

Rescinded in part, see 99-03

DE 98-06 - May 7, 1998

Political Advertising §§106.011(13), 106.021(3), 106.143, Fla. Stat.

TO: The Honorable Tom Slade, Chairman Republican Party of Florida, Post Office Box 311, Tallahassee, Florida 32302

Prepared by: Division of Elections

This is in response to your request for an advisory opinion regarding political advertising and campaign contributions and expenditures. You are the Chairman of the Republican Party of Florida. Therefore, pursuant to section 106.23(2), Florida Statutes, the Division has authority to render this opinion to you.

According to your opinion request, you are considering a direct mail fund raising effort which would consist of a letter soliciting contributions to the party, signed by a party candidate, and which discusses that candidate's campaign. This letter would also "favorably mention" two other candidates of the party. Additionally, the mailing would include a bumper sticker which supports the candidate who is the main subject of the mailing and contains a political disclaimer stating that the bumper sticker was paid for by the Republican Party.

Based on the foregoing, you ask whether, the entire expense cost of a direct mail package containing the above items would qualify as an exempt expenditure under chapter 106, Florida Statutes.

Chapter 106, provides in relevant part:

...expenditures may be made directly by ...any political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing **three or more** candidates, **and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.**

§106.021(3), Fla. Stat. (emphasis added).

Communications media means, among other things, television, radio, magazines, outdoor advertising such as billboards, and direct mail. *§106.011(13), Fla. Stat.* In this instance, if the purpose of the mailing is to jointly endorse three or more of the party's candidates, it is not considered a contribution or expenditure for the purposes of chapter 106, Florida Statutes. The word "endorse" is not defined in the Florida Election Code. However, we have generally defined it to mean the giving of support to a candidate. *See, Op. Div. Elect. 92-19, September 27, 1992.* Therefore, any communication which expresses support for a particular candidate or candidates, is an endorsement. The fact that the communication has the incidental purpose of soliciting funds for the party or includes a bumper sticker

for a single candidate is of no consequence.

Section 106.021(3), Florida Statutes, clearly and unequivocally states that political party expenditures for the purpose of jointly endorsing three or more of the party's candidates via the above described communications media are not to be considered as contributions or expenditures for the purposes of chapter 106, Florida Statutes. Therefore, political party endorsements under section 106.021(3), Florida Statutes, are not attributable to or reportable by the candidates that are the subject of the endorsement or by the political party, as a contribution or expenditure.

SUMMARY

Contributions or expenditures made by a political party, in any communications media, for the purpose of jointly endorsing three or more of the party's candidates under the provisions of section 106.021(3), Florida Statutes, are not deemed to be contributions or expenditures for the purposes of chapter 106, Florida Statutes, and, therefore, are not reportable by the political party or the candidates who are the subject of the endorsement.