



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

May 27, 2025

Joint Committee on Administrative Rules
Boji Tower, 3rd Floor
124 W. Allegan St.
P.O. Box 30036
Lansing, MI 48909-7536

Sent via email to: JCAR@legislature.mi.gov

Re: Session day waiver request

Dear Chairperson Wozniak, Alternate Chairperson Wojno, and committee members:

As the regulatory affairs officer for the Michigan Department of State, I respectfully request that the Joint Committee on Administrative Rules waive the remaining session days under the authority provided in the Administrative Procedures Act of 1969, MCL 24.245a(1)(d), for the review of the following amended rules, which were submitted to the Committee on May 21, 2025:

Electronic Return of Absent Voter Ballots by Eligible Voters, R 168.101 to 168.159 (MOAHR #2022-64 ST).

[Public Act 197 of 2022](#) and [Public Act 193 of 2023](#) provide that, beginning September 1, 2025, eligible members of the military may electronically return a voted ballot to their city or township clerk to be counted as provided in the Michigan Election Law (MEL). MCL 168.759a(13). 2022 PA 197 and 2023 PA 193 also require the Secretary of State to promulgate rules that establish policies and procedures for that electronic return; the rules are likewise required to be promulgated by September 1, 2025. MCL 168.759a(17).

In reviewing this legislation, the Department of State determined that a secure web portal would be needed to facilitate and protect electronic return, as allowed in section 759a(17) of the MEL. The Department developed system requirements for the portal, issued a Request for Proposals, and selected a vendor to create the new web portal, with the vendor contract taking effect December 3, 2024. The portal was designed to comply with statutory requirements, protect voter information and provide secure transmission, and ensure Michigan's 1,521 local clerks would be provided with a simple, intuitive interface to transmit and receive ballots electronically. As the portal was being created, the Department worked to draft rules that would clearly and accurately reflect this process. The draft rules were first submitted to MOAHR March 6, 2025, and they have been progressing through the rule promulgation process since that time.

The Department held a public hearing on the proposed rules on May 12, 2025. The notice of public hearing was posted on the Department of Licensing and Regulatory Affairs' website and the Michigan Bureau of Elections' website, and was published in The Monroe News, The Ionia Sentinel-Standard, and The Marquette Mining Journal. No members of the public attended the hearing to speak in person.

The Department also accepted written public comments for 52 days (notice of public hearing was first posted online on March 21, 2025, and written public comments were accepted until 5 p.m. on May 12, 2025). The Department received one written comment from a township clerk and one from a representative of Verified Voting.

The Department received notice from the Michigan Office of Administrative Hearings and Rules that the ruleset was submitted to the Joint Committee on Administrative Rules (JCAR) on May 21, 2025. As you know, once JCAR receives the rules it has 15 session days (i.e. days when both the Michigan Senate and House of Representatives are in session and a quorum is present) to review the rules and take one of several actions. In many cases, none of those actions is taken and the rules take effect at the expiration of the 15 session days. However, the Department is cognizant that the legislature is less likely to have a quorum of both houses during the summer and is concerned that it will be unable to attain the 15 session days in the 103 calendar days before the rules are statutorily required to be promulgated. As such, and given that the legislature has enacted legislation requiring the Department to promulgate the rules, the Department respectfully requests JCAR to waive the 15-session-day review period, as allowed by MCL 24.245a(1)(d).

Thank you for your consideration of this request.

Sincerely,

Doug Novak
Regulatory Affairs Officer
Michigan Department of State
Novakd@Michigan.gov

cc: Timothy Reeves and Rachel Hughart, Legal Counsel, JCAR
Katie Wienczewski, Michigan Office of Administrative Hearings and Rules
Administrative Rules Division, MOAHR-Rules@Michigan.gov
Adam Fracassi, Deputy Director of Elections
Khyla Craine, Chief Legal Director, Michigan Department of State
Erin Schor, Legislative Policy Director, Michigan Department of State