



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

June 4, 2025

NOTICE OF FILING

ADMINISTRATIVE RULES

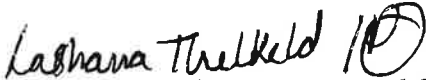
To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #2024-063-ST)
Legislative Service Bureau (Secretary of State Filing #25-06-03)
Department of State

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2024-063-ST (Secretary of State Filing #25-06-03) on this date at 12:48 P.M. for the Department of State, entitled "Disqualification from Ballot Based Upon Contents of Affidavit of Identity".

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.

Sincerely,

Jocelyn Benson
Secretary of State


Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

June 4, 2025

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Michigan Administrative Rules #: 2024-63 ST

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated January 2, 2025 for the Department of State **“Disqualification from Ballot Based Upon Contents of Affidavit of Identity”**. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated January 2, 2025, in which the Department of State proposes to modify a portion of the Michigan Administrative Code entitled “**Disqualification From Ballot Based Upon Contents of Affidavit of Identity**” by:

- ◆ Amending R 168.1.
- ◆ Adding R 168.5 and R 168.6.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: March 24, 2025

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,
Attorney



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

CERTIFICATE OF ADOPTION

2024-63 ST

DISQUALIFICATION FROM BALLOT BASED UPON CONTENTS OF AFFIDAVIT OF
IDENTITY

Pursuant to the authority conferred on the secretary of state by section 31 of the Michigan election law, 1954 PA 116, MCL 168.31, the secretary of state formally adopts:

R 168.1 of the Michigan Administrative Code is amended, and R 168.5 and R 168.6 are added.

Date: March 24, 2025

Adopted by:

A handwritten signature in cursive script that reads "Jocelyn Benson".

Jocelyn Benson, Secretary of State



Since 1941

Legal Division

Timothy H. Shields, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of State dated January 2, 2025, amending R 168.1 and adding R 168.5 and R 168.6 of the Department's rules entitled "Disqualification From Ballot Based Upon Contents of Affidavit of Identity." I approve the rules as to form, classification, and arrangement.

Dated: March 21, 2025

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF STATE

BUREAU OF ELECTIONS

DISQUALIFICATION FROM BALLOT BASED UPON CONTENTS OF
AFFIDAVIT OF IDENTITY

Filed with the secretary of state on June 4, 2025

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 secretary of state by section 31 of the Michigan election law, 1954 PA 116, MCL 168.31)

R 168.1 of the Michigan Administrative Code is amended, and R 168.5 and R 168.6 are added, as follows:

R 168.1 Definitions.

Rule 1. As used in these rules:

(a) "Affidavit of identity" or "affidavit" means the filing made pursuant to section 558 of the Michigan election law, 1954 PA 116, MCL 168.558.

(b) "Compliance statement" means the statement required by section 558(4) of the Michigan election law, 1954 PA 116, MCL 168.558, that the candidate does not owe any statements, reports, fines, or late filing fees.

(c) "Filing official" means the township, city, or county clerk or the secretary of state with which the affidavit of identity is filed.

(d) "Good cause" means 1 or more of the following reasons:

(i) The incapacitating physical illness, hospitalization, accident involvement, death, or incapacitation for medical reasons of the challenger or candidate or a member of the immediate family of the challenger or candidate.

(ii) Other unique, unintentional factors beyond the control of the challenger or candidate not stemming from a negligent act or nonaction that a reasonably prudent person would excuse the failure to comply on a temporary basis.

(e) "Notice of error or omission" means the notice issued pursuant to section 16(6) of the Michigan campaign finance act, 1976 PA 388, MCL 169.216.

R 168.5 Affidavit of identity challenge.

Rule 5. (1) Except as provided in subrule (3) of this rule, the filing official shall reject any challenge received more than 7 days after the deadline for the filing of the affidavit of identity.

(2) Except as provided in subrule (3) of this rule, the filing official shall reject any challenge that is not in the form of a signed and notarized complaint.

(3) The filing official may exercise discretion to accept a challenge that does not meet the requirements in subrules (1) and (2) of this rule on a showing of good cause.

R 168.6 Candidate response to challenge.

Rule 6. (1) Except as provided in subrule (3) of this rule, the filing official shall render a decision without consideration of a candidate's response to a challenge to the candidate's affidavit of identity if the response is received more than 7 days after the candidate was provided with the challenge.

(2) Except as provided in subrule (3) of this rule, the filing official shall decline to consider a response that is not signed.

(3) The filing official may exercise discretion to accept a challenge that does not meet the requirements in subrules (1) and (2) of this rule on a showing of good cause.

FILED WITH SECRETARY OF STATE

ON 12-4-25 AT 12:48 PM