

**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:

Full Process

4. Title of proposed rule set:

Board of State Canvassers Procedures

5. Rule numbers or rule set range of numbers:

R 168.841 to 168.845

6. Estimated time frame:

6 months

Name of person filling out RFR:

Alessa Boes

E-mail of person filling out RFR:

BoesA@michigan.gov

Phone number of person filling out RFR:

517-599-3410

Address of person filling out RFR:

430 W. Allegan St
Lansing, MI 48918

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

The purpose of these rules is to describe the organization and general course and method of the Board of State Canvassers' operations. The proposed amendments update references in response to changes in technology, update statutory references, and update contact information. The proposed new rule addresses the required timeline for submission of materials to the board, which is necessary to clarify the board's procedures.

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

Board of State Canvassers. MCL 24.233(1) states in relevant part: "An agency shall promulgate rules describing its organization and stating the general course and method of its operations. The agency may include in the rules forms with instructions."

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

MCL 24.233.

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

MCL 24.233(1) states in relevant part: "An agency shall promulgate rules describing its organization and stating the general course and method of its operations."

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 any 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?

No.

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

Yes.

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?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

Yes. The proposed new rule adding timing requirements for submission of materials to the Board of State Canvassers is being added in response to public comments expressing confusion about the deadline for submission and requesting clarity.

15. If amending an existing rule set, please 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 the regulatory activity covered by the rules since the last evaluation.

The proposed rules do amend existing rules. The rules were promulgated in 1997 and have not been amended since. The proposed amendments to the rules provide updates in response to changes in technology (removing reference to facsimile transmission, adding reference to email, and including remote participation as an option). The proposed amendments also update the Board's contact information. No changes were made to the rules in reference to economic conditions as no economic conditions are relevant to the subject matter of the rules.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There are no changes or developments since implementation that demonstrate there is no continued need for the rules or any portion of the rules. No rules are being rescinded.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No

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.