

From: [Fracassi, Adam \(MDOS\)](#)
To: [Boes, Alessa \(MDOS\)](#)
Subject: FW: Public Comments
Date: Tuesday, October 29, 2024 1:32:07 PM
Attachments: [image001.png](#)
[DraftRule \(1\) \(003\).doc Comments.docx](#)

From: Eric Doster <eric@ericdoster.com>
Sent: Tuesday, October 29, 2024 1:23 PM
To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Subject: RE: Public Comments

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Adam:

Please see attached. Thank you for forwarding to JCAR.

EED

Eric E. Doster

Attorney
Doster Law Offices, PLLC
2145 Commons Parkway
Okemos, MI 48864
Phone: 517.977.0147 (Direct)
eric@ericdoster.com
www.ericdoster.com

Circular 230 Disclosure: Pursuant to U.S. Department of Treasury Circular 230 which sets forth best practices for tax advisors, if this writing contains advice on a federal tax issue, the advice was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein. If you would like a written tax opinion upon which you can rely for the purpose of avoiding penalties or for the use in support of the promotion, marketing, or recommending of the transaction described herein, please contact us.

DISCLAIMER/CONFIDENTIALITY: This communication, along with any documents, files or attachments, is intended only for the use of the addressee and may contain legally privileged and confidential information. Any document attached is a legal document and should not be changed or altered without the knowledge and approval of legal counsel. The sender takes no responsibility for any alterations, additions, revisions or deletions to any such document. Due to software and printer variations, documents printed at the recipient's location may vary from the original printed document.

From: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Sent: Tuesday, October 29, 2024 1:13 PM
To: Eric Doster <eric@ericdoster.com>

DEPARTMENT OF STATE
BOARD OF STATE CANVASSERS
PROCEDURES

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the board of state canvassers by section 33 of **the administrative procedures act of 1969, 1969 PA 306, MCL 24.233**~~Act No. 306 of the Public Acts of 1969, as amended, being 24.233 of the Michigan Compiled Laws~~)

R 168.841, R 168.842, R 168.843, R 168.844, and R 168.845 of the Michigan Administrative Code are amended, and R 168.846 is added, as follows:

R 168.841 Definitions.

Rule 1. **(1)** As used in these rules:

(a) “Act” means **the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992**~~Act No. 239 of the Public Acts of 1955, as amended, being 200.301 et seq. of the Michigan Compiled Laws.~~

(b) “Board” means the board of state canvassers.

(c) “Bureau” means the bureau of elections of the department of state.

(d) “Chairperson” means the ~~person~~ **individual** elected as chairperson of the board pursuant to section **22d(3) of the act, MCL 168.22d**~~4 of the Act, being 200.304 of the Michigan Compiled Laws, or the person~~ **individual** acting in the chairperson’s place.

~~(de)~~ **(e)** “Hearing” means **a any of the following:**

(i) A hearing on the canvass of an initiative or referendum petition held pursuant to section 476 of **the act, MCL 168.476**~~.Act No. 116 of the Public Acts of 1954, as amended, being 168.476 of the Michigan Compiled Laws, or a~~

(ii) A hearing on the canvass of a nominating petition held pursuant to section 552 of **the act, MCL 168.552**~~.Act No. 116 of the Public Acts of 1954, as amended, being 168.552 of the Michigan Compiled Laws~~

(iii) A hearing on the sufficiency and clarity of language in a recall petition held pursuant to section **951a of the act, MCL 168.951a.**

(fe) “Secretary of the board” means the director of elections appointed by the secretary of state, pursuant to section 32 of **the act, MCL 168.32, or the secretary of the board’s designee**~~Act No. 116 of the Public Act of 1954, as amended, being 168.32 of the Michigan compiled laws.~~

(2f) Terms defined in the ~~A~~act have the same meanings when used in these rules.

R 168.842 Service of ~~P~~process.

August 16, 2024

Rule 2. Legal process may be served on the secretary of the board who shall accept service of process for the board and for the individual members of the board acting in their official capacities.

R 168.843 Location and ~~C~~communications.

Rule 3. (1) Any ~~person~~ **individual** may request information concerning the board and its procedures by contacting the bureau.

(2) The bureau shall serve as the offices for the board.

(3) Communications with the office may be made between 8:00 a.m. and 5:00 p.m., Monday through Friday, except on legal holidays. All communications to the board **must** ~~shall~~ be directed to the following:

(a) Mailing address: Michigan Department of State
Board of State Canvassers
P.O. Box 20126
Lansing, Michigan 489019-07269

(b) Location: ~~Mutual Building, 4th Floor~~
~~208 N. Capitol Avenue~~
Richard H. Austin Building, 1st Floor
430 W. Allegan
Lansing, Michigan, **48918**

(c) Telephone Number: ~~(517) 373-2540~~**800-292-5973**

(d) Email address indicated on the board's webpage on the department of state website.

(4) The secretary of ~~state~~ **the board** may designate other locations and telephone numbers for communicating with the board.

R 168.844 Hearings.

Rule 4. (1) The secretary of the board shall serve notice of any hearing to be held by the board by regular mail, telephone, ~~facsimile transmission~~ or other electronic means ~~at least~~ **no less than** 7 days before the date of the hearing. The notice ~~shall~~ **must** include the hearing date, time, place, and reason for holding the hearing, and ~~shall~~ be served on **either of** the following **individuals** ~~persons~~:

(a) The sponsor, and any opponent requesting notice, of an initiative or referendum petition; ~~or~~

(b) A candidate or any ~~person~~ **individual** challenging the candidate's nominating petition.

