



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 5, 2016

Honorable Martin Kiar
250 Mahogany Terrace
Davie, Florida 33325

Re: DE 16-15 Campaign Financing –
Unopposed Candidate – § 106.11(5), Florida
Statutes

Dear Mayor Kiar:

As a candidate for county office, you have requested an advisory opinion regarding whether, upon becoming an unopposed candidate, you may expend funds to purchase certain “thank-you” advertising. Because you are a candidate proposing to take certain actions with respect to the Florida Election Code, the Division is authorized to issue an opinion pursuant to section 106.23(2), Florida Statutes.

FACTS

You state that you are a candidate for Broward County Property Appraiser, and that on August 8, 2016, your only opponent withdrew from the race, making you an unopposed candidate. You indicate that you wish to expend some of the funds left in your campaign account to purchase “thank-you” mailers pursuant to section 106.11(5)(a), Florida Statutes. You ask if you may, in your “thank-you” mailers, do all of the following:

- Thank the voters for allowing you to serve as property appraiser.
- Include “issue-oriented” information.
- Include pictures of you and your family.
- State how you wish to boost the economy or protect homeowners while in office.

Division of Elections

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6200 • 850.245.6217 (Fax) DOS.MyFlorida.com/elections



ANALYSIS

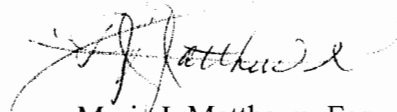
A candidate who “withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office” is permitted to expend campaign funds in several ways, including to “[p]urchase ‘thank you’ advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.” *See* § 106.11(5), Fla. Stat.

It is the opinion of the Division that as long as your mailers include a “thank-you” to the recipients, they may also include the information you wish to include as stated in your request for an advisory opinion.

SUMMARY

For purposes of section 106.11(5)(a), Florida Statutes, when a candidate becomes unopposed, the candidate’s “thank-you” mailers must thank the recipients, but the mailers may also include issue-oriented information, pictures of the candidate or the candidate’s family, and information about how the candidate wishes to make improvements through the office.

Respectfully,

A handwritten signature in black ink, appearing to read "Maria I. Matthews", with a large, stylized flourish extending to the left.

Maria I. Matthews, Esq.
Director, Division of Elections