

DE 80-20 - June 23, 1980

**Resign-to-Run Law
Section 99.012, Florida Statutes**

To: Miss Kathleen Bowman, P.O. Box 1313, Crestview, Florida

Prepared by: Division of Elections

This is in response to your request for an advisory opinion pursuant to Section 106.23(2), F.S. You ask if you have to resign as Mayor of Shalimar in order to run for the office of Supervisor of Elections in Okaloosa County.

Section 99.012(2), F.S. states in pertinent part:

"No individual may qualify as a candidate for public office who holds another elective or appointive office, whether state, county or municipal, the term of which or any part thereof runs concurrently with the term of office for which he seeks to qualify without resigning from such office not less than 10 days prior to the first day of qualifying for the office he intends to seek." (emphasis added)

Because your present term of office as Mayor runs until July 1, 1981, it is concurrent with the term of office you are seeking. Accordingly, you must resign to run.

The fact that you are unsalaried does not exempt you from the Resign-to-Run Law. Section 99.012(5), F.S., states:

"No person who serves as a member of any appointive board or authority without salary shall be in violation of this section by reason of holding any such office." (emphasis added)

This provision does not exempt an unsalaried elected official from the requirements of the Resign-to-Run Law.