

**Department of State
Bureau of Elections**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024. [Give brief description.]

Rules for which RFRs have been filed

R 168.101 et seq.—provides rules for electronic return of absent voter ballots by eligible voters

R 169.36 (amend)—amends campaign finance rules to accommodate and incorporate social media platforms

Additional rules that may need to be amended in the next calendar year

R 168.841 et seq. (amend)—rules governing the Board of State Canvassers (update contact information, incorporating technological advances, etc.)

R 168.901 et seq. (amend)—recount procedures. There is legislative interest in amending the recount rules in statute; such a change would necessitate amendments to the Administrative Rules.

R 168.771 et seq. (amend)—electronic voting systems. Evaluate need to update terminology.

R 4.411 et seq. (amend)—lobbyist registration and reporting. Depending on the legislation surrounding the implementation of Proposal 2022-1 and its implications for the Lobbyist Registration Act, the Administrative Rules may also need to be amended to reflect those changes.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The following is a candidate for rescission:

R 169.61 et seq. Officeholder's expense fund

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

N/A

A. Describe whether there is a continued need for the rules.

B. Provide a summary of any complaints or comments received from the public concerning the rules.

C. Describe the complexity of complying with the rules.

Annual Regulatory Plan 2023-2024

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

E. Provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

[ARS Public - MI Admin Code for State - Elections & Campaign Finance](#)

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

Completed
R 168.1 et seq.—Disqualification from ballot based upon contents of Affidavit of Identity (effective December 19, 2022)
R 168.21 et seq.—Signature matching for absent voter ballot applications and absent voter ballot envelopes (effective December 19, 2022)
R 168.31 et seq.—Online absent voter ballot application (effective December 19, 2022)

Outstanding
None

Annual Regulatory Plan 2023-2024

**Bureau of Customer Service
Office of Business and Internal Services
Uniform Commercial Code**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024. [Give brief description.]

Change “last name” to “individual’s surname” in the following rules: 440.202, 440.302, 440.407, 440.408, 440.502

Change “correction statement” to “information statement” in the following rules: 440.102, 440.311, 440.406, 440.412

Change “corporation administrators” to “commercial administrators” in the following rules: 440.103

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

R440.105 can be rescinded as filing forms and fees are prescribed in law.

R440.202 can be rescinded as the information is covered in MCL 440.9516(2) and MCL 440.9520(5).

R440.509 is unnecessary. It is based on a previous UCC information management system which allowed customers to view records in person, by appointment. A web-based search application is now available, making personal visits to the filing office no longer necessary.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Yes. Filing office rules are statutorily required by MCL 440.9526. While Michigan Rules were created to comply with the 2001 revision of UCC Article 9, Article 9 was updated in 2010 which was effective in 2013. The rules were not updated in 2010 or 2013. MCL 440.9526(2)(b) requires Michigan’s rules to be in alignment with model administrative rules promulgated by the International Association of Corporate Administrators (IACA) or any successor organization. The model rules promulgated by IACA were last updated in 2018 and Michigan’s rules are no longer in alignment.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The rules that refer to a previous UCC information management system are problematic for industry as they no longer accurately describe UCC operations.

- A. Describe whether there is a continued need for the rules.

Yes. The UCC governs all commercial transactions and the administrative rules clarify, not complicate or burden, the process of filing and searching documents.

- B. Provide a summary of any complaints or comments received from the public concerning the rules.

Annual Regulatory Plan 2023-2024

We are beginning to receive complaints from various filers that the admin rules no longer reflect our office's filing practices. This makes it difficult for them to properly complete filing documents.

C. Describe the complexity of complying with the rules.

None.

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not duplicate the rules or regulations of other governmental entities. Rules for other state jurisdictions are also statutorily required by the Uniform Commercial Code (UCC) Article 9, Section 9-526.

However, the rules may conflict with UCC Article 9 and other governmental entities due to not being revised since 2002.

E. Provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The last evaluation was in 2022. The current rules became effective November 20, 2002. Since that time, technology has improved drastically allowing immediate filing and searching through an online application. Additionally, there have been statutory changes and the UCC filing application was replaced and upgraded in 2016.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

[ARS Public - MI Admin Code for State - Office of Customer Services](#)

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

[R 440.101 – 440.510]: The Department of State is authorized to promulgate rules that govern the administration of its duties as a filing official. The Department intends to make the rules consistent with 2012 PA 88 which became effective July 1, 2013. The Department also intends to make the rules consistent with the Model Administrative Rules promulgated by IACA.

