

**Michigan Office of Administrative Hearings and Rules**  
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

**1. Agency Information**

**Agency name:**

State

**Division/Bureau/Office:**

Elections & Campaign Finance

**Name of person completing this form:**

Alessa Boes

**Phone number of person completing this form:**

517-599-3410

**E-mail of person completing this form:**

BoesA@michigan.gov

**Name of Department Regulatory Affairs Officer reviewing this form:**

Doug Novak

**2. Rule Set Information**

**MOAHR assigned rule set number:**

2024-18 ST

**Title of proposed rule set:**

Conduct of Election Recounts

**3. Purpose for the proposed rules and background:**

The purpose of these rules is to update the terminology to account for technological and procedural changes since the rules were promulgated in 1979. The rules will also be updated to conform with current legal requirements and current practices.

**4. Summary of proposed rules:**

The purpose of these rules is to amend the Conduct of Election Recounts rules by updating terminology to account for technological and procedural changes since the rules were promulgated in 1979. The rules will also be updated to conform with current legal requirements and current practices.

**5. List names of newspapers in which the notice of public hearing was published and publication dates:**

The Mining Journal on May 29, 2024, the Detroit News and Free Press on May 30, 2024, and the Holland Sentinel on May 30, 2024.

**6. Date of publication of rules and notice of public hearing in Michigan Register:**

6/1/2024

**7. Date, time, and location of public hearing:**

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6/17/2024 10:00 AM at Room 1100 of the Binsfeld Office Building , 201 Townsend St. Lansing, MI 48933

**8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:**

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1525>

**9. List of the name and title of agency representative(s) who attended the public hearing:**

Adam Fracassi, Regulatory Manager, Bureau of Elections, Department of State.  
Alessa Boes, Regulatory Attorney, Bureau of Elections, Department of State.

**10. Persons submitting comments of support:**

None.

**11. Persons submitting comments of opposition:**

None.

**12. Persons submitting other comments:**

Joseph Rozell, Director of Elections, County of Oakland.

**13. Identify any changes made to the proposed rules based on comments received during the public comment period:**

	<b>Name &amp; Organization</b>	<b>Comments made at public hearing</b>	<b>Written Comments</b>	<b>Agency Rationale for Rule Change and Description of Change(s) Made</b>	<b>Rule number &amp; citation changed</b>
1	Joseph Rozell, Director of Elections, County of Oakland		Add “a precinct at” before “an absent voter counting board” in the definition of precinct.	Made suggested change because it is accurate and adds clarity.	R 168.901(f)(ii)

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2	Joseph Rozell, Director of Elections, County of Oakland		Add “electronic voting systems” to the list of items to be delivered to the board of state canvassers and add the caveat of “not delivered to the board of county canvassers” to the directions about what items must remain in the clerk’s possession.	Made suggested changes because they are accurate and make the rule more complete.	R 168.903(3)-(4)

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3	Joseph Rozell, Director of Elections, County of Oakland		Change the word “notes” to “remarks,” strike language referring to procedures mandated by the local clerk, and change the reference to tabulator “tapes” to tabulator “reports.”	Changed word “notes” to “remarks” and struck suggested language because both changes add clarity to the rule. Did not change “tapes” to “reports” because the language in SB 603, which is enrolled and will become law, says “tapes.” However, because there are situations where there is no tabulator tape and only the tabulator report is available, added a definition of “tabulator tape” that clarifies that tabulator tape includes the tabulator report when there is no tabulator tape. This addresses the concern raised by the comment while still aligning with the statutory language.	R 168.910(3)- (4) R 168.901(1) (h) (new definition added)
4	Joseph Rozell, Director of Elections, County of Oakland		Strike subrules (4) and (5).	Made suggested change because upon review subrules (4) and (5) are not necessary.	R 168.911(4)- (5)

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5	Joseph Rozell, Director of Elections, County of Oakland		Strike language about separating votes into piles of different types of votes.	Made suggested change because upon review the separation that was described is not mandated by law and not necessary.	R 168.922(1)
6	Joseph Rozell, Director of Elections, County of Oakland		Strike subrules (5), (6), (7), and (9) and omit the reference to marking ballots as not counted by the inspector in subrule (10).	Made suggested change because upon review agree that subrules (5)-(7) and (9) do not contain material needed in the rules and agree that suggested language to be struck in (10) is not necessary.	R 168.923(5)-(7), (9)-(10)
7	Joseph Rozell, Director of Elections, County of Oakland		Add “or envelope” to the list of ways to identify challenged ballots counted or rejected for recount and add “appeal” to clarify a reference to a challenge.	Made suggested changes because a numbered envelope is an appropriate way to identify a ballot in this context, and addition of word “appeal” adds clarity.	R 168.925(2) and (12)

**14.Date report completed:**

7/26/2024