

DE 90-34 - August 7, 1990

**Campaign Activities of Judicial Candidates
Section 105.071, F.S.**

To: Ms. Frances Makemie Toole, Bush, Ross, Gardner, Warren & Rudy, P.A., 220 South Franklin Street, Tampa, Florida 33602

Prepared by: Division of Elections

This is in reference to your request for an advisory opinion on campaign activities of judicial candidates. You are currently a candidate for Circuit Court, Thirteenth Judicial Circuit. The Division of Elections has authority under Section 106.23(2), Florida Statutes, to issue advisory opinions to judicial candidates.

You ask specifically:

1. Can a nonpartisan judicial candidate attend a function for a partisan political candidate if the function does not require the purchase of a ticket?
2. Can a judicial candidate attend such a function if the function would normally require the purchase of a ticket but complimentary tickets were sent to the judicial candidate by the partisan candidate?
3. Can a judicial candidate attend meetings of political parties or the executive committees of political parties when he is not specifically invited to come speak on behalf of his candidacy?

The answer to your first and second questions is yes. The answer to your third question is no.

In reference to your first two questions, the prohibited partisan political activities in Section 105.071, Florida Statutes, relate to partisan political party activities. See Op. Div. Elec. 87-05. Since the function is for a candidate and not a political party, a judicial candidate may attend a function for a partisan political candidate where the purchase of a ticket is not required.

In reference to your second question, in DE 88-33 the Division opined that a judicial candidate could attend a dinner given by a local political club if the proceeds do not go to the fund of a political party. Similarly, if the function for the partisan candidate requires the purchase of a ticket and complimentary tickets are provided for the judicial candidate, a judicial candidate may attend the function if the proceeds do not go to the fund of a political party. However, the judicial candidate must list the cost of the ticket as an in-kind contribution. See Op. Div. Elec. 88-33. Judicial candidates must make and file reports on the same basis as non-judicial candidates. Section 105.08, Fla. Stat. A ticket is an item of value and pursuant to Sections 106.011(3) and 106.07(4)(a)6., Florida Statutes, must be reported by the campaign.

In reference to your third question, a judicial candidate may not attend the meetings of political parties or the executive committees of political parties when he is not specifically invited to speak on behalf of his candidacy. In DE 90-17, the Division stated that a judicial candidate could not stand in the doorway of the premises where a political party was holding a political meeting to display his judicial candidate's badge and greet the delegates and party members as they left the meeting. These activities are prohibited by Section 105.071, Florida Statutes, and the only exception to this is where the judicial candidate is invited to speak in behalf of his own candidacy. See Op. Div. Elec. 76-23, 76-19.

This opinion is rendered in reference to the Florida Election Code and does not address the Code of Judicial Conduct or the Florida Judicial Qualifications Commission Rules as they relate to the question of judicial candidates political activities.

SUMMARY

A judicial candidate may attend a function for a partisan political candidate where the purchase of a ticket is not required. If the function for the partisan candidate requires the purchase of a ticket and complimentary tickets are provided for the judicial candidate, a judicial candidate may attend the function if the proceeds do not go to the fund of a political party. The judicial candidate must list the cost of the ticket as an in-kind contribution. A judicial candidate may not attend a meeting of political parties or the executive committees of political parties when he is not specifically invited to speak on behalf of his candidacy.