

Obsolete. Please consult current Florida law.

DE 076-11 - August 2, 1976

CHAPTER 105, FLORIDA STATUTES - JUDICIAL ELECTIONS AND ENDORSEMENTS

To: Mr. Howell L. Ferguson, 700 Lewis State Bank Building, Post Office Box 1548, Tallahassee, Florida

Prepared by: Division of Elections

You have asked for this Division's opinion relative to circularization of a letter by a supporter of a candidate for judicial office, which letter is to be (a) on campaign stationary, (b) paid for by the campaign fund, (c) endorsing the said judicial candidate and soliciting funds for his candidacy, and (d) signed by the said supporter in his capacity as a volunteer or worker for and in the said candidate's campaign.

Section 105.071(11), Florida Statutes, prohibits candidates for judicial office from agreeing to pay any part or all of any advertisement sponsored by any person, group or organization — i.e., expression via mass media attracting public attention and furthering one's candidacy for public office, Section 104.371 — wherein said candidate is endorsed for judicial office by any person, group or organization.

Without commenting upon or in any opinion upon the Code of Professional Responsibility or Code of Judicial Ethics, it is the opinion of this office that a supporter of a candidate for judicial office may sign a campaign letter, identified as such on the candidate's campaign stationary and paid for by the candidate's campaign, endorsing the said candidate and soliciting funds for said candidacy, and that the candidate may agree to such a procedure. (See DE 076-06, a copy of which is attached hereto.)

The most obvious purpose of Section 105.071(11), Florida Statutes, is to prohibit judicial candidates from agreeing, or from being influenced or pressured to agree, to pay monies or anything of value in return for and endorsement.

The procedure outlined above and approved herein would appear to avoid the situation which Section 105.071(11), Florida Statutes, proscribes, and is consistent with the general requirements of Florida's Elections Code.