

Notice of Emergency Rule

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:

1SER20-2: Candidate Petition Process

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: A public health emergency and state of emergency have been ordered or declared by the Governor in Executive Orders No. 20-51 and 20-52 for the entire state in response to the COVID-19 virus. These and other orders and guidance limit person-to-person contact in various ways to prevent the spread of the virus, which makes it more difficult to collect original signed petitions in order to access the ballot by the petition method pursuant to section 99.095, Fla. Stat., and Rule 1S-2.045, F.A.C.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Division has received comments and concerns from candidates currently circulating petitions for ballot access. The state of emergency, orders, and guidance are quickly evolving over time. Permitting circulation and collection of candidate petitions by means other than personal contact prevents spread of the virus, while maintaining the petition method of ballot access for candidates, and supporting the state's important interests in the process as well. The Division of Elections is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes, but due to the immediate and evolving nature of the state of emergency, regular rulemaking is too lengthy in both adoption and effect.

SUMMARY: Removes the requirement that the voter's signature on a candidate petition be an "original, ink signature" so that signed petitions can be collected without person-to-person contact.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ashley E. Davis at (850)245-6536 or ashley.davis@dos.myflorida.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

1S-2.045 Candidate Petition Process.

(1) through (4) No change.

(5) Verification of Signatures.

(a) through (e) No change.

(f) In addition to the above requirements, the supervisor of elections shall not verify as valid a signature on a candidate petition form unless all of the following information is contained on the petition form:

1. The voter's name;

2. The voter's address (including city and county);

3. The voter's complete voter registration number or date of birth (to include the month, day, and year) that matches the date of birth on the voter's registration application;

4. The voter's original, ink signature or image of voter's original signature that can be utilized by the Supervisor of Elections to compare and verify the signature of the voter on record; and,

5. The date the voter signed the petition (to include the month, day, and year) as recorded by the voter.

(g) through (i) No change.

(6) through (7) No change.

Rulemaking Authority 20.10(3), 97.012(1), 99.095, 99.097(1), 105.035(2) FS. Law Implemented 99.095, 99.061, 99.097, 103.021, 105.031, 105.035 FS. History--New 10-23-07, Amended 11-7-10, 12-5-11, 1-1-14, 10-18-15, 04-2-20.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.