

**TOWN OF OPHIR
ORDINANCE 97-2**

AN ORDINANCE PROVIDING QUALIFICATIONS FOR THE ELECTORS OF THE TOWN OF OPHIR AND OF THE GENERAL ASSEMBLY

WHEREAS, the Home Rule Charter of the Town of Ophir provides in Article I, section 6 that:

“The general Assembly shall be the sole judge of the elections and qualifications of its own members.”

WHEREAS, the General Assembly desires to provide the qualifications of those persons who shall be permitted to vote in Town elections;

WHEREAS, the General Assembly also desires to provide the qualifications of those persons who shall be its own members;

WHEREAS, the Town of Ophir finds that providing qualifications of the voters of the Town of Ophir and the members of the General Assembly is a matter of local concern;

WHEREAS, the Town of Ophir finds that codifying the qualifications of the voters of the Town of Ophir and the qualifications of the members of the General Assembly will benefit the health, welfare and safety of the citizens of the Town of Ophir.

NOW THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR THAT:

- I. Section 1: Qualifications of Electors of the Town of Ophir.
 - A. Every person who has attained the age of eighteen years and who possesses the following qualifications is entitled to register to vote in the Town of Ophir elections:
 - (1) that he or she is a citizen of the Unites States; and,
 - (2) that he or she has resided in the Town of Ophir for thirty days immediately preceding the election at which the person offers to vote.
 - B. No person confined in any public prison is entitled to register or to vote at any regular or special election. Every person who was a qualified elector prior to such imprisonment and who is released by pardon or by having served his full term of imprisonment shall be vested with all the rights of citizenship except as otherwise provided in the state constitution.
 - C. The judges of election, in determining the residence of a person offering to vote, shall

be governed by the following rules, so far as they may be applicable:

- (1) The residence of a person is the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence. In determining what is a principal or primary place of abode of a person, the following circumstances relating to such person may be taken into account: Business pursuits, employment, income sources, residence for income or other tax purposes, age, marital status, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, and motor vehicle registration.
- (2) A person shall not be considered to have lost his residence if he leaves his home and goes into another state or territory or another county or municipality of this state merely for temporary purposes with an intention of returning.
- (3) A person shall not be considered to have gained a residence in this state or in any municipality in this state while retaining his home or domicile elsewhere.
- (4) If a person moves to any other state or territory with the intention of making it his permanent residence, he shall be considered to have lost his residence in the municipality from which he moved.
- (5) If a person moves from one municipality in this state to any other municipality in this state with the intention of making it his permanent residence, he shall be considered and held to have lost his residence in the municipality from which he moved.
- (6) (a) For the purpose of voting and eligibility to office, no person is deemed to have gained a residence by reason of his presence or lost it by reason of his absence while in the civil or military service of this state or of the United States, nor while a student at any institution of higher education, nor while kept at public expense in any public prison or state institution unless the person is an employee or a member of the household of an employee of such prison or institution.

(b) The provisions of paragraph (a) of this subsection (6) notwithstanding, no person otherwise qualified under the provisions of this article shall be denied the right to vote at any municipal election solely because he is a student at an institution of higher education if such student, at any time when registration is provided for by law, files with the county clerk and recorder a written affidavit under oath, in such form as may be prescribed, that he has established a domicile in this state, that he has abandoned his parental or former home as a domicile, and that he is not registered as an elector in any other municipality of this state or of any other state. The fact that such affidavit has been filed shall be noted in the registration book.

(c) No provisions of this subsection (6) shall apply to the determination of residence or non-residence status of students for any college or university purpose.

2. Section 2. Qualifications of the Members of the General Assembly.

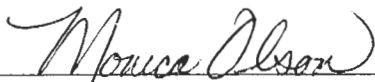
A. Qualified Member of the General Assembly. Any person who is qualified to vote in the elections of the Town of Ophir, pursuant to Section 1 of this Ordinance and who has registered with the Town Clerk of the Town of Ophir, as provided below in Paragraph B of this Section, is qualified to be a member of the General Assembly of the Town of Ophir.

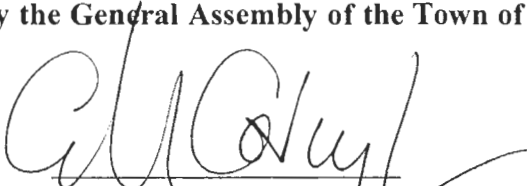
B. Registration of Qualified Members of the General Assembly. In order to register as a qualified Member of the General Assembly, on or before December 1, 1997 of each year a person must either

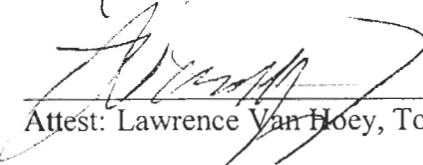
- (1) vote in a regular or special election of the Town of Ophir; or
- (2) register in person with the clerk of the Town of Ophir at any regularly scheduled monthly General Assembly meeting.

FIRST READING INTRODUCED, HEARD, AND APPROVED by the General Assembly of the Town of Ophir on this 15th day of April, 1997.

SECOND READING HEARD AND APPROVED by the General Assembly of the Town of Ophir on this 20th day of May, 1997.


By: Monica Olson, Town Mayor


Approved as to Form:
Elizabeth M. Covington, Town Attorney


Attest: Lawrence Van Hoey, Town Clerk