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October 27, 2008

Nick Waller
WCTV-TV / ECTV-TV
1801 Halstead Boulevard
Tallahassee, FL 32309

Dear Mr. Waller:

The purpose of this correspondence is to respond, on behalf of the Florida Democratic Party, to the correspondence of October 24, 2008 from Richard E. Coates demanding that your stations "immediately cease airing" a television advertisement sponsored and paid for by the Florida Democratic Party which endorses three or more candidates for elective office.

Mr. Coates states that the advertisement is false, yet he fails to set forth any false statement contained in the advertisement. Mr. Coates asserts that the advertisement is illegal. However, the advertisement is consistent with the requirements of Section 106.021(3)(d), Florida Statutes, which authorizes a political party to make expenditures "for obtaining time, space or services in any communications medium for the purpose of jointly endorsing three or more candidates," which the advertisement, in fact, does. The advertisement specifically states that "[t]he Florida Democratic Party endorses Perry Thurston for Florida House, Suzan Franks for Florida Senate Committee, and Jim Waldman for Florida House." The advertisement is consistent with advisory opinions from the Division of Elections that state there are no time or space requirements for candidate endorsement by a political party pursuant to Section 106.021(3)(d), Florida Statutes. *See* Division of Elections Advisory Opinion 98-08.

Mr. Coates states that the advertisement fails to contain the proper disclaimer. However, he fails to note the Legislature has specifically set forth the language required to be used in a political advertisement made pursuant to Section 106.021(3)(d), Florida Statutes. Such disclaimer must read as follows: "Paid for and sponsored by (name of person paying for political advertisement). Approved by (names of persons, party affiliation, and offices sought in the political advertisement)." *See* Section 106.143(1)(c), Florida Statutes. This is precisely the language used in the advertisement challenged by Mr. Coates. Each of the candidates endorsed in the

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advertisement has approved of the advertisement and the advertisement so states that fact, as required by law.

The advertisement at issue is neither false nor illegal nor does it contain an improper disclaimer as alleged by Mr. Coates. Conversely, it strictly complies with the requirements of the governing for candidate endorsement by a political party pursuant to Section 106.021(3)(d), Florida Statutes.

Mr. Coates letter, on behalf of Mr. Boulware, is an attempt to silence the legitimate political debate and discourse undertaken on behalf of the candidates referenced in the advertisement, under the guise alleged falsity, illegality and intimidation. The Florida Democratic Party would urge your stations to continue airing the advertisement challenged by Mr. Coates on behalf of Mr. Boulware.

I trust that this information is responsive to your concerns. If you have any additional questions or concerns, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Herron", with a horizontal line extending to the right.

Mark Herron

cc: Karen L. Thurman
Leonard Joseph