



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

MEMORANDUM

DATE: January 13, 2014
TO: Candidate Committees Registered on the State Level
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: **2014 Campaign Statement Filing Deadlines**

2013 AMENDMENTS TO THE MICHIGAN CAMPAIGN FINANCE ACT ARE IN EFFECT!

Carefully read this memo to determine if the described filings are required of your committee during 2014. This memo provides all filing information for 2014. 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 2014 calendar year. It is also available on

our Web site: www.Michigan.gov/elections.

The following reminders will be sent by the Bureau of Elections.

- This memo serves as a reminder to file the 2014 Annual Campaign Statement due on January 31, 2014, in addition to the other filing requirements outlined in the memo. No additional reminder will be sent by regular mail for the 2014 Annual Campaign Statement.
- The Bureau of Elections will send a postcard reminder before each required pre-election, post-election and quarterly filing to the committee mailing address on record.
- The Bureau of Elections will send an email reminder before each filing deadline to committees that have provided up at least one up-to-date email address on the committee's Statement of Organization. All email addresses provided will be used to notify the committee.
- 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 reminders that are sent by the Bureau are received by the committee. All reminders are sent as a courtesy. Failure to receive a reminder does not exempt the committee from filing statements timely. Amending the Statement of Organization form is outlined later in this memo.

Electronic Filing Requirement – NEW LOWER THRESHOLD!

Committees that spent or received \$5,000.00 or more in the preceding calendar year or that expect to spend or receive \$5,000.00 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 \$5,000.00. A committee that has reached the \$5,000.00 threshold since 2013 is required to continue filing electronically even if the committee's balance falls below \$5,000.00. Committees that were previously required to file electronically are required to continue to file electronically. The lower threshold does not reset the electronic filing requirement. Committees that are not required to file electronically are encouraged to voluntarily file electronically.

NOTE PA 258 SIGNED BY THE GOVERNOR ON DECEMBER 27, 2013 LOWERS THE ELECTRONIC FILING THRESHOLD FROM \$20,000 TO \$5,000 WITH IMMEDIATE EFFECT. THIS MEANS THAT YOUR COMMITTEE IS REQUIRED TO FILE THE 2014 ANNUAL CAMPAIGN STATEMENT DUE JANUARY 31, 2014 ELECTRONICALLY IF IN 2013 YOUR COMMITTEE SPENT OR RECEIVED \$5,000.00 OR MORE.

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 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. The new version has added features that afford greater usability and flexibility over the previous version. Current users of the software will be prompted to download the most current version of the software.

If you are not currently using the MERTS software to file your Campaign Statements, you can go to www.Mertsplus.com for instructions on downloading and using the MERTS software.

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!

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.

Check the Election cycle to ensure it is current. The election cycle ends on November 4, 2014 for all candidates seeking election in 2014. The beginning date of the election cycle is dependent on the term:

2 years began on 11/7/2012

4 years began on 11/3/2010

6 years began on 11/5/2008

8 years began on 11/8/2006

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.

Campaign Statement Filing Deadlines for 2014 Calendar Year

Close of books for Annual reporting period	December 31, 2013
Annual Campaign Statement filing deadline	January 31, 2014; by 5:00pm
Close of books for Pre-Primary reporting period	July 20, 2014
Pre-Primary Campaign Statement filing deadline	July 25, 2014; by 5:00pm
PRIMARY ELECTION	August 5, 2014
Close of books for Post-Primary reporting period	August 25, 2014
Post-Primary Campaign Statement filing deadline	September 4, 2014; by 5:00pm

Close of books for Pre-General reporting period	October 19, 2014
Pre-General Campaign Statement filing deadline	October 24, 2014; by 5:00pm
GENERAL ELECTION	November 4, 2014
Close of books for Post-General reporting period	November 24, 2014
Post-General Campaign Statement filing deadline	December 4, 2014; by 5:00pm

Note: These statements are waived by the Reporting Waiver. The Reporting Waiver is lost if the committee spends or receives more than \$1,000.00 during for any election.

