

DE 01-02 - April 4, 2001

**Use of the Word "Re-elect" in Political Advertisements
§ 106.143(5), Florida Statutes**

*To: The Honorable David C. Leahy, Supervisor of Elections, Miami-Dade County Elections Office,
111 NW 1 Street, Suite 1910, Miami, Florida 33128-1962*

Prepared by: Division of Elections

Dear Mr. Leahy:

This is in response to your request for an advisory opinion regarding the use of the word "re-elect" in political advertisements. You are the Supervisor of Elections for Miami-Dade County and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you. You ask:

Can a candidate who is presently occupying an office for which he or she is running for re-election use the word 're-elect' in political advertisements if that candidate attained the office through appointment?

The answer to your question is yes. Section 106.143(5), Florida Statutes, provides, in pertinent part:

No political advertisement of a candidate who is not an incumbent of the office for which the candidate is running shall use the word 're-elect.'

The word "incumbent" is not defined in the election code. Black's Law Dictionary defines "incumbent" as "a person who is in present possession of an office." See Black's Law Dictionary 691 (5th ed. 1979). A person appointed to an office is the incumbent. Therefore a candidate who is presently in possession of an office to which he was appointed and for which he is running for re-election may use the word "re-elect" in a political advertisement. See also DE 90-47 (December 18, 1990).

I trust this is responsive to your inquiry.

Sincerely,

L. Clayton Roberts
Director, Division of Elections

Prepared by:
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