

## Challenging an Age Restriction for the Office of Mayor

*McClafferty v. Portage County Board of Elections*  
(Sara Lioi, N.D. Ohio 5:09-cv-2210)

On September 24, 2009, a 21-year-old prospective candidate for mayor of Streetsboro, seeking to fill a vacancy arising from a resignation, filed a federal complaint in the Northern District of Ohio against the city and the Portage County Board of Elections challenging a requirement adopted in 2007 that legislative and executive officers in Streetsboro be at least 23 years of age, a requirement adopted after the plaintiff came within one vote of the eventual winner in a primary election for mayor.<sup>1</sup> With his complaint, the plaintiff filed a motion for a temporary restraining order and a preliminary injunction.<sup>2</sup>

Judge Sara Lioi conducted a telephone conference with the parties on the day that the complaint was filed and set the case for hearing five days later.<sup>3</sup> On September 30, Judge Lioi denied the plaintiff immediate relief, noting that when the age restriction was adopted the next mayoral election was expected to be in 2011, when the plaintiff would have been old enough to be elected mayor.<sup>4</sup>

---

1. Complaint, *McClafferty v. Portage Cty. Bd. of Elections*, No. 5:09-cv-2210 (N.D. Ohio Sept. 24, 2009), D.E. 1; *McClafferty v. Portage Cty. Bd. of Elections*, 661 F. Supp. 2d 826, 829 (N.D. Ohio 2009); see *Streetsboro Amendment Challenged*, Cleveland Plain Dealer, Sept. 26, 2009, at B5; *Troubled Streetsboro Mayor Resigns*, Cleveland Plain Dealer, May 2, 2009, at B3.

2. Motion, *McClafferty*, No. 5:09-cv-2210 (N.D. Ohio Sept. 24, 2009), D.E. 2; *McClafferty*, 661 F. Supp. 2d at 829.

3. Order, *McClafferty*, No. 5:09-cv-2210 (N.D. Ohio Sept. 25, 2009), D.E. 5 (specifying issues for the hearing); Docket Sheet, *id.* (Sept. 24, 2009); *McClafferty*, 661 F. Supp. 2d at 829; see Docket Sheet, *supra* (order eliminating temporary restraining order portion of pending motion); Withdrawal Motion, *McClafferty*, No. 5:09-cv-2210 (N.D. Ohio Sept. 24, 2009), D.E. 4.

4. *McClafferty*, 661 F. Supp. 2d 826.