Annual Campaign Statement

A Candidate Committee that does not fall into 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 January 31, 2014. (The Reporting Waiver exemption is discussed in greater detail later in this memo.)
- An officeholder whose salary is less than \$100.00 a month. **PLEASE NOTE:** To be eligible for this exemption, the committee must not have received any contributions or made any expenditures during the period of time covered by the Annual Campaign Statement.
- Files a Post-General Campaign Statement during December 2013.
- An incumbent judge or justice.

Pre-Election and Post-Election Campaign Statements

A Candidate Committee must file the Pre-Election and Post-Election Campaign Statements if the candidate's name appears on an election ballot during 2014 or if the candidate spends or receives funds in connection with a write-in campaign.

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

ADDITIONAL FILINGS REQUIRED IN NON-ELECTION YEARS!

PA 252 signed by the Governor on December 27, 2013 with immediate effect requires committees to file additional campaign statements. Candidate committees are now required to file two (2) additional campaign statements when the candidate is not on the ballot during the calendar year:

STATEMENT	CLOSING DATE	DUE DATE
JULY QUARTERLY	JULY 20	JULY 25
OCTOBER QUARTERLY	OCTOBER 20	OCTOBER 25

- **ATTENTION INCUMBENT JUDGES AND JUSTICES:** The requirement to file the additional campaign statements was not exempted for incumbent judge and justice candidate committee as the Annual Campaign Statement. Therefore, if your committee does not maintain a Reporting Waiver, your committees will owe these campaign statements. This is true even if the committee has had no activity during the coverage period. Please see the section title: **Statement of Organization Amendments Required with Campaign Statement** below for information on obtaining a 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.

Late Contribution Reports – Failing to File will be Expensive!

A Candidate Committee that participates in an election is required to file a "Late Contribution Report" if the committee receives a single contribution or cumulative contribution from the same contributor during the period of \$500.00 as indicated below.

Election Date	Contribution Dates/Period
February 25, 2014	02/10/2014 through 02/22/2014
May 6, 2014	04/21/2014 through 05/03/2014
August 5, 2014	07/21/2014 through 08/02/2014
November 4, 2014	10/20/2014 through 11/1/2014

A Late Contribution Report must be received by this office within 48 hours after the committee's receipt of the contribution. This includes contributions received by the candidate; both direct and in-kind. 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 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 for missed late contributions that are not reported timely and later reported on a campaign statement.**

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 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.

- **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 candidate, committee treasurer or designated record keeper who fails to file a Late Contribution Report required under the MCFA is responsible for the payment of a late filing fee up to \$2,000.00. **NOTE: Appendix E of the Candidate 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 Statements that is hand-delivered or sent by first class mail must reach this office before 5:00 p.m. on the due date. Be sure to allow ample mailing time if sending first class.

An Annual or Post-Election 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 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 July 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.

Avoid Late Filing Fees!

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

A Candidate 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 late filing fee for the Annual Campaign Statement must be paid by the candidate and cannot be paid with committee funds.

A Candidate Committee that fails to file a required Pre-Election, Post-Election or Quarterly 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, the maximum fee that can 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 the proper signature(s), is not the proper size, does not contain the Schedule(s) 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 Candidate Committee is exempt from the Campaign Statement filing requirements 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 Candidate Committee that does not expect to spend or receive more than \$1,000.00 **for any election** is eligible for a Reporting Waiver.

To become eligible for a Reporting Waiver, the Candidate Committee must check the YES box in 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 its original Statement of Organization or on an amendment to its Statement of Organization.

- A Reporting Waiver cannot be obtained **between** the Pre-Election Campaign Statement and the Post-Election Campaign Statement. A Candidate Committee that is required to file a Pre-Election Campaign Statement must also file a Post-Election Campaign Statement.
- A Candidate Committee that does not check YES on 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 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 should be filed any time information on the form changes.

