

RESOLUTION NO. 210036

A Resolution of the City Commission of the City of Gainesville, Florida urging the Florida legislature to permit ranked-choice voting in all jurisdictions; urging the Florida Secretary of State’s Division of Elections to issue an advisory opinion permitting ranked-choice voting elections in the City of Sarasota; urging the Division of Elections to adopt regulations supporting certification of election equipment and systems for ranked-choice voting elections; committing itself to consider revisiting City of Gainesville charter provisions incompatible with ranked-choice voting elections; providing directions to the City Clerk; providing directions to the City Manager; and providing an immediate effective date.

WHEREAS, Gainesville prides itself on being a city that is centered on its citizens; and

WHEREAS, the Gainesville municipal government is committed to innovation and efficiency in its elections; and

WHEREAS, ranked-choice voting (“RCV”) is a method of voting that allows voters to rank the candidates on their ballot in order of preference; and

WHEREAS, RCV is an improvement over the current system of voting and offers numerous benefits including that it (1) increases voter choice by eliminating the problem of spoilers and vote-splitting, (2) produces majority winners, (3) encourages more civil campaigning as candidates attempt to appeal to their rivals’ voters, (4) decreases partisan polarization, (5) increases voter participation and ensures that the broadest electorate weighs in at each election; (6) prevents the use of fraudulent candidates to siphon votes, and (7) saves money by eliminating runoff elections; and

WHEREAS, Section 1 of Article VI of the Florida State Constitution and Section 97.021(17) of the Florida State Statutes work together to prohibit the use of RCV in general elections for federal, state, county, and district offices; and

31 **WHEREAS**, Sections 100.061, 100.181, and 100.191 of the Florida State Statutes also
32 prohibit the use of RCV in partisan primary, special primary, and special elections; and

33 **WHEREAS**, Section 105.051 of the Florida State Statutes requires a majority winner in
34 all nonpartisan races (other than contests for municipal offices), and also requires a two round
35 runoff in the event that the first round of voting does not produce a majority winner; and

36 **WHEREAS**, Section 6 of Article VI of the Florida Constitution states that elections in
37 municipalities shall be provided by law, Section 100.3605(1) of the Florida State Statutes gives
38 municipalities freedom to choose how to conduct their elections as long as it doesn't conflict
39 with the Florida Election Code, and no law exists, in the Florida Election Code or otherwise, to
40 prohibit RCV in municipal elections; and

41 **WHEREAS**, the City of Sarasota passed RCV in 2007, but the Florida Department of
42 State, Division of Elections (the "Division") has refused to allow RCV elections to proceed; and

43 **WHEREAS**, the Division of Elections has failed to reply to a request for an advisory
44 opinion concerning the permissibility of using RCV in Sarasota elections, submitted on
45 December 9, 2019, even though the Division of Elections is required to do so in a timely manner;
46 and

47 **WHEREAS**, Section 2.04(2) of the City Charter of the City of Gainesville provides that
48 candidates for election to the City Commission and the office of the Mayor shall be elected by a
49 majority of votes, and if a candidate does not receive a majority of the votes cast for a particular
50 seat, a runoff election shall be held between the two (2) candidates for that seat receiving the
51 highest number of votes cast; and

52 **WHEREAS**, an increasing number of jurisdictions have adopted RCV, including state-
53 wide in Alaska and Maine, and in several large cities including New York City, San Francisco,
54 and the twin cities of Minneapolis and St. Paul; and

55 **WHEREAS**, The Gainesville City Commission believes adoption and implementation of
56 RCV will improve Gainesville’s elections, reducing costs to the taxpayer while providing results
57 that better reflect the will of the voters; and

58 **WHEREAS**, the Gainesville City Commission would ultimately like to see RCV
59 expanded statewide, and supports the removal of all barriers to RCV adoption.

60 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
61 **CITY OF GAINESVILLE, FLORIDA:**

62 **Section 1.** The Gainesville City Commission urges the Florida legislature to amend the
63 State Constitution and Florida State Statutes to allow for the implementation of RCV in all
64 elections of all governing bodies and jurisdictions, including for primary, special primary,
65 special and general elections for federal, state, county and district offices.

66 **Section 2.** The Gainesville City Commission urges the Division to release an advisory
67 opinion confirming that use of RCV is permissible in the City of Sarasota.

68 **Section 3.** The Gainesville City Commission urges the Division to modify its regulations
69 to prohibit the refusal of certification of election equipment, systems, or modules on the grounds
70 that they will be used to conduct RCV elections.

71 **Section 4.** The Gainesville City Commission will consider revisiting Section 2.04(2) of
72 the Gainesville Charter for amendments allowing for RCV elections in the event that the
73 Division permits RCV elections in the City of Sarasota.

74 **BE IT FURTHER RESOLVED**, that the City Clerk is directed to transmit a copy of
75 this resolution to the Division, the members of Alachua County’s State Legislative delegation,
76 Speaker of the House Chris Sprowls, and President of the Senate Wilton Simpson; and

77 **BE IT FURTHER RESOLVED**, that the City Manager is directed to provide a copy of
78 this resolution to the Florida League of Cities’ Municipal Administration Policy Committee.

79 This resolution shall become effective immediately upon adoption.

80 **PASSED AND ADOPTED** this 3rd day of June, 2021

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LAUREN POE
MAYOR

91 ATTEST:

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CITY CLERK