March 8, 2022

Sent Via Email

Jocelyn Benson, Secretary of State

430 W. Allegan Street

Richard H. Austin Building – 4th Floor

Lansing, MI 48918

Secretary of State Benson:

On March 4, 2022, the Michigan Department of State notified the Joint Committee on Administrative Rules (JCAR) of the withdrawal of the rule set entitled “Disqualification from Ballot Based Upon Contents of Affidavit of Identity” (2021-60 ST) to incorporate changes requested by JCAR.

Pursuant to section 45c(3) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245c, the Michigan Office of Administrative Hearings and Rules (MOAHR) has reviewed the rules as changed and has determined that the regulatory impact or the impact on small businesses of the rules as changed would not be more burdensome than the regulatory impact or the impact on small businesses of the rule as originally proposed.

The changes to the “Disqualification from Ballot Based Upon Contents of Affidavit of Identity” rules remove the language of R 168.3(1), which is similar to the language adopted in the most recent amendment to MCL 168.558, outlining the requirements of what information must be included on the Affidavit of Identity, thereby making R 168.3(1) redundant. MOAHR has determined that the regulatory impact and the impact on small businesses would not be more burdensome, as the reference to the statute accomplishes the same purpose as the original proposed language.

Sincerely,



Katie Wienczewski

Director, Administrative Rules Division

Michigan Office of Administrative Hearings and Rules

cc: Adam Fracassi, Regulatory Manager, MDOS

Doug Novak, Regulatory Affairs Officer, MDOS

Mike Brady, Chief Legal Director, MDOS

Brian Remlinger, MDOS

Suzanne Sonneborn, Executive Director, MOAHR

Adam Sandoval, Deputy Director, LARA