

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 1:08-21243-CIV-ALTONAGA**

LEAGUE OF WOMEN VOTERS OF FLORIDA;  
FLORIDA AFL-CIO; and MARILYNN WILLS;

Plaintiffs,

v.

KURT S. BROWNING, in his official capacity  
as Secretary of State of the State of Florida; and  
DONALD L. PALMER in his official capacity as  
Director of the Division of Elections within the  
Department of State for the State of Florida;

Defendants.

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**DEFENDANTS' NOTICE OF FILING ADMINISTRATIVE RULE**

Kurt S. Browning, in his official capacity as Secretary of State of the State of Florida, and Donald L. Palmer, in his official capacity as Director of the Division of Elections, hereby notify the Court of the adoption of an administrative rule that implements the statute challenged by Plaintiffs in this case.

1. On April 30, 2008, this Court entered a consent order in which Defendants agreed not to enforce Sections 97.021(36) and 97.0575, Florida Statutes, until an implementing rule is adopted and becomes effective pursuant to the Florida Administrative Procedure Act. (Doc. 15.)

2. Consistent with the Florida Administrative Procedure Act, the Florida Department of State, Division of Elections has adopted the attached implementing rule, which took effect on Thursday, February 26, 2009.

Respectfully submitted this 28th day of February, 2009.

*/s/ Andy Bardos*

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**CERTIFICATE OF SERVICE**

**I hereby certify** that a true and correct copy of the foregoing was served through the Court's CM/ECF system on all counsel or parties of record on the attached service list this 28th day of February, 2009.

*/s/ Andy Bardos* \_\_\_\_\_

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**1S-2.042 Third-Party Voter Registration Organizations.**

(1) Forms. The following forms are 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: <http://election.dos.state.fl.us/forms/index.shtml>:

(a) Form DS-DE 106 (eff. 02/2009), entitled "Third-Party Voter Registration Organization Registration Form."

(b) Form DS-DE 107 (eff. 02/2009), entitled "Quarterly Report Form for Organized Voter Registration Drives by Third-Party Voter Registration Organization."

(c) Form DS-DE 108 (eff. 02/2009), entitled "Form for Complaint Against Third-Party Voter Registration Organization."

(2) Definitions. For purposes of Section 97.0575, F.S., the following definitions apply:

(a) "Affiliate organization" of a third-party voter registration organization means any person, as defined in Section 1.01(3), F.S., that is associated with the third-party voter registration organization as a subordinate, subsidiary, member, branch, chapter, as a central or parent organization, or through direct or indirect ownership or control. Ownership or control means substantial and effective, though not necessarily predominant, ownership or control.

(b) "Force majeure" means any event or occurrence of societal significance beyond the reasonable control and without the fault of the third-party voter registration organization which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or foresight of the third-party voter registration organization, including, but not limited to, civil disturbances or acts of war; extraordinarily severe weather, such as hurricanes, floods, or tornadoes; or shortages of food, electric power, or fuel.

(c) "Impossibility of performance" means an actual impossibility or impracticability of compliance as the result of a condition or circumstance which the third-party voter registration organization did not create and could not reasonably have anticipated.

(d) "Organized voter registration drive" means any voter registration activity that is coordinated with, or directed by, a third-party voter registration organization and where one or more persons solicit or collect voter registration applications on behalf of the third-party voter registration organization.

(3) Registration. A third-party voter registration organization shall complete and file Form DS-DE 106 with the Division prior to conducting any voter registration activities. A third-party voter registration organization shall also use Form DS-DE 106 to update or withdraw its registration.

(4) Voter Registration Drive Quarterly Report. A third-party voter registration organization shall use Form DS-DE 107 to file quarterly reports with the Division as required by Section 97.0575(1), F.S. The quarterly reports shall be filed no later than April 15, July 15, October 15, and January 15 to cover the preceding calendar quarter, respectively. If a due date falls on a Saturday, Sunday, or legal holiday, the report is due on the next day which is not a Saturday, Sunday, or legal holiday.

(5) Complaints and Fines.

(a) Any person claiming to have provided a completed voter registration application to a third-party voter registration organization but whose name does not appear as an active voter on the voter registration rolls shall use Form DS-DE 108 to file the complaint with the Division.

(b) Any other person may report allegations of elections fraud, which includes irregularities or fraud involving voter registration, by filing a written complaint with the Division using Form DS-DE 34, entitled "Elections Fraud Complaint," incorporated by reference in Rule 1S-2.025, F.A.C.

(c) If the Division determines that a fine should be imposed on a third-party voter registration organization, the Division shall serve an administrative complaint pursuant to Rule 28-106.2015, F.A.C., upon the third-party voter registration organization by personal delivery or certified mail, return receipt requested. A third-party voter registration organization upon which the Division serves an administrative complaint may request a hearing in accordance with Sections 120.569 and 120.57, F.S., and subsection 28-106.2015(5), F.A.C.

*Specific Authority 20.10(3), 97.012(15), 97.0575(1), (4), (8) FS. Law Implemented 97.012(15), (36), 97.053, 97.0575 FS. History—New 2-26-09.*