

50% change of rain. Highs in upper 80s. Lows in 70s. Winds S-SW, 10 m.p.h. Map. Page 2-A.

St. Petersburg Times

Florida's Best Newspaper

NO. 1 AMC DPAER ON FLORIDA'S WEST COAST
File, Distribute, Service Economy BY ALL — WE RECOMMEND
NICHOLS AMC
4225 24th St. N., St. Petersburg
522-2141 Ad.

VOL. 92 NO. 343 124 PAGES

ST. PETERSBURG, FLORIDA, THURSDAY, JULY 1, 1976

15 CENTS A COPY

Resign law may snag sheriff's deputies

By LUCY WARE MORGAN
Pasco Times Staff Writer

NEW PORT RICHEY — Florida's resign-to-run law may require some Pasco County sheriff's deputies to leave their posts sooner than they had anticipated if they intend to run for sheriff.

A spokesman for Secretary of State Bruce Smathers' elections division Wednesday said all deputy sheriffs and all police chiefs are "public officials" and fall under the terms of the state law that requires them to resign before seeking public office.

Several of Sheriff Basil Gaines' deputies who have announced plans to run for sheriff had intended to take a leave of absence instead of resigning.

RONALD E. STANLEY, the sheriff's chief of operations, and a Democratic candidate for sheriff, said he has submitted his resignation effective July 5.

"Morally I think I have an obligation to resign, whatever the law says," Stanley said. "When the two top administrators as well as others in the department are running, it creates a problem."

Stanley originally had intended to take a leave of absence.

But David Schneider, chief of administration for Gaines and another Democratic candidate, said he does not believe the resign-to-run law applies to him.

"I intend to stay and run," Schneider said.

SCHNEIDER SAID HIS lawyer advised him that his position is not covered by the resign-to-run law and he feels that he can remain on the job as long as Gaines allows it.

Gaines said he is not going to demand resignations from the five deputies who are running, but probably will insist that they take leaves of absence.

Sheriff's detective Donnie McKendree, another Democratic candidate, said he had planned to seek a leave of absence but will resign if the law requires it.

Deputy Archie Boyd said he will comply with the election law, whatever it is, but had planned to take a leave of absence rather than resign. Deputy Robert Long said he had planned on obtaining a leave of absence but will do whatever the law requires.

IF ALL FIVE deputies ultimately have to resign to run, their departure would leave a substantial hole in Gaines' department for the remainder of 1976.

A number of his deputies already are concerned over the effects the coming election campaign will have on the operation of the department, especially with several of the 13 announced candidates remaining on the department's payroll.

The law allows a public official to retain his current post if he submits a letter of resignation to the governor 10 days before the day candidates begin to qualify. That date elapsed Saturday, June 26.

Pasco County School Board member Harley Gilmore and Pasco consumer affairs director Jed Pittman sent letters to Gov. Reubin Askew in time to meet the 10-day deadline. Gilmore is a candidate for the District 5 County Commission seat and is resigning his School Board seat effective Nov. 2.

PITTMAN, a candidate for circuit clerk, made his resignation effective June 30.

New Port Richey Police Chief John Short submitted a resignation dated June 14 to City Manager Jack Theurer, making his departure effective Jan. 1, 1977. Short is a candidate for sheriff. Although he did not send a copy to Askew, as required by the law, a 1973 court ruling held that similar action met the purpose of the law.

Circuit Clerk **Miller Newton**, in charge of qualifying candidates who plan to run for county offices, said a recent opinion by Atty. General Robert Shevin leaves him little choice.

Newton said he is obligated to accept a candidate as being qualified if the candidate is willing to sign the required oath, which states that he is in compliance with the law.

ANY DECISION to disqualify a candidate would be made by Smathers' office in Tallahassee.

A spokesman for Smathers' office said deputies who failed to submit a resignation by June 26 could still run if they resigned before trying to qualify.

The law cited by Smathers' office is a provision that forbids a candidate who holds another "elective or appointive office, whether state, county or municipal the term of which . . . runs concurrently with the term of office for which he seeks to qualify" unless that individual resigns not less than 10 days before the first day of qualifying. An official can make the effective date of his resignation fall on the general election day or the day his term of office would expire.

The law requires the resignations to be irrevocable, a provision apparently aimed at prohibiting a candidate from maintaining the security of one post while he seeks another.

ASSISTANT Atty. General Mike Parrish said that in most court cases courts have established that uniformed officers are public officers and executives of the state in that respect.

Although the specific issue of the terms of the resign-to-run law and deputy sheriffs has not been litigated as such, Parrish said he is of the opinion that the interpretation of the secretary of state is proper until the issue is decided by judicial means.

Pg 128

<http://news.google.com/newspapers?id=aBgMAAAAIBAJs&sjid=WF0DAAAIBAJs&pg=4234,1100872&dq=miller-newton+election&hl=en>