

Notice of Proposed Rule

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:

1S-2.034: Polling Place Procedures Manual

PURPOSE AND EFFECT: The rule is being amended to make the text within the incorporated polling place procedures manual more plain, clear and unambiguous, ensure uniformity in the procedures in the polling place, and address common problems encountered by voters and poll workers at the polls as reported or observed by election staff and provide or clarify procedures to mitigate or eliminate those problems. The proposed amendments expand more upon security at the polls and ballot marking devices.

SUMMARY: This rule incorporates by reference a uniform polling place procedures manual

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this 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 not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rule will not require legislative ratification pursuant to Section 120.541(3), F.S., because the rule applies only to election-related activities. Based upon past experiences with rules of this nature, this rule will not have an adverse effect on businesses or private-sector economic growth, job-creation, employment or investment; it is not likely to have an adverse impact on business competitiveness nor innovation in excess of the statutory threshold; nor will it increase regulatory costs in excess of the threshold mandating legislative ratification. No other statute requires legislative ratification for this rule.

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.

RULEMAKING AUTHORITY: [20.10\(3\)](#), [97.012\(1\)](#), [102.014\(5\)](#)

LAW IMPLEMENTED: [97.055](#), [97.061](#), [98.461](#), [100.011](#), [100.061](#), [101.021](#), [101.031](#), [101.043](#), [101.045](#), [101.048](#), [101.049](#), [101.051](#), [101.111](#), [101.131](#), [101.23](#), [101.49](#), [101.5601](#), [101.5608](#), [101.5610](#), [101.5611](#), [101.5614](#), [101.56062](#), [101.56075](#), [101.69](#), [102.012](#), [102.014](#), [102.031](#), [104.20](#)

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: June 29, 2018 at 1:00PM

PLACE: Room 307, R.A. Gray Building, 500 S. Bronough Street, Florida Department of State, 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 3 days before the workshop/meeting by contacting: Gary Holland, Assistant General Counsel, Florida Department of State, (850) 245-6536 or gary.holland@dos.myflorida.com. 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: Gary Holland, Assistant General Counsel, Florida Department of State, (850) 245-6536 or gary.holland@dos.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.034 Polling Place Procedures Manual.

The Department of State, Division of Elections, is required to create a polling place procedures manual to guide election officials and poll workers in the proper implementation of election procedures and laws. Form DS-DE 11 (effective ~~XX/201806/2014~~), entitled “Polling Place Procedures Manual,” is hereby incorporated by reference and available at the following link: ~~[insert new hyperlink]~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-04186>. The form is also available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850) 245-6200, or by download from the Division of Elections’ rules webpage at: <http://dos.myflorida.com/elections/http://election.dos.state.fl.us/index.html>.

Rulemaking Authority 20.10(3), 97.012(1), 102.014(5) FS. Law Implemented 97.055, 97.061, 98.461, 100.011, 100.061, 101.021, 101.031, 101.043, 101.045, 101.048, 101.049, 101.051, 101.111, 101.131, 101.23, 101.49, 101.5601, 101.5608, 101.5610, 101.5611, 101.5614, 101.5617, 101.56062, 101.56075, 101.69, 102.012, 102.014, 102.031, 104.20 FS. History—New 7-4-02, Amended 1-25-04, 3-16-06, 1-1-08, 8-13-08, 8-25-10, 1-18-12, 6-19-14,

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NAME OF PERSON ORIGINATING PROPOSED RULE: Jesse Dyer, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth W. Detzner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 18, 2018