Legislative
200744

ORDINANCE NO. 200744

An ordinance of the City of Gainesville, Florida, amending Section 9-10 of the Code of Ordinances by creating additional requirements for candidate qualifying; providing for an additional qualifying fee or petition signatures in lieu of a qualifying fee; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Commission wishes to impose additional requirements upon candidates seeking to qualify for office to the City Commission; and

WHEREAS, in addition to the mandatory 1% election assessment required by section 99.093, Florida Statutes (2021), the City Commission wishes to add a 2% qualifying fee. In lieu of paying the qualifying fee, a candidate may choose the petition process of qualifying, which means a mayoral or at-large seat candidate must collect signatures of 1% of registered voters in the city and a district seat candidate must collect signatures of 0.25% of registered voters in the city; and

WHEREAS, the Supervisor of Elections of Alachua County is the custodian of city voter registration records; and

WHEREAS, section 9-6 of the Code of Ordinances allows the city clerk to contract with the Supervisor of Elections of Alachua County to serve as the registration and qualifying officer for the city; and

WHEREAS, the City intends to contract with the Supervisor of Elections to perform the service of verifying signatures; and

WHEREAS, the actual cost for the Supervisor of Elections to verify a signatures is 30 cents ($0.30) per signature. The City Commission only wishes to charge candidates 10 cents ($0.10) to verify a signature as part of the petition method of qualifying. The City will fund the

29 difference between the 10 cents per signature to be paid by candidates and the actual cost of the

30 Supervisor of Elections to verify signatures; and

31   **WHEREAS**, this Ordinance does not create a hardship exemption for the qualifying fee

32 or petition process cost; and

33   **WHEREAS**, at least ten (10) days' notice has been given once by publication in a

34 newspaper of general circulation notifying the public of this proposed ordinance and of public

35 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of

36 Gainesville; and

37   **WHEREAS**, public hearings were held pursuant to the notice described above at which

38 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

39   **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**

40 **CITY OF GAINESVILLE, FLORIDA:**

41   **Section 1.**   Section 9-10 of Chapter 9 of the Gainesville Code or Ordinances is amended

42 to read as follows:

43 **Sec. 9-10. - Qualifications of candidates for city commission.**

44 (a) Any person who meets the eligibility requirements described in Article II of the Charter

45   may become a candidate for the office of mayor or city commissioner of the city by filing

46   the necessary qualifying papers as provided in Florida Statutes with the registration and

47   qualifying officer for the city during the qualifying period.

48 (b) The qualifying period for a regular election shall coincide with the qualifying period

49   provided by general law to qualify for election to a county office.

50 (c) Election assessment; qualifying fee; petition process.

51   (1) Election Assessment. As a condition precedent to having the candidate's name printed

52   on the ballot for such election such person shall pay to the registration and qualifying

53   officer for the city the election assessment imposed by general law, or be exempted from

54   such payment of assessment pursuant to the provisions of general law.

55   (2) Qualifying fee or petition process. Commencing with the regular election in 2024, in

56   addition to the election assessment imposed by general law, as a condition precedent to

57   having the candidate's name printed on the ballot for such election such person shall pay

58   to the registration and qualifying officer for the city a qualifying fee or submit petition

59   signatures as set forth in this section.

60   a. Qualifying fee option. In addition to the election assessment, candidates shall

61   pay to the registration and qualifying officer for the city a qualifying fee of two

62   percent of the annual salary of the office sought.

63   b. Petition process option. In lieu of payment of the qualifying fee, a candidate

64   may collect signatures of registered voters on a petition form. Candidates who

65   seek to qualify through the petition process shall comply with the following

66   requirements:

67   1. Candidates must use the petition form required by the registration and

68   qualifying officer for the city.

69   2. Signatures may not be obtained until the candidate has filed the

70   appointment of campaign treasurer and designation of campaign

71   depository pursuant to state law and are valid only for the qualifying

72   period immediately following such filings.

73   3. Candidates for at-large seats or mayor must obtain the number of

74   signatures of registered voters of the city equal to at least one percent

75   (1%) of the total number of registered voters of the city, as determined by

76   the number of registered voters in the city in the last city regular election.

77   4. Candidates for district seats must obtain the number of signatures of

78   registered voters of the city equal to at least one-quarter of one percent

79   (0.25%) of the total number of registered voters of the city, as determined

80   by the number of registered voters in the city in the last city regular

81   election.

82   5. The candidate must submit petitions before noon of the 28th day preceding

83   the first day of the qualifying period for the office sought to the

84   registration and qualifying officer for the city. The candidate must pay in

85   advance the sum of 10 cents ($0.10) for each signature checked to the

86   registration and qualifying officer for the city.

87   6. The registration and qualifying officer for the city shall check the

88   signatures on the petitions to verify their status as voters in the city. The

89   city may contract with the Supervisor of Elections of Alachua County to

90   verify the petition signatures on behalf of the registration and qualifying

91   officer for the city. The city will bear the cost to verify signatures that

92   exceeds 10 cents ($0.10) per signature.

93   7. No later than the 7th day before the first day of the qualifying period, the

94   registration and qualifying officer for the city shall certify the number of

95   valid signatures.

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

96 (d) Any person who is seeking election as a write-in candidate shall not be required to pay ~~a~~

97   ~~filing~~ <u>an election assessment or qualifying</u> fee ~~or submit a petition~~. A write-in candidate

98   shall not be entitled to have the candidate's name printed on any ballot; however, space

99   for the candidate's name to be written in shall be provided on the ballot. No person may

100   qualify as a write-in candidate if the person has also otherwise qualified for election to

101   such office. All write-in candidates must submit their qualifying paperwork to the

102   registration and qualifying officer for the city by the end of the qualifying period set out

103   above.

104 (e) For purposes of determining the eligibility requirements of Article II of the Charter, a

105   person who resides in an area that is redistricted into another district (hereinafter the "new

106   district") shall be deemed to be a resident of the new district if the person resides

107   anywhere within the area that is placed in the new district for a period of not less than six

108   months prior to the date the person qualifies to run for office.

109   **Section 2**. It is the intention of the City Commission that the provisions of Section 1 of

110 this Ordinance shall become and be made a part of the Charter and the Code of Ordinances of the

111 City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be

112 renumbered or relettered in order to accomplish such intentions.

113   **Section 3**. If any word, phrase, clause, paragraph, section or provision of this ordinance

114 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

115 finding shall not affect the other provisions or applications of this ordinance that can be given

116 effect without the invalid or unconstitutional provision or application, and to this end the

117 provisions of this ordinance are declared severable.

118   **Section 4**. All ordinances or parts of ordinances in conflict herewith are to the extent of

119   such conflict hereby repealed.

120   **Section 5**. This ordinance shall become effective immediately upon adoption.

121   **PASSED AND ADOPTED THIS _____ DAY OF _____, 2022.**

122

123   _____
124   LAUREN POE
125   MAYOR
126
127
128   ATTEST: Approved as to form and legality
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130
131
132   _____   _____
133   OMICHELE D. GAINEY   DANIEL M. NEE
134   CITY CLERK   INTERIM CITY ATTORNEY
135
136
137   This ordinance passed on first reading this _____ day of _____, 2022.
138
139   This ordinance passed on second reading this _____ day of _____, 2022.
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