

**Issue No. 3**  
**Conduct of Elections - Primaries**  
(City Charter – Related Laws, Article I, s. 1-1)

**Current Language**

*Sec. 120. - When regular municipal elections held; method and manner of holding special elections.*

*Effective March 1, 2003, regular municipal elections shall be held on the first Tuesday after the first Monday in November of each even numbered year. The municipal primary election for the nomination of mayor or commissioners, if necessary, shall be held on the same date as the State's Primary Election. The time of qualifying for municipal office shall be as provided by state law. The manner and times for city commission candidates seeking to qualify by petition shall be as provided by state law. The city commissioners shall by ordinance, that may not be inconsistent with this Charter, otherwise prescribe the method, manner and conduct of all elections of said city and may contract with the Supervisor of Elections of Leon County to conduct all or any part of said elections and for such purpose may furnish personnel, services and materials, including the services of the City Treasurer-Clerk and City Attorney to the Supervisor, without reimbursement.*

*(Laws of Fla. Ch. 27918(1951), § 1; Ord. No. 83-O-2102, § 1, 9-13-1983; Ord. No. 97-O-0054AA, § 3, 10-8-1997; Ord. No. 01-O-86AA, § 4, 1-23-2002; Ord. No. 04-O-46, § 3, 5-26-2004)*

City Ordinances, Ch. 7, Sec. 7-6(a) (formerly Sec. 2-26 in the 1983 code book)

*Sec. 7-6. - Primary election and unopposed candidates.*

*(a) If **two** or more persons qualify as candidates as provided for in section 7-5 for **any** of the places to be filled, then a municipal primary election shall be held for election...*

*(Code 1957, § 12-7; Code 1984, § 2-28; Ord. No. 83-O-2103AA, § 7, 9-13-1983; Ord. No. 91-O-0069AA, § 1, 1-8-1992; Ord. No. 96-O-0034, § 3, 12-11-1996; Ord. No. 99-O-0063, § 8, 11-23-1999; Ord. No. 04-O-46, § 7, 5-26-2004; Ord. No. 16-O-03AA, § 6, 2-24-2016)*

## Abbreviated History of modern City elections

### Standalone Winter Elections

For all of its history through the late 1990s, the City of Tallahassee held standalone elections, separated from state & federal elections. Municipal elections were held in February, with the regular election taking place on the 4<sup>th</sup> Tuesday in February of each election year. Prior to the general election, a primary was conducted. During this era, the time between the primary and regular election ranged from as little as one week prior to the regular election to as many as three weeks. This is a notable detail, as a longstanding objective was to have minimal lag between winning election and assuming office. In addition to having a short time between primary and regular elections, prior to 2004, there as a short time between election and installation. The winners of the regular election were sworn into office only three days after election day (*i.e. elected on the 4<sup>th</sup> Tuesday in February, and sworn in the Friday of that week*).

### Moving City Elections to Fall Elections

In the early 1990s, the Commission discussed moving city elections from February to some other date. Several reasons and arguments were made for (1) keeping city elections in February, (2) moving elections to May or some other summer period, or (3) moving city elections to the Fall, concurrent with countywide, state & federal elections.

Some considerations were:

- The city budget adoption cycle. The annual budget is adopted each September; those elected in February must become quick studies on city budgeting. Conversely, if there is an August primary, the city budget can be made into a campaign platform.
- With an August primary, a defeated candidate would still be in office and vote on a budget mere weeks before their term concludes.
- Voter turnout. Turnout is far greater at Fall elections than standalone Winter elections.
- Visibility of the candidates. City candidates have the limelight in standalone elections vs. competing for coverage/advertising if city elections are concurrent with county/state/federal races.
- Crowded ballots
- The gap between the primary and regular election. **A narrow gap provided insufficient time for the primary winners to voice their platform. But, a larger gap could cause an undesirable lame-duck period if a challenger beats the incumbent in the primary.**

These various aspects often presented conflicting results (e.g. standalone elections historically produced much lower voter turnout; however, standalone elections gave city candidates the local spotlight).

