

DE 076-23-August 30, 1976

**CHAPTERS 101, 104,
AND 105, F.S. JUDICIAL
CONTRIBUTIONS;
JUDICIAL SPEECHES;
POLITICAL DISPLAYS NEAR
POLLS**

To: Honorable Willie Mae Jones, Supervisor of Elections, Gilchrist County, Trenton, Florida 32693

Prepared by: Division of Elections

You have posed four questions for response by Advisory Opinion:

1. If a nonpartisan candidate contributes \$25.00 or a donation at a Democratic Political Rally would such a candidate become disqualified to hold office if elected, or is he violating a law?
2. May a candidate for Judge make a speech or pass out literature and cards in his behalf at a Democratic Political Rally?
3. Will the bumper stickers, posters and cards have to be removed from vehicles on the day of election if they go within 300 feet of the polling place?
4. Is it legal to have a political rally and sell dinners, auction cakes, etc. for the proceeds to build a firehouse in a certain precinct?

1. Judicial officers or candidates for Judicial office, who are to run on nonpartisan ballots, and to which your question would certainly pertain, are expressly prohibited from contributing to political party funds, Section 105.071(6), F.S., and from participation in any partisan political party activity, Section 105.071(1), F.S. The penalty for violation is a fine of up to \$500 or imprisonment in the county jail for up to 6 months, or both. Section 105.09(2), F.S. But see Section 105.08, F.S. See also Section 104.051(2), F.S.; Section 104.071(l)(c), which promises disqualification from office. There would appear to be no other pertinent provisions of the Florida Election Laws.

2. The Division has recently ruled in DE 076-19 that judges may accept invitations from partisan groups to speak in behalf of their own candidacies. Section 105.061(5), F.S. Such speeches must, in consideration of the facts of each case, comfort with the spirit of Section 105.071, F.S. No opinion is herein passed upon the Code of Professional or Judicial Responsibility or Ethics.

3. Section 101.121, F.S., established a perimeter of 15 feet around the polling place, within which only statutorily designated persons are allowed, and within which no politicing is

permitted. Section 104.36, F.S., as amended by Chapter 76-61, Laws of Florida, 1976, which was the subject of DE 076-19, also restricts politicing within 100 yards of polling place. The intent of the Legislature is clear: no political displays should be made within 100 yards of a polling place. If automobiles must, in a given factual circumstance, be parked by electors within that circumference, care should be taken to prevent use of such cars as a medium for political display, i.e., signboards should be removed where possible. Pollworkers and/or others needing to park within 100 yards of a polling place should display no political signs, bumper stickers, etc., of course.

4.

5. Without more information I am unable to answer your last question.