

Michigan Office of Administrative Hearings and Rules

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**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:

Adam Fracassi

Phone number of person completing this form:

517-241-3280

E-mail of person completing this form:

FracassiA@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Doug Novak

2. Rule Set Information

MOAHR assigned rule set number:

2021-60 ST

Title of proposed rule set:

Disqualification from Ballot Based Upon Contents of Affidavit of Identity

3. Purpose for the proposed rules and background:

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

4. Summary of proposed rules:

At least 15 weeks before the August primary election, candidates filing nominating petitions, qualifying petitions or a filing fee to access the ballot for the August primary must also file an affidavit of identity. MCL 168.558. Candidates must certify they are in compliance with the campaign finance act and have filed or paid all outstanding fines, reports, and late filing fees. Candidates providing false information on the affidavit of identity are ineligible to be certified to the ballot by the filing official. MCL 168.558(4).

The rule clarifies mandatory elements necessary to be certified by the filing official and clarifies what qualifies as an outstanding report preventing ballot access. The rules are designed to provide uniform guidance to filing officials on the mandatory elements of the affidavit of identity and requires candidates to inform filing officials of jurisdictions where the candidate has previously run for office.

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

Marquette Mining Journal (September 17, 2021)
Flint Journal (September 17, 2021)
Kalamazoo Gazette (September 17, 2021)

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

9/15/2021

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

10/1/2021 09:00 AM at Cadillac Place Room L-150 , 3044 W. Grand Blvd. Detroit, MI 48202

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=1318>

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

Adam Fracassi (Bureau of Elections – Designated Agency Representative)
Doug Novak (Department of State – Regulatory Affairs Officer)
Jonathan Brater (Bureau of Elections – Director)
Brian Remlinger (Bureau of Elections – Law Fellow)

10. Persons submitting comments of support:

see attached

11. Persons submitting comments of opposition:

see attached

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

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	Kristina Karamo	Expressed concern that rule did not specify whether candidates were required to report prior out-of-state candidacies.		Clarifies that prior candidacies only need to be reported under this rule if they occurred in Michigan.	R 168.2(1)
2	Kristina Karamo	Expressed concern that campaign finance records may not be available in some cases, including prior candidacies for precinct delegate.		Clarifies that only prior candidacies for offices for which campaign finances records to be filed need to be reported under this rule.	R 168.2(1)
3	Rep. Ann Bollin		Expressed concern that candidates would be disqualified solely because the candidate did not include a list of jurisdictions in which they had previously sought office	Clarifies that a candidate may not be disqualified from the ballot solely because they did not include the list of prior candidacies requested under this rule.	R 168.2(1)

13.Date report completed:

12/1/2021