**1S-2.027** **Standards for Determining Voter’s Intent ~~Choice~~ on a Ballot.**

(1) The Department of State, Division of Elections, is required to adopt by rule standards for determining a voter’s choice on a ballot under prescribed circumstances for ballot duplication under section 101.5614, recounts under section 102.166, F.S., and post-election voting system audit under s. 101.591, F.S., and other scenarios in which a determination of voter intent is required. Form DS-DE 420(effective MM/YYYY), entitled “Standards for Determing Voter’s Intent on a Ballot,” contains the standards to be applied and is hereby incorporated by reference and available at the following link: https://www.flrules.org/Gateway/reference.asp?No.

(2) 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: <https://dos.fl.gov/elections/>.

**~~Application~~**~~. The standards in this rule apply to determine whether the voter has clearly indicated a definite choice for purposes of counting a vote cast on a ballot and in a manual recount as provided specifically by section 102.166, F.S.~~

~~(2)~~ **~~Direct recording electronic voting system~~**

~~(a) A vote cast on this voting system is valid for a particular candidate, issue choice, or judicial retention choice when the voter marks the ballot electronically as specified in the ballot instructions.~~

~~(b) A vote cast on this voting system is valid for a particular write-in candidate when the voter types on the touch screen the name of a write-in candidate in accordance with the ballot instructions.~~

~~(3)~~ **~~Optical scan voting system~~**~~.~~

~~(a) A vote cast on this voting system is valid for a particular candidate, issue choice, or judicial retention choice when the voter marks the ballot as specified in the ballot instructions.~~

~~(b) A vote cast on this voting system is valid for a particular write-in candidate when the voter writes in the name of a candidate in the designated write-in space and fills in the oval or arrow next to the write-in candidate’s name.~~

~~(4)~~ **~~Manual review and tabulation~~**~~.~~

~~(a) The standards under this subsection apply in all instances where a contest is not marked as specified in the ballot instructions under subsection (2) or (3), and a manual review of the voter’s markings on a ballot is required to determine whether there is a clear indication that the voter has made a definite choice in a contest.~~

~~(b) The canvassing board must first look at the entire ballot for consistency. Then the provisions of paragraph (c) apply to determine whether the voter has made a definite choice in a contest, provided the voter has not marked any other contest on the ballot, or if the voter has marked other contests, he or she has marked them in the same manner, subject to the exceptions in subparagraphs 7., 10., and 15. The following are examples of valid votes after review for consistency:~~