

DE 80-29 - August 25, 1980

Use Of Party Name

To: Mr. Stephen Cottrell, Apartment 109, 280 John Knox Road, Tallahassee, Florida 32303

Prepared by: Division of Elections

This is in response to your request for an advisory opinion pursuant to Section 106.23(2), F.S. (1979). Your questions may be restated.

1. May an independent candidate for county commission in Leon County state in his campaign literature and advertisements that he is a "registered Democrat" or a "Democrat".
2. May such candidate use both "Independent" and "Democrat" in his campaign literature and advertisements.

The use of a party name in political advertisements is regulated by Section 103.081(1), F.S. (1979), which states:

"No person shall use the name, abbreviation, or symbol of any political party, the name, abbreviatioaublications, handbills, radio or television, or any other form of advertising in connection with any political activities in support of a candidate of any other party, unless such person shall first obtain the written permission of the chairman of the state executive committee of the party the name, abbreviation, or symbol of which is to be used."

Therefore, the use of the party name "Democrat" in a candidate's political advertisements is a matter between the political party and the candidate. The purpose of this statute is to prevent a person or candidate from using the name of any political party as a political endorsement without the express permission of the party.

However, there does not appear to be any prohibition to the use of the term "registered democrat" in a candidate's political advertisement. Rather than a name, symbol or abbreviation of a political party, the term "registered democrat" denotes a voter's political party affiliation and does not on its face carry with it an endorsement or implication of support from that party. Likewise, there is not prohibition to the use of the term "independent" in a candidate's political advertisements, since this term does not denote a political party.