

## **Notice of Proposed Rule Development**

### **DEPARTMENT OF STATE**

#### **Division of Elections**

RULE NO.:1S-2.051

RULE TITLE: Federal Write-In Absentee Ballots-Standards for Determining Voter's Choice

**PURPOSE AND EFFECT:** The purpose of the proposed new rule is to implement the requirements of chapter law 2011-162, Laws of Florida, which expanded the use of federal write-in absentee ballots (which is a back-up ballot to the state absentee ballot) beyond federal elections to include a state or local election involving two or more candidates. The new law takes effect July 1, 2011. The new law requires the Department of State to adopt directions and criteria for determining voter intent on a federal write-in absentee ballot in the event of a recount. 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:** Federal Write-in Absentee Ballots

**SPECIFIC AUTHORITY, FS.** 20.10(3), 97.012(1), 102.166(4)

**LAW IMPLEMENTED:** FS. 101.6952, 101.5614, 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)245-6536 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 IS:** Maria Matthews, Assistant General Counsel, Office of General Counsel at (850)245-6536, [mimatthews@dos.myflorida.com](mailto:mimatthews@dos.myflorida.com), 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  
The preliminary text is not yet available.