Office of Hearings and Administrative Oversight

7. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024. [Give brief description.]

The Office has not established any Rules to be processed.

8. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The Office has not identified any obsolete or superseded rules that can be rescinded.

9. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The Office has exercised all its statutory rulemaking authority.

10. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None.

A. Whether there is a continued need for the rules.

Yes there is a continued need for the existing rules.

B. A summary of any complaints or comments received from the public concerning the rules.

No complaints have been received.

C. The complexity of complying with the rules.

None.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Not applicable.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Not applicable.

11. Please provide the URL link the department or bureau is currently using to display their administrative rules.

[Microsoft Word - R 257.1001 to R 257.1006 \(state.mi.us\)](#)
[112 10107 AdminCode.pdf \(state.mi.us\)](#)
[Microsoft Word - R 11.1 to 11.9 \(state.mi.us\)](#)

12. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

None.

OHAO – Driver Assessment Section

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024. [Give brief description.]

Physical and Mental Standards for Drivers (R257.851 – R257.857) and Visual Standards for Motor Vehicle Driver’s Licenses (R257.1 – R257.5)

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Neither sets of rules are problematic. Updates to both sets of rules are suggested.

- A. Describe whether there is a continued need for the rules.

Both sets of rules establish necessary medical-based standards for eligibility of driver licensing privileges.

- B. Provide a summary of any complaints or comments received from the public concerning the rules.

None

- C. Describe the complexity of complying with the rules.

Licensed medical practitioners are requested to complete medical-based forms required to assess individuals for the purpose of determining ability to safely operate a motor vehicle.

- D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

None

- E. Provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

R257.851 – 257.857 (1988) R257.1 – 257.5 (1974) Suggested changes are documented on proposed rule updates for both sets.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://ars.apps.lara.state.mi.us/AdminCode/DownloadAdminCodeFile?FileName=114_10109_AdminCo

https://ars.apps.lara.state.mi.us/AdminCode/DownloadAdminCodeFile?FileName=106_10101_AdminCo

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

Draft updated sets of rules available for consideration.

Office of Investigative Services

Enforcement Division

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024. [Give brief description.]

R257.1701 through R257.1727 Motorcycle Safety Education

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

257.1715 Certification. Motorcycle certificates are no longer issued (CARS process).

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

257.1702

(b) update definition for classroom instruction to include broader language to include on-line training.

(f) review definition of motorcycle to ensure it is consistent with 257.31 or refer to 257.31 for consistency.

257.1706 Hours of classroom instruction. Clarify classroom may include on-line learning as this was established by MSF.

257.1717 update the MSF standards referenced and make current or open for any updates MSF may make to the standards in the future.

257.1708

(a) Add: without restrictions

257.1717. Many MSF standards are “grey” or subjective. Establish state standards to address the areas where MSF does not provide guidance (e.g., no Criminal History Record) to include a definition of what a criminal history record is; if a conviction is necessary; felony/misdemeanor, etc. and who is responsible for conducting the background check

Motor Vehicle Code. 257.811a is also related to motorcycle safety education. This statute should be reviewed during any Admin Rule updates including, subsection 3 and 6.

Subsection (3) – states SOS is responsible for teacher qualifications, reimbursement procedures, the establishment of courses. MSF establishes qualifications and courses which MDOS adopts per the Admin Rules.

Subsection (6) – states SOS designated person must successfully complete rider coach course to perform annual inspections of MC course sites – **that seems to imply that it should be done in person. Consider updating this section to remove requirement for completing a rider coach course in order to perform annual inspections.**

Annual Regulatory Plan 2023-2024

A. Describe whether there is a continued need for the rules.

Yes

B. Provide a summary of any complaints or comments received from the public concerning the rules.

None

C. Describe the complexity of complying with the rules.

The Motorcycle Safety Foundation curriculum requirements are subject to change, which requires changes in the administration of the MI Rider Education Program (MIREP).

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

No

E. Provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

1989-Administration of the program was transferred from Dept. of Education to MI Dept. of State

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

Annual Regulatory Plan 2023-2024