

## POSITION DESCRIPTION

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|---|---|
| This position description serves as the official classification document of record for this position. Please complete the information as accurately as you can as the position description is used to determine the proper classification of the position.  |   |
| <b>2. Employee's Name (Last, First, M.I.)</b>   | <b>8. Department/Agency</b><br>DEPARTMENT OF STATE  |
| <b>3. Employee Identification Number</b>  | <b>9. Bureau (Institution, Board, or Commission)</b><br>Elections   |
| <b>4. Civil Service Position Code Description</b><br>Admin Law Specialist-E   | <b>10. Division</b><br>Regulatory   |
| <b>5. Working Title (What the agency calls the position)</b><br>Litigation & Enforcement Specialist   | <b>11. Section</b><br>Litigation and Enforcement  |
| <b>6. Name and Position Code Description of Direct Supervisor</b><br>FRACASSI, ADAM L; STATE DIVISION ADMINISTRATOR   | <b>12. Unit</b>   |
| <b>7. Name and Position Code Description of Second Level Supervisor</b><br>BRATER, JONATHAN P; STATE BUREAU ADMINISTRATOR   | <b>13. Work Location (City and Address)/Hours of Work</b><br>430 W. Allegan Street, Lansing, MI 48933 / Monday-Friday<br>8:00 a.m. - 5:00 p.m. Hybrid |
| <b>14. General Summary of Function/Purpose of Position</b><br>This position serves as a Litigation and Enforcement Specialist in the Regulatory Litigation & Enforcement Section conducting preliminary investigations of enforcement and compliance actions brought by the Bureau of Elections under the Michigan Election Law, Michigan Campaign Finance Act, Michigan Lobby Registration Act, Michigan Law on Notarial Acts, and other issues involving the Bureau of Elections. The incumbent will be responsible for reviewing cases to determine validity of potential compliance and enforcement actions and conducting investigations, where appropriate. This position will also coordinate with the Department of Attorney General to provide assistance with litigation matters brought against the Bureau of Elections, Director of Elections, Board of State Canvassers, or other legal matters involving the Bureau of Elections. |   |

15. Please describe the assigned duties, percent of time spent performing each duty, and what is done to complete each duty.

List the duties from most important to least important. The total percentage of all duties performed must equal 100 percent.

**Duty 1**

**General Summary:** **Percentage: 40**

Conduct preliminary investigations of enforcement and compliance actions and assessing their validity for the Bureau's enforcement operations.

**Individual tasks related to the duty:**

- Review potential enforcement actions initiated by public complaints or internal review by Bureau staff and assess their validity under the Michigan Campaign Finance Act, Michigan Lobby Law, Michigan Election Law, Michigan Law on Notarial Acts, and other acts administered by the Bureau of Elections
- Conduct factual investigations by reviewing evidence submitted in pending complaints, corresponding with filers, and assess the validity of campaign finance, election, and lobby enforcement actions. Draft routine correspondence relating to enforcement actions.
- Review evidence submitted and draft determinations for public dissemination analyzing whether a violation of the relevant law has occurred. Where violations have occurred, attempt to informally resolve the complaint through settlement negotiations.
- Conduct legal research on pending enforcement actions and prepare drafts for supervisory review.
- Prepare the Bureau's case for presentation at contested case hearings by performing legal research, drafting pleadings, preparing witnesses, and compiling evidence. Assist with the presentation of cases as assigned.
- Negotiate potential resolutions with respondents which may include monetary penalties.
- Coordinate with Department staff on pending investigations for potential referral of criminal charges to the Department of Attorney General.
- Coordinate with section staff to ensure statutory deadlines are met.
- Review programs and software to ensure maximum efficiency in processing enforcement actions.

**Duty 2**

**General Summary:** **Percentage: 25**

Coordinate with the Department of Attorney General and provides support on litigation and investigative matters involving the Bureau of Elections.

**Individual tasks related to the duty:**

- Draft affidavits for use in legal matters where the Bureau of Elections is involved.
- Review briefs and other pleadings drafted by the Department of Attorney General.
- Gather documents for discovery requests to provide to the Department of Attorney General.
- Draft responses for pleadings and other documents in legal matters involving the Bureau of Elections.
- Gather investigation records for production to the Department of Attorney General or Office of Investigative Services.
- Assist Office of Investigative Services in the coordination of investigations affecting the Bureau of Elections by reviewing requests, gathering records, and providing the appropriate response.

**Duty 3**

**General Summary:** **Percentage: 25**

Conduct legal research analyzing issues concerning the Michigan Election Law, Campaign Finance Act, Lobbyist Registration Act, Law on Notarial Acts, and the administrative rules and court decisions pertaining to those acts.

**Individual tasks related to the duty:**

- Review and analyze elections-related legal questions and provide recommendations to the supervisor, Elections Director, Elections and Department of State staff, the clerk community and other interested parties as needed.
- Research legal problems, develops legal memoranda applying to laws administered by the Bureau of Elections for presentation.
- Perform preliminary research and analysis for use in drafting responses to legal questions presented to the Bureau in the form of declaratory rulings and interpretive statements; identify potential ramifications and assist in the preparation of draft rulings and statements for discussion with Bureau and MDOS leadership.
- Provide answers to legal questions regarding litigation or enforcement matters to Bureau staff, clerks, or the regulated community after conducting legal research.

**Duty 4**

**General Summary:** **Percentage: 10**

Other duties as assigned.

**Individual tasks related to the duty:**

- Performs additional tasks as assigned to support the overall needs of the Bureau of Elections.

16. Describe the types of decisions made independently in this position and tell who or what is affected by those decisions.

