

**2B-1.0025 Complaints.**

(1) Any complaint alleging violations of the Florida Election Code over which the Florida Elections Commission has jurisdiction may be filed with the Commission.

(2) Upon receipt of a complaint, the executive director shall determine whether the complaint is legally sufficient. A complaint is legally sufficient if it meets the following criteria:

(a) The complaint alleges a violation of Chapters 104 or 106 or Sections 98.212 or 105.071, F.S.;

(b) The complaint was made under oath in the presence of a notary public or other person authorized by law to administer oaths;

(c) The complaint contains the original signature of the complainant;

(d) The complaint contains specific facts upon which the complainant bases the allegation of a violation of law; and

(e) The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission.

(f) The complaint is based on personal information or information other than hearsay.

(3) If a person files a second complaint against the same person, the executive director shall determine that the second complaint is legally insufficient, if the second complaint alleges violations that are based upon the same facts or allegations that were raised or could have been raised in the first complaint.

(4) In determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint and any material Commission staff has obtained in prior Commission investigations. In determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider documents on file with the filing officer.

(5) When the executive director determines that a complaint is legally insufficient, the complainant and the respondent shall be notified. The notice shall include the reason the complaint is legally insufficient and notify the complainant that he has 14 days to correct the stated ground of insufficiency. If the complainant does not respond within 14 days, the executive director shall close the case. If the complainant responds but does not provide information that corrects the stated ground of insufficiency, the case shall be closed. A corrected complaint must also be sworn as required by Section 106.25(2), F.S.

*Rulemaking Authority 106.26(1) FS. Law Implemented 105.071, 106.25 FS. History—New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-11-99, 1-2-02, 2-15-04, 4-24-05, 6-2-13.*