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City of Gainesville Policy Program Preliminary Research & Analysis

TOPIC: Candidate Qualification Requirements
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EXECUTIVE SUMMARY

Currently, to run for municipal office in the City of Gainesville, individuals must meet certain residency requirements, appoint a campaign treasurer, designate a campaign depository, file a statement of candidacy, and file a qualifying fee. This fee is 1% of the salary of the office sought, and is currently \$343.24 for those running in the 2020 election for City Commission. Generally, qualification fees to run for local office across the State of Florida range from 1%-6% of the annual salary of the office sought. The City of Gainesville has one of the lowest qualifying fees across the State of Florida, and its method of qualifying for elections is among the easiest in the State.

Some cities across the State of Florida have established additional options for individuals to qualify to run for office, namely allowing for the collection of signatures/petitions in place of paying the qualifying fee, or requiring the collection of petitions in addition to paying the qualifying fee.

Generally, in municipalities which utilize the petition method, candidates must collect signatures from 1% of the registered voter population in the district they are running in, in addition to paying a \$0.10 verification fee per signature. While this option does offer candidates the opportunity to get into the community and show a degree of community support, the method of qualification is frequently criticized for being outdated, expensive, and time-consuming. Beyond the \$0.10 verification fee per signature, which can become costly, candidates generally have to collect far more petitions than stated as necessary due to the high risk of bureaucratic errors within the petition collection process. With the additional resource-consuming nature of printing off and collecting petitions, candidates in jurisdictions which allow for the collection of petitions generally opt for paying the qualifying fee.

HISTORY/BACKGROUND INFORMATION

City of Gainesville/Alachua County

In order to run for local office in the **City of Gainesville**, candidates must meet certain residency requirements. For At-Large positions, each candidate must have been a resident of the City for a period of no less than 6 months prior to the date of qualifying to run for office. Those who are running for a District seat must be a qualified voter who has been a resident of the District in which they seek to be elected for a period of not less than 6 months prior to the date they qualify to run for office.¹ Additionally, those running for municipal office **must pay a qualifying fee equal to 1% of the salary of the office** they are running for, in addition to appointing a campaign treasurer, designating a campaign depository, and filing a statement of candidacy.² If the City of Gainesville were to increase their qualifying fee to be equal to 4% of the annual salary of the office being sought for non-partisan races, which is the same as Alachua County requirements, the qualifying fee would be roughly \$1,373. The 2020 City Commissioner qualifying fee was \$343.24.

The Gainesville Charter states that “candidates for election to the commission shall qualify in the manner prescribed by ordinance,” so **changing the manner in which individuals can qualify to run for municipal office may not require a charter amendment.**³

Those running for office in **Alachua County**, however, have the option of qualifying for office by paying the qualifying fee or by collecting signed petitions, as designated by State of Florida law. For those running for county-wide office, petitions may be signed by any registered voter in Alachua County, and individuals must collect **signatures equal to 1% of the registered voters** in the last election. Individuals must additionally pay an advance fee of 10 cents per petition verified. For the 2020 election, candidates would need to submit 1,810 signatures to qualify and advance the sum of \$181.00. If candidates choose to pay the qualifying fee instead, they must pay a fee equal to **6% of the salary of the office sought**, which includes the 2% party assessment fee. Individuals from a minor party or with no party affiliation pay a fee equal to 4% of the salary of the office sought.⁴ For the 2020 election, candidates would pay \$4,699.98 with the major party qualifying fee or \$3,133.32 if they are not affiliated with a party.

In both city and county elections, a candidate may file an oath of undue burden and be exempt from paying a qualifying fee.

State of Florida

State of Florida law designates the option of collecting petitions/signatures to qualify for office as an option to waive qualifying fees, so **candidates may be given the option to qualify via petition if they do not wish to pay the qualifying fee.** Florida law additionally states that a candidate must obtain the

¹<https://www.votealachua.com/Portals/Alachua/Documents/Qualifying/Candidate%20Qualifying%20Info%202018.pdf>

²<http://www.cityofgainesville.org/ClerkOfTheCommission/CityElections/InformationforCandidates.aspx>

³https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodeId=PTICHLA

⁴

<https://www.votealachua.com/Portals/Alachua/Documents/Candidate/2020%20Candidate%20information%20sheets/2020%20Qualifying%20Fees%20and%20Petition%20Method%20Information.pdf>

signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area. However, **candidates must pay a fee in advance of 10 cents per verified signature** in order to pay the municipality for the cost of verification.⁵