Decisions that may be made independently by the Litigation and Enforcement Specialist are ones that are consistent with existing policies and procedures, state statutes and regulations. They can affect customers, state and local government officials, and the public. The Litigation and Enforcement Specialist has authority to make decisions regarding staff or process workflow and is authorized to make exceptions to accepted procedures when the situation warrants, ensuring that the resolution complies with applicable law. The Litigation and Enforcement Specialist may also independently respond to routine inquiries from internal customers, the regulated community, elected officials, customers, and the public.

**17. Describe the types of decisions that require the supervisor's review.**

Supervisor's review is required for any decisions regarding an issue of first impression, a new or novel interpretation of existing laws, and those involving highly sensitive or controversial subjects.

**18. What kind of physical effort is used to perform this job? What environmental conditions in this position physically exposed to on the job? Indicate the amount of time and intensity of each activity and condition. Refer to instructions.**

Typical office environment. Prolonged periods of time sitting/standing at a desk working on a computer. Occasional lifting of small office equipment, files, or boxes.

**19. List the names and position code descriptions of each classified employee whom this position immediately supervises or oversees on a full-time, on-going basis.**

Additional Subordinates

**20. This position's responsibilities for the above-listed employees includes the following (check as many as apply):**

- |                            |                                    |                            |                                   |
|----------------------------|------------------------------------|----------------------------|-----------------------------------|
| <input type="checkbox"/> N | Complete and sign service ratings. | <input type="checkbox"/> N | Assign work.                      |
| <input type="checkbox"/> N | Provide formal written counseling. | <input type="checkbox"/> N | Approve work.                     |
| <input type="checkbox"/> N | Approve leave requests.            | <input type="checkbox"/> N | Review work.                      |
| <input type="checkbox"/> N | Approve time and attendance.       | <input type="checkbox"/> N | Provide guidance on work methods. |
| <input type="checkbox"/> N | Orally reprimand.                  | <input type="checkbox"/> N | Train employees in the work.      |

**22. Do you agree with the responses for items 1 through 20? If not, which items do you disagree with and why?**

Yes

**23. What are the essential functions of this position?**

This position serves as the Litigation and Enforcement Specialist in the Regulatory Litigation & Enforcement Section conducting preliminary investigations of enforcement and compliance actions brought by the Bureau of Elections under the Michigan Election Law, Michigan Campaign Finance Act, Michigan Lobby Registration Act, Michigan Law on Notarial Acts, and other issues involving the Bureau of Elections. The incumbent will be responsible for reviewing cases to determine validity of potential compliance and enforcement actions and conducting investigations, where appropriate. This position will also coordinate with the Department of Attorney General to provide assistance with litigation matters brought against the Bureau of Elections, Director of Elections, Board of State Canvassers, or other legal matters involving the Bureau of Elections.

**24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.**

New position

**25. What is the function of the work area and how does this position fit into that function?**

The Bureau of Elections administers the Michigan Election Law, Michigan's Campaign Finance Act, the Lobby Registration Act, the Public Officers Financial Disclosure Act, the Candidate Financial Disclosure Act, and the Law on Notarial Acts under the direction of the State Director of Elections. The Litigation and Enforcement Specialist provides direct assistance to the Section Manager, Deputy Director of Elections, Director of Elections, and others by providing detailed and expert analysis and guidance with respect to legal issues affecting the conduct of elections and all other major functions of the Bureau of Elections. This position also furthers the Bureau's litigation strategy by providing support in matters where the Bureau is impacted or involved.

**26. What are the minimum education and experience qualifications needed to perform the essential functions of this position.**

**EDUCATION:**

Possession of a Juris Doctorate degree from an accredited school of law.

**EXPERIENCE:**

**Administrative Law Specialist 13**

No specific type or amount is required.

**Administrative Law Specialist 14**

One year of professional experience in legal work equivalent to an Administrative Law Specialist 13 or Administrative Law Examiner 13, or as an attorney.

**Administrative Law Specialist P15**

Two years of professional experience in legal work, including one year equivalent to an Administrative Law Specialist 14 or Administrative Law Examiner 14; or, two years of experience as an attorney.

**KNOWLEDGE, SKILLS, AND ABILITIES:**

- Knowledge of the fundamental subjects in law.
- Knowledge of legal research procedures.
- Knowledge of the preparation of memoranda of law.
- Knowledge of legal writing techniques, jargon, and terms.
- Knowledge of the statutory and regulatory authority, rules and procedures associated with programs adjudicated by the agency board or commission.
- Ability to write and speak effectively.
- Ability to present ideas clearly and effectively.
  
- Ability to quickly assimilate oral and written data, to analyze facts and draw logical conclusions.
- Ability to prepare and draft logical and concise written decisions, opinions, orders of law, legislation, policies, and/or procedures.
- Ability to interpret complex rules, regulations, policies, statutes, case law, and rulings.
- Ability to maintain records, prepare reports and conduct correspondence related to the work.
- Ability to maintain favorable public relations.

**CERTIFICATES, LICENSES, REGISTRATIONS:**

Membership in good standing in the Michigan State Bar.

*NOTE: Civil Service approval does not constitute agreement with or acceptance of the desired qualifications of this position.*

***I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.***

\_\_\_\_\_

Supervisor

\_\_\_\_\_

Date

**TO BE FILLED OUT BY APPOINTING AUTHORITY**

Indicate any exceptions or additions to the statements of employee or supervisors.

None

***I certify that the entries on these pages are accurate and complete.***

CRISTEL DAVIS

\_\_\_\_\_

Appointing Authority

3/10/2025

\_\_\_\_\_

Date

***I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.***

Employee

Date