

DE 91-10 - November 21, 1991

**Independent Candidate Including Name of Political Party of Which He is a Member on
Campaign Advertisement
Section 106.143(2), F.S.**

TO: Honorable Sandra S. Goard, Supervisor of Elections, Seminole County, Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771

Prepared by: Division of Elections

This is in reference to your recent letter requesting an opinion concerning the political advertising requirements of Section 106.143(2), Florida Statutes. You are the Supervisor of Elections for Seminole County and pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an advisory opinion to you relating to the Florida Election Code, Chapters 97-106, Florida Statutes.

You state that a person who is running as an independent candidate for a partisan office desires to publish political ads which prominently state that he is an independent candidate. The candidate also wants to include a statement in his ad disclosing the name of the political party of which he is a member. However, the candidate is not his party's nominee nor is he seeking the nomination of his party.

Section 106.143(2), Florida Statutes, provides, in relevant part:

Any political advertisement of a candidate running for partisan office in any election shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as an independent candidate, any political advertisement of the candidate must state that the candidate is an independent candidate....

Thus, if a candidate for a partisan office is his party's nominee or is seeking his party's nomination to such office, he must include the name of his party. If he is seeking a partisan office as an independent candidate, any political advertisement of the candidate must state that the candidate is an independent candidate. Conspicuously absent from the provision of Section 106.143(2), Florida Statutes, is any prohibition that an independent candidate for a partisan office cannot state the name of the political party of which he is a member.

However, Section 106.143(3), Florida Statutes, does prohibit a candidate from representing that any organization is supporting his candidacy, unless the organization has given written permission to the candidate to make such a representation.

Therefore, under the foregoing circumstances, an independent candidate may include in his political

advertising factual information that he is a member of a certain political party. However, such information cannot, absent express written approval from the party, convey the message that the political party supports the independent candidate's candidacy.

SUMMARY

An independent candidate for a partisan office may include in his campaign ads the name of the political party of which he is a member. However, such candidate cannot represent that he has the support of the political party of which he is a member unless he has written permission from his party to do so.