



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

MEMORANDUM

DATE: January 2, 2015
TO: Statewide Ballot Question Committees
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: 2015 Campaign Finance Filing Deadlines

KEEP AND REFERENCE THROUGH 2015

Carefully read this memo to determine if the described filings are required of your committee. This memo provides filing information for 2015. Please keep this in a handy place for easy and quick reference.

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Filing Reminder Communications

This memorandum or memo will be the main correspondence you will receive from the Bureau of Elections regarding your filing requirements for the 2015 calendar year. It is also available on our [Campaign Finance Disclosure](http://www.Michigan.gov/elections) website. Go to www.Michigan.gov/elections and select the Campaign Finance Disclosure tab on the left. Bookmark this page for quick access to filing information.

The following reminders will be sent by the Bureau of Elections. All reminders are sent as a courtesy. Failure to receive a reminder does not exempt the committee from filing statements timely.

- This memo serves as a reminder to file the 2015 Annual Campaign Statement due on February 2, 2015. No post card reminder will be sent by regular mail for the 2015 Annual Campaign Statement.
- The Bureau of Elections will send a postcard or other regular mail reminder before the pre-election and post-election statements for the Special May 5, 2015 statewide election to the committee mailing address on record. A reminder will also be sent before the February, April, July and October Quarterly Campaign Statements. No regular mail reminder will be sent for the February Election, August Primary or November General Election pre/post statements.
- The Bureau of Elections will send an email reminder before the pre-election and post-election statements for the Special May 5, 2015 statewide election to the committee email address on record. An email reminder will also be sent before the February, April, July and October Quarterly Campaign Statements. No email reminder will be sent for the February Election, August Primary or November General Election pre/post statements.
- Finally, the Bureau of Elections will post filing reminders on Twitter @MichCFR.

Committees are encouraged to keep the committee's information up-to-date to ensure that the reminders that are sent by the Bureau are received by the committee. Amending the Statement of Organization form is outlined later in this memo.

Electronic Filing Requirement

Committees that spent or received \$5,000.00 or more in 2014 or that expect to spend or receive \$5,000.00 or more in 2015 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 \$5,000.00. In this case, the committee is required to **notify this office within 10 business days of reaching the threshold** and must file all subsequent statements electronically. Once the electronic filing requirement is met, a committee is required to continue filing electronically even if the committee's balance falls below \$5,000.00. 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.

1. [“Campaign Finance Disclosure”](#)
2. [“E-Filing”](#)

Tips for MERTS Users

Back up your MERTS file! Having an extra copy of your file on a separate removable media is essential to ensure the committee is able to file accurate statements in the event of a catastrophic loss of data. It happens more often than you think! The Bureau of Elections does not have a copy of the committee’s .DCF or back-up file.

Only create one file for the committee. To ensure accurate filings, the committee must use and create only one file in MERTS. A new report is created in the **Reports Tab**, not by creating a new committee file. After your initial set up of the committee, always select **“Open an Existing Committee”** upon opening the software.

Create Campaigns. Instructions for creating Campaigns in the software can be found in the [MERTS User Guide](#). Using Campaigns ensures that the software is able to report cumulative totals accurately and the committee files complete and accurate statements. Committees that do not complete the campaigns will receive a Notice of Error or Omission requesting the missing information.

Check the Election Cycle to ensure it is current. Enter a new [Election Cycle](#) for each election the committee makes expenditures to support or oppose a proposal. Go to the Election Cycles tab to enter a new cycle. If the committee is not participating in an election during the 2015 calendar year, the correct election cycle is: **11/5/2014 – 11/8/2016**.

Start entering data early and file early. Don’t wait for the Close of Books to begin adding information. The data can be saved and changed as needed before the filing deadline. Don’t forget to **back-up** the file after each session.

Webinar Training Schedule

The 2015 MERTS and Compliance Training Schedule is posted to our website at www.michigan.gov/elections. Select “Campaign Finance Disclosure” on the left and find it in the “Spotlight” section.

Campaign Statement Filing Deadlines for 2015 Calendar Year

A Ballot Question Committee owes the Annual Campaign Statement and the February, April, July and October Quarterly Campaign Statements. In the event that the committee makes an expenditure to support or oppose a proposal on a ballot, the committee must file the pre and post-

election statements for that election and the corresponding quarterly campaign statement is waived. For a full schedule see our [2015 & 2016 Campaign Statement Due Dates](#) schedule on our web site.

Close of books for Annual reporting period	December 31, 2014
Annual Campaign Statement filing deadline	February 2, 2015 by 5:00pm

Close of books for February Quarterly	February 10, 2015
February Quarterly filing deadline	February 17, 2015 by 5:00pm

Close of books for April Quarterly	April 20, 2015
April Quarterly filing deadline	April 27, 2015 by 5:00pm

OR

Close of books for Pre-May Election reporting period	April 19, 2015
Pre-May Election Campaign Statement filing deadline	April 24, 2015 by 5:00pm

MAY ELECTION

Close of books for Post-May Election reporting period	May 25, 2015
Post-May Election Campaign Statement filing deadline	June 4, 2015 by 5:00pm

Close of books for July Quarterly	July 20, 2015
July Quarterly filing deadline	July 27, 2015 by 5:00pm

Close of books for October Quarterly	October 20, 2015
October Quarterly filing deadline	October 26, 2015 by 5:00pm

Note: These statements are waived by the [Reporting Waiver](#). A Reporting Waiver maintained by Ballot Question Committee is lost if the committee spends or receives more than \$1,000.00 for any election.

