

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

611 W. Ottawa Street
Lansing, MI 48909
Phone: 517-335-8658 Fax: 517-335-9512

REQUEST FOR RULEMAKING (RFR)

1. Department:

State

2. Bureau:

Elections & Campaign Finance

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Disqualification from Ballot Based Upon Contents of Affidavit of Identity

5. Rule numbers or rule set range of numbers:

R 168.1 - R 168.9

6. Estimated time frame:

6 months

Name of person filling out RFR:

Adam Fracassi

E-mail of person filling out RFR:

FracassiA@michigan.gov

Phone number of person filling out RFR:

517-241-3280

Address of person filling out RFR:

430 W. Allegan Street
Lansing, MI 48918

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

To create process for disqualification of candidates based upon contents of affidavit of identity.

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

Secretary of State shall promulgate rules for the conduct of elections and prescribe forms for use in the conduct of elections. Section 558 mandates disqualification of candidates based upon false statements made in the affidavit of identity.

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

MCL 168.31(1)(a); MCL 168.31(1)(e); MCL 168.558(4).

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

No

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 similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level. The proposed rule reiterates and clarifies certain aspects of MCL 168.558.

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?

No

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.

This rule has not been submitted to the public for comment.

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.

This proposed rule does not amend a current rule.

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?

This proposed rule does not amend a current rule.

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