

1S-2.050 Cancellation of Political Party Filings.

(1) Definitions. Except where the context clearly indicates otherwise in this rule, the term “party” means any political party, to include a minor political party. “Division” means the Division of Elections.

(2) Cancellation. The division may cancel the filings by a party, to include its registration and approved status as a party, when:

(a) The party fails to have any voters registered as party members;

(b) The party fails to file campaign finance reports for more than 6 months;

(c) The party fails to comply with the annual public audit requirements of Section 103.121(2), F.S.;

(d) The party’s aggregate reported financial activity during the calendar year is \$500 or less;

(e) The party fails to maintain a public website;

(f) The minor political party fails to file with the division the name and address of any replacement officer within 5 days after the death, resignation or removal of a party’s officer;

(g) The minor political party fails to file with the division changes to its filing certificate within 5 days after such change; or

(h) The minor political party fails to adopt and file with the division the governing documents containing the provisions specified in Section 103.095(2), F.S.

(3) Notification of intent to cancel. The division shall send notification to the party’s chairperson of the intent to cancel the party’s filing or registration to the most recent address on file with the division for the chairperson. If the notification is returned undeliverable, the division shall send the notification to another officer of the party at the most recent address on file with the division. Within 30 days of the date of the division’s mailing of the preliminary notice of intent to cancel, the party may provide additional documentation to the division showing why the party’s filing or registration should not be canceled. Upon review of such documentation, if the division determines that the filing or registration should not be canceled, the party will be notified that it is in compliance. If after review of the additional documentation provided, the division determines that the filing or registration should be canceled, a final notice of intent to cancel shall be mailed by the division to the most recent address on file with the division. If no additional documentation is provided by the party within 30 days of the date of the division’s mailing of the preliminary notice, the division shall mail a final notice of intent to cancel to the most recent address on file with the division.

(4) Appeal of cancelation. If the party objects to such cancelation, it must file an appeal within 30 days of the date of the division’s mailing of the final notice of intent to cancel. The appeal may be accompanied by any documentation or evidence supporting the claim. The appeal must be filed with the division. The division will forward the appeal to the Florida Elections Commission.

(5) Waiver. Failure to timely file an appeal as described herein shall constitute a waiver of any such entitlement.

(6) Hearing request. A party desiring a hearing before the commission must include in the appeal a separate request for hearing.

(7) Appeal not confidential. Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.

Rulemaking Authority 20.10(3), 97.012(1), 103.095(5) FS. Law Implemented 103.091, 103.095, 103.121, 106.29 FS. History—New 9-7-11.