

Chapter 12: Political Advertising

A political advertisement is a paid expression in a communications medium prescribed in section [106.011\(4\)](#) F.S., whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

(Section [106.011\(15\)](#), F.S.)

Candidate Disclaimers

Except as noted below, any political advertisement that is paid for by a candidate (except a write-in candidate) and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

“Political advertisement paid for and approved by (name of candidate), (party affiliation) for (office sought)” or “Paid by (name of candidate), (party affiliation), for (office sought).”

Any political advertisement that is paid for by a write-in candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)” or “Paid by (name of candidate), write-in candidate, for (office sought).”

(Section [106.143\(1\)](#), F.S.)

Also, the disclaimer language alternatives provided above must be verbatim as quoted in s. [106.143](#), F.S. Variations are prohibited by law.

Any political advertisement of a ***candidate running for partisan office*** shall express the name of the political party of which the candidate is seeking nomination or is the nominee.

If the candidate for partisan office is running as a candidate with no party affiliation, any advertisement of the candidate must state that the candidate has no party affiliation. A candidate who is registered in a political party may run as a candidate with “no party affiliation” without changing his or her registration.

The candidate shall provide a ***written statement of authorization*** to the newspaper, radio station, television station, or other medium for each advertisement submitted for publication, display, broadcast, or other distribution.

Candidates running for ***non-partisan*** office may not state the candidate’s political party affiliation in the disclaimer, or in the body of the advertisement. Exception: The candidate is not prohibited from stating the candidate’s partisan related experience.

(Sections [106.143\(3\)](#) and [\(5\)](#), F.S.)

Note: A candidate running for an office that has a district, group, or seat number does ***not*** have to indicate the district, group, or seat number in the political advertisement or disclaimer.

Exceptions to Disclaimer Requirements

The disclaimer requirement in section [106.143\(1\)](#), Florida Statutes, does not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

- (a) Designed to be worn by a person.
- (b) Placed as a paid link on an Internet website provided the message or advertisement is no more than 200 characters in length and the link directs the user to another Internet website that complies with the disclaimer requirements in section [106.143\(1\)](#), Florida Statutes.
- (c) Placed as a graphic or picture link where compliance with the requirements of this section is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with section [106.143\(1\)](#), Florida Statutes.
- (d) Placed at no cost on an Internet website for which there is no cost to post content for public users.
- (e) Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.
- (f) Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.
- (g) Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with section [106.143\(1\)](#), Florida Statutes.
- (h) Sent by a third-party user from or through a campaign or committee's website, provided the website complies with section [106.143\(1\)](#), Florida Statutes.
- (i) Contained in or distributed through any other technology-related item, service, or device for which compliance with section [106.143\(1\)](#), Florida Statutes, is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with section [106.143\(1\)](#), Florida Statutes, impracticable.
(Section [106.143\(10\)](#), F.S.)

Disclaimer requirements do not apply to individuals seeking a publicly elected position on a political party executive committee.

Examples of advertisements with disclaimers:

Note: The word "***elect***" or "***re-elect***" is **not** required to be used in political advertisements. However, the word "***re-elect***" may not be used if the candidate is not the incumbent for the office sought.

1. Non-incumbent, partisan candidate running for partisan office:

ELECT JANE DOE For State Representative District 9 Paid by Jane Doe, Rep., for State Representative	OR	ELECT JANE DOE For State Representative District 9 Political advertisement paid for and approved by Jane Doe, Republican, for State Representative
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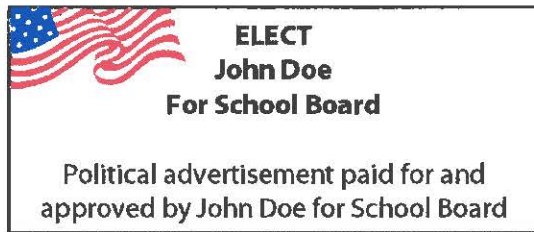
2. Incumbent, partisan candidate running for partisan office:

RE-ELECT JOHN DOE Sheriff Political advertisement paid for and approved by John Doe, Democrat, for Sheriff	OR	RE-ELECT John Doe Sheriff Paid by John Doe, Democrat, for Sheriff
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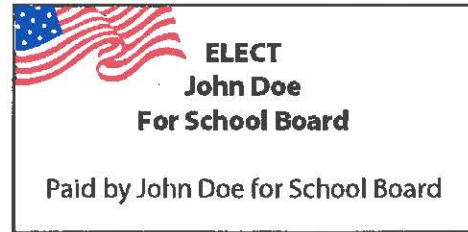
3. Non-incumbent, no party affiliation candidate running for partisan office:

ELECT John Doe For State Senate Political advertisement paid for and approved by John Doe, NPA, for State Senate	OR	ELECT Joe Doe For State Senate Paid by John Doe, No Party Affiliation, for State Senate
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4. Non-incumbent candidate running for nonpartisan office:



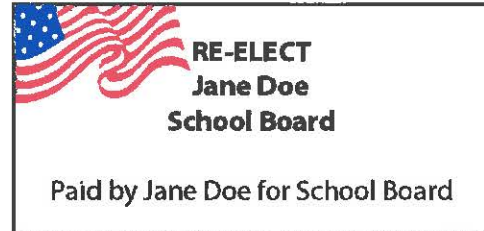
OR



5. Incumbent candidate running for nonpartisan office:



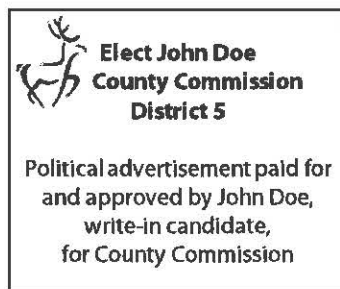
OR



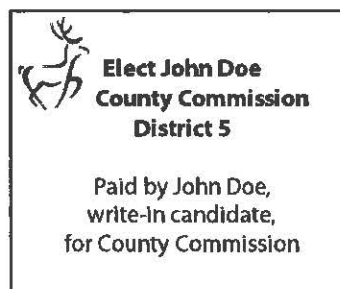
Disclaimer for Write-in Candidates

Any political advertisement that is paid for by a write-in candidate and that is published, or circulated before, or on the day of, any election must prominently state: *“political advertisement paid for and approved by...(name of candidate)…, write-in candidate, for… (office sought)…”* OR *“Paid by… (name of candidate)…, write-in candidate, for… (office sought)…”*

Example:



OR

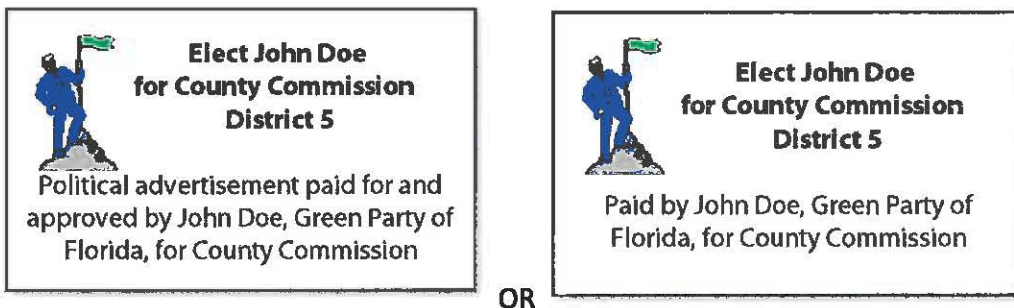


Non-incumbent Advertisements

Required:

The word "for" must be used in the body of such advertisement between the name of the candidate and the office sought. This does not apply to bumper stickers, or if the advertisement satisfies one of the exceptions in section [106.143\(10\)](#), Florida Statutes.

Example:



Advertisement Provided In-kind

Required:

Political advertisements made as in-kind contributions from a political party must prominently state: *"Paid political advertisement paid for by in-kind by (name of political party) Approved by (name of person, party affiliation, and office sought in the political advertisement.)"*

Example:



Chapter 13: Other Disclaimers

Any political advertisement not paid for by a candidate that is published, displayed, or circulated prior to, or on the day of, any election must prominently be marked *“paid political advertisement”* or *“pd. pol. adv.”* and must state the name and address of the persons paying for the advertisement.

The political advertisement must also state whether the advertisement and 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.

(Section [106.143\(1\)\(c\)](#), F.S.)

Endorsements in Political Advertisements

It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this paragraph does not apply to editorial endorsement by any newspaper, radio or television station, or other recognized news medium; and publication by a party committee advocating the candidacy of its nominees.

(Section [106.143\(4\)](#), F.S.)

Example:

Political advertisement for a candidate representing that an organization supports him, paid for in-kind by the organization, with specific approval from the organization in writing:

ELECT John Doe	ABC Foundation
For County Commission, District 1 Democrat <u>Supported by ABC Foundation</u>	July 15, 2006
Pd. Pol. Adv. Sponsored and paid for in-kind by ABC Foundation, Zero Street, Jupiter, FL 32323 Approved by John Doe, Democrat, For County Commission	Dear Sir or Madam:
	Please let this letter serve as our approval of the political advertisement supporting John Doe for County Commission, District 1.
	The content of this advertisement was reviewed and approved in advance.
	Sincerely, Mr. Smith

Independent Expenditure Disclaimers

Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement. This paragraph does not apply to campaign messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.

(Sections [106.143\(5\)\(b\)](#) and [\(10\)](#), F.S.)

