

DE 90-47 - December 18, 1990

**Candidates Using "Re-elect" in Campaign Advertising
Section 106.143, F.S., as amended by Chapter 90-315, Laws of Fla.**

To: Ms. Dorothy J. Dunn, CMC, City Clerk, City of Sunrise, 10770 West Oakland Park Boulevard, Sunrise, Florida 33351

Prepared by: Division of Elections

Honorable Bob Butterworth, Attorney General for the State of Florida, has forwarded your letter to the Division of Elections. In your letter, you asked whether it is permissible for a candidate for municipal office who is a former council member, but not an incumbent, to use the word "re-elect" in campaign literature, bumper stickers, etc.

Pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue opinions on the Florida Election Code, Chapters 97-106, Florida Statutes, to various categories of persons including municipal clerks with election related duties. Therefore, we have authority to issue this opinion to you.

At the present time, the Florida Election Code does not address the usage of the word "re-elect." However, Chapter 90-315, Laws of Florida, Section 35, amended Section 106.143, Florida Statutes, effective January 1, 1991. This amendment will provide the following:

(4) No political advertisement of a candidate who is not an incumbent of the office for which he is running shall use the word "re-elect." Additionally, such advertisement must include the word "for" between the candidate's name and the office for which he is running, in order that incumbency is not implied. This subsection does not apply to bumper stickers or items designed to be worn by a person.

Webster defines "incumbency" as "the quality or state of being incumbent." "Incumbent" is defined as "occupying a specified office." (Emphasis added.) Webster's Ninth New Collegiate Dictionary (1983), 611.

Therefore, effective January 1, 1991, only a candidate who is presently occupying an office for which he is running for re-election may use the word "re-elect" in political advertisement.

SUMMARY

Effective January 1, 1991, only a candidate who is presently occupying an office for which he is running for re-election may use the word "re-elect" in political advertisement.