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3 **ORDINANCE NO. 200744**

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

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

13 **WHEREAS**, in addition to the mandatory 1% election assessment required by section  
14 99.093, Florida Statutes (2021), the City Commission wishes to add a 2% qualifying fee. In lieu  
15 of paying the qualifying fee, a candidate may choose the petition process of qualifying, which  
16 means a mayoral or at-large seat candidate must collect signatures of 1% of registered voters in  
17 the city and a district seat candidate must collect signatures of 0.25% of registered voters in the  
18 city; and

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

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

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

26 **WHEREAS**, the actual cost for the Supervisor of Elections to verify a signatures is 30  
27 cents (\$0.30) per signature. The City Commission only wishes to charge candidates 10 cents  
28 (\$0.10) to verify a signature as part of the petition method of qualifying. The City will fund the

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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 28<sup>th</sup> 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.

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96 (d) Any person who is seeking election as a write-in candidate shall not be required to pay a  
97 ~~filing an election assessment or qualifying 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 17th DAY OF February, 2022.**

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LAUREN POE  
MAYOR

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128   ATTEST:

Approved as to form and legality

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OMICHELE D. GAINNEY  
CITY CLERK

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\_\_\_\_\_  
DANIEL M. NEE  
INTERIM CITY ATTORNEY

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137   This ordinance passed on first reading this 3rd day of February, 2022.

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139   This ordinance passed on second reading this 17th day of February, 2022.

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