

DE 98-08 - May 11, 1998

**Political Advertising
§106.021(3), Fla. Stat.**

TO: Mr. Mark E. Kaplan, Katz, Kutter, Haigler, Alderman, Bryant Yon, Post Office Box 1877, Tallahassee, Florida 32302-1877

Prepared by: Division of Elections

This is in response to your request for an advisory opinion regarding political advertising. You represent the Republican Party of Florida. Therefore, pursuant to section 106.23(2), Florida Statutes, the Division is authorized to render this opinion to you. Your question focuses on section 106.021(3), Florida Statutes, which allows political parties to endorse three or more of their candidates without such endorsements being considered as contributions or expenditures to or on behalf of any candidate pursuant to chapter 106, Florida Statutes. Specifically, you ask:

- (1) When a political party publishes an endorsement pursuant to section 106.021(3), Florida Statutes, is there any proportionality or minimum time or space requirement regarding a party's endorsement of candidates?
- (2) For a television advertisement paid for by the party under section 106.021(3), Florida Statutes, is there any requirement that there be a verbal endorsement of any or all of the candidates?

We recently issued *Op. Div. Elect. 98-06, (May 7, 1998)* where we discussed the requirements of section 106.021(3), Florida Statutes, and recognized, among other things, that an endorsement is any communication which expresses support for a candidate. However, this opinion did not address the proportionality issue raised in your question.

Simply said, there is no requirement that when endorsing candidates pursuant to section 106.021(3), Florida Statutes, such ads must devote some minimum or proportional amount of space to each candidate. In fact the entire campaign finance act is silent with regard to this issue. *See generally, ch.106, Fla. Stat.* We also note that during its 1998 session, the Florida Legislature considered providing for such proportionality. However, the Legislature declined to enact any requirements of this nature. *See Fla. SB 2538 (1998).*

With regard to your second question, the answer is no. There is no such requirement to be found in the election code. *See chs. 97-106, Fla. Stat.*

SUMMARY

There is no proportionality or minimum time or space requirement with respect to candidates being

endorsed pursuant to section 106.021(3), Florida Statutes. For television ads there is no requirement that there be a verbal endorsement for any of the candidates.