

### **1S-2.025 Elections Fraud Complaints.**

(1) The Department of State is charged with maintaining a voter fraud hotline, pursuant to Section 97.012(12), F.S. A person may contact the voter fraud hotline at (877)868-3737 and request to file a complaint alleging elections fraud.

(2) The Department of State is also charged with conducting preliminary investigations into any complaint of elections fraud. For purposes of this rule, "elections fraud" means any irregularities or fraud arising out of or in connection with voter registration or voting, or candidate petition or initiative petition activities that may constitute a crime under Florida law. "Elections fraud" does not include violations of Chapter 106, F.S.

(3) Any person alleging elections fraud may file a written complaint with the Department of State, Division of Elections, using Form DS-DE 34, entitled "Elections Fraud Complaint" (Rev. 07/16) <http://www.flrules.org/Gateway/reference.asp?No=Ref-07147>, which is hereby incorporated by reference. This form is available by request from the Division at Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contacting the Division at (850)245-6200, or by download from the Division's webpage at: <http://dos.myflorida.com/elections/contacts/elections-fraud-complaint>.

(4) To be facially sufficient, a complaint must:

(a) Allege an act or acts of elections fraud as defined in subsection (2) above; and,

(b) Contain allegations based on personal knowledge that have been stated with particularity. Mere recitation of statutory language, vague generalizations, absence of specific facts, or hearsay by itself uncorroborated by direct evidence will not be enough to establish a facially sufficient complaint.

(5)(a) If, after a preliminary investigation, the Department of State determines that the complaint is facially sufficient and that there is reason to believe elections fraud has occurred, the Department shall forward the complaint to the statewide prosecutor or the appropriate state attorney.

(b) The Department of State may contract with the Florida Department of Law Enforcement to assist in the preliminary investigation.

(c) If, after the preliminary investigation, the Department of State determines the complaint is facially insufficient or that there is no reason to believe elections fraud had occurred, the Department shall close the matter and notify the complainant that the complaint was not referred for further handling and summarize the reason why.

*Rulemaking Authority 20.10(3), 97.012(15) FS. Law Implemented 97.012(12), (15) FS. History--New 9-21-98, Amended 1-29-06, 8-4-16.*