

**DE 86-20 - November 18, 1986**

**POLITICAL ADVERTISEMENTS; DISCLAIMER;  
EXEMPTION; COMBS AND NAIL FILES;  
SECTION 106.143(1), FLORIDA STATUTES.**

*To: Ms. Dorothy J. Dunn, City Clerk, City of Sunrise, 10770 West Oakland Park Blvd.,  
Sunrise, Florida 33321*

*Prepared by: Division of Elections*

This is in response to your request for an opinion as to whether the use of combs and nail files are within the contemplation of Section 106.143(1), Florida Statutes, requiring the disclaimer on political advertisements, except with respect to campaign messages used by candidates and their supporters which messages are designed to be worn by a person.

In DE 82-13, issued by this office on June 23, 1982, I determined that electors' wearing of campaign advertisements such as T-shirts, buttons, hats, etc., to and from the polling place did not violate former Section 104.36, Florida Statutes, and represented only an expression of preference to the public at large which is protected under the United States and Florida Constitutions. In that opinion, however, I admonished that should the wearer make overtures at the polling places of an advocacy nature, such activities are prohibited by that former statute.

A comb or nail file does not appear to be an article which is contemplated to be worn. Typically, a comb or nail file is carried in the pocket or purse, and would appear to be of value in connection with a campaign only when removed from its usual location and displayed to others by the candidate or supporters. I believe this overt act of removal and display takes such items beyond the scope of the exemption. In this light, I construe the phrase "worn by a person" to mean an article of clothing or an item that is reasonably contemplated to be attached to the article of clothing which article manifests personal preference and requires no further act for display purposes.