	02/14/2012 through 02/29/2012
May 8, 2012	04/24/2012 through 05/09/2012
August 7, 2012	07/24/2012 through 08/08/2012
November 6, 2012	10/23/2012 through 11/07/2012

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. Caucus Committees must use e-IDR to file 24-Hour Reports. The maximum fee assessed for late filing will be assessed is \$1,000.00.

### **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 “**April 25**” Campaign Statement submitted 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 accepted as timely regardless of when it arrives.

A “**July 25**” Campaign Statement or an “**October 25**” 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.

### **Avoid Late Filing Fees!**

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

- 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.

### **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 omitted, figures or cumulative totals are wrong, addresses are

incorrect, etc. The committee is then required to file an amendment to correct the error. Note: For information on calculating cumulative contributions, see the [Election Cycles Chart](#) on our Web Site.

- 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 signature or is not the proper size.

### **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 Independent Committees and Political Committees go to [www.Michigan.gov/elections](http://www.Michigan.gov/elections) and select:

1. "Campaign Finance Disclosure"
2. "Forms and Filing Materials"
3. "Independent/Political (PAC) Committees."

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.

### **2010 Citizens United Supreme Court Decision**

With the 2010 Supreme Court decision, corporations, labor unions, or domestic dependent sovereigns may use their treasury funds for independent expenditures on behalf of state or local candidates. Corporations, labor unions, or domestic dependent sovereigns participating in this manner must comply with the MCFA [registration and reporting requirements](#). Committees registered under this new provision are commonly referred to as Independent Expenditure Committees or Super PACs.

Independent Expenditure Committees/Super PACs are reminded that corporations, labor unions, or domestic dependent sovereigns remain prohibited from using their general treasury funds to make contributions directly to candidate committees, independent committees, political committees, political party committees, or House or Senate political party caucus committees.

### **Reporting Waiver Provisions**

A committee that does not expect to receive or spend more than \$1,000.00 in a calendar year 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 in a calendar year. 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 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 in a calendar year. Note that funds leftover at the end of the year count toward the amount received for the next calendar year. If the Reporting Waiver is lost, the committee must file the next required Campaign Statement.

### **Identification Requirements**

PACs 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 Political and Independent Committee Manual for more information

### **Dissolution Information**

Committees that no longer participate in Michigan elections are encouraged to dissolve. A dissolved committee has no further filing obligations. Please refer to the Political and Independent Committee manual for additional details on dissolving the committee. See [Appendix W](#) of the Political and Independent Committee Manual for more information

**Questions?**

If you have any questions, please contact us using the information 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 Of Michigan  
Bureau of Election  
Post Office Box 20126  
Lansing, Michigan 48901-0726  
Phone: 517-373-2540  
Email: [Disclosure@Michigan.gov](mailto:Disclosure@Michigan.gov)  
Follow us on Twitter @MichCFR

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

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Bureau of Elections  
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430 West Allegan Street  
Lansing, Michigan 48933