Ultimately, the Commission took action via City Ordinance 99-O-0063 in November 1999 to transition to Fall city elections. In 1999, there were 3 state-level Fall elections:

### Late 1990s – 2000 Era State Fall Election Model

September – First party primary (*9 weeks prior to the General*)

October – Second party primary (party primary runoff) (*5 weeks prior to General*)

November – General Election (*1<sup>st</sup> Tues. after 1<sup>st</sup> Monday in Nov.*)

Under this election model, the city primary election would be held in October and followed 5 weeks later by the city regular election in November. This 5-week gap was the narrowest gap available for a Fall election for spacing the primary and regular city elections. What once was a 3-week gap under city standalone elections became a 5-week gap with concurrent elections.

### **Fall elections were held in 2000 and 2002.**

#### Adjusting the City Primary

The 1999 ordinance also slightly changed the way the city primary is conducted. Prior to 1999, only races with three or more candidates were presented on a primary ballot. Under the new language in 1999, all contested races were to be placed on the primary ballot. As a result, the ballot for the primary election listed all races, regardless of whether there be two, three, or more candidates (exclusive of write-in candidates). If there was no outright winner at the “primary” election, the two candidates receiving the most votes in each race would advance to a “regular” election (except in cases of write-in candidates).

The origins of the 1999 ordinance date to 1952, just after the city commission was expanded from 3 members to 5 members. The 1952 language specified that if any race on the city ballot involved 3 or more candidates, then a primary would be necessary. If a primary was triggered, then all races would be listed on the primary ballot, including races with only 2 candidates. In effect, the 1999 ordinance change brought the city into alignment with state law governing non-partisan and non-county races such as judgeships and school board races (*see s. 105.051, F.S.*). It guarantees that 2-candidate races will always be finalized at the primary election. State law governing county races is different. For Leon County, 2-person county commission races go directly to the general election ballot. This is true for county elections even in years when three or more candidates are running for a specific seat. In those years, county races with three-plus candidates begin with a primary while those races with two candidates are conducted in the November general election.

**In reviewing historical election records, only two modern election cycles from 1980 through 1999 did not trigger a primary: 1980 & 1988.**

#### Return to Winter Elections; the Florida Election of 2000

After the Bush-Gore 2000 election in which Florida played a major role, the legislature overhauled much of the Florida Election Code, codified in Florida Statutes, Chapters 97 - 107. The post-2000 overhaul eliminated the second party-run-off (October) election, leaving the first party-primary (September) election as the only primary election. **This expanded the gap between election and installation to 11 weeks.** Due to this action by the Legislature, the Commission reverted back to Winter elections and

adjusted the terms of office of the sitting commissioners accordingly. The 2003 city elections occurred in February.

Return to Fall Elections; the 2004 City Charter Referendum

The City's return to Winter elections in 2003 sparked a citizen petition drive that successfully placed the election cycle question on the ballot in March 2004. Voters passed a City Charter amendment to require Fall municipal elections, to be held concurrent with state & federal elections. After passage, all subsequent city elections have been held concurrent with state & federal elections.

From Fall 2004 through Fall 2007, the state election model was:

September – Party primary (*9 weeks prior to the General*)  
November – General Election (*1<sup>st</sup> Tues. after 1<sup>st</sup> Monday in Nov.*)

From Fall 2008 onward, the state election model has been:

August – Party primary (*11 weeks prior to the General*)  
November – General Election (*1<sup>st</sup> Tues. after 1<sup>st</sup> Monday in Nov.*)

This change has resulted in the largest gap between a potential election victory and being sworn into office (nearly 3 months).

