



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF ELECTIONS

June 17, 2004

TO: Candidates

FROM: Phyllis Hampton, Chief
Bureau of Election Records

SUBJECT: 2004 Campaign Finance Legislative Changes

Several bills were passed during the 2004 Legislative Session that affect campaign finance for candidates. Of major importance to candidates, are the changes the legislature made to the political disclaimer law in Section 106.143, Florida Statutes. **All candidates, effective July 1, 2004, must use the following disclaimer on their campaign advertising:**

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

If a candidate is running for a nonpartisan office, the party affiliation does not have to be included (i.e., school board and judicial candidates pursuant to Chapter 105, Florida Statutes, or various municipal or special district candidates that run in nonpartisan elections). If the candidate is running for a partisan office with no party affiliation, the party affiliation will be “No Party Affiliation.”

If a candidate already has campaign materials produced using the old political disclaimer, the Division recommends that the candidate make a good faith effort to correct the disclaimer on any campaign materials that will be published, displayed, or circulated on or after July 1, 2004, to the extent practicable. One option would be to correct these materials by using a stamp or placing a preprinted label with the new disclaimer language on the materials. Certainly any campaign materials produced after June 30, 2004 must contain the new disclaimer.

We recognize that the greatest difficulty in complying with the new law will be with regard to campaign signs which have already been disseminated but that will continue to be displayed on or after July 1, 2004. Clearly, a reasonableness standard must be applied in this type of situation. For example, from a practical standpoint you may not be able to identify the locations of all signs; however, we recommend that where practicable, a good faith effort be made to add the new disclaimer to those signs that can be located.

Enclosed is a copy of Chapter Law 2004-252 (CS/SB 2346 & 516). Section 5 of this law amends Section 106.143, Florida Statutes. We are also enclosing a handout that contains Section 106.143, Florida Statutes, as amended, as well as examples of political disclaimers under the new law. There are

other changes in this law that affect campaign financing for candidates and a summary of those changes is enclosed.

The Division of Elections of the Department of State has posted all enacted legislation that affects The Florida Election Code, Chapters 97-106, Florida Statutes, on its web site. That web site is <http://election.dos.state.fl.us>. If you any questions, please feel free to call us at 850-245-6240.

Enclosures