In order to verify signatures, city or county employees must ensure that the name and signature on the petition form matches the name, signature, and address of the individual's voter registration records. If any of these items do not match or are incorrect/unclear, the petition can be declared invalid. Additionally, the information on the card referencing the candidate running for office, including their name, party, and office sought, must be correct in order for the petition to be verified.⁶

Pros and Cons to Petitions

Those who support petition options for qualification argue that it enables candidates to show community support in ways beyond monetary contributions. Additionally, the process can save campaigns money if done effectively, and gives supporters and volunteers a way to get a candidate's name out. However, signing a petition for a candidate to qualify to run for office is not necessarily a statement of support of that candidate, and many successful petitioners simply stand in heavily trafficked areas and solicit signatures from passing individuals, rather than engaging with community members. Additionally, critics say that the process is inefficient and creates financial and bureaucratic barriers that go beyond the option of paying a qualifying fee. Beyond the time-consuming nature of collecting petitions, many petitions are thrown out due to administrative errors which require candidates to collect significantly more signatures than required by law. Petition counts can also be challenged by opponents in court (although this generally only happens in high profile races), costing candidates additional time and resources. The process of verifying signatures is said to require more work from city and county officials.

Finally, it is important to note that if qualification requirements are too high, candidates from disadvantaged populations, including women and people of color, may be discouraged from applying.⁷

PRELIMINARY RESEARCH AND FINDINGS

There are three methods of election qualification processes found in the State of Florida. One solely requires potential candidates to file a qualifying fee, generally equal to 1% or 6% of the annual salary of the office the candidate is seeking, as found in Gainesville, Hialeah, and Coral Gables. An additional method allows candidates to collect the signatures of at least 1% of the registered voters in the district they are running for office in lieu of paying the qualifying fee. In addition to the collection of signatures, the candidates must pay 10 cents per signature that is verified. These cities include Miami and Miami Beach, Jacksonville, Tampa, Tallahassee, and St. Petersburg. There are some additional cities, including Clearwater and Tarpon Springs, which require candidates to submit both petitions and a qualifying fee.

Qualifying Fee Alone

⁵ <https://dos.myflorida.com/media/699701/election-code-2017.pdf>

⁶ <https://dos.myflorida.com/media/693291/dsde104.pdf>

⁷ <https://www.un.org/womenwatch/osagi/wps/publication/Chapter6.htm>

Hialeah, Florida

In Hialeah, Florida, candidates must pay a **qualifying fee of \$100 and an Election Assessment of \$440** in order to qualify to run for office. These requirements are in addition to appointing a campaign treasurer, designating the campaign depository, filing a statement of candidate, candidate oath, and statement of financial interests.⁸

Coral Gables, Florida

In Coral Gables, any individual running for a municipal office must pay a **qualifying fee of \$200, in addition to an assessment fee of 1% of the salary of the office sought**. For those running for Mayor, this assessment fee is equal to \$388.70, and for those running for City Commission the assessment fee is equal to \$315.85. The City of Coral Gables does not utilize petition collection for municipal elections.⁹

Petitions in Lieu of Qualifying Fee

Miami Beach, Florida

In Miami Beach, individuals are able to qualify to run for office either by **paying a qualifying fee of \$100 in addition to an assessment fee equal to 1% of the annual salary of the office being sought or by collecting signatures from at least 1% of voters in the geographical area of the office being sought**.¹⁰

Miami Beach, Florida, illustrates many of the criticisms associated with the petition system. Miami Beach gives candidates the opportunity to either pay the qualifying fee or collect petitions. However, the majority of candidates chose to pay the qualifying fee, and many who chose the petition option did not obtain the petitions necessary to qualify.