2004 Charter Referendum Ballot Question (election of 3/9/2004)

*Fall Municipal Elections for the City of Tallahassee*

*Requires holding the regular municipal election on the first Tuesday after the first Monday in November of each even numbered year and holding the municipal primary election, if necessary, on the same date as the State's September Primary. Provides for qualifying, and shortens terms for two seats filled in 2003 to coordinate terms with Fall elections, requires Commission to otherwise provide for conduct of elections.*

YES

NO

**City Elections – Statistical Summary 1980-2022**

- 29 election cycles have occurred with 60 individual races held
- 3 of 60 races had unopposed candidates (5%; all 2004-present; all incumbents)
- 10 of 60 faces had just two candidates (16.6%; exclusive of runoff contests)
- 6 of 10 two-person races have appeared on a primary ballot
- 4 of 10 two-person races have appeared on a regular election ballot
- 4 of 10 two-person races have occurred since 1999.
- 45 of 60 races had 3 or more candidates (75%)
- There has been 1 write-in candidate since 1980
- Only 1 candidate known to have used the petition method to qualify (2003)
- Of the 60 races, 52 appeared on the primary ballot, including six 2-person races
- Of the 52 primary races, half (26) resulted with a candidate outright elected at the primary
- Of the 26 primary races that went to a run-off, only 6 races resulted in a primary second-place-finisher prevailing at the runoff (88% of the time, the top vote-getter at the primary ultimately prevails)
- 3 cycles resulted in no municipal primary (1980, 1988, 2008)

## Observations

- Since 2004, there have been only 4 two-person races, occurring in 2006, 2014, 2016, & 2022. With the 1999 ordinance change, these races were required to appear on the primary ballot.
- Nearly half of city races are finalized at the primary. Finalizing a race at this stage ends many campaigning expenses for candidates and leads to closure of their financial reporting requirements. Moving 2-person races to the regular election would prolong these.
- County Commission races are non-partisan; 2-person county commission races go directly to the general election ballot (2004-present; *see County Charter s. 3-2(1)(A)*).
- Leon Co. School Board races are non-partisan and adhere to Ch. 105, F.S. (2-person races are settled at the primary; *see s. 105.051, F.S.*)
- Some believe that 2-person races should go directly to the regular election ballot.
- **The city repealed the filing fee that candidates formerly paid at the time of qualifying. These filing fees offset the cost of conducting municipal elections. With only the statutorily required 1%-of-salary election assessment fee in place (*see 99.093, F.S.*), there are few barriers for candidates to qualify. One viewpoint is the qualifying bar is too low, resulting in nonviable candidates on the ballot, causing crowded ballots. Strengthening qualifying standards may lead to more frequent 2-person races.**
- Write-in candidates are governed by s. 99.061(4)(b), F.S.
- Ranked-choice voting is prohibited by Florida law (s. 101.019, F.S.)
- s. 100.3605, F.S. (via s. 97.0115, F.S.) provides municipalities some flexibility with regards to how elections are structured. For example, some cities do not conduct primaries. Only one election is held, a winner-take-all model, where securing a plurality of votes cast results in victory. In Tallahassee, 88% of primary top-vote-getters later prevail at the regular election.
- Primary ties may occur. There is no Charter or code provision for how ties are to be settled, especially in case of a primary tie. **Absent a city-specific provision, the language of s. 105.051(1)(b) will prevail.**

## Attachments:

Attachment A – s. 105.051, F.S.

**105.051 Determination of election or retention to office.—****(1) ELECTION.—**In circuits and counties holding elections:

(a) The name of an unopposed candidate for the office of circuit judge, county court judge, or member of a school board shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general election.

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the primary election. If any candidate for such office receives a majority of the votes cast for such office in the primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

(c) The candidate who receives the highest number of votes cast for the office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

(2) **RETENTION.—**With respect to any justice or judge who qualifies to run for retention in office, the question prescribed in s. [105.041\(2\)](#) shall be placed on the ballot at the general election. If a majority of the qualified electors voting on such question within the territorial jurisdiction of the court vote for retention, the justice or judge shall be retained for a term of 6 years commencing on the first Tuesday after the first Monday in January following the general election. If less than a majority of the qualified electors voting on such question within the territorial jurisdiction of the court vote for retention, a vacancy shall exist in such office upon the expiration of the term being served by the justice or judge.

**History.—**s. 5, ch. 71-49; s. 38, ch. 77-175; s. 19, ch. 81-105; s. 632, ch. 95-147; s. 5, ch. 99-326; s. 4, ch. 99-355; s. 23, ch. 2005-286.

