

Notice of Proposed Rule Development

DEPARTMENT OF STATE Division of Elections

RULE NO.:1S-2.043 RULE TITLE: Electronic File Reporting Relating to Absentee Ballot Request Information, Voting Activity and Election Results

PURPOSE AND EFFECT: The primary purpose of the proposed rule revision is to conform the rule to provisions in chapter 2011-40, Laws of Florida, which change the requirements set out in the rule. In particular, section 11 which will take effect on July 1, 2012, includes file specifications and changes the timeline for reporting precinct-level election results and voting history will supersede the requirements set out in rule. Additionally, sections 37 and 39 (which took effect May 19, 2011, the day the bill became law) affect the wording of subsections (3) and (4) of the rule as relates to absentee ballot request information and early voting history upload. This will be a second rules workshop in a series. No statement of estimated regulatory cost is triggered and therefore no statement is prepared. Since no SERC is required or prepared, and no information exists other than past experiences associated with this subject matter, the proposed rule is not expected to require legislative ratification pursuant to section 120.541(3), Florida Statutes, or any other statute, in order to become effective.

SUBJECT AREA TO BE ADDRESSED: Electronic reporting requirements for absentee ballot requests, voting history, voter registration history and election results.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 98.0981(5), 101.62(3), 101.657(2), 102.141(10) FS.

LAW IMPLEMENTED: 98.0981, 101.62, 101.657, 102.141 FS.

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: 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, elphillips@dos.state.fl.us, administrative assistant, Office of General Counsel, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: 850-245-6536. 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, at (850)245-6536, mimatthews@dos.myflorida.com or Dr. Gisela Salas, Director, Division of Elections, Gisela.Salas@dos.myflorida.com; 850-245-6200, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT YET AVAILABLE.