

**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:**

Election Challengers and Poll Watchers

**5. Rule numbers or rule set range of numbers:**

R 168.201 – R 168.249

**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.**

The purpose of these rules is to clarify required procedures regarding election challengers and poll watchers.

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

MCL 168.31(1)(a) provides 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.

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

MCL 168.31(1)(c) requires the Secretary of State to “publish and furnish for the use in each election precinct before each state primary and election a manual of instructions that includes specific instructions on assisting voters in casting their ballots, directions on the location of voting stations in polling places, procedures and forms for processing challenges, and procedures on prohibiting campaigning in the polling places as prescribed in this act.” The Department has historically issued these instructions in the form of a manual but promulgated rules also fall under this section.

**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 any similar rules, requirements, or standards. The proposed rules do not explicitly duplicate any similar rules, compliance requirements, or other standards but they do reconcile and clarify certain aspects of the Michigan Election Law regarding challengers, including MCL 168.727, MCL 168.730-734.

**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 subject matter is included in the Bureau of Elections manual, The Appointment, Rights, and Duties of Election Challengers and Poll Watchers, October 2024.

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

The rules are not listed on the department's 2024 annual regulatory plan.

**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. Beginning with the 2020 election, the Department observed an increase in questions surrounding challengers, poll watchers, and credentialing organizations, which led to updates to the challenger manual listed above. The rules will incorporate those requests for smooth processes and minimal disruptions to the challenge process, while also preserving the rights of challengers and poll watchers.

**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 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, there are no changes or developments because the rules do not amend 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.**