

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

(1) The Division of Elections is charged with maintaining a voter fraud hotline, pursuant to Section 97.012(12), F.S. Any person that contacts the voter fraud hotline at 1-877-868-3737 will be asked if he or she wishes to file a complaint alleging elections fraud.

(2) The Division of Elections 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 or in connection with voter registration or voting, or candidate petition or initiative petition activities that may constitute a prescribed offense set forth in Chapter 104, F.S. “Elections fraud” does not include violations of Chapter 106, F.S.

(3) Any person alleging elections fraud may file a written complaint with the Division using Form DS-DE 34, entitled “Elections Fraud Complaint” (rev. 01/06), which is hereby incorporated by reference. This form is available by request from the Division at Room 316, R.A. Gray Building, Tallahassee, Florida 32399-0250, by contacting the Division of Elections at 850-245-6200, or by download from the Division of Elections’ home webpage at: <http://election.dos.state.fl.us/fraud/index.shtml>.

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

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

(b) Contain allegations that have been stated with particularity. Mere recitation of statutory language, vague generalizations, absence of specific facts, or hearsay will not support a legally sufficient complaint.

(5) If the Division determines that the complaint is legally sufficient, the Division shall forward the complaint to the Florida Department of Law Enforcement (FDLE) for further investigation. If the complaint is referred to FDLE and FDLE finds probable cause that a violation has occurred, the Division shall report FDLE’s findings to the statewide prosecutor or the state attorney for the judicial circuit in which the alleged violation occurred for prosecution. If the Division determines that the complaint is not legally insufficient or FDLE finds no probable cause, the Division shall dismiss the complaint.

*Specific Authority 20.10(3), 97.012(1), (2), (15) FS. Law Implemented 97.012(9),(12), (15) FS. History—  
New 9-21-98, amended 1-29-06.*

