

Article II, Section 2 – Requiring a Person to Reside in a Ward for a Minimum of Six Months in order to be an Eligible Candidate for a Councilmember Position.

Background:

Currently, in Article II Section 2, the Norman Charter requires that a councilmember candidate reside in Norman for six months prior to filing for office. There is not a specific ward residency requirement in the Charter at this time. A ward residency requirement for councilmember candidates has not been considered by past CRCs. The proposed change first appeared in the Resolution No. R-1819-66 drafted in December of 2018.

A chart comparing Norman’s current ward residency requirement with other cities’ policies was provided to the CRC for review at its August 12, 2019 meeting. The Committee discussed whether requiring a candidate to live in the ward for six months was too long, but most members expressed support for the requirement, citing the ability to know the ward better the longer one has lived in the ward. Concern was expressed, however, that in the case of reapportionment, someone could have lived in a neighborhood for more than six months, but be ineligible to serve merely because the Ward boundaries changed. In Article XX, Section 5 of the Charter, it states that in the case of reapportionment, “the new wards and boundaries will supersede the previous wards and boundaries for the next primary and general election, and for all other purposes on the day on which the terms of the Councilmembers elected that year begin.”

Some committee members also asked whether it was possible to define residency and/or domicile. Although it is difficult to find a definition of residency in a similar context, Oklahoma courts have recognized that the term “resident” is not an ambiguous term, that is, its meaning is clear to a layperson. *Shelter Mutual Insurance Company v. American Hallmark Insurance Company of Texas*, 330 P.3d 1229 (Okla. Civ. App. 2014). Black’s Law Dictionary defines “residence” as living or dwelling in a certain place permanently or for a considerable length of time. By its plain reading, language requiring residency in the ward for 6 months would mean living or dwelling in a location within the ward for 6 months. Conversely, Black’s Law Dictionary defines “domicile” as the place at which a person is physically present and that the person regards as home; a person’s true, fixed, principal, and permanent home, to which that person intends to return and remain even though currently residing elsewhere.

At its September 9, 2019 meeting, the CRC voted unanimously to recommend the proposed language set forth below.

Language adopted by the CRC:

Section 2. - Term of office.

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For purposes of filing and election to the positions of City Council, only persons who have been duly registered to vote in accordance with state law within the City of Norman and reside within the ward for which they seek election for the six months prior to the date of the municipal election ~~and reside in the ward from which they seek election, on the date of their filing,~~ shall

be eligible to seek election to the City Council. If a candidate's ward designation has changed in the six months prior to the election due to reapportionment, then the requirement of six months durational residency shall be waived, although the candidate is still required to live in the newly established boundaries of the ward for which he or she seeks office.

For the purpose of filing and election to the position of Mayor, only persons who have been duly registered to vote in accordance with state law within the City of Norman for the six months prior to the date of the municipal election, shall be eligible to seek election as Mayor.