

DEPARTMENT OF STATE
BOARD OF STATE CANVASSERS
PROCEDURES

(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)

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.
 - (b) “Board” means the board of state canvassers.
 - (c) “Bureau” means the bureau of elections of the department of state.
 - (d) “Chairperson” means the individual elected as chairperson of the board pursuant to section 22d(3) of the act, MCL 168.22d, or the individual acting in the chairperson’s place.
 - (e) “Hearing” means 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.
 - (ii) A hearing on the canvass of a nominating petition held pursuant to section 552 of the act, MCL 168.552.
 - (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.
 - (f) “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.
- (2) Terms defined in the act have the same meanings when used in these rules.

History: 1997 AACCS; 2025 MR 12, Eff. May 12, 2025.

R 168.842 Service of process.

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.

History: 1997 AACCS; 2025 MR 12, Eff. May 12, 2025.

R 168.843 Location and communications.

Rule 3. (1) Any 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 be directed to the following:

(a) Mailing address: Michigan Department of State
Board of State Canvassers
P.O. Box 20126
Lansing, Michigan 48901-07269

(b) Location: Richard H. Austin Building, 1st Floor
430 W. Allegan
Lansing, Michigan, 48918

(c) Telephone Number: 800-292-5973

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

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

History: 1997 AACCS; 2025 MR 12, Eff. May 12, 2025.

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, or other electronic means no less than 2 days before the date of the hearing. The notice must include the hearing date, time, place, and reason for holding the hearing, and be served on either of the following individuals:

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

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

(2) An individual may appear at a hearing on the individual's behalf, by an 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.

(3) An individual served with a notice of hearing may file a written argument with the board and with the other parties, if any, at least 48 hours before the date of the hearing.

(4) If an individual 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.

(5) 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.

(6) A hearing must be adjourned or continued only by order of the board.

(7) A request for an adjournment or continuance must be in writing and state the reason for the request.

History: 1997 AACCS; 2025 MR 12, Eff. May 12, 2025.

R 168.845 Conduct of public meetings and hearings of the board.

Rule 5. (1) Each individual wishing to do so shall be provided a reasonable opportunity to address the board on an agenda item, or an item not on the agenda if the individual makes a request to the board as described in R 168.843(3) 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 individuals wishing to address the board 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.

(4) 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) Recognize each individual wishing to speak on a matter, within the time limits available.

(c) Allow for public comment, including by remote participation.

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

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

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

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

History: 1997 AACCS; 2025 MR 12, Eff. May 12, 2025.

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.

History: 1997 AACCS; 2025 MR 12, Eff. May 12, 2025.