

Notice of Proposed Rule

DEPARTMENT OF STATE Division of Elections

RULE NO.:1S-2.030 RULE TITLE: Absentee Ballot for Overseas Voters (Uniformed Services and Civilian)

PURPOSE AND EFFECT:

This rule deals exclusively with the request, delivery and return of absentee ballots for overseas voters (uniformed services members and civilian U.S. citizens who are overseas). The changes focus on updating the rule in four ways. The title of the rule is changed to read as “Absentee Ballots for Overseas Voters (Uniformed Services and Civilian).” Proposed revisions are consistent with changes in the Military and Overseas Voter Empowerment Act (Public law 111-84) which facilitated voting for military voters and overseas civilian including allowing e-mail to be used to communicate and transmit absentee ballot requests and blank ballots to voters subject to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Additionally, the rule acknowledges online ballot delivery systems. The ballot instructions are also amended to incorporate notice to voters regarding the importance of the signature in counting an absentee ballot. This conforms to new law from sections 38 and 39 of chapter 2011-40, Laws of Florida, which became effective May 19, 2011. Additionally, the rule deletes subsection (8) of the rule which is no longer necessary..

SUMMARY: Provides procedures for absentee ballots provided to overseas voters subject to the Uniformed Services and Overseas Citizens Voting Act

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will/will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has/has not been prepared by the agency. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. Based upon the following, the Agency has determined that the proposed rule will or will not require legislative ratification pursuant to s. 120.541(3) or other applicable statutes: 1) no requirement for SERC was triggered under section 120.541(1), and 2) based on past experiences with election-related activities and

rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in section 120.541(2)(a), Florida Statutes.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 101.697, F.S.

LAW IMPLEMENTED: 101.62, 101.64, 101.65, 101.6923, 101.697, F.S.

A PUBLIC HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 19, 2011 at 2 p.m.

PLACE: Room 307, R.A. Gray Building, Florida Department of State, Tallahassee, Florida 32309

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the hearing by contacting: Eddie Phillips, eddie.phillips@dos.myflorida.com, administrative assistant, Office of General Counsel, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: 850-245-6224. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Assistant General Counsel, Office of General Counsel; (850)245-6536, mimatthews@dos.myflorida.com or Gisela.salas@dos.mflorida.com, Director, Division of Election, (850)245-6200, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

THE FULL TEXT OF THE PROPOSED RULE IS also accessible via the Division of Elections' webpage for proposed rules at: <http://election.dos.state.fl.us/rules/proposed-rules/index.shtml>, or upon request, by contacting one of the named persons listed above.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Gisela Salas, Director, Division of Elections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011