CITY OF TALLAHASSEE  
2024 CHARTER REVIEW COMMITTEE  
PAST ELECTION STATISTICS

YEAR	ELECTION	TURNOUT		NO. REGISTERED VOTERS	
		PRIMARY	REGULAR	PRIMARY	REGULAR
1980		-- NA --	31.2%		37,187
1981		23.3%	24.4%		
1982		34.4%	37.5%	42,849	42,970
1983	No city election this year	-	-		
1984					
1985		25.3%	30.3%		
1986		25.9%	**		
1987	Special election	18.9%	21.3%		
1988		-- NA --	32.8%		
1989		22.5%	26.4%		
1990		29.4%	**	60,707	
1991	No city election this year	-	-		
1992		33.9%	25.2%		
1993		20.4%	27.0%		
1994		23.8%	31.2%		
1995	No city election this year	-	-		
1996		15.0%	15.7%		
1997		23.5%	17.3%		
1998		17.3%	22.9%	90,442	90,652
Ord. 99-O-0063 (Nov. 1999) – Moving to Fall elections; Seat staggering changes					
2000	City elections held in <u>Oct</u> & Nov	31.3%	67.5% **	86,533	91,464
2003 ~	Elections moved back to Feb. 2003	32.7%	34.1%		
2004	City elections held in <u>Sept</u> & Nov	36.1%	79.6% ** (countywide)		
2006	City elections held in <u>Sept</u> & Nov	37.2%	61.2%	86,684	85,295
2008	City elections held in <u>Aug</u> & Nov	31.2% *	80.9% *	92,236	112,345
2010		32.8%	56.4%	101,292	104,163
2012		27.9%	75.2%		
2014		22.9%	52.4%		
2016		29.3%	72.6% **	124,141	134,240
2018		34.3%	63.1%		
2020		33.0%	62.3%		
2022		30.7%	53.0%	126,858	128,707

*Green shows highest turnout in each election, both before and after the 1999 change. Red is the lowest turnout.*

NA – In 1980 & 1988, no race on the city ballot contained three or more candidates. Each race had only two candidates. Therefore, the requirement to conduct a primary was not triggered. Therefore, the two candidates for each race advanced directly to the regular election ballot.



~ Due to the legislature abolishing the 2<sup>nd</sup> party primary in formerly was held in October, the City reverted back to standalone elections for 2003. In early 2004, a ballot referendum required city elections to be held concurrent w/ State & Federal elections.

\* - Seat 1 race was a single qualified candidate vs. a write-in. Per the Florida Election Code, this race went directly to the regular election ballot. Given the regular election ballot had only one name (Mustian), many voters appear to have declined to cast a vote in that race. 80.9% of registered city voters cast a ballot, but only 62.3% of registered city voters voted in the Seat 1 race. The other race that cycle was not on the ballot as it was an unopposed race.

\*\* - All races final at first election. No run-off required.

2000 - US Presidential Election (Bush v. Gore)  
 2004 - US Presidential Election (Bush v. Kerry)  
 2006 - Florida Gubernatorial Election (Christ v. Davis)  
 2008 - US Presidential Election (Obama v. McCain)  
 2010 - Florida Gubernatorial Election (Scott v. Sink)  
 2012 - US Presidential Election (Obama v. Romney)  
 2014 - Florida Gubernatorial Election (Christ v. Scott)  
 2016 - US Presidential Election (Clinton v. Trump)  
 2018 - Florida Gubernatorial Election (DeStantis v. Gillum)  
 2020 - US Presidential Election (Biden v. Trump)  
 2022 - Florida Gubernatorial Election (Christ v. DeStantis)

Other Elections notables			
2004	Charter Referendum (Fall elections) (on <u>March</u> PPP ballot)		20.4%
2014	Charter Referendum (Ethics Board)		52.4%
2018	Charter Referendum (Ethics Board)		63.1%

## Contents

1: Turnout in Primary Versus General Elections .....	2
2: Differences in Party Participation in Primary Versus General Elections .....	3
Appendix A: Full size Chart #1 .....	5