Annual Campaign Statement

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

- Currently has a Reporting Waiver or qualifies for and obtains a Reporting Waiver on or before February 2, 2015. (The Reporting Waiver exemption is discussed in greater detail later in this memo.)
- Filed a Post-General Campaign Statement owed during December 2014.

Pre-Election, Post-Election and Quarterly Campaign Statements

The Pre-Election and Post-Election Campaign Statements apply to committees that make ballot proposal related expenditures in the statewide special May election or any local elections held

on February 24, 2015, May 5, 2015, August 4, 2015 and/or November 3, 2015. See the “2015 Campaign Finance Reporting Dates to Remember” at www.michigan.gov/elections for details.

Petition Proposal Campaign Statement

A state level Ballot Question Committee must file a Petition Proposal Campaign Statement. When the a filing is made under MCL 168.483a Ballot Question Committees that have supported or opposed the ballot issue must file the Petition Proposal Campaign Statement. The Campaign Statement closes 28 days after filing the petition form with the Bureau of Elections and is due not later than 35 days after the petition form is filed with the Bureau of Elections. MCL168.483a was added to the Michigan Election Law by PA 276 of 2012. **These reports are not waived by the Reporting Waiver!**

Coverage Dates of Statements

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.

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.

- 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.

48 Hour Reports/Late Contribution Reports – Failing to File will be Expensive!

A Ballot Question Committee that participates in an election in 2014 is required to file a "[48 Hour/Late Contribution Report](#)" if the committee meets both conditions stipulated below:

- Makes an expenditure during the late contribution reporting period to a 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.

Election Date	Late Contribution Reporting Period
February 24, 2015	02-9-2015 through 02-21-2015
May 5, 2015	04-20-2015 through 05-02-2015
August 4, 2015	07-20-2015 through 08-01-2015
November 3, 2015	10-19-2015 through 10-31-2015

A 48 Hour/Late Contribution Report must be received by this office within 48 hours after the committee's receipt of the contribution. A 48 Hour/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.

SPECIAL NOTE: Late filing fees will be assessed for missed late contributions that are not reported timely and later reported on a campaign statement.

Committees that file electronically must use e-IDR (Immediate Disclosure Reporting) to file 48 Hour/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 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 48 Hour/Late Contribution Report need not contain an original signature. A form for filing a 48 Hour/Late Contribution Report on paper is available on our Web site at www.Michigan.gov/elections.

- 48 Hour/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 48 Hour/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 Ballot Question Committee Manual details how quickly this fee accumulates.**

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 Annual, Post-Election, February Quarterly or April Quarterly Campaign Statement filed 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 viewed as a timely filing regardless of when it arrives.

A Pre-Election, July Quarterly or October Quarterly Campaign Statement filed 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 prior to the due date** will be viewed as a timely filing regardless of when it arrives.

A campaign statement that is received on paper and required to be filed electronically will not be accepted as fulfilling the filing requirement.

Avoid Late Filing Fees!

Campaign Statements are required to be filed timely. Committees that file Campaign Statements late are assessed late filing fees.

A Ballot Question Committee that fails to file a required **Annual Campaign Statement** is assessed a late filing fee 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.

A Ballot Question Committee that fails to file a required **Pre-Election, Post-Election or Quarterly** 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 \$1,000.00.
- 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 \$2,000.00.

A Ballot Question Committee that fails to file a **Petition Proposal Campaign Statement** is assessed a fee up to \$1000.00.

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 contain errors or omissions, figures or cumulative totals are wrong, addresses are missing, etc. The committee is then required to file an amendment to correct the error. Note: For information on calculating cumulative contributions, see the [Elections Cycle 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 the proper signatures, is not the proper size, does not contain the schedules required to substantiate the information listed on the Summary Page or is presented in a computerized format that has not been pre-approved by the Bureau of Elections.

Reporting Waiver Provisions

A committee that does not expect to spend or receive 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 YES on item 10 on its Statement of Organization. This tells the filing official that the committee does not expect to spend or receive more than \$1,000.00 for any election. The committee can check YES on item 10 on its original Statement of Organization or on an amendment to its Statement of Organization.
- A committee that does not check YES on item 10 on its Statement of Organization must file Campaign Statements regardless of the amount received or spent during the reporting period. **A Reporting Waiver cannot be applied retroactively to avoid the filing of required campaign statements or paying late filing fees.**
- A committee loses its Reporting Waiver if it spends or receives 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.

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 Ballot Question Committees go to www.Michigan.gov/elections and select:

- [“Campaign Finance Disclosure”](#)
- [“Ballot Question Committee”](#)

Committees are responsible for notifying the Bureau of Elections when the committee’s mailing address or other contact information 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.

Identification Requirements

Ballot Question 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. See [Appendix J](#) of the Manual for more information.

Committees are required to provide an identification statement on mass mailings that in express terms advocate the election or defeat of a clearly identified candidate or ballot question. “Mass mailing” means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

In addition, committees are required to provide an identification statement on prerecorded telephone messages or robo-calls that in express terms advocates the election or defeat of a clearly identified candidate or ballot question. The identifier must contain the name, telephone number, address or other contact information of the person paying for the robo-call.

Dissolution Information

Committees that no longer participate in Michigan elections are encouraged to dissolve. A dissolved committee has no further filing obligations. See [Appendix W](#) of the Manual for more information.

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.

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

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