

**Michigan Office of Administrative Hearings and Rules  
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

State

**2. Bureau:**

Elections & Campaign Finance

**3. Promulgation type:**

MCL 24.244 (1)

**4. Title of proposed rule set:**

Lobbyist Registration and Reporting

**5. Rule numbers or rule set range of numbers:**

R 4.471 to 4.473

**6. Estimated time frame:**

6 months

**Name of person filling out RFR:**

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

The purpose of these rules is to regulate gifting under the Lobbyists, Lobbying Agents, and Lobbying Activities act, 1978 PA 472, MCL 4.411 to 4.431 (Lobby Act). The amendment to these rules seeks to rescind the rules from their current location in the Administrative Code and move them to a new section with additional rules (transaction 2024-48 ST) to further clarify the rules around gifting under the Lobby Act.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

MCL 4.426 provides: "The secretary of state shall promulgate rules and issue declaratory rules to implement this act pursuant to Act No. 306 of the Public Acts of 1969, as amended."

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

MCL 4.426.

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

Yes, MCL 4.426 uses the mandatory term "shall," and states that "[t]he secretary of state shall promulgate rules and issue declaratory rules to implement this act pursuant to Act No. 306 of the Public Acts of 1969, as amended."

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

The subject matter of the rules is in the Lobby Manual, Revised 01/2023.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

No the rules are not listed on the department's annual regulatory plan.

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

MCL 24.244 (1)

**A. Explain why the rules are being promulgated under 24.244.**

The goal of this rulemaking transaction is to rescind R 4.471, 4.472, and 4.473 from their current location in the Lobbyist Registration and Reporting ruleset so that they can be moved and included in the new ruleset being promulgated in transaction 2024-48 ST because that new ruleset will specifically address gifting under the lobby law; accordingly, it does not make sense to keep Part 7. Gifts (which contains only R 4.471, 4.472, and 4.473) in the Lobbyist Registration and Reporting ruleset because there will be a more specific ruleset addressing gifting. Rescinding these rules from their current ruleset is necessary to avoid duplication and confusion.

**Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.**