



Florida Elections Commission



Frequently Asked Questions

Who can file a complaint with the Florida Elections Commission?

Any person having personal information or information other than hearsay regarding alleged violations of Chapters 104 and 106, Florida Statutes, can file a complaint. The Commission cannot investigate a violation until it receives a legally sufficient sworn complaint. *See Section 106.25(2)*, Florida Statutes.

How do I file a complaint with the Florida Elections Commission?

You can download a copy of the Commission's complaint form from its website. Pursuant to Rule 2B-1.0025(2), Florida Administrative Code, your complaint must meet the following criteria in order to be considered legally sufficient:

- a. The complaint alleges a violation of Chapter 104 or 106 or Section 98.122 or 105.071, Florida Statutes;
- 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;
- e. The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission; and
- f. The complaint is based on personal information or information other than hearsay.

When completed, mail the complaint with your original signature to the Florida Elections Commission at 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050. The Commission will *not* accept faxed complaints because an original signature is required.

May I file more than one complaint?

Yes. However, if you file more than one complaint against the same person, the Commission is barred from investigating the second complaint if it is based upon facts or allegations that were raised or could have been raised in the first complaint. *See Section 106.25(2)*, Florida Statutes.

When a complaint is filed, what are the restrictions concerning the confidentiality of the complaint?

Every sworn complaint, every investigative report, and every other paper of the Commission is exempt from the Public Records Law and every proceeding is exempt from the Open Meetings Law *until the Commission determines whether there is probable cause or no probable cause that a violation occurred.*

Confidentiality provisions do not bind the person who filed the complaint. However, confidentiality provisions do bind the person named in the complaint, unless he or she files a written waiver with the Agency Clerk. *See Section 106.25(7)*, Florida Statutes.

Automatic fine cases are not confidential.

Will the person named in a complaint be told that the complaint has been filed?

Yes. Within five *working* days of receiving the complaint, the Commission will mail a copy of the complaint to the person named in the complaint. The respondent shall have 14 days after receipt of the complaint to file an initial response, and a determination of legal sufficiency of the complaint may not be made during that time period. If the complaint is determined to be legally sufficient, the respondent shall be notified of such finding by letter. *See Section 106.25(2)*, Florida Statutes.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number: (850) 922-4539
www.fec.state.fl.us

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: _____ Work Phone: (____) _____
Address: _____ Home Phone: (____) _____
City: _____ County: _____ State: _____ Zip Code: _____

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: _____
Address: _____ Phone: (____) _____
City: _____ County: _____ State: _____ Zip Code: _____

If individual is a candidate, list the office or position sought: _____

Have you filed this complaint with the State Attorney's Office? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate the following provisions: **Chapter 104, Chapter 106, and Section 105.071, Florida Statutes.** Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

Additional materials attached (check one)? Yes No

4. OATH

STATE OF FLORIDA

COUNTY OF _____

I swear or affirm, that the above information is true and correct to the best of my knowledge.

Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this _____ day of _____, 20 _____

Signature of Officer Authorized to Administer Oaths or Notary public.

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known _____ Or Produced Identification _____

Type of Identification Produced _____

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.