### 1: Turnout in Primary Versus General Elections

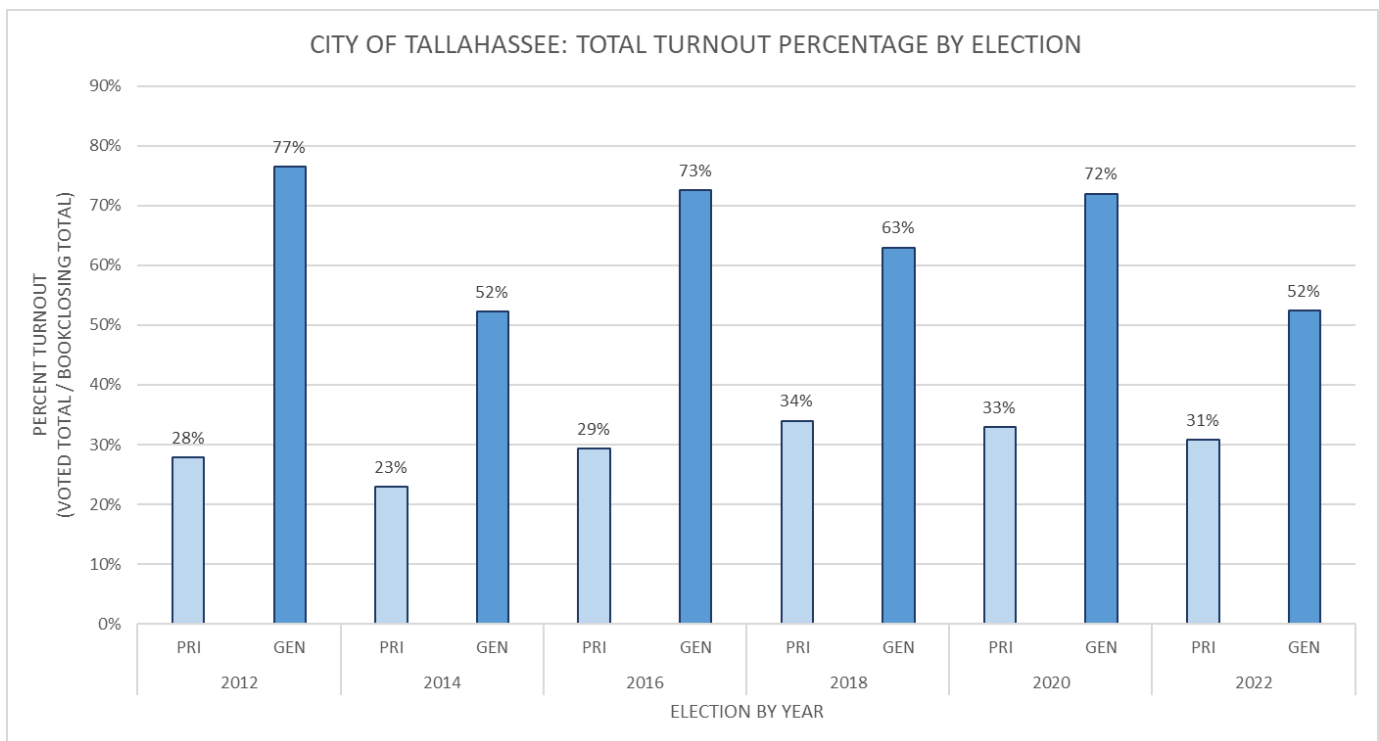
Turnout for City of Tallahassee voters was about double in the General Election compared to the Primary election for that year.

- The average turnout percentage for Primaries was: 30% (mean), 30% (median)
- The average turnout percentage for Generals was: 65% (mean), 68% (median)

Table 1: Turnout from 2012 – 2022

TURNOUT: CITY WIDE, ALL DEMOGRAPHICS			
ELECTION	BOOKCLOSING TOTAL (NO. VOTERS)	TURNOUT (NO. VOTERS)	TURNOUT % (NO. VOTERS / BC TOTAL)
2012 PRI	107560	30001	28%
2012 GEN	121932	93337	77%
2014 PRI	118240	27075	23%
2014 GEN	122763	64092	52%
2016 PRI	124177	36390	29%
2016 GEN	134240	97451	73%
2018 PRI	133501	45731	34%
2018 GEN	139173	87909	63%
2020 PRI	137376	45311	33%
2020 GEN	140197	101424	72%
2022 PRI	126962	39112	31%
2022 GEN	128707	67540	52%

