

## Notice of Proposed Rule Development

### DEPARTMENT OF STATE

#### Division of Elections

RULE NO.:1S-2.031

RULE TITLE: Recount Procedures

**PURPOSE AND EFFECT:** The purpose of the proposed rule revision is to conform the rule to law that now allows the Secretary of State in lieu of the Elections Canvassing Commission, to order recounts for federal, statewide, and multicounty races. Additionally the revisions codify practices that have evolved over time to improve the machine and manual recount processes. The revisions will also reflect a substantial re-write of the rule in order to re-organize and simplify the language in the rule. The rule incorporates by reference DS-DE 72/105 which contains the sample ballot image reports for the various voting systems that are to be used in a manual recount of touchscreen ballots for determining whether a voter has cast an undervote. No statement of estimated regulatory cost is triggered and therefore, no statement is prepared. If adopted, this rule revision will not require legislative ratification to become effective.

**SUBJECT AREA TO BE ADDRESSED:** Recount procedures

**SPECIFIC AUTHORITY,** FS. 20.10(3), 97.012(1), 102.166

**LAW IMPLEMENTED:** FS. 102.166.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE**

**SHOWN BELOW:**

**DATE AND TIME:** October 31, 2011, 2:00 p.m.

**PLACE:** Room 307, R.A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person needing special accommodations to participate in this proposed rule development workshop should contact Eddie L. Phillips, Executive Assistant, Office of General Counsel, Department of State at 1(850)245-6500 or at [elphillips@dos.state.fl.us](mailto:elphillips@dos.state.fl.us) no later than 5 days before the workshop. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (voice) or 1(800)955-8771.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Maria Matthews, Assistant General Counsel, Office of General Counsel at (850)245-6536, [mimatthews@dos.state.fl.us](mailto:mimatthews@dos.state.fl.us), or Dr. Gisela Salas, Director, Division of Elections, (850)245-6200, [Gisela.Salas@dos.myflorida.com](mailto:Gisela.Salas@dos.myflorida.com), Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

**A COPY OF THE PRELIMINARY DRAFT (IF AVAILABLE) IS:** accessible via the Division of Elections' webpage for proposed rules at: <http://election.dos.state.fl.us/rules/proposed-rules/index.shtml>, or available upon request by contacting one of the named persons listed above.

The date, time and place for the rule development workshop was inadvertently omitted. This second workshop will be held as shown below:

**DATE AND TIME:** October 31, 2011, 2:00 p.m.

**PLACE:** Room 307, R.A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399