

ORDINANCE NO. 027-25

Introduced by _____ Councilor

Seconded by _____ Councilor

Form Approved ADG Director of Law

PUBLICATION: I hereby certify that this Ordinance was published in a summary manner according to law in the Lima News on _____

Dana Addis, Clerk

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON						
WILKERSON						
THOMPSON						
JORDAN						
JONES						
GLENN						
NEEPER						
DIXON						
TOTAL						

AN ORDINANCE ENACTING CHAPTER 209 OF THE CODIFIED ORDINANCES OF LIMA REGARDING ELECTIONS.

PREAMBLE: The purpose and authority of and for this ordinance are set forth as follows:

WHEREAS, legislation has been authorized to enact Chapter 209 of the Codified Ordinances of the City of Lima, regarding elections; and,

WHEREAS, Council finds that passage of this ordinance is necessary because of the immediate need for the action authorized herein to meet administrative operational deadlines, and in order to preserve the public peace, property, health, safety, and welfare of the community and its citizens, and to provide for the efficient and effective operation of the municipal government, and by reason thereof, this Ordinance constitutes a matter of administrative emergency and shall take effect immediately upon its passage, as set forth in Section 33 of the City Charter; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIMA, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. Chapter 209 of the Codified Ordinances of Lima, Ohio, is hereby enacted as follows:

CHAPTER 209 – ELECTIONS

209.01 AUTHORITY; PURPOSE; CONFLICTS; SEVERABILITY

(A) The authority for the ordinance enacting this Chapter, and all subsequent amendments hereto is derived from Lima City Charter § 15, and the Ohio Constitution Article XVIII, Section 7. The Lima City Council hereby finds and declares this Ordinance and the provisions in this Chapter, to be entirely a matter of local self-government, and enacted pursuant to the City’s Home Rule Authority under Article XVIII, Section 7 of the Ohio Constitution.

(B) The purpose of this Chapter is to clarify and complement certain election requirements and procedures, as set forth herein, in accordance with the authority granted under the City Charter § 15.

(C) Nothing herein is intended or shall be construed to be in conflict with any provision of the City Charter. In the event a court of competent jurisdiction does determine that any part of this Chapter is in conflict with any part of the City Charter, then the provision of this Chapter determined to be in conflict shall be deemed to be null and void, but the remainder of this Chapter not in conflict with the Charter shall remain in force and effect.

209.02 RESIDENCY REQUIREMENT

(A) Candidates for election to a city-wide office must be a resident and elector of the City, for at least six (6) months before the last date on which nominating petitions can be filed for the primary election for that office.

(B) Candidates for election to a City Ward office must be a resident and elector of the Ward for at least six (6) months before the last date on which nominating petitions can be filed for the primary election for that office.

(C) Candidates and office holders must maintain such residency and qualification as an elector at all times during their candidacy and thereafter during their term of office.

(1) Any elected official who fails to maintain residency and qualification as an elector during their term of office shall be deemed to have forfeited the office, as determined by ordinance of council pursuant to City Charter section 29 and/or section 32.

209.03 RESIDENCY DETERMINATION

(A) Council hereby determines and defines the terms “residence” or “residency” or “resident,” or any derivative term thereof, to mean the place where the person actually continuously lives or has lived during the applicable period of time.

(B) All Allen County Board of Election officials, or other applicable election officials, acting pursuant to this Chapter in determining the residence of a person seeking to be a candidate for elective office in the City of Lima, shall consider the following:

(1) By virtue of submitting a Nominating Petition for candidacy of any elective office, the candidate thereby certifies that he or she meets the applicable residency requirements, and has established a rebuttable presumption in favor of the determination of residency.

(2) Any resident and elector in the City may file a challenge to a candidate’s residency with the Allen County Board of Elections, at any time no later than 60 days prior to the primary or general election for that office.

(i) The Board of Elections shall hold a quasi-judicial hearing, consisting of 2 parts, to determine the validity of the challenge. The burden of production and the

burden of persuasion rests with the challenger to demonstrate beyond a reasonable doubt that the candidate does not meet the residency requirement. All parties may represent themselves or be represented by a licensed attorney at law. If there is more than one challenge filed regarding the same candidate the Board, in its discretion, may hear all challenges together in one hearing, or hold a separate hearing for each challenge.

(ii) At the hearing the challenger must first introduce evidence, subject to cross-examination by the candidate, which the Board admits into the record and upon which the Board makes an initial finding that the evidence is sufficiently reliable to create a reasonable doubt about whether the candidate does meet the residency requirement.

(a) If the Board determines the challenger has failed to meet this initial burden, the Board shall issue a finding that the challenger has failed to meet the initial burden of proof, deny the challenge as being unsupported by the evidence admitted, and dismiss the challenge. The challenger may not file any further challenge as to the subject candidate.

(b) If the Board determines the challenger has met the initial burden of proof then the Board shall hold part 2 of its hearing to allow the candidate the opportunity to present evidence, subject to cross examination by the challenger.

(iii) A candidate must provide evidence relating to all of the following 3 factors to be considered as evidence of the person's residency. Evidence supporting the 3 following factors shall be considered to be prima facie evidence of a person's residency inside the City, and Ward as applicable, as required by the City Charter:

- (a) The address used on the person's driver's license.
- (b) The address used by the person for voter registration.
- (c) The address used by the person for federal, state, and Lima income tax filings.

In addition to the evidence set forth above, a candidate must provide evidence relating to at least 2 of the following 4 factors to be considered as evidence of the person's residency.

- (d) The address where the person owns or rents a place to live, as shown by deed, lease, insurance policy, or other substantive governmental or legal document.
- (e) The address used by the person to receive mail.
- (f) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence.

(g) The address used on the person's driving record from the Ohio Bureau of Motor Vehicles showing an address within the boundaries of the City.

(C) The Allen County Board of Elections shall issue a written decision which summarizes the nature and scope of the challenge, and the Board's findings and conclusions thereon.

(D) The candidate or challenger may file an appeal from the Board decision to the appropriate court of jurisdiction, in accordance with state law.

Section 2. Council finds and determines that the above preamble contains specific findings by Council as part of and in support of passage of this Ordinance, and that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

Section 3. Council passes this Ordinance under authority of City Charter Sections 1 and 81, and Chapters 212 and 288 of the Codified Ordinances of Lima, as being a matter of local self-government and in the exercise of its constitutional Home Rule authority, and as otherwise in the best interests of the City.

Section 4. The Clerk of the Council is authorized and directed to cause publication of this ordinance to be made in a summary manner as provided by the City Charter.

Section 5. In accordance with City Charter Section 33, and for the reasons set forth in the Preamble above, this ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it does not so pass at first reading, it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it does not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2025

Jamie L. Dixon, President

Approved: _____, 2025

Sharetta T. Smith, Mayor

ATTEST: _____
Dana Addis, Clerk of Council