

Michigan Office of Administrative Hearings and Rules Administrative Rules Division

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Supplemental JCAR Agency Report

Under the Administrative Procedures Act of 1969 (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete this form after JCAR has proposed a change to a pending rule. Submit an electronic copy of this form to the Michigan Office of Administrative Hearings and Rules (MOAHR) at MOAHR-Rules@michigan.gov.

1. Department:

State

2. Division/Agency/Bureau:

Bureau of Elections

3. Rule set number (as assigned by MOAHR):

2021-61 ST

4. Title of proposed rule(s) or rule set:

Signature Matching For Absent Voter Ballot Applications and Absent Voter Ballot Envelopes

5. Rule number(s) impacted by the proposed change:

R 168.22(1).

6. Statement of Determination by MOAHR:

Attached.

7. Is a new Agency Report and Public Hearing required?

No.

8. Agency explanation for the proposed change:

R 168.22(1) previously stated that local election officials must begin review of a voter's signature on an absent voter ballot application or an absent voter ballot envelope with a "presumption" that the signature is valid. While the language reflects current practice, and while the Secretary does not read the presumption language in the same manner the language was read by JCAR, the confusion created by the term justifies its removal from the rule.

9. Name of person completing this report:

Adam Fracassi

10. Date report completed:

March 8, 2022