

The statutes governing this issue have changed.

Please consult current Florida law.

DE 82-23--September 29, 1982

To: Honorable Bill Gunter, Democratic Candidate for State Treasurer, P.O. Box 1507, Tallahassee, Florida 32302

Prepared by: Division of Elections

This is a formal Division of Elections' Opinion pursuant to Section 106.23, F.S., on essentially the following question:

May a candidate produce a series of radio or television commercials which further his own candidacy and also endorses the candidacy of another?

At the outset, I note that Bill Gunter candidate for State Treasurer was unopposed in the Democratic Party Primary and will be unopposed at the general election on November 2, 1982. Under Florida law this name will not appear on the general election ballot. An unopposed candidate is deemed to have voted for himself at the General Election and therefore is not elected until the general election. Section 101.151, F.S. The nominee remains a candidate through the general election and until then is still subject to the appropriate political advertisement and campaign finance laws governing candidates.

The question posed herein can be answered by reference to Section 106.143(2), F.S., which defines political advertisement and which states:

“Any political advertisement of a candidate running for office in a general election shall express the name of the political party of which the candidate is the nominee. Any political advertisement endorsing the candidate shall expressly state whether the permission of the candidate has been obtained to advertise such endorsement.”

Since you desire that your political advertisements be an endorsement of another candidate(s), the advertisements must expressly state whether the permission of the candidate has been obtained to advertise such endorsement.

Your request for opinion is answered accordingly.

SUMMARY

An unopposed candidate is not elected until the general election. Such a candidate may produce political advertisements which endorse other candidates in addition to his own provided the advertisements expressly state that the permission of the other candidate has been obtained to advertise such endorsements.