

**DE 99-03 - August 17, 1999**

**Political Committee or Political Party Endorsement  
§106.021(3), Fla. Stat.**

*TO: The Honorable Kay Clem, Supervisor of Elections, Indian River County, 1840 - 25th Street, Suite N-109, Vero Beach, Florida 32960*

*Prepared by: Division of Elections*

This is in response to your request for an opinion concerning section 106.021(3), Florida Statutes. You are the supervisor of elections for Indian River County and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you. You ask the following question:

Is a political committee or political party "three-pack" endorsement made pursuant to section 106.021(3), Florida Statutes, required to be reported by the political committee or political party?

The answer to your question is yes. Section 106.021(3), Florida Statutes, provides in pertinent part:

[E]xpenditures may be made directly by any political committee or 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.

Section 106.021(3), Florida Statutes, specifically provides that a political committee or political party endorsement is not a contribution or expenditure to or on behalf of such **candidates**. The language in this section is an exception to the general reporting provisions of sections 106.07 and 106.08, Florida Statutes, which require a candidate to disclose all contributions. Political committees and parties are not included in this exception and must report such expenditures.

We recognize that the Division addressed a similar issue in DE 98-06. In this opinion, the Division was asked whether the entire cost of a direct mail fund raising effort qualified as an exempt expenditure pursuant to section 106.021(3), Florida Statutes. The mailing consisted of a letter soliciting contributions to the party and signed by a party candidate. The letter discussed the candidate's campaign and also advocated two other party candidates.

In DE 98-06, the Division stated that the entire cost of the mailing was exempt and opined that expenditures made by a political committee or political party, in any communications media, for the purpose of jointly endorsing three or more candidates, pursuant to section 106.021(3), Florida Statutes, are not required to be reported by the candidate, political committee or party. However, for the reasons

set forth above, the Division rescinds DE 98-06 to the extent that it provides that such expenditures are not required to be reported by a political committee or party.

### **SUMMARY**

Expenditures made by a political committee or political party, in any communications media, for the purpose of jointly endorsing three or more candidates pursuant to section 106.021(3), Florida Statutes, must be reported by the political committee or party. However, they are not considered contributions that are attributed to a candidate, and do not have to be reported by the candidate.