



Louisville Metro Government

Legislation Text

File #: R-195-18, Version: 3

RESOLUTION NO. _____, SERIES 2018

A RESOLUTION REQUESTING THE ATTORNEY GENERAL OR AND THE JEFFERSON COUNTY COMMONWEALTH'S ATTORNEY TO INITIATE A USURPATION ACTION AGAINST REVIEW THE STATUS OF COUNCIL MEMBER VITALIS LANSHIMA AS THE COUNCIL MEMBER OF DISTRICT 21 (AS AMENDED).

**SPONSORED BY: COUNCIL PRESIDENT DAVID JAMES AND
COUNCIL MEMBER KEVIN KRAMER**

WHEREAS, the Government Oversight, Audit & Ethics Committee ("GOAEC") of the Legislative Council of the Louisville/Jefferson County Metro Government ("Metro Council") held a committee meeting on October 3, 2018, to explore the potential for an investigation into Council Member Vitalis Lanshima;

WHEREAS, at that Committee meeting, members of the GOAEC requested opinions from the Jefferson County Attorney concerning the eligibility of Council Member Lanshima to serve the Metro Council given his registration to vote and candidacy for office outside of Kentucky and members of the GOAEC requested that Council Member Lanshima provide documentation to the Jefferson County Attorney for review;

WHEREAS, the GOAEC received an opinion from the Jefferson County Attorney's Office on October 19, 2018, advising that Council Member Lanshima is no longer eligible to serve in the position of Council Member under Kentucky Revised Statute ("KRS") § 67C.103(6);

WHEREAS, the eligibility requirements established in KRS § 67C.103(6) require a Council Member to be "at least eighteen (18) years old, a qualified voter, and a resident within the territory of the consolidated local government and the district that he or she seeks to represent for at least one (1) year immediately prior to the person's election. A council member shall continue to reside within

the district from which he or she was elected throughout the term of office[;]”

WHEREAS, Council Member Lanshima registered to vote in Nigeria on July 3, 2018, as acknowledged by Council Member Lanshima;

WHEREAS, Section 145 of the Kentucky Constitution states that a person entitled to vote (i.e. a “qualified voter”) “shall be a voter in [the] precinct [in which he resides] and not elsewhere” and voter registration requirements in Kentucky include the requirement to not claim the right to vote outside of Kentucky;

WHEREAS, Council Member Lanshima invalidated his status as a qualified voter in Kentucky when he registered to vote in Nigeria on July 3, 2018, which means he is no longer qualified to hold office as a Metro Council Member under KRS § 67C.103(6);

WHEREAS, KRS § 415.060 states: “A person who continues to exercise an office after having committed an act, or omitted to do an act, the commission or omission of which, by law, creates a forfeiture of his office, may be proceeded against for usurpation thereof[;]”

WHEREAS, Kentucky law provides a statutory process for either the Kentucky Attorney General (KRS § 415.050) or the Jefferson County Commonwealth’s Attorney (KRS § 415.040) to initiate a usurpation action against Council Member Lanshima;

WHEREAS, Metro Council asks the Kentucky Attorney General and the Jefferson County Commonwealth’s Attorney to review the eligibility of Council Member Lanshima to continue serving as Council Member for Metro Council District 21, taking into consideration Council Member Lanshima’s status as a dual citizen of the United States and Nigeria and court precedents dealing with dual citizens, and giving Council Member Lanshima an opportunity for input and to initiate action if that office deems it appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“METRO COUNCIL”) AS

FOLLOWS:

SECTION I: The Metro Council requests that the Kentucky Attorney General and the Jefferson County Commonwealth's Attorney review the eligibility of Vitalis Lanshima to continue serving as Council Member for Metro Council District 21 and to initiate ~~usurpation proceedings~~ any action against Council Member Lanshima under KRS § 415.060, if that office deems it appropriate.

SECTION II: This Resolution shall be sent to the Kentucky Attorney General's Office and the Jefferson County Commonwealth's Attorney Office upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer, Mayor

Approved Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____