To download a Statement of Organization form for Candidate Committees go to www.Michigan.gov/elections and select:

1. "Campaign Finance Disclosure"
2. "Forms and Filing Materials"
3. "Candidate\Gubernatorial Committees"

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 timely.

Identification Requirements

Candidate Committees are required to add the statement "paid for by (name and address of committee)" to printed matter or in paid radio or television advertisements. See [Appendix J](#) of the Candidate Committee Manual for additional information.

PA 252 signed by the Governor on December 27, 2013 with immediate effect requires committees to provide an identification statement on mass mailings that in express terms advocates 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 and identical or substantially similar nature within any 30-day period.

In addition, the amendment requires committees 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.

Campaign Finance Compliance Affidavits

Campaign Finance Compliance Affidavit - Pre Election: Michigan Election Law requires any candidate filing for office at the state, county or local level to file [an affidavit](#) which states that on the date the affidavit was executed, "all statements, reports, late filing fees, and fines required of the candidate or a candidate committee organized to support the candidate's election under the Michigan Campaign Finance Act ... have been filed or paid."

The Campaign Finance Compliance Affidavit - Pre Election is required of candidates and is a part of the Affidavit of Identity and Receipt of Filing form used to gain ballot access. Without the statement, the filing official will reject the filing and the candidate will be ineligible to appear on the ballot.

A candidate who falsifies the statement is guilty of perjury punishable by a "fine of not more than \$1,000.00 or imprisonment for not more than 5 years or both."

Campaign Finance Compliance Statement - Post Election (Elected Candidates Only): Michigan Election Law, MCL 168.848, requires any candidate elected to office on the state, county or local level to file [an affidavit](#) prior to assuming office which states that on the date the affidavit was executed, “all statements, reports, late filing fees, and fines required of the candidate or a candidate committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.”

The affidavit is *not* required of an elected candidate whose Candidate Committee did not receive or expend more than \$1,000.00 during the election cycle. In addition, the affidavit is *not* required of a candidate elected to a U.S. Senate, U.S. House or a precinct delegate position.

An elected candidate who is required to file a *Campaign Finance Compliance Affidavit - Post-Election* must submit the form to the filing official designated to receive the elected candidate’s campaign finance disclosure filings.

An elected candidate who is required to file the affidavit who fails to submit the form is guilty of a misdemeanor punishable by a “fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.” An elected candidate who falsifies the statement is guilty of perjury punishable by a “fine of not more than \$1,000.00 or imprisonment for not more than 5 years or both.”

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 [Appendix W](#) of the Candidate Committee Manual for additional details on dissolving the committee.

SPECIAL INFORMATION; NEW HIGHER CONTRIBUTION LIMITS!

PA 252 signed by the Governor on December 27, 2013 with immediate effect amends Sections 52 and 69 doubles contribution limits for all offices indicated below. See chart below for new contributions limits. These limits take immediate effect and apply to any contributions received on or after December 27, 2013.

Office/Population	Previous Limit per Election Cycle for an Individual and political committee	New Limit per Election Cycle for an Individual and political committee	New Limit per Election Cycle for an Independent committee with status
State Representative and Districts with a population up to 85,000.	\$500.00	\$1,000.00	\$10,000.00
State Senate and Districts with a population up to 85,001 – 250,000.	\$1,000.00	\$2,000.00	\$20,000.00
Statewide Offices and Districts with a population over 250,000.	\$3,400.00	\$6,800.00	\$68,000.00

Gubernatorial Committee accepting public funding.	\$3,400.00	\$6,800.00	\$68,000.00
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In addition, the bill allows committees to accept up to \$1000.00 in food and beverage from a donor without it affecting the donor's contribution limit. The threshold previously was \$100.00.

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.

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Bureau of Elections
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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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