

# Florida Election Law Change Impacts Candidates

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For many years, Florida has been one of five states in the country with some form of “resign to run” law for those seeking public office. The law requires that a current officeholder, a person with state or municipal power, must resign from her position before qualifying to run for another office.

As an example, to run for office a person must file paperwork during what is called the “qualifying period,” usually a certain week during the summer. If a county commissioner whose term does not expire for another two years wants to run this year for the position of state representative, the commissioner must file her resignation at least 10 days prior to the first day of the qualifying period, if she wants the resignation to take effect as of the day that she would take on the state position if elected. This resignation is irrevocable and a failure to resign timely means that the person can only qualify to run for the new position if she resigns from her current job effective immediately.

In 2008, the Florida Legislature limited these “resign-to-run” requirements to those seeking state and local offices, removing federal offices from the statute. That meant a sitting state legislator could seek federal office without giving up her Florida position in case she lost. This year, Senate Bill 186 (signed by the Governor and now Chapter 2018-126, Laws of Florida) makes “resign-to-run” applicable to those seeking **federal** office once again. The law does not impact those whose terms would already overlap with the new position, for example, a term-limited state official who wants to seek federal office as the continuation of her political career, but the change may cause other state and local officials to reconsider whether pursuing federal office is still their best choice.

Carlton Fields routinely counsels political candidates and political action committees on the complex web of rules that govern politics. If you have questions on this change or any other Florida or federal campaign finance or political regulation issue, please contact a member of the Carlton Fields Government Law and Consulting team.

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