

Notice of Proposed Rule

DEPARTMENT OF STATE

Division of Elections

RULE NO: RULE TITLE

1S-2.027 Standards for Determining Voter's Choice on a Ballot

PURPOSE AND EFFECT: The purpose of the amendments to the rule is to clarify the standards for how to determine if a voter has clearly indicated his or her choice in a contest on a ballot for purposes of a manual recount or other event requiring such determination. The amendments to the rule add samples of the votes that will or will not count to facilitate the determination by the county or local canvassing board. The amendments also re-organize the rule and clarify some standards.

SUMMARY: The proposed revisions set forth standards for determining whether a voter has clearly indicated a definite choice by the way he or she marks a contest on a ballot.

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

IF REQUESTED, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW(IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, July 7, 2008, 2 p.m.

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

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 7 days before the workshop/meeting by contacting: Nolah Shotwell, Office of the General Counsel, (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 or Sarah Jane Bradshaw, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32301, phone: (850)245-6536 or (850)245-6200, respectively.

THE FULL TEXT OF THE PROPOSED RULE IS: PROPOSED RULE TO BE INSERTED IS ATTACHED.

NAME OF PERSONS ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director for Division of Elections and Maria Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donald Palmer, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008