Chart 1: Turnout from 2012 – 2022



## 2: Differences in Party Participation in Primary Versus General Elections

Unaffiliated voters (voters registered with no party affiliation (NPA) or other minor parties) routinely make up significantly less of the voting population than they constitute in the population of eligible voters at the time of book closing for the election. Voters registered with either of the major political parties vote proportionately to their population in the total number of registered voters.

In General Elections, unaffiliated voters participate proportionately to their demographic total in the voting population at book closing. Unaffiliated voters turn out about as much as expected on average, like major party affiliated voters.

- The average turnout for DEM voters in Primaries was: 35% (mean), 35% (median)
- The average turnout for REP voters in Primaries was: 33% (mean), 34% (median)
- The average turnout for unaffiliateds in Primaries was: 12% (mean), 12% (median)
- The average turnout for DEM voters in Generals was: 68% (mean), 71% (median)
- The average turnout for REP voters in Generals was: 71% (mean), 73% (median)
- The average turnout for unaffiliateds in Generals was: 51% (mean), 54% (median)

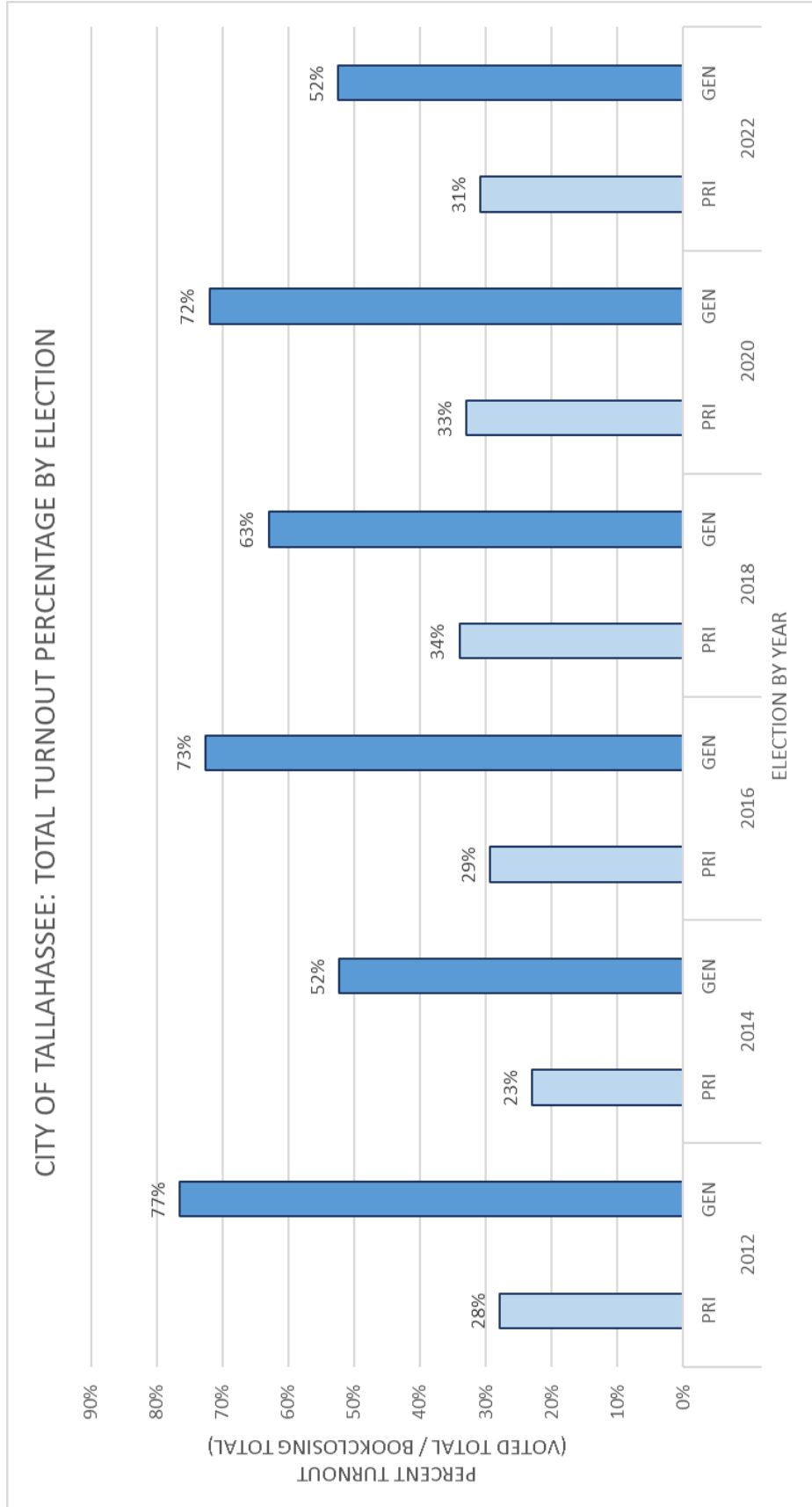
In Primaries, unaffiliated voters made up a relatively smaller proportion of the participating voters than expected compared to their proportion of all registered, eligible voters at the time of book closing.

