

DEPARTMENT OF STATE
BOARD OF STATE CANVASSERS
PROCEDURES

(By authority conferred on the board of state canvassers by section 33 of Act No.306 of the Public Acts of 1969, as amended, being \approx 24.233 of the Michigan Compiled Laws)

R 168.841 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 239 of the Public Acts of 1955, as amended, being \approx 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 elected chairperson of the board pursuant to section 4 of the Act, being \approx 200.304 of the Michigan Compiled Laws, or the person acting in the chairperson's place.

(d) "Hearing" means a hearing on the canvass of an initiative or referendum petition held pursuant to section 476 of Act No. 116 of the Public Acts of 1954, as amended, being \approx 168.476 of the Michigan Compiled Laws, or a hearing on the canvass of a nominating petition held pursuant to section 552 of Act No. 116 of the Public Acts of 1954, as amended, being \approx 168.552 of the Michigan Compiled Laws.

(e) "Secretary of the board" means the director of elections appointed by the secretary of state, pursuant to section 32 of Act No. 116 of the Public Act of 1954, as amended, being \approx 168.32 of the Michigan compiled laws.

(f) Terms defined in the Act have the same meanings when used in these rules.

History: 1997 AACS.

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 AACS.

R 168.843 Location and Communications.

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

(a) Mailing address: Michigan Department of State
Board of State Canvassers
P.O. Box 20126
Lansing, Michigan 48909

(b) Location: Mutual Building, 4th Floor
208 N. Capitol Avenue
Lansing, Michigan

(c) Telephone Number: (517) 373-2540

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

History: 1997 AACCS.

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 2 days before the date of the hearing. The notice shall include the hearing date, time, place and reason for holding the hearing, and shall be served on the following persons:

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

(b) A candidate or any person 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.

(3) A person may appear at a hearing either in person, by a duly authorized representative, or by counsel, and shall file a written appearance with the board on a form provided by the board.

(4) A 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 prior to the date of the hearing.

(5) If a 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 person.

(6) 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.

(7) A hearing shall be adjourned or continued only by order of the board.

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

History: 1997 AACCS.

R 168.845 Conduct of Public Meetings and Hearings of the Board

Rule 5. (1) Each person wishing to do so shall be provided a reasonable opportunity to address the board on an agenda item or one not on the agenda if the person makes a request to the board'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 wishing to address the board is requested 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) 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 each person wishing to speak on a matter.

(c) Allow for public comment on each agenda item.

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

(e) Limit the number of persons 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.

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

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

History: 1997 AACCS.