

RESCINDED

DE 84-28 - August 1, 1984

RESIGN TO RUN LAW s. 99.012, F.S.

*To: Honorable Jimmy Whitehouse, Supervisor of Elections, Highlands County
Courthouse, Room 104, Post Office Box 1568, Sebring, Florida 33870*

Prepared by: Division of Elections

Pursuant to your request, this is a formal Elections Opinion under s. 106.23(2), F.S., on essentially the following question:

“Must the Deputy Supervisor of Elections for Highlands County resign to run to seek election to the City Council?”

The Resign to Run Law requires an elected or appointed officer to resign irrevocably when seeking an elected office, the term of which runs concurrently with the term of office he or she currently holds. s. 99.012(7), F.S. The resignation requirement also applies to subordinate personnel, deputy sheriffs or police officers who seek an elected office held by one with authority to appoint, employ, promote or otherwise supervise them and who has qualified as a candidate for reelection to that public office. s. 99.012(2), F.S.

An Assistant Supervisor of Elections (Deputy Supervisor of Elections) is an officer within the meaning of the Resign to Run Law. See, DE 83-12 (July 27, 1983). However, the Deputy Supervisor of Elections is exempt from the resignation requirements of s. 99.012(2), F.S., because of s. 99.012(7), F.S. The Deputy Supervisor of Elections is a subordinate personnel within the meaning of that statute. See, DE 83-12, supra.

Since the Deputy Supervisor of Elections in seeking election to an office held by one who does not have the authority to appoint, employ, promote, or otherwise supervise the Deputy, the Deputy must take a leave of absence without pay from his employment during the period in which he is seeking election to the City Council.

However, as stated in DE 80-25 (July 31, 1980) a subordinate personnel who is an unopposed candidate not actively campaigning for office, may resume his duties as long as he remains unopposed.

SUMMARY

The Deputy Supervisor of Elections for Highlands County is a subordinate officer within the meaning of the Resign to Run Law and must take a leave of absence to run for the City Council. However, if the Deputy is an unopposed candidate not actively campaigning for office, he may resume his duties as long as he remains unopposed.