- Primary:
  - DEM = 66% of participating voters, 56% of registered voters
  - REP = 26% of participating voters, 23% of registered voters
  - Unaffiliated = 8% of participating voters, 21% of registered voters
- General:
  - DEM = 58% of participating voters, 58% of registered voters at book closing
  - REP = 25% of participating voters, 24% of registered voters at book closing
  - Unaffiliated = 17% of participating voters, 23% of registered voters

Table 2: Turnout by Party Registration from 2012 – 2022

TURNOUT: CITY WIDE, PARTY DEMOGRAPHICS						
ELECTION	PARTY	BOOKCLOSING TOTAL (NO. VOTERS)	TURNOUT (NO. VOTERS)	TURNOUT % (NO. VOTERS / BC TOTAL)	PARTY % OF VOTERS	PARTY % AT BOOKCLOSING
2012 PRI	DEM	61343	18811	31%	63%	57%
2012 PRI	REP	26597	9117	34%	30%	25%
2012 PRI	NPA & OTHER	19620	2073	11%	7%	18%
2012 GEN	DEM	68621	54337	79%	58%	56%
2012 GEN	REP	29152	23129	79%	25%	24%
2012 GEN	NPA & OTHER	24159	15871	66%	17%	20%
2014 PRI	DEM	65800	17667	27%	65%	56%
2014 PRI	REP	27985	7285	26%	27%	24%
2014 PRI	NPA & OTHER	24455	2123	9%	8%	21%
2014 GEN	DEM	67476	37005	55%	58%	55%
2014 GEN	REP	28713	16997	59%	27%	23%
2014 GEN	NPA & OTHER	26574	10090	38%	16%	22%
2016 PRI	DEM	69694	23729	34%	65%	56%
2016 PRI	REP	29875	10201	34%	28%	24%
2016 PRI	NPA & OTHER	24608	2460	10%	7%	20%
2016 GEN	DEM	74524	55624	75%	57%	56%
2016 GEN	REP	31596	24854	79%	26%	24%
2016 GEN	NPA & OTHER	28120	16973	60%	17%	21%
2018 PRI	DEM	73511	30265	41%	66%	55%
2018 PRI	REP	31043	11526	37%	25%	23%
2018 PRI	NPA & OTHER	28947	3940	14%	9%	22%
2018 GEN	DEM	76728	52044	68%	59%	71%
2018 GEN	REP	31714	21092	67%	24%	29%
2018 GEN	NPA & OTHER	30731	14773	48%	17%	28%
2020 PRI	DEM	78742	31011	39%	68%	57%
2020 PRI	REP	29732	10140	34%	22%	22%
2020 PRI	NPA & OTHER	28902	4160	14%	9%	21%
2020 GEN	DEM	80001	59473	74%	59%	57%
2020 GEN	REP	30216	23926	79%	24%	22%
2020 GEN	NPA & OTHER	29980	18025	60%	18%	21%
2022 PRI	DEM	71293	25635	36%	66%	56%
2022 PRI	REP	27131	9467	35%	24%	21%
2022 PRI	NPA & OTHER	28538	4010	14%	10%	22%
2022 GEN	DEM	71613	38858	54%	58%	56%
2022 GEN	REP	27423	17790	65%	26%	21%
2022 GEN	NPA & OTHER	29671	10892	37%	16%	23%

