

DE 076-20—August 27, 1976

**CHAPTER 103, F.S.
USE OF PARTY
NAME**

To: Mr. Leo Gamow, 1769 Lakeview Road, Clearwater, Florida 33516

Prepared by: Division of Elections

By letter of August 24, 1976, written in your capacity as "Carter-Mondale campaign coordinator for Pinellas County", you request an interpretation of Section 103.081, Florida Statutes.

Section 103.081(1), F.S., prohibits any person from using the name of any political party (the name of which is filed with the Department of State or a Clerk of the Circuit Court) in any political advertising, as enumerated, absent the prior written permission of the Chairman of the State Executive Committee of the party with which such person is so affiliated.

Section 103.081(2), F.S. prohibits any person or group of persons from using the name of any such political party in connection with any group, club, association or organization "of any kind" absent prior "approval and permission..." in written form by the state executive committee of such party..." certain exclusions are enumerated.

You ask the Division of Elections to:

1. Authorize formation of a "Republicans for Carter" Committee in Pinellas County "and elsewhere" in Florida;
2. Authorize the Pinellas County Democratic Executive Committee "to refer to the Republican Party, by name, in its literature and advertising."

The Division of Elections has no authority to make such authorizations. The statute specifically reserves such authorizing or permitting authority to (a) the Chairman of the State Executive Committee of the party of the person wishing to employ a party name under Section 103.081(1), F.S., and (b) the State Executive Committee of the party the name of which is to be used under Section 103.081(2), F.S.

Your inquiry is answered accordingly.