

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:

Voter Registration Cancellation, Challenge, and Correction

5. Rule numbers or rule set range of numbers:

R 168.251 – R 168.299

6. Estimated time frame:

6 months

Name of person filling out RFR:

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

These rules will clarify the framework for voter registration challenges and explain the procedures around voter registration cancellation and correction.

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

MCL 168.31(1)(a) provides in relevant part that the secretary of state shall “issue instructions and promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of elections and registrations in accordance with the laws of this state.”

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

MCL 168.31(1)(a).

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

Yes. MCL 168.31(1) says the secretary of state “shall” promulgate rules “for the conduct of elections[.]”

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.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

Yes. The Election Officials Manual, Chapter 2 Addendum, addresses voter registration cancellation, challenge, and correction.

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 proposed rules do not exceed any 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 department receives questions and requests for clarification from members of the public and clerks about the process for challenging voter registration and about the procedures that govern voter registration cancellation and correction. The proposed rules seek to clarify the processes and procedures that the department gets questions about.

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 are a new ruleset and does not amend existing 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?

No, this is a new ruleset which does not amend any existing rules.

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.