

1S-2.050 Cancellation of Political Party Filings.

(1) Definitions.

(a) "Division" means the Division of Elections.

(b) "Most recent address on file" means, as applicable, the last address provided to the filing officer for the party's chairperson or other officer as contained in any written filing or statement of change to a filing.

(c) "Party" means, except where the context clearly indicates otherwise in this rule, any political party, to include a minor political party.

(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 contributions and expenditures reported pursuant to Chapter 106, F.S., during the calendar year, other than the calendar year in which the party was organized, are \$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)(a) Initial notice of intent to cancel. The division shall send notice to the party's chairperson of the intent to cancel the party's filings to the most recent address on file with the division for the chairperson. If the notice is returned undeliverable, the division shall send the notice 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 initial notice of intent to cancel to the chairperson, the party may provide additional documentation to the division showing why the party's filings should not be canceled.

(b) Final notice of cancellation. After receiving the documentation under paragraph (a) or after the 30-day deadline to provide additional information, whichever occurs first, the division will determine if the filings should still be canceled and will notify the party of its decision. If the division determines that the filings should be canceled, it shall mail a final notice of cancellation including notice of right to appeal to the most recent address for the party or a party officer on file with the division.

(4) Appeal of cancellation. If the party objects to such final notice of cancellation, it must file an appeal within 30 days of the date of the division's mailing of the final notice of cancellation. 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, Amended 3-5-15.