

DE 90-38 - August 21, 1990

**Political Disclaimers
Section 106.143(1), F.S.**

*To: Mr. Wayne Gardner, Chairman, Committee to Incorporate Deltona, Post Office Box 6142,
Deltona, Florida 32728*

Prepared by: Division of Elections

This is in reference to your letter requesting an opinion on political disclaimers. You are the Chairman of the Committee to Incorporate Deltona. Pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue advisory opinions relating to the Florida Election Code, Chapters 97-106, Florida Statutes, to several categories of persons including political committees.

You ask:

1. Must a political advertisement identify the persons or organization sponsoring the advertisement when the source of the sponsorship is patently clear from the content or format of the advertisement?
2. If a person pays for a campaign item as an in kind contribution, how should the disclaimer read?

The answer to your first question is yes. The requirements for political advertisements are found in Section 106.143, Florida Statutes, which provides, in pertinent part:

- (1) Any political advertisement and any campaign literature published, displayed, or circulated prior to, or on the day of, any election shall:
 - (a) Be marked "paid political advertisement" or with the abbreviation "pd.pol.adv.";
 - (b) Identify the persons or organizations sponsoring the advertisement;
 - (c)
 1. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement;
 2. State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.
 3. This paragraph shall not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement or campaign literature.

There is some confusion regarding Section 106.143(1)(c)3., Florida Statutes, as to which information is not required if the source of the sponsorship is "patently clear." This ambiguity is also present in the Handbook for Committees prepared by the Division of Elections on pages 4 and 5. The phrase "this paragraph shall not apply" contained in subparagraph 3. refers only to paragraph (c), not paragraphs (a) and (b). Thus, all political advertisements and campaign literature must contain the following information:

1. "paid political advertisement" or "pd.pol.adv."
2. The identity of the person or organization sponsoring the advertisement. (If the advertisement was paid for by the campaign, the ad should indicate "paid for by the campaign account of name.)

In addition, the advertisement must contain the information required in paragraph (c) if the source of the sponsorship is not patently clear from the content or format of the political advertisement.

In reference to your second question, if an advertisement is provided in kind by a person or group, the advertisement should state "provided for in kind by name." If more than one person or group provided in kind services in the production or broadcasting of the advertisement, the advertisement should so indicate.

For your convenience, additional information pertaining to political disclaimers is included on the attached handout prepared by the Division of Elections.

SUMMARY

All political advertisements and campaign literature, regardless of the format or content must contain the information required by paragraphs (a) and (b) of Section 106.143(1), Florida Statutes. In addition, the advertisement must have the information required by paragraph (c) if the source of the sponsorship is not patently clear from the content or format of the political advertisement.

If an advertisement is provided in kind by a person or group, the advertisement should state "provided for in kind by name." If more than one person or group provided in kind services in the production or broadcasting of the advertisement, the advertisement should so indicate.