1S-2.010 Advisory Opinions.

(1) General. The Division of Elections has the responsibility to render advisory opinions as to the application of Chapters 97 through 106, F.S.

(2) Those Who May Receive Advisory Opinions.

(a) Those who may formally request and receive advisory opinions as provided for in this rule include the following:

1. Supervisors of Elections.

2. Candidates.

3. Local officers having election related duties.

4. Political parties.

5. Registered political committees.

6. Certified committees of continuous existence.

7. Other persons or organizations engaged in political activity; that is, persons or members of an organization which are actually involved in the action which is the concern of the request.

(b) A representative may request an opinion in the name of his or her principal; however, the opinion will be addressed to the principal.

(3) Subject Matter of Advisory Opinions. Advisory opinions may be rendered only with respect to provisions or possible violations of Florida election law with respect to actions taken or proposed to be taken by a person or entity listed in subsection 1S-2.010(2), F.A.C.

(4) Form of Requests for Opinions. Requests for advisory opinions, pursuant to Section 106.23(2), F.S., shall occur only in the form of a written request to the Florida Department of State, Division of Elections. Such request may be accompanied by pertinent attachments, exhibits and memoranda, but must contain the following information in the body of the request:

(a) Name of Requestor.

(b) Address of Requestor.

(c) Statutory provision(s) of Florida election law on which advisory opinion is sought.

(d) Description of how this statutory provision may or does affect the requestor.

(e) Possible violation of Florida election laws on which advisory opinion is sought.

(f) The precise factual circumstances giving rise to the request.

(g) The point(s) on which the requestor seeks an opinion.

(h) Additional relevant information.

(i) Statement of necessity, if any, to expedite division's response.

(5) Division Disposition.

(a) The division will prepare a written response to the request in a timely manner. The division shall not be limited to analyzing statutory provisions set forth in a request for an advisory opinion in its preparation of a response to the request.

(b) Once the opinion is rendered, the division shall forward a copy of it to the requestor and each county Supervisor of Elections and to any person or organization upon request.

(6) Indexing.

(a) Advisory opinions shall be dated and indexed by subject matter.

(b) Opinions shall be numbered sequentially. The first two digits of the advisory opinion shall be the last two digits of the year in which the opinion was rendered. Following the year shall be a dash and the number of the opinion.

(7) Verbal, Telephone or Other Informal Advice. The process described in the preceding provisions of Rule 1S-2.010, F.A.C., is the only process by which the Division of Elections is authorized to provide advisory opinions pursuant to Section 106.23(2), F.S. Other telephone, verbal or written advice does not constitute an advisory opinion rendered pursuant to that law.

Rulemaking Authority 106.22(9) FS. Law Implemented 106.23(2) FS. History–New 9-17-79, Amended 1-31-80, Formerly 1C-7.10, 1C-7.010, Amended 12-9-03.