For instance, three individuals declared candidacy for the mayoral position, and none chose to collect petitions in lieu of the qualifying fee. For City Commissioner Group IV, four individuals declared their candidacy. One of those individuals chose the petition option, however despite submitting 1,149 signatures, only 961 of those signatures were verified, and the individual failed to meet the 965 signatures required to qualify by petition. For City Commission Group V, none of the five individuals who declared their candidacy chose to qualify via petition. Finally, of the City Commissioner Group VI, two of the four individuals who declared their candidacy chose to qualify via petition, however only one of those individuals collected the number of signatures necessary. That individual collected 1,954 signatures, well above the 965 required, and ultimately 1,603 of those signatures were verified. Meanwhile, the other candidate who chose to qualify via petitions collected 1,143 signatures, however only 870 of those signatures were verified.^{11 12}

⁸ <https://www.hialeahfl.gov/DocumentCenter/View/9938/Candidate-and-Committee-Information>

⁹ <https://www.coralgables.com/departments/CityClerk/2019-election-home>

¹⁰

http://archive.miamigov.com/City_Clerk/Pages/Elections/CandidatesCommittee.asp#CANDIDATE_QUALIFYING_INFORMATION_NOVEMBER_7,_2017_GENERAL_MUNICIPAL_ELECTION

¹¹ https://www.voterfocus.com/CampaignFinance/candidate_pr.php?c=munmiamibeach&el=7

¹² <https://www.miamibeachfl.gov/wp-content/uploads/2019/09/Petition-Signature-Stats-for-Candidates-1.pdf>

City of Gainesville Policy Program Preliminary Research & Analysis Election Qualification Requirements

Jacksonville, Florida

In Jacksonville, Florida, to run for city-wide office the candidate must have been a resident in the district they are running for at least 183 consecutive days. Candidates then have the option to pay a qualifying fee or submit signed petitions. For petitions, **candidates need signatures from 1% of the registered voters** in the district they are running for, in addition to paying 10 cents per signature for verification. If candidates do not wish to collect petitions, **they are able to pay the qualifying fee, which is 6% of the annual salary** of the office that candidate is seeking. **For candidates with no party affiliation, the qualifying fee is 4% of the annual salary** of the office.¹³

The City of Jacksonville/Duval County does not track how many individuals do or do not use the petition process, although the Duval County Supervisor of Elections states that the process is used “frequently”.

Tampa, Florida

Candidates seeking municipal office in Tampa, Florida, additionally have the option of collecting petitions or paying the qualifying fee. In lieu of the qualifying fee, **mayoral candidates must collect petitions from 1% of the City of Tampa population**, while **City Council candidates must collect signatures of at least .25% of the City of Tampa population**. All candidates must pay 10 cents per petition to have the signature verified. **In place of this, candidates may pay the qualifying fee of 6% of the salary of the office**. For Mayoral candidates, this fee is equal to \$9,644, and for City Council candidates it is equal to \$2,774.¹⁴

According to the Hillsborough County Supervisor of Elections, 8-10 candidates generally attempt to qualify by petition, however only 2-3 succeed every election season.

Tallahassee, Florida

Tallahassee, Florida, has a similar system, where candidates can either pay the **qualifying fee of 1% of the annual salary** for city commissioners **or collect petitions from 1% of voters in the district sought**.¹⁵ In 2016 and 2018, all candidates who qualified for the Tallahassee City Commission did so by paying the qualifying fee. In those years, none of the qualified candidates qualified via petition.

Generally, the petition process is a less utilized option for the Tallahassee City Commission candidates relative to other candidates, due to the number of required petition signatures, the cost of petition verification, and the relatively low cost of paying the qualifying fee for the Tallahassee City Commission candidates. For instance, the qualifying fee for the City Commission candidates is \$395.88, while the minimum cost to verify petitions is \$139.20 (a \$0.10 fee for each of the 1,392 required petitions). However, this is the absolute minimum petition verification fee, as candidates need to collect many more petitions as many are inevitably found invalid. Additionally, there are costs such as printing the physical petition forms and the time and energy of collecting the petition forms.¹⁶

¹³ <https://news.wjct.org/post/mayoral-candidate-says-qualifying-process-doable-there-are-roadblocks>

¹⁴ <https://www.votehillsborough.org/CANDIDATES/City-of-Tampa-Candidates>

¹⁵

<https://www.leonvotes.org/Portals/Leon/Documents/Candidates/PDFs/2020/Election%20Information%20Sheet.pdf>

¹⁶ Stephen Uszok, Leon County Supervisor of Elections

City of Gainesville Policy Program Preliminary Research & Analysis Election Qualification Requirements

St. Petersburg, Florida

To run for City Council in St. Petersburg, individuals **must either pay a qualifying fee of \$150 or collect petitions with the signatures of no less than 500 qualified electors of the district** in which the candidate resides. To run for Mayor, individuals must pay a qualifying fee of \$250 or collect petitions with the signatures of no less than one thousand qualified electors who reside within City limits.¹⁷ According to the St. Petersburg City Clerk, no candidate has qualified to run for election via petition since 2017.

