Notice of Proposed Rule

[**DEPARTMENT OF STATE**](https://www.flrules.org/gateway/department.asp?id=1)[**Division of Elections**](https://www.flrules.org/gateway/organization.asp?id=16)

RULE NO.: RULE TITLE:
[1S-2.055](https://www.flrules.org/gateway/ruleNo.asp?id=1S-2.055): Vote-by-mail Requests
PURPOSE AND EFFECT: To conform to statutory changes in Ch. 2023-120, Laws of Florida, including providing a uniform statewide form for written requests for a vote-by-mail ballot.
SUMMARY: Provides uniform statewide form for written requests for a vote-by-mail ballot.
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 Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based on this information, the department determined there will be no adverse impact to small businesses and the potential regulatory costs of the proposed rule chapter does not exceed any of the criteria established in Section 120.541(2)(a), F.S. Additionally, no interested party submitted additional information regarding the economic impact.
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: Use of the checklist established that no ratification is expected.
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](https://www.flrules.org/gateway/statute.asp?id=20.10), [97.012(1)](https://www.flrules.org/gateway/statute.asp?id=%2097.012(1)), (2), (15), [101.62(1)(a)](https://www.flrules.org/gateway/statute.asp?id=%20101.62(1)(a)), F.S.
LAW IMPLEMENTED: [97.012(1)](https://www.flrules.org/gateway/statute.asp?id=97.012(1)), (2), (15), [101.62(1)(a)](https://www.flrules.org/gateway/statute.asp?id=%20101.62(1)(a)), F.S.
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: September 8, 2023, at 11:00 am; or 1-888-585-9008, 201-297-717 (conf. room number)
PLACE: Heritage Hall, RA Gray Bldg., 500 S. Bronough St., Tallahassee, FL 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: Ashley E. Davis at ashley.davis@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: Ashley E. Davis at ashley.davis@dos.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

**1S-2.055 Vote-by-Mail Requests**

                (1) Forms. The following form is hereby incorporated by reference and 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’s webpage at: <https://dos.myflorida.com/elections/forms-publications/forms/forms-incorporated-in-rule/>:

        (a) Form DS-DE 160 (eff. \_\_\_/23) (http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX), entitled “Statewide Vote-by-Mail Request.”

       (b) Written requests must be made using only Form DS-DE 160.  Only Form DS-DE 160 is valid for written requests.

        (2) Definitions.  For purposes of section 101.62(1), F.S., the following definitions apply:

        (a) “Immediate family” means a voter’s spouse, parent, child, grandparent, grandchild, or sibling, or the parent, child, grandparent, grandchild, or sibling of the voter’s spouse.

        (3) Requests for Vote-by-Mail Ballots

        (a) Requests must be made by the voter or, if designated by the voter, a member of the voter’s immediate family or the voter’s legal guardian.

        (b) Requests may be submitted in person, in writing (including via email), by telephone, or through a supervisor’s website.

        (c) Requests must be accepted if the voter or the voter’s designee provides the following information pursuant to section 101.62(1)(b), F.S.:

        1. The voter’s name.

        2. The voter’s residential address, and mailing address if different than residential address.

        3. The voter’s date of birth.

        4. The voter’s Florida driver license number, Florida identification card number, or the last four digits of the voter’s social security number, whichever may be verified in the supervisor’s records.

        5. The designee’s name.

        6. The designee’s address.

        7. The designee’s driver license number, Florida identification card number, or the last four digits of the requester’s social security number.

        8. The designee’s relationship to the voter.

        9. The voter or designee’s signature, as applicable (written requests only).

(4) Vote-by-Mail Requests for Voters Who Require Assistance

(a) Notwithstanding (3)(a) above, a voter who requires assistance to request a vote-by-mail ballot because of his or her disability or inability to read or write may directly instruct a person of the voter’s choice (other than the voter’s employer or agent of that employer or officer or agent of the voter’s union) to request a vote-by-mail ballot for the voter.

(b) A supervisor of elections shall accept a request for a vote-by-mail ballot from a person designated by the voter (other than the voter’s employer or agent of that employer or officer or agent of the voter’s union) who is disabled or unable to read or write. A request may be made in person, in writing (including via email), by telephone, or through the supervisor’s website.

(c) For purposes of this rule, the term “disability” includes blindness.

*Rulemaking Authority: § 97.012(1)-(2), (9), Fla. Stat.; § 101.62(1)(a), Fla. Stat.; § 101.62(6), Fla. Stat.; § 101.662, Fla. Stat. Law Implemented: § 97.061, Fla. Stat; § 101.62(1)(a), Fla. Stat.; § 101.62(6), Fla. Stat.; § 101.662, Fla. Stat. History—New \_-\_-23.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Matthews
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cord Byrd
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2023
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 23, 2023