~~(2) Unless otherwise indicated in the notice of hearing, all hearings shall be held in the offices of the secretary of state, Mutual Building, Lansing, Michigan.~~

~~(23) An individual person may appear at a hearing on the individual's behalf either in person, by an duly authorized representative, or by counsel, either in person or by remote participation, if available, and shall file a written appearance with the board on a form provided by the board.~~

~~(34) An individual person served with a notice of hearing may file a written argument with the board and with the other parties, if any, at least 1 day 48 hours prior to before the~~

date of the hearing. Such an individual may present written material to the board at the relevant board meeting.

(45) If an **individual** ~~person~~ properly served with a notice of hearing fails to appear for the hearing, the board, if no adjournment is granted, may proceed with the hearing and make its decision in the absence of the **individual** ~~person~~.

(56) The board may issue a subpoena upon its own initiative, at the written request of the secretary of the board, or at the written request of a party to the hearing.

(67) A hearing ~~shall~~ **must** be adjourned or continued only by order of the board.

(78) A request for an adjournment or continuance **must** ~~shall~~ be in writing and ~~shall~~ state the reason for the request.

R 168.845 Conduct of ~~P~~public ~~M~~meetings and ~~H~~hearings of the ~~B~~board.

Rule 5. (1) Each ~~person~~ **individual** wishing to do so shall be provided a reasonable opportunity to address the board on an agenda item, or ~~one~~ **an item** not on the agenda if the **individual** ~~person~~ makes a request to the board **as described in R 168.843(3)** ~~'s office~~ before the public meeting or hearing is convened or to the chairperson before the conclusion of the public meeting or hearing.

(2) A group of 5 or more ~~persons~~ **individuals** wishing to address the board ~~is requested to~~ **shall attempt to** give advance notice to the chairperson of its intention to attend the public meeting or hearing so that an effort may be made to provide adequate space.

(3) If it is anticipated that more space will be necessary, the secretary of the board shall attempt to ensure that an overflow room or rooms are provided for the public meeting or hearing to ensure that public safety laws and regulations are followed. The overflow room or rooms must telecast live on television the proceedings of the public meeting or hearing, and individuals in the overflow room or rooms shall have access to the main room in case they are called upon to provide testimony.

(43) The chairperson shall do all of the following:

(a) Conduct the public participation portion of the public meeting or hearing in an orderly and decorous manner.

(b) ~~Within the time limits available, recognize~~ **Recognize** each ~~person~~ **individual** wishing to speak on a matter, **within the time limits available**.

(c) Allow for public comment, **including by remote participation** ~~on each agenda item~~.

(d) Allocate a specific time on the agenda for general public comments.

(e) Limit the number of ~~persons~~ **individuals** admitted to the meeting or hearing room if necessary to comply with public safety laws and regulations.

~~—(f) Temporarily recess and promptly reconvene a public meeting or hearing in a larger room if more space is necessary.~~

~~(fg)~~ Impose reasonable limitations on the time allotted for public comments.

~~(gh)~~ Inquire as to the interest or interests, if any, represented by ~~a person~~ **an individual** addressing the board at a public meeting or hearing.

R 168.846 Submitting material to the board.

Rule 6. Members of the public shall submit material to the board at least 48 hours before the relevant board meeting. The board shall not consider material received after the 48-hour deadline except if at least one member of the board determines that the material shall be received by the board.

From: [MDOS-Canvassers](#)
To: [Boes, Alessa \(MDOS\)](#)
Subject: FW: comments submitted from today's SBOC meeting
Date: Monday, October 21, 2024 10:21:22 AM

From: Charles Schott <cschott417@gmail.com>
Sent: Friday, October 18, 2024 5:35 PM
To: MDOS-Canvassers <MDOS-Canvassers@michigan.gov>
Subject: comments submitted from today's SBOC meeting

CAUTION: This is an External email. Please send suspicious emails to
abuse@michigan.gov

If possible, please append my comments, which were presented by me to the State Board of Canvassers orally, to the forwarded committee for Proposed rules (agenda item #4):

R 168.841 Definitions, Rule 1

- "individual" as new language in this procedure is not defined, but should be.

(d) "Chairperson" should have that title changed to match the rest of the proposed changes of replacing "person" with "individual". The title of the office should be "Chair-individual" or "Chair".

- all sections: I am opposed to changing some of the language from 'person' to 'individual'. I don't know why or whom is proposing this change. I, as a person, am a voter in the state of Michigan. If the language is changed to 'individual', I'm cautious that an enterprising person in the future might change the word 'individual' to an adjective and add a noun, such as an 'individual [non-person]'. I don't want any opportunity for future language to allow an 'individual non-person' to vote!

R168.845 (1) additional text is needed to list the option of in-person request to address the board on a paper form prior to the meeting. This method is not specifically listed on R 168.843(3).

R168.845 (4) Conduct of meetings and hearings, Rule 5.

- I am in support of this language. The Chair should retain discretion to reduce people's speaking time, and combine speaking topics, to a reasonable time.

Thank you for receiving and entering my comments. I may be reached via this email or phone 248-210-4029 for further discussions.

--

Charles Schott 248-210-4029 cell