Petitions and Qualifying Fee

Clearwater, Florida

Individuals running for municipal office in Clearwater, Florida **must submit at least 250 petition cards, in addition to paying a qualifying fee of \$100 plus** an election assessment fee, which is equal to **1% of the salary of the office** being sought in order to qualify for office.¹⁸ Candidates running for office in Clearwater additionally only have 14 days to collect the 250 signatures, belonging to Clearwater residents who are registered to vote.

To the current City Clerk's knowledge, no candidate has been unable to pay the qualifying fee and submit the required petition cards to qualify for office. Although the office states that candidates would prefer the opportunity to pay a larger fee in lieu of petitions, candidates have always submitted the petitions required. However, the City Clerk's office does give 350 petition cards at no charge to candidates, while some other municipalities require candidates to print off their own petition cards.

Tarpon Springs, Florida

Tarpon Springs has a similar method of qualifying to run for municipal office as Clearwater, as **individuals must pay a filing fee, equal to \$25 plus a 1% State Assessment fee, in addition to collecting a minimum of 25 executive petition cards** from qualified electors.¹⁹

Last year, Tarpon Springs conducted a review of their Charter, and a city commissioner did ask members of the Charter Board to look into increasing the number of petitions required to be compatible with surrounding municipalities. After review, the Charter Revision Commission decided that increasing the number of petitions would not make candidates more qualified, and felt that historically the amount of petition cards and qualifying fee did not hinder individuals from running.

Outside of Florida

New York City, New York

New York City has received substantial criticism for their qualification requirements for local elections. In order to run for office, individuals must be at least 18 years old, a U.S. citizen and a state resident.

¹⁷<http://www.stpete.org/elections/docs/2021%20Forms%20and%20Fees%20Required%20To%20Qualify%20To%20Run%20For%20Office%20Final.pdf>

¹⁸ <https://www.myclarwater.com/government/city-departments/official-records-legislative-services/city-elections>

¹⁹ https://www.ctsfl.us/index_htm_files/CandidateInfo2019.pdf

City of Gainesville Policy Program Preliminary Research & Analysis Election Qualification Requirements

Additionally, individuals must be a resident of the district they are seeking to represent, and must not have violated federal draft laws. Those seeking to run for office must collect a minimum of 450 valid signatures, which must come from registered voters living in the district you want to run in, and if you are running in a primary or for particular party than those voters must also be registered to that party. If you are running as an independent, then any voter in the district can sign, however no voter can sign a petition for more than one candidate.²⁰

Similar to the petitions in the State of Florida, the petitions in New York City pose several opportunities for error, which discourages candidates from running for office. Additionally, campaigns with more resources challenge the petitions of individuals running against them, creating the need for campaigns to collect many more signatures than is required by law. Regardless of whether challenges are valid, they can tie campaigns up in court and cost tens of thousands of dollars.²¹

Los Angeles, California

In Los Angeles, California, individuals seeking to qualify to run for office must pay a fee and turn in at least 500 signatures from people registered to vote in the district where they are running for office. Of the 51 people who filed paperwork to run for City Council or school board in the 2020 election, 18 of them (35%) did not make it past the signature-gathering process. The City Clerk, whose office reviews the petitions, said the staff attributed the high failure rate to individuals turning in fewer signatures than in previous elections and waiting until the last minute to turn in petitions, preventing them from being able to collect more signatures once some were declared invalid.²²

PRELIMINARY COST/BENEFIT ANALYSIS

Costs

- Petition options add bureaucratic responsibility/take more time and resources from the City.
- Petition requirements can be very difficult for campaigns to fulfill.
- If petition is offered as an alternative to the fee, it is likely that nearly all individuals would choose the fee.
- Increasing the qualification fee to encourage candidates to collect petitions would put more strain on candidates.

Benefits

- Petition option offers individuals an opportunity to show a degree of community support.
- Can be less expensive for campaigns.
 - Depending on the qualifying fee/number of petitions required
- Can provide campaign exposure.

²⁰ <https://citylimits.org/2013/03/19/how-to-run-for-city-council/>

²¹ <https://www.nydailynews.com/new-york/queens/ballot-frustrating-inefficient-article-1.3289020>

²² <https://www.latimes.com/california/story/2020-01-09/election-ballot-signatures-los-angeles-2019>