

Committee on Ethics and Elections

SB 186 — Resign to Run

by Senator Hutson

The bill requires a state or local officer seeking a federal public office to submit his or her resignation at least 10 days before the first day of qualifying for the federal office if the terms of the two offices overlap. Failure to submit the resignation constitutes an automatic, immediately-effective resignation from the current office. A similar “resign-to-run” law already applies to state or local officers who seek another state, district, county, or municipal public office where the terms overlap.

The bill specifically exempts an elected state or local officer running for federal office at the next primary/general election period if the electors will choose a successor to his or her office during the same election, since he or she will be out of office anyway. This exemption addresses a calendar glitch in some years where the federal-office term overlaps the current state or local officer’s term by a few days at the beginning of January in the year immediately following the election.

Other than the specific exemption discussed above, the only substantive difference between the current bill language and a pre-2008 resign-to-run law applicable to state or local officers seeking federal office is that under the current bill the resignation deadline is 10 days before qualifying. Under the prior law, an officer had until the time of qualifying to submit his or her resignation.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 27-7; House 87-27