### Appendix A: Full size Chart #1



22 Primary Turnout

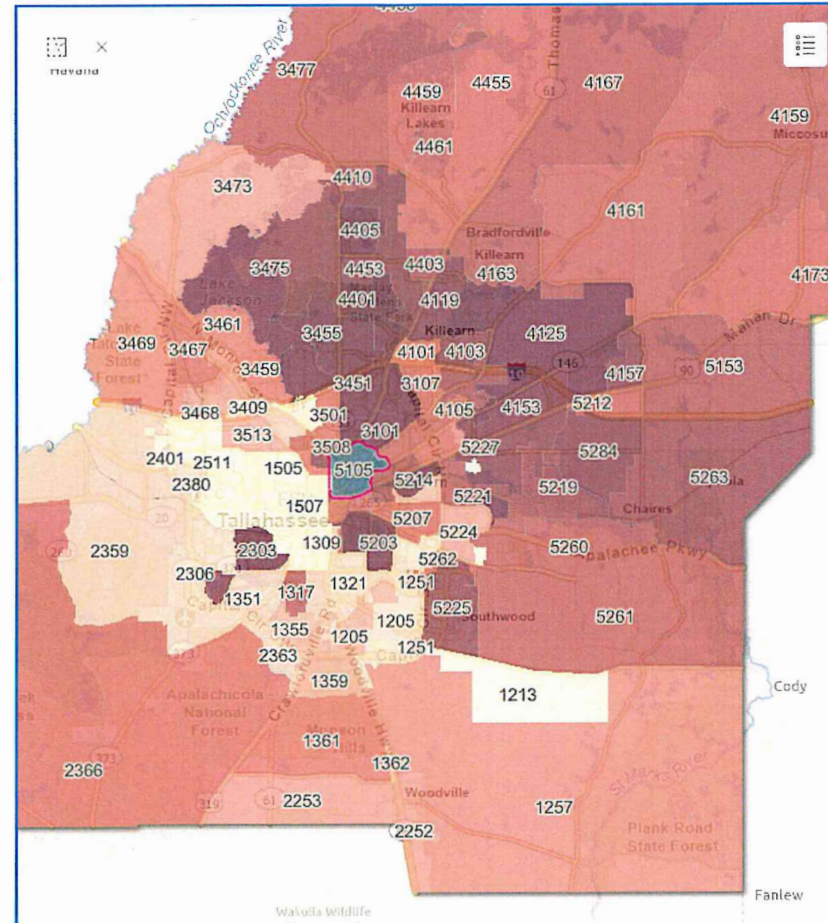
PRECINCT	5105
Precinct Turnout %	53.1
Total Eligible Voters	3,258
Black Eligible	204
Black Turnout %	40.7
DEM Eligible	1,807
DEM Turnout %	61.0
Hispanic Eligible	117
Hispanic Turnout %	34.19
NPA Eligible	555
NPA Turnout %	32.6
REP Eligible	844
REP Turnout %	50.7
White Eligible	2,760
White Turnout %	55.9



2022 General Turnout

PRECINCT	5105
Precinct Turnout %	71.8
Total Eligible Voters	3,311
Black Eligible	201
Black Turnout %	60.2
DEM Eligible	1,831
DEM Turnout %	76.3
Hispanic Eligible	117
Hispanic Turnout %	60.7
NPA Eligible	575
NPA Turnout %	56.5
REP Eligible	849
REP Turnout %	73.9
White Eligible	2,808
White Turnout %	73.6

2022 Primary Precinct Turnout Percentage



22 General Precinct Turnout Percentage