Example:

Independent expenditure political advertisement supporting a partisan candidate running for a partisan office:

ABC Foundation Supports	ABC Foundation
<p>Jane Doe</p> <p>For Public Defender, Fourth Circuit Democrat</p> <p>Paid Political Advertisement paid for by the ABC Foundation 444 Robin Lane, Jacksonville, FL 33433 independently of any candidate.</p> <p>This advertisement was not approved by any candidate.</p>	<p>July 15, 2006</p> <p>Dear Sir or Madam:</p> <p>The enclosed advertisement is an independent expenditure by the ABC Foundation in support of Jane Doe for Public Defender, Fourth Circuit.</p> <p>This advertisement was not approved by any candidate.</p> <p>Sincerely, Mr. Smith</p>

Disclaimers for Other than Independent Expenditures

Any political advertisement, not paid for by a candidate, including those paid for by a political party or affiliated party committee, other than an independent expenditure, offered on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. This paragraph does not apply to messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.

(Section [106.143\(5\)\(a\)](#) and [\(10\)](#), F.S.)

Example:

Political advertisement, not an independent expenditure, offered on behalf of a nonpartisan candidate:

**ABC Foundation Supports the Re-Election of Jane
Doe Nassau County Judge**

Pd. Pol. Adv. By ABC Foundation
111 Jewel Street, Tallahassee, FL 32333
Content approved in advance by Jane Doe,
For Nassau County Judge

July 15, 2006

Dear Sir or Madam:

Please let this letter serve as my approval of the political advertisement by the ABC Foundation supporting my candidacy for Nassau County Judge.

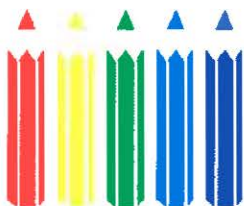
Sincerely,
Jane Doe

Disclaimers on Novelty Items

None of the requirements of Section 106.143, Florida Statutes, apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

(Section [106.143\(8\)](#), F.S.)

Examples:



Pens/Pencils



Golf Balls



Balloons

Language Other Than English

Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by Section 106.143, Florida Statutes, in the language used in the advertisement.

(Section [106.143\(9\)](#), F.S.)

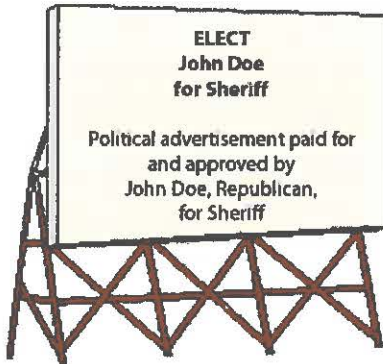
Electioneering Communications Disclaimers

Any electioneering communication, other than a telephone call, shall prominently state *"Paid electioneering communication paid for by... (Name and address of person paying for the communication)...."* For disclaimers on telephone calls, see Chapter 16, Solicitation. Any person who fails to include the disclaimer in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, F.S.

(Section [106.1439](#), F.S.)

Other Political Disclaimer Examples

Billboards:



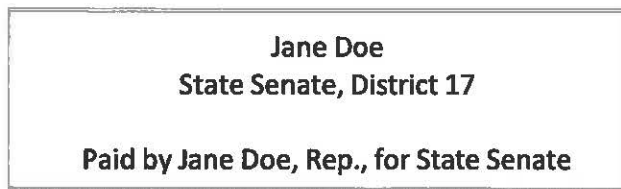
Clothing:

None of the requirements of Section 106.143, Florida Statutes, to include political disclaimers, apply to campaign messages or political advertisements used by a candidate and the candidate's supporters or by a political committee if the message advertised is designed to be worn by a person.

(Section [106.143\(10\)](#), F.S.)



Bumper stickers:



NOTE: On bumper stickers, there is no requirement to use the word "for" between the candidate's name and the office being sought in the body of the bumper sticker.

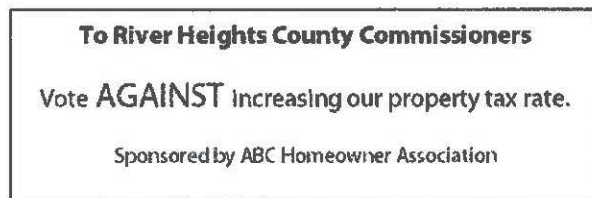
(Section [106.143\(6\)](#), F.S.)

Miscellaneous Advertisements

Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section shall not apply to an editorial endorsement.

(Section [106.1437](#), F.S.)

Example of an advertisement to influence the vote of a public official:



An expenditure made for, or in furtherance of, a miscellaneous advertisement is not considered to be a contribution to or on behalf of a candidate, and does not constitute an independent expenditure. Such expenditures are not subject to the limitations applicable to independent expenditures.

Use of Closed Captioning and Descriptive Narrative in all Television Broadcasts

Each candidate, political party, and political committee must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by, a candidate, political party, affiliated party committee, or political committee or must file a written statement with the qualifying officer setting forth the reasons for not doing so. Failure to file this statement with the qualifying officer constitutes a violation of the Florida Election Code and is under the jurisdiction of the Florida Elections Commission.

(Section [106.165](#), F.S.)